Women, Migration and Rights Activism: the Dominican Experience

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Mira, mi mamá migró aquí…su primera migración fue en el año 46…ella no vino como bracera porque lo que el Estado dice es que lo que contrata es braceros, no contrata mujeres, pero sí para estas migraciones que siempre vienen mujeres, vienen por varios motivos, vienen acompañando a sus compañeros algunas, y otras que su compañero ya migró y vienen en busca de su compañero, otras vienen solas para trabajar, porque siempre les informaban que en los campos, en los bateyes, siempre se necesitaban mujeres, que laven, que planchen, que cocinen y en ese sentido venían las mujeres migrantes a República Dominicana…y así hay muchas mujeres en muchas comunidades, abuelas, bisabuelas, tatarabuelas que vinieron a este país en estas mismas condiciones.

Abuela dominicana de ascendencia haitiana entrevistada en Santo Domingo como informante clave en octubre de 2008

“Look, my mother migrated here…her first migration was in 1946…she did not come as a temporary migrant worker because what the State says is that it contracts male temporary migrants and not women, but with these migrants women always come, they come for different reasons, some come accompanying their partners, others because their partner migrated and they come to look for him, others come on their own looking for work, because they were always informed that in the countryside, in the bateyes, women were always needed, who wash, who iron, who cook and in this way the women migrants came to the Dominican Republic…and so there are many women in many communities, grandmothers, great grandmothers, great-great grandmothers who came to this country in these same conditions.”

Dominican grandmother of Haitian descent interviewed in Santo Domingo as a key informant in October, 2008

(...) Ils préfèrent quitter la terre des anciens pour aller chercher la vie en pays étranger. Et Charité, la fille de commère Sylvina, est partie aussi.

(...) They prefer to leave the land of their elders to look for a life abroad. And Charity, the daughter of godmother Sylvina, has also left.
Introduction

The Caribbean archipelago has a long-standing history of migrations, including within the region and featuring women migrants. Poverty and emigration have been leitmotifs in the Antilles. For example, in the nineteenth century, when they could not find employment on their own islands, thousands of workers from the Lesser Antilles emigrated to other zones in the Caribbean. Two hurricanes battered the Leeward Islands in 1898 and 1899 and ruined the already impoverished economy. Many people were obliged to emigrate to Bermuda where a big shipyard was being built. Thus a quarter of the population of Bermuda was immigrant, around 4,000 people. Between 10% and 20% were women. Most earned a living cooking for the workers, although many others were employed as domestic servants. When the shipyard was finished a large part of the immigrants moved on to Cuba and the Dominican Republic.¹

At the start of a new millennium there has been a massive movement of people across the world. These migrations respond to and impact on capital, labour, culture, identities, the family, citizenship and the institutions supporting and regulating them. One in four countries in the world, including the Dominican Republic, is at one and the same time a significant sending and host country of migrants. Accordingly, it is not just the movements from the margins to the metropolis which need to be taken into account but also the consequences of what the anthropologist Samuel Martínez has called the peripheral migrants.²

Dominicans comprise the largest collective of migrants in New York, the traditional gateway to the United States. At the same time, during the greater part of the XX Century, the Dominican Republic has hosted waves of migrants from Europe, the United States, the insular Caribbean, notably the neighbouring Republic of Haiti, as well as from the rest of Latin America.

Decades of unchecked Haitian migration to the neighbouring Dominican Republic have resulted in a significant population of Haitian workers in that country. Not only is their status uncertain, but these workers are also vulnerable to discrimination and human rights abuses, both of which are widespread. Successive governments of the three main political parties have failed to introduce a legal framework consistent with international norms. Governments have also failed to respond effectively to notorious and well-documented abuses by immigration officials, the security forces, the Central Electoral Board (the authority responsible for issuing birth certificates and identification documents to persons born in the country), and education and health officials (see, for example, the IACHR sentence in Yean and Bosico vs. Dominican Republic, 2005; Collinson, 2006; Amnesty International London, 2006; Amnesty International USA, 2006; and A/HRC/7/19/Add.5, A/HRC/7/23/Add.3).

