



# Systemic Racism and Anti-Haitianism in the Dominican Republic

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Treballs de màster i postgrau. Màster en Relacions Internacionals, Seguretat i Desenvolupament (MURISD). Curs 2018/19

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## Abstract

The elites that govern the Dominican Republic have historically utilized *anti-haitianismo*, a constructed ideology based on racial stereotypes and prejudices, as a resource to accumulate more power. By separating “us” from “them” and inciting a feeling of insecurity in a populist manner, the elites are able to create a division in society, which, on the one hand, enables a model of domination over the minority group, while, on the other, entails the support from the majority. In 2013, the Dominican State invalidated the citizenship of hundreds of thousands of people of Haitian descent born as far back as 1929. This illegal act was the culmination of years of the State’s efforts to limit the right to nationality to Dominicans of Haitian descent and Haitian immigrants. Discriminatory policies and practices as such, have had severe social effects such as statelessness, preventing many people from their full enjoyment of human rights.

## Key words

Systemic racism, anti-Haitianism, statelessness, elites, differential accumulation of power

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***Systemic Racism and Anti-Haitianism in the Dominican Republic***

*Racismo sistémico y anti-haitianismo en República Dominicana*

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## **Acronyms**

CEA	Consejo Estatal de Azúcar
CESFRONT	Cuerpo Especializado en Seguridad Fronteriza Terrestre
DR	Dominican Republic
ENI	Encuesta Nacional de Inmigrantes
FNP	Fuerza Nacional Progresista
HRW	Human Rights Watch
IACHR	Inter-American Commission of Human Rights
JCE	Junta Central Electoral
MOSCHTA	Movimiento Socio-Cultural de los Trabajadores Haitianos
MUDHA	Movimiento de Mujeres Domínico-Haitianas
NGO	Non Governmental Organization
OBMICA	Centro para la Observación Migratoria y el Desarrollo en el Caribe
PLD	Partido de la Liberación Dominicana
PRD	Partido Revolucionario Dominicano
PRSC	Partido Reformista Social Cristiano
TC	Tribunal Constitucional
UDHCR	Universal Declaration of Human Rights
UNCHR	United Nations High Commissioner for Refugees

## 1. Introduction

People of Haitian descent have been historically subject to oppression and discrimination in the Dominican Republic. The great boom of the sugar cane industry in the Dominican Republic entailed opening its borders to Haitian workers for cheap labor force, engendering a great wave of Haitian immigrants that would, in most cases, be subject to exploitation and marginalization. The effects of this era are still felt today, as Haitian immigrants and their children born in the Dominican Republic, one, two, or even three generations ago (Dominicans of Haitian descent) are still being marginalized and discriminated against. But racism and discrimination in the Dominican Republic is not a consequence of this immigration wave. The causalities are multiple, complex, and are deeply rooted in history, culture, and power dynamics.

Minority communities, especially made up of people of color, are often subject to exploitation, marginalization and discrimination, as a means to benefit the governing class. Moreover, there is currently a growing trend of violence fueled by racism and xenophobia all over the world, spread by nationalist, authoritarian regimes who are politically exploiting fear and dividing societies in an attempt to protect their own interests. The politics of fear is impregnating immigration policies all over the world, while fueling a spiral of human rights abuses. There is a prevalent globalized discourse that mixes black with immigrants, violence with immigrants, and violence with black. Certainly, there's an anti-black and anti-immigrant sentiment around the world causing devastating effects, but what is the specificity of this case?

The Dominican State has historically fed an anti-black and more specifically an anti-Haitian sentiment, referred to as *anti-haitianismo* (or *anti-Haitianism*): a racialist ideology that comes from colonial mentalities - a relic of the Spanish caste system and colonialism (Sagas, 2000). The Dominican State is still feeding this anti-Haitian sentiment with certain discriminatory policies and practices, namely based on skin color, accent, language or even frenchified (Haitian) names, some of which violate the human rights of Dominicans of Haitian descent and Haitian immigrants. Particularly since 2007, Dominicans of Haitian descent have increasingly suffered from restrictions regarding social and geographic mobilization, as a consequence of being deprived of their right to a Dominican nationality and the State's failure to regularize long-term migrants' migration status, as it was laid out on the 2004 migration law. In 2013, a ruling by the Constitutional Court of the Dominican Republic revoked the citizenship of approximately 200,000 people, most of them Dominicans of Haitian descent born as far back as 1929. This was the culmination of years of accumulated

discriminatory practices and policies that attempted to deprive people of Haitian descent of their right to a Dominican nationality (Petrozziello, 2017).

The international community has repeatedly denounced the Dominican government for violating international law and human rights, but the Dominican State refuses to admit that these policies and practices constitute systemic racism and discrimination. Such practices include arbitrary deportations and denial of identity documents, sometimes solely based on skin-color (Amnesty, 2015). These cause severe secondary effects such as an increase in the number of refugees and statelessness. As stateless people are nonexistent to the state, they are deprived of essential rights such as access to education, health care, property, employment, birth registration, marriage, travel, and voting. Furthermore, these effects have severe impact on the individual, such as mental health problems leading to depression and alcoholism, exploitation for cheap labor, harassment, and the negative impacts are exacerbated in the case of women and children (UNHCR, 2012). One of the latest concerns of the international community was expressed in the 2016-2017 annual report of the Inter-American Commission on Human Rights (IACtHR), in which the Dominican Republic was included in the blacklist comprising countries that have gravely violated human rights, for persisting on the structural problem of discrimination against people of Haitian descent in the Dominican Republic (IACtHR, 2017). In response to this, the Dominican Republic stated that the Inter-American Court on Human Rights had made a mistake by adding them on the blacklist. Nationalist groups perceived the IACtHR's decision as a threat to their sovereignty: the leader of the political party FNP (*la Fuerza Nacional Progresista*) expressed his distress on the newspaper *Diario Libre*, inciting the decision of the Inter-American Court "to be resisted by all Dominicans with a patriotic sentiment", which, as a result of being widespread by the media, continued to instigate discriminatory attitudes and practices against people of Haitian descent (Riveros, 2018).

This paper takes a closer look at the root causes of systemic racism in the Dominican Republic and the social effects that it has on Dominicans of Haitian descent and Haitian immigrants. Racism, which is deeply rooted in the Dominican culture, is reflected in Dominican politics through racially discriminatory practices and policies, which I will be analyzing. Throughout this paper, I will attempt to answer the following questions:

- Why has the Dominican State developed discriminatory policies and engaged in discriminatory practices against Dominicans of Haitian descent and Haitians?

- How is the Dominican State violating the human rights of people of Haitian descent in the Dominican Republic?
- What are the consequences of the Dominican Republic's racist policies against people of Haitian descent in the Dominican Republic?

## 2. Theoretical Framework

### 2.1 Sociology of Power

Throughout history, power has been occupying a central position in human relations. It is the core of local, national and international politics. There are many examples of people and theories that have tried to explain and study the concept and dynamics of power. Thucydides, Niccolo Machiavelli, Karl Marx, Kenneth Waltz, Hans J. Morgenthau, Robert Gilpin and many more influential philosophers and theorists of international relations have made their contribution to the concept and studies of power, and although these vary and are sometimes incompatible, there seems to be a consensus in the world of political science on power as the epicenter of politics. It is the most crucial tool to achieve national interests, which is why every nation (or on a smaller scale, every person in power within a nation) wants to attain, maintain and utilize power. Hence, power is not only a tool, it is also an objective.

In *Politics Among Nations* (1948), Hans J. Morgenthau reduces politics to three basic goals: "to keep power, to increase power, or to demonstrate power". He defines the concept of interest in terms of power, stressing that one must acknowledge power positions and determine the morality of political actions rather than the motives, since having a good motive does not necessarily mean that the political action is morally correct. Although the concept of interest is defined in terms of power, both interest and power, as separate concepts, depend upon the political and cultural context. In this paper, we examine the case of systemic racism in the Dominican Republic using the sociology of power, as proposed by Dr Ferran Izquierdo, as the theoretical framework for our analysis.