Political leaders are reluctant to take a lead on the issue of Haitian immigration, fearing accusations that they are betraying national interests. The reluctance of most party leaders to address the issue, and the ambiguous attitudes of private-sector interests,

² See his classic study: Peripheral Migrants: Haitians and Dominican Republic Sugar Plantations, The University of Tennessee Press, USA, 1995
many of which depend on migrant labourers, have placed the onus of responsibility on civil society practitioners in the human rights movement both nationally and internationally. This movement originated in the 1980s during the campaign against the abuse of migrant cane cutters. It continues today but has broadened its focus to include Haitian migrants and their descendents in the country as a whole. One notable change in the movement in recent years concerns the leading role played by Dominican Non-Governmental Organisations (NGOs), with international partners providing support rather than vice versa. This paper takes a critical look at pro-migrant rights activism at the beginning of a new century, in the context of the so-called new immigration of Haitians, including the increased immigration of Haitian women *motu proprio*. The merits of different discourses and strategies advanced by various stakeholders are discussed, and some key challenges for the future are outlined.

The feminisation of Haitian immigration

Traditionally migration studies had considered the woman migrant as merely accompanying the male breadwinner. The incorporation of a gender perspective meant, first, the integration of the sex variable and, subsequently, the analysis of gender as something relation and context bound (Pessar 2005: 2). Accordingly, the feminisation of migration has meant for some the number of women involved in migration. For Zlotnik this is a skewed vision since, in the 1960s, 47% of global migrants were women, rising to 49% today (INSTRAW 2007:2). For other scholars who put gender as a central theoretical construct in their analysis, it implies a change in the motivation for the migration project: from family reunification to the women migrant with more agency as head of the household and chief breadwinner. Beyond economic reasons, the women migrants move to escape gender-based violence, looking for personal and academic betterment (INSTRAW 2007:4).

Powerful groups of the private sector have a vested interest in maintaining an unregulated flow of cheap and docile labor in agriculture, construction, and tourist resorts in the Dominican Republic. In the last century the then dominant sugar industry depended on importing Haitian migrant labor which worked for a pittance on the sugar plantations. When the sugar industry collapsed in the 1980s, other industries and services have taken advantage of cheap and unregulated Haitian labour (Silié et al. 2002).

In the context of this latter so-called “new Haitian immigration” to the Dominican Republic there has been a modest increase in the migration of women although this has not been more than a quarter of the total stock of Haitian migrants, according to the only national survey on Haitian immigration carried out at the behest of the Dominican Foreign Affairs Ministry (OIM/FLACSO 2004). However, the scant corpus of literature focusing on the Haitian woman migrant in the country suggests that a significant part of these women are on the move with more autonomous plans than previously (GARR/MUDHA 2005; ONE RESPE 2007a; FLACSO DR 2008).

That said, it may well be the case that the relative autonomy of the female migrant from Haiti has been underestimated (in the light of the lack of academic attention paid to her) in previous decades. One Dominican grandmother of Haitian descent, who is a social activist in an organisation working with Haitian migrants and their descendents, remembers her background as follows and glosses the current situation thus:
“Look, my mother migrated here...her first migration was in 1946...she did not come as a temporary migrant worker because what the state says is that it contracts male temporary migrants and not women, but with these migrants women always come, they come for different reasons, some come accompanying their partners, others because their partner migrated and they come to look for him, others come on their own looking for work, because they were always informed that in the countryside, in the bateyes, women were always needed, who wash, who iron, who cook and in this way the women migrants came to the Dominican Republic...and so there are many women in many communities, grandmothers, great grandmothers, great-great grandmothers who came to this country in these same conditions.”

Our informant commented further that, beyond the structural causes of poverty in Haiti and the notorious peaks of political instability, there are gendered reasons explaining why women may be induced to cross the border. In particular, she observes that women had been legally disadvantaged in terms of inheriting land in Haiti, hence the perceived need to seek alternative opportunities for earning her living outside of the country.