All societies constitute a hierarchy, meaning that within the social system, actors are interacting with one another in accordance to their capacity to control certain resources. We can classify actors under two main groups of actors: the population and the elites. Naturally, at the top of the hierarchy lie the people in power to govern - the elites - whereas the bottom is occupied by the people who are governed, that is, the population. The division between the governing and the governed is mainly due to actors' ability to control certain resources, but also to their respective interests and objectives. In regards to the elites, main interests are essentially defined in terms of power. In other words, their

main objective is to stay in power and to improve their position in the social hierarchy, or as our theoretical framework denominates it: the differential accumulation of power (Izquierdo, 2008). The basis of power lies in the capacity to extract from many, and concentrate in a few: the population gives, while the elites take (Izquierdo, 2017).

The elites are in a constant competition for power, hence, regardless of whether it is to stay in power or to gain more power, they are looking for the differential accumulation of power. This propensity to compete for power is not attributed to human nature, but rather to the nature of the system, a system fueled by the competitive dynamics of power relations - a circular competition since it has no end. Naturally, like in any hierarchy, in order to stay at the top of the pyramid, or to get to the top, one must obtain and maintain more power than the other actors, which explains why the answer lays in the nature of the system: a hierarchical system in which people in power have to compete for more power in order to stay at the top (or even just in order to stay in the competition).

As previously mentioned, the elites are in a circular competition, since this one is constant because their main objective is to accumulate more power than that of their competition and thus the dynamics of these relations are essentially self-sustainable. But not all power relations are circular. Another type of power relations that we see in specific moments in history, are those established when actors look for specific objectives (usually aiming for social transformation) and once these are achieved, the competition is over. This is called a linear competition, since it starts for a certain purpose, and once the purpose is achieved, the competition ends and so does the relation between these actors. We have seen these linear competitions in specific moments in history when the population (i.e. the governed class) unites and rises against the governing class for a certain cause, usually in the name of justice, democracy, rights or a better quality of life. A specific example would be a women's strike for equal pay. When analyzing power relations, one must identify whether they are circular or linear, or in other words, whether actors are looking for the differential accumulation of power or whether they have a specific objective to achieve (Izquierdo, 2008).

In Morgenthau's words, "power may comprise anything that establishes and maintains the control of man over man. Thus power covers all social relationships which serve that end, from physical violence to the most subtle psychological ties by which one mind controls another". The elites have a range of resources to help them serve their interests, these can be legal, ideological, economic, informative, political, or social resources. Yet the list is non-exhaustive. An important resource for power is the relationship established between the population and the elites. When the elites, or rather their ideals, are supported by the majority of the population, staying in power and gaining power

becomes effortlessly easy. According to Marxist philosopher Antonio Gramsci, the governing class makes the governed class adopt their cultural and political views by convincing the population that their own interests are everyone's interests (referenced by Izquierdo, 2008). The elites often use ideology to diffuse or reinforce similar perceptions and values that will dominate society and convince the majority of the population to support their decisions and therefore, their differential accumulation of power (Izquierdo, 2009).

## **2.2 Systemic Racism**

Systemic racism can be defined as a range of policies and practices entrenched in institutions and structures of a society which discriminate against, exploit or dominate a specific racial or ethnic group. These policies and practices often constitute a perpetual barrier for achieving equality. As first defined by Stokely Carmichael and Charles V. Hamilton in *Black Power* (1967), institutional racism is far more subtle than individual racism, less identifiable and less likely to receive public condemnation since it originates from established and respected forces in society. In this paper, we talk about systemic racism rather than institutional racism as it is a more generic and comprehensive approach to collective racism, with racism not just being embedded in State institutions, but also in many structures of society. Although systemic racism can be overt (e.g. a company's policy that excludes applicants of a particular race), it is far more likely to take a covert form, and does not necessarily have any racist intent (e.g. a company's policy that excludes applicants from a low income, minority neighborhood). This paper will identify policies and practices in the Dominican Republic that constitute systemic racism, as well as the effects that it has on Dominican society.

## 2.3 Statelessness

The 1954 *Convention relating to the Status of Stateless Persons* establishes the legal definition for stateless people as individuals who are not considered citizens or nationals under the operation of the laws of any country (UNHCR, 1954). Statelessness, or the loss of nationality, can occur for a variety of reasons.

As political thinker Hannah Arendt stated, nationality is "the right to have rights". Stateless people are deprived of essential rights such as the right to education, recognition of legal personality, equal protection of the law, protection against arbitrary detention, freedom of movement and the right to employment. Statelessness also hinders or impedes the exercise of political and civil rights such as the right to marriage, voting, or running for political office. Needless to say, every person in the planet has human rights, but without the right to nationality, human rights are difficult to protect.

## 3. Critical Analysis

### 3.1 Human Rights in the Dominican Republic

Although the Dominican Republic has not ratified any of the Conventions on Statelessness, it is obliged to comply with its Human Rights obligations established in the Universal Declaration of Human Rights, as well as in the American Convention on Human Rights. Both of these documents state that "all people have a right to have a nationality" and that "no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality" (article 15 in UDHR and 20 in the American Convention). The American Convention goes on to add that "every person has the right to the nationality of the State in whose territory he was born in if he does not have the right to any other nationality". Furthermore, the fundamental right for children's births to be registered has been recognized at the international level (e.g. in the International Covenant on Civil and Political Rights) as well as at the national level (law 136-03). (Petrozziello, 2017).

### 3.2 Historical Context

In order to uncover and understand the roots of racial discrimination and its manifestations in the island of Hispaniola, we must first, and foremost, make a brief historical assessment. In addition to sharing the same island, Haiti and the Dominican Republic share a long and troubled history marked by mutual hostility and conflict. In 1804, Haiti became the first independent slave state by vanquishing the French, whereas the Dominican Republic proclaimed its independence from Spain in 1821. Just a year later, in 1822, the Haitian army invaded the newly independent Dominican state, and occupied it until 1844 - when Juan Pablo Duarte, hero of the Dominican independence, drove out

the Haitian occupiers and established the independent Dominican State. It was not until the second half of the 19th century that Haiti and the Dominican Republic assuaged the hostile situation by agreeing on the delimitation of the border that now divides the island of Hispaniola.

In the 1870s, sugar production in the Dominican Republic began to develop, and eventually relied on the seasonal, migrant labor from Haiti. The two countries began to sign a series of bilateral agreements starting in 1952 that would ensure the continuous flow of Haitian migrant workers into the Dominican sugar cane fields. The Dominican State created the State Sugar Council (*Consejo Estatal de Azúcar*, or CEA) to recruit the necessary cane cutters for each harvest. But at the same time, the Dominican authorities began conducting massive deportations, essentially targeting Haitians (HRW, 2002).

In *Race and Politics in the Dominican Republic* (2000), author Ernesto Sagás presents a comprehensive, critical analysis of the historical roots and political use of *antihaitianismo* and examines the way this ideology has molded Dominican society. The author believes that anti-Haitianism embodies socially reproduced prejudices and stereotypes that are based on presumed racial, economic, social and cultural differences between Haitians and Dominicans, that can be traced back to racist Spanish colonial mentalities, even before 1804.

"Antihaitianismo ideology combines a legacy of racist Spanish colonial mentality, nineteenth-century racial theories and twentieth-century cultural neoracism into a web of anti-Haitian attitudes, racial stereotypes, and historical distortions. Not only does this hegemonic ideology affect Haitian migrants in the Dominican Republic, but it has also traditionally been employed as an ideological weapon to subdue the black and mulatto Dominican lower classes and maintain their political quiescence". (Sagás 2000: ix)

Sagás argues that this ideology did not spontaneously arise but rather, it was conceived by the elites who used race to "construct national myths", and utilized in accordance with their own political and economic interests. However, it did not officially become a state-sponsored ideology until Rafael Leónidas Trujillo Molina rose to power in 1930. Rafael Trujillo's thirty-one-year dictatorship marks a milestone in the history of Haitian-Dominican relations. Part of his hard power campaign consisted in incrementing the presence of the National Guard in the country and bolstering the obligation to carry identity documents. In 1937, he ordered the massacre of Haitians in the Dominican Republic (resulting in over 30,000 deaths of Haitian men, women and children). It earned the name of *el masacre de perejil* because the killings, apart from being based on skin color, were based on the

pronunciation of the word *perejil*, a trick invented by Trujillo to identify Haitians for ethnic cleansing, as it is a difficult word to pronounce for French Creole speakers (Gentili, 2013). In a comparative approach, a similar tactic is still used today as police and border patrol officers, bus drivers and other public servants use skin color and accent as a "point of reference" to request and deny identity documents.

Although he ordered the massacre in the border area, Trujillo did not attempt to limit Haitian migration towards the *bateyes*<sup>1</sup> - a migration flow that escalated from the 1920s to the 1980s with Haitian migrant workers being drawn into the country as seasonal workers in the sugarcane industry. Trujillo's policies concerning the sugarcane industry were full of contradictions. On the one hand, he promoted anti-Haitianism as a patriotic Dominican ideology, while on the other hand, he facilitated Haitian migration towards the sugar plantations. Trujillo wanted to take measures against the so-called "peaceful invasion of Haitians" while his administration was supporting the training of Haitian families working in the *bateyes*. By the end of 1950, Trujillo's family controlled most of the sugarcane industry which had become an important extension of the family fortune (Petrozziello, 2017).

During the Trujillo regime, the anti-Haitian sentiment became entrenched in Dominican society through education, media and literature. Trujillo recruited some of the most prominent Dominican intellectuals of the time, such as Joaquin Balaguer (who would then become president of the Dominican Republic) to transform the already existent anti-Haitian prejudices into a complex - and dominantly regarded as legitimate - ideology that described Haiti as a threat to Dominican progress and civilization. The prevalent discourse amongst important intellectuals and politicians of the time (such as Balaguer and Trujillo), separated Dominican identity - linking it to whiteness, Catholicism and Spanish Heritage - from Haitian identity - linking it to blackness, voodoo and African heritage. Proclaiming himself as a defender of the country's identity, Trujillo excluded Haitians and their descendants from Dominican culture, and labeled them as "inferior beings and enemies of the Dominican Nation". He planted stereotypes about Haitians, which still exist today, and employed this ideology in a populist manner in order to build national identity and obtain political support (Sagas, 2000). Trujillo's successor, Joaquín Balaguer, often complained about Haitians "blackening" the country. He described the Haitian as a "generator of sloth" who "is indolent by nature and applies no special efforts to anything useful unless it is forced to obtain its subsistence by that means" (Human Rights Watch, 2002). Although the official anti-Haitian discourse de-escalated in the political sphere

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<sup>1</sup> Batey (plural *bateyes*) is a term used to refer to the rural community of sugarcane workers in the Dominican Republic.

by the end of Balaguer's presidency, it became embedded in Dominican institutions, culture and society, while taking other forms through education and information. For instance, even today, many schools do not accept afro or curly hair, and sometimes even require children to straighten their hair in order to attend class (Romero, 2019).

### **3.3 Sociopolitical and Socioeconomic Context**

People in power in the Dominican Republic, specifically State actors and the elites in general, have been historically legitimizing discriminatory practices by institutionalizing racial discrimination through certain policies. However, these policies and practices are not the cause of racial discrimination in the Dominican Republic, but rather a consequence. Anti-Haitianism is deeply rooted in the Dominican culture, and the people in power in the Dominican Republic have been utilizing and legitimizing this racial sentiment, on the pretext of defending national identity or security, and in order to achieve certain goals, such as obtaining political support and thus, the differential accumulation of power. These types of discriminatory policies (together with the anti-immigrant and specifically anti-Haitian rhetoric in this particular context) usually aim to incite fear and the feeling of insecurity in a populist manner in order to justify abusive policies for marginalized groups. The institutionalization of racial discrimination in the Dominican Republic intensifies the anti-black and anti-Haitian sentiment in Dominican culture and society. Cultural racial discrimination and political racial discrimination mutually feed each other.

In the Dominican Republic, just like in most of Latin America and the Caribbean, governments do not truly represent the interests of the majority, but rather the interests of a small number of people who hold most of the wealth and power. Public policies are designed by a few and for the few, contributing to the preservation of the status quo and to the vicious cycle of inequality (Oxfam, 2018). People in power in the Dominican Republic have used anti-Haitianism in their favor (especially since the Trujillo era) as a crucial resource in their race for power. As we have seen, Dominican elites have historically separated Haitian identity from Dominican identity, portraying the distinction as black vs. white, African vs. European, voodoo vs. Catholicism, uncivilized vs. civilized, when in reality, these countries and their peoples have inevitably mixed as a result of being geographically and historically connected. But the elites have used race to construct a unique national identity that would appeal to a large part of the Dominican population and thus signify their support. Trujillo and his disciples called this constructed "identity" *la dominicanidad* (Sagas, 2000). The governing class has since then used this racialist ideology to control the population. By separating "us" from "them" and inciting fear and a feeling of insecurity in a populist manner, the elites are able to use the population, or rather, the support of a large part of the population, as a tool for their differential accumulation of

power. Similarly, people of Haitian descent are also used by the elites as a resource for power as they are being objectified in order to incite this sentiment of division and insecurity.

In the Dominican Republic, the elites rule decision-making spaces for public policies. The 2018 Oxfam report titled *Captured Democracy: Government for the Few*, a report that analyses the influence of the elites in Latin America and the Caribbean, presents a case study on the influence of the elites in the Dominican Republic. The report revealed that business elites secure fiscal policy privileges through the funding of political parties. For instance, the giant construction company Odebrecht admitted to having illicitly earned rights by bribing the Dominican State (as well as in several other Latin American countries). Another stated concern in the report was the lack of citizen participation and representation in decision-making processes. Decisions are made by the elites, representing the voices of large corporations and the wealthy and thus contributing to the vicious cycle of inequality. The report denounces the Dominican State for creating decision-making committees on tax incentives for companies that do not allow citizen participation and in which the private sector interests are over-represented.

"The discussions take place away from the finance ministry, which at best is a member of the governing body, with common voting capacity [...] The Ministry of Finance is not a member of any of the government bodies and is not even part of the border and industry incentive schemes... In three out of the four incentive schemes, the business groups are present in the government structure... In practice, the ministries whose remit includes the sectors that will benefit from the incentive are the committee chairs. The ministries of industry and tourism tend to be biased towards their sectors. Only the Ministry of Finance has an overview of the whole system". (Oxfam 2018: 26)

While there is no evidently open ethnic conflict, racial discrimination is evident in social, economic and political relations as well as in the media, local culture and in situations of everyday life. In 2000, political economist Esther Langston points out that the social divide in the Dominican Republic is largely along racial lines. Langston states that while "the Dominican social elite is mostly white of European background", the lower classes "tend to be black descendants of the original slaves or more recent arrivals from Haiti" (Barrios and Brotherton, 2007). Even though there is not always an obvious racial difference between Haitians and Dominicans, the Haitian population is considered "blacker" than the Dominican population. For many Dominicans, being black means being Haitian. As a result, many Dominicans with a darker skin complexion tend to describe themselves as one of the dozen racial categories suggested in official surveys such as "indio" "indio quemado" "indio

"negro" "indio canela" "mulato" "moreno", etc. But they seldom identify as black, that is, "negro" (Diario Libre, 2007). A lot of the everyday life tension takes place at the Haitian-Dominican border (amongst civilians, border patrols, customs officers, military, security guards at the border markets), but also within the rest of the country. The relationship between richness, power and ethnicity is evident and direct.