Labour and migration legislation in the Dominican Republic is not fully in consonance with best practices internationally (Lozano 2008). In regard to the Social Security law, which has recently been implemented in the country, it is too early to judge its effectiveness. However, there is widespread ignorance, especially on the part of women migrants, as to what it is, how it should function, and to whom it relates. The Inter-institutional Committee for the Protection of Women (CIPROM), established in the late nineties, only includes in its mandate Dominican woman migrants (trafficked, stranded or returned), leaving out other collectives of migrants and hence the Haitian woman migrant in the Dominican Republic.

The 137-03 Law on trafficking and illicit smuggling of migrants, which is being timidly applied, may be subject to modification in the near future. Haiti does not yet have legislation on trafficking and illicit smuggling of migrants although some groups are attempting to fill the gap.

The acquisition of necessary documentation permitting a positive migration status continues to be problematic for women migrants and their offspring. Some progress has been made on both sides of the island (with stumbles along the way) due, in part, to the policy advocacy efforts of social organisations and the churches on both sides of the border.

In short, the arguments that migrants do not have rights, or that the framework for respect of their human rights is inadequate do not resist analysis and an insistence on the guarantee and monitoring of international norms insofar as women migrants are

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3 Author’s translation into English of an interview in Spanish in Santo Domingo, October 2008
4 Since August 2006 the Ministry for the Status of Women and Women’s Rights in Haiti has tabled a so-called legislative menu for reform, addressing some of the most salient areas where women have been traditionally disadvantaged in Haiti: http://mcfdf.org/plan-mcfdf.pdf
5 Interview in Santo Domingo with the Coordinator of the CIPROM (which is a dependency of the Women’s Ministry), October 2007
concerned. But the gaps need to be addressed. Women migrants are located at the crossroads between three different types of norms: human rights standards referring to women (mainly strong and protective norms); workers’ rights (well articulated and robust); and migrant rights (still evolving but well delineated in the Inter-American Human Rights system in the Americas). The challenge is to maximise the effective inter-relation between these three types of rights.

According to the few studies on the woman migrant in intra-island migration, the bulk of the Haitian women migrants are largely unaware of the right to have rights, and confuse these with duties. The obstacles towards the realisation of these rights are multiple, including difficulties in access to justice, to education and health services. The State (Dominican and Haitian alike) is not perceived as a guarantor of their rights.

There are only three significant published studies addressing the Haitian woman migrant in the Dominican Republic from a gender perspective (Jansen y Millán 1992; GARR-MUDHA 2005; ONE RESPE 2007a), especially giving attention to female migration in the batey. The research carried out by Jansen and Millán ploughed a new furrow insofar as it highlighted the bateyera as the subject of study (and not the bateyero as had been the norm), crossing variables such as gender, ethnicity and poverty and analysing the “double day”, through observing both the remunerated and non-remunerated support to the household. While, for his part, the anthropologist Martínez (1995) had opened up the research on Haitian immigration to a consideration of the areas from which the migrants came in Haiti as well as the specific destination locations in the Dominican Republic, it was not until the bi-national study carried out by the NGOs MUDHA/GARR at the turn of the century that attention was directed to the woman migrant from this perspective. The novelty of the latter research was to take into account not only the effects on the women who migrate but also on those who stay behind as well as those who return to Haiti. Most recently, the social organisation ONE RESPE took the initiative to interview a sample of organised women migrants in select marginalised areas on the outskirts of both Santiago de los Caballeros and Santo Domingo where the NGO is accompanying Haitian migrants.

Civil society stakeholders

As noted above, the Dominican Republic is simultaneously a significant country for incoming and outgoing migrants. But migration policies, the pertinent architecture to implement policy and the legal framework nationally remain rooted in the past. The consequences are knee-jerk responses and one-off temporising solutions. In addition, there have been mixed results when the local movement for the rights of migrants, supported by counterparts off island, has tried to use the Inter-American human rights system, once local legal remedies have been exhausted and in response to the most flagrant human right abuses of migrants and their descendants (Lozano and Wooding 2008: 277-300).