### **Economic relationship between the Dominican Republic and Haiti**

The economic relationship between the Dominican Republic and Haiti is a complex and asymmetrical one. Due to the application of neoliberal economic policies in the 1980s, as a result of the USA winning the Cold War and globalization, (reduction of protective tariffs, privatization of state industries, etc.)<sup>2</sup> the Dominican economic model started directing itself towards more exportation, and Haiti seemed to be a unique opportunity. Since then, the Dominican Republic has increasingly exported its products to Haiti (its main importer), taking advantage of the lack of local produce in Haiti (due to Haiti's exploited land, its antiquated land tenure system, lack of policies promoting domestic production, lack of private and public investment in the agricultural sector, amongst other factors). "Since 1995, Haiti's trade balance has skyrocketed, as have food imports (...) The deficit stood at 813 million US dollars in 2012 according to a 2012 IMF report (...) According to the Haitian Ministry of Agriculture, in 2005, Haiti was importing 57% of its food. The figures are undoubtedly higher today" (Milfort, 2012). The Haitian market is being "invaded" by cheaper products imported from the Dominican Republic which results in local producers in Haiti not being able to sell what they've grown. The Dominican Republic exports about a thousand different products to Haiti, including cement, eggs, chicken, agricultural products, wine and even ice. Haiti, on the other hand, is only able to export small quantities of a few products that do not even reach 100 million dollars a year. "In strict economic terms, the way in which Haiti compensates this imbalance is by exporting to the Dominican Republic its most abundant merchandise: cheap, disqualified and unprotected labor force" (Dilla, 2018). We see this type of relationship between different countries all over the world: black communities exporting cheap human labor force to produce raw materials (usually agricultural or mineral) which the richer country processes into finished goods and sells at a high profit, sometimes even back to the poorer country where the cheap labor force came from (Hamilton, 1967).

Immigration in the Dominican Republic is predominantly Haitian for a number of reasons: 1) a shared border between both countries; 2) a history of bilateral agreements between both countries to bring

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<sup>2</sup> Also referred to as the Washington Consensus: the Washington Consensus is a term used to summarize the general theme of policies « recommended » by the United States, which essentially looked to impose an agenda of economic reforms whose central axes were: reduction of the State, opening up the economy and macroeconomic stabilization.

seasonal workers into the DR; 3) political and economic conditions are more stable in the DR than in Haiti; 4) a process of high emigration from different sectors in the DR has left available jobs to immigrants; 5) Dominican labour laws do not apply to the 80-20 percent set out in the Labour Code for Dominican and foreign workers, leaving employers and the Government free to employ foreign workers; 6) living conditions are deplorable for most people in Haiti; 7) corruption has facilitated the trafficking of immigrants (UNFPA, 2018). It must be noted that this list is non-exhaustive. The 2017 survey on immigration estimates that 88.5% of immigrants (and their descendants) come from Haiti. Haitian labor remains crucial for the Dominican Republic's economic prosperity, specifically in the agricultural and construction sectors. Most Haitian immigrants occupy the lowest segments of occupational categories in the Dominican Republic, which implies that they look for jobs with flexible working conditions, consequently placing them in an even more vulnerable situation. Immigrant workers from Haiti mainly occupy five sectors of the Dominican economy: agriculture (33.8%), construction (26.3%), commerce and vehicle reparation (16.3%), household activities (5.6%) and accommodation and food services (5.5%) (Petrozzielo, 2017). Naturally, Haitian immigrants are most likely to receive low incomes, and even more so in the case of women.

Dominican elites have historically benefited from Haitian labor migration (and social exclusion), since it offers the opportunity for a policy based on cheap labor costs. Social exclusion of immigrants and their descendants further benefit the Dominican State as well as economic elites by enabling a model of domination in the labor world, especially in sectors that require lower levels of qualification and socio-professional training - precisely those in which Haitian immigration is concentrated. By restraining Haitian immigrants and their descendants from acquiring the Dominican nationality, the State has been able to create a sort of second-class citizens, in fact non-citizens, and *in extremis*, a stateless minority group (Lozano, 2014).

### **3.4 Political and Structural Changes Regarding Nationality and Migration**

The political context in which Sentence 168-13 took place was during Danilo Medina's government, which not only maintained a high popularity, but also controlled State structures and institutions (mainly the Central Electoral Board or *Junta Central Electoral*, the Constitutional Court or *Tribunal Constitucional*, and Congress). However, different sources suggest there was a struggle for hegemony within the PLD party of the former president's allies versus the emerging allies supporting Danilo

Medina. Different criticisms emerged in regards to the formation of the Constitutional Court, suggesting a preeminence of judges who were close to Fernandez<sup>3</sup> (Petrozziello, 2017).

In order to examine how racism is reflected in Dominican politics, we will now take a closer look at certain policies and practices that are discriminatory against Dominicans of Haitian descent and Haitian immigrants, and have serious consequences on these marginalized groups, such as statelessness and the secondary effects this has on individuals.

### **a. Systemic Racism in Policies**

Between 1929 and 2010, Dominican nationality was granted to all children born on national territory (with the exception of children of diplomats and of people “in transit”). The regulations of the 1939 Migration Law defined the concept of “in transit” as a person that passes through the territory to leave within a maximum of 10 days. Under this legal framework, many foreigners declared their children who were born in the country as Dominicans. By the end of the sixties, many high-level officials of the Dominican state who were aware of immigrants rights’ and those of their children born on Dominican soil, were thinking of ways to limit these rights. In 1969, the Director of Migration of the time, wrote the following quote to former president Joaquin Balaguer, expressing his concern over the situation:

“The country is facing a serious problem with the large number of Haitians, who in a passive way have - one could say massively - invaded our territory, and what is ever worse, are having children with Dominican women, who, because of the fact of being born here, are Dominican<sup>4</sup>.”  
(Petrozziello 2017: 54)

There is evidence that many officials during Balaguer’s presidency were concerned about the existence of Dominicans of Haitian descent. In fact, an archival research by historian Amelia Hintzen (2014) finds evidence of the Dominican State’s attempt to turn Haitian immigrants into people “in transit” and therefore, their children into non-citizens. The author’s research reveals that *la Junta Central Electoral*, *la Dirección General de la Cédula de Identificación* and *la Dirección General de Migración* were planning on a bill proposal that would declare Haitian laborers as foreigners in

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<sup>3</sup>Roger Noriega, U.S diplomat and policy maker who specialized in Western Hemisphere Affairs during George Bush’s government said “*El presidente del PLD y ex presidente de la República Dominicana, Leonel Fernández, ha llenado a la Corte Suprema y al tribunal electoral de amigos y partidarios, lo que explica por qué estas instituciones del Estado sirven a sus intereses políticos*”. Acento, (2014): <https://acento.com.do/2013/politica/1151212-la-derecha-americana-le-entra-con-banda-a-la-sentencia-del-tc-y-a-leonel-fernandez/>

<sup>4</sup> All quotes from the work of other authors in languages other than English have been translated by the author of this paper. Quotes from interviews conducted in Spanish have also been translated into English by the author.

transit. The bill, however, was not approved. Still, we see many instances in which the Dominican government attempted to manipulate the legal definition of "in transit" as an attempt to revoke the nationality rights of Haitian immigrants (Petrozziello, 2017).

### **The 2004 Migration Law**

It was not until the 2004 Migration Law that the legal term of "in transit" was redefined. This law stated that temporary foreign workers and undocumented migrant workers are considered foreigners "in transit" and as a result, their children could no longer access Dominican nationality by being born in the country (Article 36). It also introduced a different registration system for the children born in the Dominican Republic to foreign women who do not have regular migration status. These children now had to be formally registered at the embassy or consulate of the country of which the mothers are nationals (Article 28). (Amnesty, 2015).

Several international and civil society organizations expressed their concern on the Dominican State's abuse and interpretation of the legal notion "foreigner in transit". In 2005, the Inter-American Commission on Human Rights (IACHR) ruled in favor of Dilcia Year and Violeta Bosico, who sued the Dominican State for denying their rights to nationality and education despite being born on Dominican soil. The IACHR recognized that the Dominican State had applied discriminatory treatment when granting nationality and violated their rights to nationality, to equal protection under the law, and to juridical personality as they were denied a birth certificate and unable to exercise their rights due to their descent (Petrozziello, 2017).

### **The 2010 Constitution**

On January 26th of 2010, the current Dominican constitution entered into force (after a massive earthquake in Haiti caused hundreds of thousands of deaths and displaced 1.5 million Haitians - many of whom fled to the Dominican Republic), stating that children of irregular migrants born in the Dominican Republic no longer had the automatic right to Dominican nationality via *jus soli*. For the first time, not all children born in the Dominican Republic had the automatic right to a Dominican Nationality (Amnesty, 2015).

The 2017 ENI survey estimates that the number of people born in the Dominican Republic to immigrant parents (mainly individuals of Haitian descent) from January 1st, 2010, reaches a total of 120,372 people. This represents 43.4% of the total population of immigrant descent. Out of the 120,372 people, 53.6% have a Dominican birth certificate and 46% do not (UNFPA, 2018).

## **The 2013 Court Ruling**

On September 23rd of 2013, a constitutional court judgment (168-13) stated that children born in the Dominican Republic to foreign parents who did not have regular migration status had never been entitled to Dominican nationality. The judgment was applied retroactively to people born since 1929, meaning that anyone born in the country to non-citizens after 1929 would be stripped of their citizenship. This affected over three generations, about 200,000 people, most of them of Haitian descent, leaving a large number of people who considered themselves Dominican, and have no ties left with Haiti, in a situation of statelessness. This judgment was the culmination of years of the State's efforts to limit the right to nationality and even turning a blind eye to acquired nationality (Petrozziello, 2017). It is an arbitrary deprivation of nationality, and a discriminatory policy since it disproportionately affects Dominicans of Haitian descent.

The State gave the newly stateless people until June 17th (less than a year) to "regularize" their status. Only people who could officially prove to be Dominican could regularize their status and obtain papers in order not to be deported. But it consists of a long and difficult process with criteria that prevent many people from obtaining their Identity Documents. Most people who tried to re-acquire their nationality and were unable to do so, was because in practice, the Dominican government stopped issuing birth certificates and identity documents to people of Haitian descent, hence people's lack of documents required.

### **b. Systemic racism in practice**

Several cases of discrimination against Dominicans of Haitian descent and Haitian immigrants based on their skin color, accent, or name, have been recorded by civil society, non-governmental and international organizations. Reports suggest that although the Dominican government refuses to identify these previously mentioned policies as racially discriminatory, practices are much more obviously discriminatory against people of Haitian descent: bus drivers who only ask identity documents to people with a darker skin complexion, municipalities refusing to give birth certificates to children born to a stateless woman or with a Haitian name, the refusal to renew identity documents to people with Haitian names and darker skin complexion, security officers at the open border market refusing to let the Haitians set up their table before Dominicans get the best spots, and more.

*Illegal People*, a 2002 Human Rights Watch report presents evidence of different forms of systemic racism, long before the 2013 Judgment, amongst which some of the most common manifestations are arbitrary detentions and deportations of Dominicans of Haitian descent, denials of identity documents, obstacles to birth registrations and barriers to education. The report presents the testimony

of Rómulo de los Santos, the sub-director for Haitian affairs of the Dominican Migration Department. When asked about how undocumented Haitian's are identified, he claims that they can be recognized "by their way of living", "they're poorer than we are", "they have terrible homes", "they have much rougher skin", "they're much blacker than we are, they're easy to recognize". These statements go hand-in-hand with the numerous cases of detentions and deportations on the basis of skin color.

There have been numerous cases of civil registry officials denying the registration of birth certificates for children born to Haitian parents in the Dominican Republic. Haitian parents confront a number of obstacles when attempting to register the birth of their children, such as health staff expressing suspicion about the authenticity of documents, and applying the procedure for late registration of births in discriminatory ways (Amnesty, 2015). A 2013 study conducted by UNICEF for the JCE, found that a major cause of statelessness in the Dominican Republic is directly linked to health personnel. Out of 29 public hospitals in the country, 80,094 births were registered in 2012, of which only 32,468 were listed in the Civil Registry branches. 11,468 were children born to foreign parents, of which only 1,460 were registered in the "foreigners' register" (*libro de extranjería*) through Civil Registry branches (13%). According to a statement made by the JCE, 59% of children born in public hospitals leave the location without a birth certificate, regardless of the installed facilities by the JCE for that purpose. The refusal to deliver birth certificates or any proof of birth, including the certificate of live birth, leaves new born babies in a situation of statelessness; without any proof of when or where they were born, they do not have the required documents to engage in any legal process to obtain a birth certificate in any country. Furthermore, there's an evident and direct link between racial and ethnic discrimination by health personnel and their refusal to give out the appropriate documents. Some nurses use racial markers such as skin color, hair type, face traits, or ethnic markers such as last name or accent, and actively question the validity or authenticity of Dominican identity documents presented by Dominican mothers of Haitian descent. Moreover, the foreigners' register, created with the 2004 migration law for the purpose of registering children born to foreign mothers, has been repeatedly misused in practice. There have been numerous cases of officials resorting to the foreigners' register in case of any doubt, resulting in many children being registered as foreigners, instead of acquiring the Dominican nationality that they are legally entitled to (Petrozziello, 2017).

In 2007, the Dominican state issued two regulatory provisions via the body in charge of the civil registry, *la Junta Central Electoral* which, on paper, had the purpose of cleansing the Dominican civil registry (*depuración del registro civil dominicano*), but in practice it "temporarily" suspended the issuing of birth certificate copies when there seemed to be "irregularities". According to a report issued by the civil society organization *Centro para la observación Migratoria y el Desarrollo en el*

*Caribe* (OBMICA), officials started to deny the copies of identity documents to people who had "frenchified<sup>5</sup>" names, Haitian parents, or a dark skin complexion. Many of these people who had been previously considered Dominican by the State, loss their nationality because officials refused to give them a copy or to renew their identity documents (Petrozziello, 2017).

### **c. How the Dominican State is addressing the issue**

In May 2014, the Dominican Government adopted Law 169-14 to address the consequences of the ruling on nationality handed down by the Constitutional Court in 2013. Nevertheless, this law does not nearly benefit all people who were affected by Law 168-13. It aims to benefit people who were born in the Dominican Republic to foreigners with an "irregular migration status". The law classified the beneficiaries in two groups:

- A) Individuals classified under "group A", who were enrolled in the civil registry up until April 18th of 2007 and had previously acquired some form of identity document
- B) Individuals classified under "group B" who were not enrolled in the civil registry , but for whom a process was established; starting by enrolling in the "Immigration Register" (*Libro de Extranjería*), then submitting an application to the *Plan Nacional de Regularización de Extranjeros/as*, and finally, two years later (if they fulfill the requirements) they have the possibility to enter a naturalization process.

In 2017, the president of the JCE (*la Junta Central Electoral*) announced that 13,495 people categorized under group A out of a total of 55,000 of individuals in the group, were able to obtain documents under the new law (Petrozziello, 2017).

According to the 2017 National Immigrant Survey (*Encuesta Nacional de Inmigrantes*, or ENI), most individuals of Haitian descent who were born in the Dominican Republic and were classified under group A, were not able to obtain their identity cards, whereas all the descendants of non-Haitian immigrants under the same category were able to obtain their documents. This piece of data deserves attention and should be followed-up. Furthermore, the survey shows that in regards to the difficulties encountered by individuals of Haitian descent when attempting to obtain identity documents, the majority (77%) indicated a high number of difficulties and constraints, whereas descendants of other immigrants indicated little or no constraints. Most people who were able to benefit from the law were

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<sup>5</sup> "Afrancesado" in Spanish.

descendants living in urban areas who had a higher level of education. In other words, those who were more likely to have the necessary documents and who are better positioned in the civil integration process in the Dominican society (UNFPA, 2018).

By the end of February 2015, when the 6-month period to apply to the special scheme in conformity with the law 169 for individuals classified under the group B category, only 8,755 of them had gained access to the application process. Amongst them, not all were able to hand in their complete dossiers. The 2017 ENI reveals that there were at least 78,042 descendants of foreign parents who were born on Dominican soil, were supposed to benefit from this law, yet did not dispose of a Dominican identity card (the majority was not even enrolled in the Civil Register). Moreover, amongst individuals pertaining to group B who were able to gain access to the process, only about half of them were able to acquire a regularized identity card (UNFPA, 2018). Although the exact numbers are difficult to verify, it is clear that this law did not nearly benefit all people who were affected by the 2013 Constitutional Court Ruling.