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6 These gaps include, for example, the need to dismantle the special regime for domestic workers (which still exists in some countries such as the Dominican Republic) where gender justice is not reflected, recognising that this action world benefit native born women as well as migrant women.


8 See the FLACSO RD study 2008: Una cuestión de entendimiento. La presencia de las mujeres migrantes en el servicio doméstico en la República Dominicana (unpublished)
In these circumstances the role of **civil society organisations and the churches** is key in that they may have the capacity not only to accompany the migrant population from a welfare perspective but also may reinforce the competences necessary for representative organisations of the migrants to be better able to advocate for their own rights. Three trends may be evidenced.

First, it should be noted that over the last couple of decades social organisations from across the island have come to the fore, complementing international civil society on whistle blowing, naming and shaming and following up egregious cases of the violation of the fundamental rights of vulnerable migrants (Wooding and Moseley-Williams 2004: 74). Secondly, there is a gradual turn towards accompanying migrants in the new geographic zones where they are to be found including urban zones and the more visible female segment of the new wave immigrants (Báez 2001; MUDIA/GARR 2005).

Thirdly, the more recent protagonism of the evangelical churches is noteworthy (rivaling what was once the more exclusive purview of the Catholic Church). Despite this burgeoning role of the evangelical churches, the latter tend to work within the system, such that they do not necessarily advocate for legislative reform or for the just application of existing laws. In general, the churches may be liable to deep-rooted patriarchal habits. Scholars have studied the impact of religion on social change in other contexts in Latin America, noting especially the authoritarian aspects of religions such as more prominent Pentecostalism, showcasing this in Brazil (André Corten 1999).

In comparison, the trades unions have had a lower profile on incorporating migrants into the rank and file, acknowledging that lack of documents may be a dissuasive factor impacting on the organisation in the host country on the part of migrants with irregular status in the Dominican Republic. For instance, the union for women in domestic service (ATH) set up to help Dominican women domestics organise has had a chequered history over the two decades of its existence but is now attempting to bring Haitian women into their ranks in Santo Domingo as is the sister union, ASOMUCI in the second major city in the Dominican Republic: Santiago de los Caballeros.9

There are at least three major networks of civil society organizations with policy advocacy on Haitian migrants rights in their mandate. The Border Network Jano Sikse (RFJS) is a mainly voluntary group of representatives from popular organisations along both sides of the Dominico-Haitian border with a watchdog role on abuses against migrants. In the past they have conducted a campaign against human trafficking and the illicit smuggling of migrants. The Jacques Viau Network comprises some of the main organisations accompanying migrants and an important campaign has been spearheaded on the right to Dominican nationality for the descendants of Haitian migrants born in the Dominican Republic, as per the *jus soli* norm in the current constitution. The National round-table on Migrations (MNM-RD) is affiliated to the regional network (RROCM) which in turn is the chief interlocutor on the part of organised civil society in the region with the official consultative grouping discussing regional migration policies known as the Regional Conference on Migration (or the “Puebla Process”).

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9 Author’s participation in twentieth anniversary celebrations of the ATH, held together with their sister organisation from Santiago, ASOMUCI, May 3, 2009 in Santo Domingo. Author’s subsequent participation, too, in trades union conference on “Decent Work and a Life of Dignity for Women Workers” held in Santo Domingo on 23 May 2009, to help provide inputs for the international stock-taking conference organised by the ILO in Geneva in June 2009 on these topics.
Although these platforms (and similar platforms) may have problems of representativity, as quite often happens with networks, they have a proven track record or effective work on migration issues and have the potential to influence in decision-taking and on the implementation of relevant public policies.