### **3. 5 Cartography of Actors**

With the Sociology of power as the theoretical framework for our actors' analysis, we consider actors only those individuals, or groups of individuals, who have the capacity to control power resources in order to influence decision-making processes, as well as the capacity to intervene in power relations (Izquierdo, 2009). In this context, we can divide actors into two different categories, according to their interests: the elites (who have taken measures that negatively affect the population of Haitian descent) and groups of people who support the affected population. The most powerful groups within the elites are first and foremost represented by the Dominican State (i.e. the government and its institutions) since they hold the key resources needed to make decisions regarding immigration and nationality. Political actors (i.e. political parties, political elites) and economic elites hold the second position regarding the power to influence decision-making processes and to control the hegemonic discourse of the situation. Regional and international powers (those who support the affected population) can be considered as the third most important group of actors in this context since they can pressure the Dominican State into respecting regional and international treaties, for example by implementing sanctions. It is worth noting that a hand-full of families who hold most of the wealth in the Dominican Republic, alongside with the media, and the Catholic Church, are influential actors as well but we will not be analyzing them since their interests regarding this matter are unclear, as far as my research goes. To further clarify, the actors that we will be analyzing are sorted as the following: 1) the government and its structures; 2) economic elites, 3) the Dominican Liberation Party

(PLD); 4) the National Progressive Force (FNP); 5) CESFRONT and the USA; 6) international, regional and civil society organizations.

### **The Government and its Structures**

A key actor we must include in our actors' analysis is the Dominican government and its structures, mainly: the executive power, the Central Electoral Board (*Junta Central Electoral*, or JCE), the Constitutional Court (*Tribunal Institucional*, or TC), the Department of Migration (*Dirección General de Migración*), and the *Dirección General de la Cédula de Identificación*, that is, the body in charge of issuing identity cards. The ensemble of actors enlisted has played a leading role in limiting and even denying the right to Dominican nationality to people of Haitian descent. As we have seen, the Dominican government has historically been concerned with the existence of Dominicans of Haitian descent. Today, the hegemonic political rhetoric mixes the Haitian immigration topic with the one of nationality, and claims to be limiting the access to both under the pretext of defending national identity and national security, and in order to obtain the popular vote and therefore accumulate more power. The government holds some of the most important resources to maintain control over the population, that is, legal resources. Along these lines, we have seen how the government has abused the legal term of "in transit" in order to deny or revoke the Dominican nationality to people of Haitian descent in the Dominican Republic. Another key resource for the government is the racialist ideology of "a one true Dominican identity" and Anti-Haitianism, which goes hand-in-hand with the common nationalist discourse we see in many parts of the world nowadays of "us" vs. "them". Essentially, the government holds an endless list of resources including: relations (mainly with different elites), political parties, the State, and even the population of Haitian descent which is utilized in their favor to spread the hegemonic nationalist ideology.

### **Economic Elites**

Political powers are not the only actors who aspire for the differential accumulation of power. Economic elites, or rather, those who control or provide capital and credit (e.g. bankers, investors, representatives of international financial institutions, etc.) hold one of the most important resources to influence and determine - according to their particular interests - relevant decisions regarding public policies: financial resources (OXFAM, 2018). Financial resources are manifested in a number of ways such as the funding of political parties and campaigns or lobbying. Economic elites in the Dominican Republic have established strong networks (another power resource) with political powers in the country, which translate into circular relations. In the Dominican Republic, economic elites, in particular big businesses, often secure fiscal policy privileges by funding political parties (OXFAM, 2018). Cheap labor force facilitates the differential accumulation of power for economic elites, since

it is a form of taking power away from part of the population and concentrating it in the hands of a few in order to benefit their interests. Depriving the Haitian labor force from basic rights, as well as keeping Haitian labor force cheap, gives the economic elites more power to influence and pressure the Dominican labor force and keeps them at the top of the hierarchy.

### **Partido de la Liberación Dominicana (PLD)**

A crucial actor on the top of the Dominican hierarchy, which can also be seen as a resource for power used by the elites, is the hegemonic party that has governed almost uninterruptedly since 1996: the Dominican Liberation Party (PLD<sup>6</sup>). When a party governs a country for such a long period of time, corruption - another resource for the differential accumulation of power - is bound to happen. The PLD (*Partido de la Liberación Dominicana*) first came into power in 1996, and has since then ruled for 18 years - a period marked by corruption, conservatism and xenophobia. The party first ruled under Leonel Fernandez (1996-2000; 2004-2008; 2008-2012), and then under Danilo Medina (2012-2016; 2016-2020). The political party inherited the social base of the conservative PRSC (*Partido Reformista Social Cristiano*) after Joaquin Balaguer's death in 2002. This is partly due to the electoral pact in 1996 in which Balaguer supported the PLD in a second round in order to prevent José Francisco Peña Gomez of the PRD - a political candidate of Haitian origin - from winning the presidential elections (Vanderbilt, 2017). Pacts, electoral alliances and *transfuguismo*<sup>7</sup> in Dominican politics are common and recurring. They serve a system of patronage, as a type of strategic cooperation of elitist nature that enables the assignation of different public resources to the different powerful actors at the top of the social hierarchy (Polanco, 2016).

In the article *La corrupción política en la República Dominicana y la entronización del partido cartel*, Jacqueline Jiménez Polanco analyzes cases of corruption involving PLD officials from Leonel Fernandez and Danilo Medina's administrations, including ex-president Fernandez. The author describes the party as a "cartel party"<sup>8</sup>, meaning a political party that utilizes State resources in order to maintain its position within the political system. The author argues that the PLD has stayed in power for so long for two main reasons. On the one hand, due to the interpenetration of party and State through the control of congress, municipalities, the electoral court, and the judiciary power including the constitutional court and the Supreme Court of Justice. On the other hand, thanks to the inter-party collusion supported by electoral alliances between the PLD and minority parties, and by individual pacts and conjectural agreements with leaders of the formerly majority parties of the PRD and PRSC, which have fractioned these parties and turned them into a weak opposition. This has

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<sup>6</sup> PLD is the abbreviation used for the Spanish name: Partido de Liberación Dominicana.

<sup>7</sup> *Transfuguismo* is a term used to describe the ease with which politicians change party affiliation.

<sup>8</sup> A concept developed by Katz and Mair (1995, 1996, 2002, 2004, 2009)

allowed the party to stay in power as a Neo-corporative party/State organization that controls all public institutions and has thus enabled impunity for many cases of administrative corruption. Moreover, while the Dominican economy grows, poverty increases. Polanco argues that the current State spending based on populism, clientelism and corruption, is what keeps the majority of the population in poverty (Polanco, 2016).

It is clear that the PLD's main interest is to stay in power and preserve the status quo, and it has access to plenty of resources to do so, namely legal, economic, ideological, and informative resources. Established relations also represent a key resource used by the PLD to accumulate more power: whether they are marked by corruption, clientelism or party alliances. By being in power for so long, they have been able to solidify strong links with other groups of powerful people, which, translate into circular power relations and thus contribute to the preservation of the status quo.

### **Partido de la Fuerza Nacional Progresista (FNP)**

The FNP (*Partido de la Fuerza Nacional Progresista*) is the most conservative, and leading far-right, neo-nationalist political party in the Dominican Republic. The party has never reached the sufficient number of votes required to be considered a significative electoral force in the Dominican electoral arena. Yet it is worth noting that the FNP and the PLD were allied from 1986 until 2015. Although the FNP lacks the most evident, direct form of support from the population (which, in a representative democracy, is manifested through electoral votes), it has another strength: ideology. More specifically, anti-Haitianism. The FNP has spread inflammatory messages of racism, xenophobia and nationalism through different media. For instance, Pelegrín Castillo, ex-congressman and leader of the FNP, (now minister of Energy and Mining) spread the idea that Dominicans of Haitian descent who benefit from Dominican nationality, could represent a "fifth column" (*quinta columna*<sup>9</sup>) that could constitute a threat to the Dominican nation. He repeatedly alluded to his concern on the topic, for example, when he pointed out "the necessity of avoiding the possibility of minority groups being built from Haitian presence".