The racialisation of Haitian immigration

The problem is complicated by the deep-rooted and ubiquitous prejudices in the Dominican people, especially amidst the oligarchy. The perception is that Dominican identity is European and above all Hispanic in spite of the fact that Dominicans have important African roots (Human Rights Watch 2002). These attitudes towards Haiti and Haitian immigrants have their roots in the past, when the Dominican Republic separated from Haiti after twenty two years’ occupation by the latter. Dominican xenophobia had its most violent expression in 1937 when the dictatorship of Rafael Leonidas Trujillo (1930 – 1961) ordered the military to carry out a massacre of Haitian nationals and Dominico-Haitians in the border provinces and Vega (2009:33) calculates that some 6,000 people were killed.

Almost fifty years after the overthrow of the Trujillo regime, xenophobia and racism are much less prevalent and virulent but there is still widespread ignorance and prejudice, especially when provoked by extremists for domestic political ends. This racialisation is not dissimilar to what has been analysed in the case of certain minority groups in the United States or the attitudes towards Dominican migrants in Puerto Rico (Cobas, Duany and Feagin 2009).

International civil society, the international human rights régime and the diaspora

Undoubtedly international civil society and the international human rights regime have had a catalytic role to play in igniting the fierce debates on the treatment of Haitian migrant workers in the Dominican Republic, especially since the late seventies. The ground-breaking sociologist Saskia Sassen has drawn attention to the way in which these actors have gained ground more generally in the context of globalisation (Sassen 2006). With respect to the island, the explicit language around slavery-like conditions in the sugar cane areas or *bateyes*, which may or not have been absolutely accurate three decades ago, is demonstrably outdated today and potentially counterproductive in that it does not necessarily lead to negotiated solutions to problems.

On the one hand, there have been changes in the geographical location where the new Haitian immigrant is to be found such that s/he is now more likely to be found living and working outside of the *bateyes* (NCHR 1996). On the other, there have been some improvements made to the conditions of the sugarcane workers and their families and a recent successful challenge in the local courts to contract abuses. While the international human rights regime has normally been careful in its language when drawing attention to abuses endured by migrant workers, less nuanced materials

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produced by other organisations off island have fuelled the myth that there is an international conspiracy aimed at denigrating the Dominican Republic and/or unifying the two countries on the island. No fewer than four docu-dramas have been shot by foreign film-makers over the last three years, criticising in emotive terms the treatment of Haitian workers and their descendants in the sugar-cane fields. These several films are titled variously: “The Price of Sugar”, “Sugar Baby”, “L’Inferno di zucchero” and “Dí Perejil (Say parsley)”.

This latter myth around the hidden agenda intentions of the international community has passed into common discourse in the mainstream media, especially when nationalist feelings around the “pacific invasion” of Haitian migrants are whipped up for domestic political ends. The opinions expressed by the Dominican diaspora (which sometimes makes common cause with the Haitian diaspora say in New York on abuses against Haitian migrant workers in the Dominican Republic) cannot be so easily dismissed by the Dominican authorities in situ. The experience of being part of a discriminated against latino minority off island has led some diaspora persons and institutions to take an active and vocal interest in what is going on in parallel fashion on the island on the issue of migrant rights. This transnational advocacy is in addition to the lobby that has been carried out to re-position the Dominican migrant in the diaspora, challenging the stereotype that persists of the “Dominican-york” presumed to be more often than not a dedicated delinquent engaged in drug trafficking (Torres Saillant 1999).12

Similarly, racial stereotypes abound in the Dominican Republic as illustrated below by one of the most famous cartoonists, Harold Priego, whose cartoons appear daily in a newspaper.13

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12 As the Dominican historian Moya Pons points out in his prologue to Torres-Saillant’s seminal book El Retorno de las Yolas: “For Torres-Saillant, the term Dominican-york is unfair because it defines a minority of subjects who do not represent the social, economic, intellectual and moral profile of the majority of emigrants who left the country expelled by poverty or politics, and who today lead a dignified life of work and study in the United States and other parts of the world.” Author’s translation.

Here, in the cartoon above of May 13, 2009, international civil society is being lampooned in its insistence in assuming that Haitians are being treated like slaves by Dominicans. To the directive question in this sense made in an obviously urban setting, an irritated Haitian responds angrily: “Slave?! You are completely over the top. Have you seen a slave with **Ipod**, Nike **tennis shoes** and a full **belly**?”

Beyond the caricature of civil society mediation on the subject of migrant rights illustrated above, the Haitian appears, as always, as a stereotyped black figure, with heavily accented Spanish. As has been pointed out, the Haitian woman is usually absent from the scene and when she does appear it is almost exclusively as a grossly pregnant woman who has crossed the border from Haiti in order to give birth on the Dominican side of the border (ONE RESPE 2007b). She is portrayed in the media in almost exclusive terms of her reproductive role, sidelining her significant productive role in Dominican society and, trans-nationally, in Haiti. The ONE RESPE report frames this media representation starkly:

“Generally men predominate in the cartoons: the Haitian woman is practically excluded from the representations, the few times she appears it is as pregnant or in labour”.

It could be argued that, albeit a certain heavy handedness and sometimes blunt instruments of sensitisation on the “Haitian question in Santo Domingo”, international civil society, the international human rights regime and the Dominican diaspora, have individually (and from time to time in strategic alliance) succeeded in keeping successive governments of the three main parties in the Dominican Republic on the back foot. Pressure groups on the same issue from within the country have yet to have corresponding impact in country which is impeding the rate at which migrant rights (and notably women’s rights) are being tabled and followed up. Key local and national civil society groups face a particularly uphill task in making alternating governments accountable on the ground given that, broadly speaking, public opinion is almost evenly divided as to whether or not the fundamental rights of Haitian migrant workers and their descendants should be respected in the Dominican Republic.

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14 Author’s translation from the Spanish, page 23
For instance, the LAPOP survey (2006) on the political culture of democracy asked two questions on Haitian immigration. One refers to the agreement or disagreement that the children born to immigrants in the Dominican Republic should be Dominican citizens. On 100 points, the higher values demonstrate approval for recognizing their citizenship. The average response is 43.4 in favour. The other question refers to agreement or disagreement on the issuance of Work permits by the Dominican authorities to undocumented Haitians who live in the Dominican Republic. The average response is 40.9 in favour.\footnote{\url{http://sitemason.vanderbilt.edu/lapop}} Two years later there is relatively little variation in a similar opinion poll “Barometer of the Americas 2008” with around 47\% (a slight increase) being in favour of recognizing the citizenship of children born in the Dominican Republic to Haitian parents and 38.5\% (a slight decrease) being in favour of work permits for undocumented Haitians.\footnote{\url{http://www.clavedigital.com/App_Pages/Portada/Titulares.aspx?id_Articulo=18376}}

The construction of public opinion on the Haitian question across the island

Enabling and evolving national legislation towards improved protection for the rights of Haitian migrants and their descendants in the Dominican Republic, combined with the strategic lobbying actions of key civil society groups on migrants’ rights including by representative groups of organised migrants, are two necessary but insufficient conditions for advancing the rights of the most vulnerable migrants, notably women. Opinion polls, such as the LAPOP and Barometer surveys alluded to above, suggest that more needs to be done to influence public opinion towards being more favourable to a rights-based approach with reference to Haitian migrants and their descendants. As elsewhere, public opinion is all too easily moulded by ultra-nationalist tendencies, inimical to a rights-based approach on migrant issues and preferring a strait jacket national security stance. Put simply, there needs to be a change of register in the discourse if the existing monopoly on the framework of the debate currently held by the extremists’ anti-Haitian caucus is to be effectively countered.

Our thesis is that the Dominican Republic is still living with the legacy of three types of discriminatory discourse dating back to the XIX century. This typology has been well rehearsed by the French historian Gérard Noiri\’el (2007: 160-162) in his seminal work on immigration, anti-Semitism and racism in France in the XIX and XX century when he cites Marc Angenot. Consider the applicability to the issues that exercise us in the Dominican Republic.