According to Dominican sociologist Wilfred Lozano, the big political Dominican organizations which antagonize the FNP, do it for political reasons. Nevertheless, most political parties share the FNP's conservative ideologies when it comes to immigration, a topic in which the FNP's ideological position is considered hegemonic (Petrozziello, 2017). The FNP has objectified the people of Haitian

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<sup>9</sup> "Fifth column" is a term that was originally used during the Spanish civil war, in order to refer to a part of the population (generally a minority) that is allegedly loyal to the enemy, due to religious, economic, ideological or ethnical reasons. This means that the fifth column is a group of people that constitute a threat to the community in which they reside (Petrozziello, 2017).

descent (both Haitian immigrants and Dominicans of Haitian descent) in order to utilize them as a power resource by spreading their anti-Haitian ideology in a populist manner, and creating a division in society. When the Inter-American Commission on Human Rights included the Dominican Republic on its "black list" (chapter IV) in 2016 for discriminating against people of Haitian descent, the FNP claimed it the decision was a threat to the country's sovereignty and urged "all patriotic Dominicans to resist the IACHR's decision". When being largely spread through media, this kind of language instigates even more discriminatory practices and attitudes against the population of Haitian descent (Riveros, 2018).

### **CESFRONT and the United States of America**

Since September 11th of 2001 - when the line between national security and international security became blurred - the United States of America has greatly influenced, and in some cases controlled, the way that most countries in the world approach security issues. The USA's efforts to combat terrorism did not only concern having a stronger control over its own borders. As the name says it, the *Global War on Terror* was a geopolitical agenda that aimed to combat perceived insecurities and threats all around the world, in which the promotion of "strong borders" was a main focus for the United States.

CESFRONT (*Cuerpo Especializado en Seguridad Fronteriza Terrestre*), the Dominican security force permanently in charge of security and control of the Dominican-Haitian border area, is in fact an outgrowth of the United State's efforts in combating terrorism around the world. It was created in 2006, after a team of US experts reported that there were "a series of weaknesses that will lead to all kinds of illicit activities" on the Haitian-Dominican border, according to *Dominican Today*. The US group of experts recommended that "there should be helicopters deployed in the region and [that] there be a creation of a Border Guard". Since its creation, CESFRONT has received plenty of training, funding and resources from various US agencies including the Border Patrol itself (Miller, 2013). From 2013 until 2015, Washington provided \$17.5 million in aid to the Dominican Republic's security forces, including weapons and training for CESFRONT. But the USA has not only influenced the CESFRONT security body in the Dominican Republic. It has supported training courses for the Dominican National Police, and for people in power such as Major General Rubén Darío Paulino Sem of the Dominican Army, head of the Dominican Republic's General Directorate of Migration (Carasik, 2015).

### **International, Regional, and Civil Society Organizations**

Organizations advocating for human rights and democracy at the international, regional and local level, have been the main actors when it comes to promoting the human rights of people of Haitian descent in the Dominican Republic, as well urging the Dominican State to respect and promote the human rights of their citizens, as it is their duty to do so. International Human Rights Bodies such as the Inter-American Human Rights System and different bodies within the United Nations have expressed their concern to the international community, over and over again, and pressured the Dominican State into respecting international treaties as well as the rights of their peoples. NGOs such as *Human Rights Watch* and *Amnesty International* have also played their part in informing the international community on the evolution of the human rights situation in the Dominican Republic.

With the aim of achieving social transformation in the Dominican Republic by promoting social inclusion and the respect of human rights of people of Haitian descent in the Dominican Republic, these international bodies have several resources to do so - mainly legal resources, informative resources and of relations. It is clear that these actors can have an influence. However, in order to achieve real transformation, it is the State who must actively change its policies and practices since there is no coercive structural power in the international sphere that can obligate the State to undergo internal changes. Still, the international community has been resilient in supporting the cause of people of Haitian descent in the Dominican Republic, not only by spreading awareness on the situation and pressuring the Dominican State into undergoing changes, but also by supporting Civil Society Organizations<sup>10</sup> and civil mobilization in general, by creating stronger and greater relations which gives the ensemble of actors more power of influence for social transformation.

Civil Society Organizations have mobilized with the people affected since at least 2003. However, it was especially since 2011 that they, along with many of the people who were affected, began a series of protests to publicly denounce the de-nationalization policy implemented by the Dominican State. These demonstrations were of defensive nature against the different discriminatory measures taken by the Dominican State. But in 2012, organizations supporting the people affected began to take action by going on the offensive side and submitting applications for protective action for several cases of people that had been affected by the State's measures. Thanks to this organized resistance against systemic racism and discrimination, and especially thanks to their proactive actions, hundreds of cases of people who lost their Dominican nationality have reached the courts of first-instance, who have ruled in their favor and thus given them back their Dominican nationality on the grounds of

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<sup>10</sup> Some examples of Civil Society Organizations that were created or allied with other organizations for organized resistance were: "Soy Dominicano Como Tú" (supported by the *Movimiento Socio-Cultural de Trabajadores Haitianos*, MOSCHTA), "Declaro mis derechos" (supported by the *USA Peace Corps*) and the "Comités Comunitarios" (supported by the *Movimiento de Mujeres Dominicano-Haitiana*, MUDHA).

recognizing the violation of the right to nationality. The mobilization and union of organizations supporting the people affected have undoubtedly enabled improvements in the situation, especially in spreading awareness and, in some cases, helping the people affected to restore their rights. One of the most tangible successes, however, was the progressive inclusion of the term "Dominican of Haitian descent" in different spaces of information and debate, including the congress and media, who beforehand interchangeably used "Haitian" "children of Haitians" or "people of Haitian descent" when referring to people affected by the State's measures (Petrozziello, 2017).

The table below shows various reactions from Human Rights' bodies towards the Dominican State's measures restricting the access to Dominican nationality to people of Haitian descent.

1997	<i>UN Committee on Economic, Social and Cultural Rights</i> expresses concern about the denial of nationality to children of Haitians living and working in the Dominican Republic on the grounds that they are children born to « foreigners in transit »				
2001	<i>UN Committee on the Rights of the Child</i> calls on the authorities to ensure that the births of all children, especially those of Haitian descent, are promptly registered		<i>UN Human Rights Committee</i> expresses concern at the abuse of the category "transient aliens" to deny nationality to Dominican-born people of foreign descent		
2005	<i>Inter-American Court of Human Rights</i> rules that the migration status of parents is not a legitimate ground for denying Dominican nationality to their children and that the notion "in transit" must be limited in time				
2008	<i>UN Committee on the Rights of the Child</i> calls on the authorities to ensure that nationality is granted in a non-discriminatory manner and that no child is left stateless	<i>UN Committee on the Elimination of Racial Discrimination</i> calls for the principle of non-discrimination to be respected regarding children's access to nationality born to "foreigners in transit"	<i>UN experts on racism and minority rights</i> state that people of Haitian descent are being denied their right to citizenship on the basis of racial discrimination		
2010	<i>UN Committee on Economic, Social and Cultural Rights</i> calls for non-discriminatory access to Dominican nationality, irrespective of date of birth				
2012	<i>UN Human Rights Committee</i> calls on the authorities to abstain from applying the 2004 Migration Law retroactively				
2013	<i>UN Committee on the Elimination of Discrimination against Women</i> calls for the removal of all the obstacles faced by women of Haitian descent and women of uncertain migration status in obtaining birth certificates for their children	<i>Inter-American Commission on Human Rights</i> visits the Dominican Republic and concludes that the 2013 Constitutional Court ruling constituted « an arbitrary deprivation of nationality » and was « discriminatory »			
2014	<i>Inter-American Court of Human Rights</i> rules that the 2013 Constitutional Court ruling violates the American Convention on Human Rights for being discriminatory				
2015	<i>UN Committee on the Rights of the Child</i> calls for all those affected by the 2013 Constitutional Court ruling to have their nationality restored				
2017	<i>Inter-American Court of Human Rights</i> adds the Dominican Republic to the <i>black list</i> (chapter VI) « comprising countries that have gravely violated human rights (...) for persisting structural problems in relation to discrimination against people of actual or perceived Haitian descent born on Dominican soil » (IACtHR, 2017).				

### **3.6 Social Effects of Statelessness**

As stateless people are nonexistent to the State, they are deprived of essential rights and services such as: studying, working, declaring their children, getting married, voting, claiming their rights, opening a bank account, obtaining a certificate of good conduct, traveling, buying on credit, and enjoying their personal autonomy (i.e. avoiding economic dependence from a person, generally a man). Statelessness also has excruciating effects at an emotional level, often leading to depression and alcoholism (UNHCR, 2012). When asked how they felt about being undocumented, the respondents interviewed by OBMICA (2017) mentioned: helplessness, sadness, anger, frustration, embarrassment, despair, vulnerability, depression and suicidal thoughts.