The barbarian is the central stereotype that predominates in the discourse on immigration towards the end of the XIX century in France. The burgeoning press begins to underline three types of stigmatising discourse, independently of the relatively low level of the numbers of migrants coming from the ex colonies (who of course are French citizens with the new-found territorial status of the ex-empire). The first such discourse evidences the prejudice thanks to a series of set formulae that function as an automatic genre. The example given in France in the diary of Bloy (1892) is: “to lie like a Muslim”.

\footnote{http://sitemason.vanderbilt.edu/lapop}  
\footnote{http://www.clavedigital.com/App_Pages/Portada/Titulares.aspx?id_Articulo=18376}
In 2005, the Dominican NGO ONE RESPE analysed some 43 cartoons appearing in the daily newspapers in Santo Domingo over the period of six months when there were particular tensions in Dominico-Haitian relations. One such cartoon proclaims “Rich countries wanted to re-colonise Haiti” featuring a solitary and obviously pauperised Haitian man. ONE RESPE underscores that the social representations in the media here portrays prejudice, observing:

“It is a lone figure, image of the Haitian people, whose solitude underlines the weakness of its forces; it is the figure of the “negrito”, hoping and waiting to be re-colonised!”

As Noiriel pointed out in relation to the French context a century ago, it was then that the caricature of the “petit nègre” was invented. Both then and now the agency of the “other” is reduced. The positive contributions of Haitian migrants to the host society are sidelined. Typically, the Haitian woman migrant is scarcely visible. The one cartoon recuperated over the period analysed by ONE RESPE featuring obliquely the Haitian woman depicts the Cabral and Báez hospital (of Santiago de los Caballeros) and a trolley full of black faces with the label: “228 children born to Haitian mothers only in July”. The implication is that Haitian women migrants are a drain on Dominican social services. In the process, the responsibility of the Dominican authorities in regulating Haitian migration is sidestepped as is the idea that the state should be guarantor of fundamental rights.

The second type of stigmatising discourse which appears is that of the inferiority of Haitians and hence the dissemination of the notion that “they” represent a threat to “us”. Thus the stereotype suggests that the Haitians are bearers of disease, drugs and arms. These migrants come to use the resources and services available in the Dominican Republic to the detriment of the rest of society. According to the cartoons, they are opportunists. They benefit from the international conspiracy against the Dominican Republic, which “obliges” the latter to host them, to help them.

A third type of discourse is irony, which reinforces a narcissistic identity of “us” versus “the other”. Over a century ago a French journalist stigmatised the Haitian accent. Invariably, in the contemporary cartoons where Haitians appear today in the Dominican Republic, their Spanish is heavily accented and subject to ridicule. This has serious consequences because of its historical connotations. The criteria for selection of those who perished in the massacre carried out of Haitians on the Dominico-Haitian border under the Trujillo dictatorship in 1937 was whether or not they could pronounce correctly “perejil” (parsley). The pronunciation of this word is challenging for francophone and creole speakers. Oral testimonies recall in graphic detail what happened at the time, as illustrated by Suárez citing the epistolary exchange on this topic between the Haitian-American writer Edwige Danticat and the Dominican historian Bernardo Vega (Suárez 2006: 13).

However, bucking the trend of the discriminatory discourse in the media, in recent years Haitian and Dominican autobiography and fiction serve as public record – documenting violence, terror, memory, and human rights violations on the island of Hispaniola, home to the two nations of Haiti and the Dominican Republic (Suárez 2006). It is argued that

17 Author’s translation from the Spanish, Op cit Page 9
18 « Dan un pays de pogué, les attisses ont doit aux honneux et à la considération » (Sic) Quoted by Marc Angenot, 1889 un état du discours social, Montréal, Editions du Préambule, 1989, p.167
(Dominican and Haitian) diaspora writers use an autobiographical format as a means of coming to terms with and bringing attention to the larger injustices still occurring on the island.