An important number of people who are stateless, or at risk of becoming stateless, are found in the *bateyes* in different provinces (especially in San Pedro de Macorís, El Seibo, Monte Plata and Barahona), where living and working conditions are extremely difficult, as well as in marginalized urban neighborhoods in Santo Domingo and Santiago de los Caballeros. This reality that has been inherited from the plantation system, especially the CEA era, when the government recruited Haitians for cheap labor force, giving some of them legal documents for temporary residence, and others, nothing at all (Petrozziello, 2017).

#### **a. Children**

Statelessness increases the vulnerability in children, and even more so in this context since they already belong to a vulnerable group - an ethnic minority in the Dominican Republic subject to racial discrimination. As we have seen, the status of statelessness is passed on from mothers to children, who, even if born in the Dominican Republic, are in many cases unable to acquire identity documents. In theory, the Dominican State recognizes the right to primary education to all children. In 2011, the Ministry of Education instructed all school directors to accept the enrollment of all children and adolescents, regardless of their documentation or migration status. Unfortunately, the reality is that many school principals are unaware of their obligation to accept children who lack identity documents, and often reject their enrollment (Petrozziello, 2017). As a consequence, many stateless children do not attend school, at least for a certain period, leading to social exclusion. This feeds the vicious cycle of poverty and marginalization: statelessness depriving children from education, leading to less job opportunities and earlier pregnancies, giving birth to another stateless person and the cycle repeats. With less access to education, children are subject to severe psychological and physical hardship, namely exploitation for cheap labor:

"Lack of citizenship subjects children to significant threats to their safety and well-being. Children without official papers are vulnerable to abduction, sale and trafficking, illegal adoption, and sexual exploitation. Many more are living in slave-like conditions after being trafficked for labour or sexual purposes in other countries". (UNHCR, 2012; p.33)

### **b. Women**

Statelessness exacerbates the negative effects on women as they are victims of multiple discrimination. They can be subject to harassment at checkpoints, some have to resort to prostitution as a means of survival, others look for marriage as a means to obtaining nationality or simply to survive, often leading to relationships of economic dependence. Most stateless women work in "female" sectors, as established by gender roles, and often in the informal sector: domestic work, child-care, sex-work, hair-dressing, food-selling, etc. According to a MUDHA activist, stateless women tend to resort to domestic work, sexual work or decide to marry a local. The case of marrying a local in order to obtain the Dominican nationality is a common one amongst Dominican women of Haitian descent and Haitian women in the Dominican Republic (Petrozziello, 2017). These kinds of transactional relationships are based on economic and/or legal dependence on the part of the woman, hence increasing the vulnerability in women to domestic violence and exploitation. These women often feel trapped in the relationship and are unable to report violence to officers as they lack identity documents (UNHCR, 2012). Many women who either chose to be sex-workers for a number of reasons, or feel obligated to resort to prostitution as a means to survival, find themselves in an extremely vulnerable situation. Like in many countries, most sex-workers in the Dominican republic, are people of color who live in poor neighborhoods. Naturally, in the Dominican Republic, a large number of them are of Haitian descent. A 2019 report by Amnesty International showed that, in the Dominican Republic, it is common for sex-workers to be raped or harassed by policemen and other law enforcement agents. At least 10 of the 24 women interviewed by Amnesty International were raped by police agents. These rapes included forcing them to practice oral sex or penetration, in many cases at gunpoint (Amnesty, 2019).

Lastly, stateless women suffer more from their inability to access healthcare services than men, since, for both biological (e.g. pregnancy, birth) and social reasons (e.g. gender violence, being in charge of their children's health) women use health services more than their male counterparts. In the Dominican Republic, one can access basic health services without any documentation, especially in cases of emergency. But in non-emergency situations, such as going to the doctor for a pap smear or for medical care after a sexual assault, documentation is required, especially in order to pay the recovery fee. This means that stateless people cannot access preventive medicine without documents.

Doctor-anthropologist Paul Farmer denominated this as "structural violence" in 2005: people who are subject to structural discrimination are at a higher risk of dying from a preventable disease (Petrozziello, 2017).

### **III. Conclusions and Recommendations**

Systemic racism, reflected through discriminatory policies and practices towards people of Haitian descent in the Dominican Republic, such as the 168-13 Judgment, is due to a number of multidimensional causes. These are rooted in complex historical, cultural, social and power dynamics. Racism in the Dominican Republic can be traced back to the Spanish colonial era, and has impregnated Dominican culture and society ever since. Racism, or more specifically anti-Haitianism, became a State-sponsored ideology under Rafael Trujillo's regime (1930-1961), and, as we have seen, cultural racism and political racism have mutually reconstituted each other.

The elites have historically utilized ideology, in particular *anti-Haitianism* and *la dominicanidad*, as a resource to accumulate more power. They used race to construct a unique national identity that would appeal to a large part of the population, hence signifying their support. Accordingly, the population has also been utilized as a power resource by the elites. On the one hand, since, the population's support gives more decision-making power to the elites. On the other hand, by creating a minority group in the Dominican Republic that is unable to vote, or exercise essential rights, the population of Haitian descent is forcefully giving away their ability to decide and to influence decision-making processes, thus unwillingly giving more power to the elites. As put by the sociology of power, the basis of power lies in the ability to extract from many, and concentrate in a few: the less decisive power the population has, the more this power belongs to the elites (Izquierdo, 2017). The elites that govern the Dominican Republic recognized long ago the enormous benefit that Haitian labor migration brings to the country, by creating a policy based on cheap labor costs. Social and civic exclusion of immigrants and their descendants benefit the Dominican State by enabling a model of domination, particularly in the labor world, and especially in sectors that require lower levels of qualification and socio-professional training, which are precisely those in which Haitian immigration is concentrated. By restraining Haitian immigrants and their descendants from acquiring the Dominican nationality, the State has been able to create a sort of second-class citizens, in fact non-citizens, and *in extremis*, a stateless minority group (Lozano, 2014). The 168-13 Constitutional Court Judgment can be interpreted as an attempt to seal the destiny of people of Haitian descent in the Dominican Republic as a group of non-citizens, and thus contributing to a stronger authoritarian scheme built on unilateral decisions made by the governing elites, and a policy of social exclusion

that would undermine civic power in the State of law. This extreme concentration of power amongst the elites does not only translate into more social and economic inequality, but also into the erosion of the democratic construction of political institutions and of democratic processes (OXFAM, 2018).

Systemic racism has severe social effects on the population of Haitian descent in the Dominican Republic: mainly statelessness, social inequality and exclusion, and the second effects that these have. But with the State's failure to recognize that some of its policies and practices are discriminatory against people of Haitian descent, social transformation seems implausible. As we have seen, the most powerful actors are the elites, essentially represented by the Dominican State, holding the most power resources to influence decision-making processes. The least powerful actors are the civil society, regional and international organizations, representing the affected population. That being said, the State is the only institution that holds the obligation to protect and guarantee the rights of individuals. Therefore, no matter the efforts undertaken by the affected population and the international community supporting it, if the Dominican State does nothing to solve this problem, no one else can.

The Dominican government should first and foremost respect Human Rights and international treaties. Public institutions, mainly those related to security, immigration and nationality, must undertake some serious reforms, aiming for more ethical practices, less profiling, and the eradication of corruption. Furthermore, there should be more education on the issue - namely statelessness, racism and human rights. The international community should not only continue to pressure the Dominican State into changing its legislation and respecting international law, but it should also increase its support for social movements advocating for human rights for people of Haitian descent in the Dominican Republic (such as the *We Are All Dominican* movement which is still very active today). Civil society organizations and international actors have already established lineal relations with each other, in the fight for social justice and transformation, but their goal is yet to be achieved. Certainly, NGOs and civil society organizations have very limited power to influence decision-making processes, and thus it is difficult for them to act as a counterweight to the elites. For this reason, stronger links should be solidified amongst these groups and especially with the most powerful regional and international actors such as the United Nations and the Inter-American Court of Human Rights, in order to earn more visibility and legitimization to participate in political processes in the fight for social justice and transformation.

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