One such example of assertively confronting discrimination is to be found in the recent novel by the Dominican author Juan Carlos Mieses (2009) where a coming of age Dominican of Haitian descent has his Dominican identity card denied by the Central Electoral Board. This negation is captured in the following dialogue:

“You cannot have a Dominican identity document, the official from the Central Electoral Board told him.
Martin had just had his eighteenth birthday: he had learned the hard way to be a man and was not going to be easily cowed.
The law says that the children of foreign parents...
The man cut him short:
Your parents were not foreigners, they were Haitians.
A fat lady and two secretaries let out a little laugh.
If I am not Dominican, then I am a foreigner.
You do not understand, lad, responded the functionary; in the world there are three classes of people: Dominicans, foreigners and, lastly, Haitians...
Look, machista, I am Dominican, I was born here and here is my birth certificate.
It was his secret weapon; it had not been easy to obtain. The official did not even want to see it.
More respect, damn you. A birth certificate can be falsified in any grocery shop. You would be better off showing me your father’s birth certificate and, while we are at it, your mother’s too.”

This depiction reveals an empowered Dominican of Haitian descent, anxious to claim his rights as a citizen through lawful means and the discrimination he confronts in the process, as regards the authenticity of his documentation acquired *bona fide*. Towards the end of the dialogue, there is also the gender prejudice that surfaces where the state official refers in the first instance to the paternal bloodline and, almost as an afterthought, the mother’s documentation.

While there may be more attention paid in social discourse to the rights of the descendants born to Haitians while they are living and working in the Dominican Republic, the fundamental rights of new Haitian migrants are far more obscure and often the special needs and associated rights of the women migrant are simply ignored. Consider the only significant study carried out on representation in the media (FINJUS 2006) of trafficking and people smuggling in relation to the Dominican Republic. This study covers the written press reports over one year, 2005. Unsurprisingly, the focus is on women and children as “victims”, rather than “survivors”. Naturally, the focus - as covered in the media – is almost exclusively on the Dominican woman/girl child trafficked victim, implying that Haitian woman are not necessarily abused in similar ways. The inter-governmental International Organisation for Migration (IOM) has begun to study how to make more visible the Haitian woman in relation to trafficking in/to the Dominican Republic. However, this also runs the risk of stigmatising migrant women with the sex industry, and sidelining her from a more expansive

19 Author’s translation from the Spanish in the novel *El día de Todos*, Page 29
20 Personal communication with IOM, Santo Domingo, May 2009
conceptual framework, including sex work as an oppressive or a liberating experience, as discursively treated by Kempadoo in “Sexing the Caribbean” (Kempadoo 2004).

To date there has been little systematic effort directed towards monitoring social discourse on the island on a sustained basis, with specific reference to Haitian migration and especially from a gender perspective, bringing the Haitian woman migrant out of the shadows. To our knowledge, there have only been two small-scale one-off studies carried out by ONE RESPE as regards the media: one, in 1999, with a summary analysis of the discourse on Haitian migration in 168 national Dominican newspapers in May of that year: the other, in 2006, taking a hard look at some 43 cartoons which appeared over a six month period in 2005 (ONE RESPE 2007b). In press there is a study recently carried out from a bi-national perspective on the treatment of Dominico-Haitian relations over a two year period, although migration is only one among other topics treated (forthcoming GARR/Espacinsular).

It would be unviable to advocate for an exercise comparable to the magnum opus carried out by Angenot in his extensive sampling of the whole of printed works produced in France in 1889, resulting in inter alia one monograph on anti-semitism and another on sex and social discourse (Angenot 1989). Nevertheless, there would seem to be considerable space to begin to monitor over time and analyse in greater depth the construction of public opinion on Haitian migrants in the Dominican Republic, including women migrants from a gender perspective and as mediated through social discourse.

Clearly, the new challenge is not just the volume of relevant printed material available in multi-sited locations because of globalisation but also the vast amount of electronic communication (sometimes interactive) not to mention the “Twitter” syndrome where emblematic incidents can be circulated instantaneously to dramatic effect in terms of opinion forming. Consider the iconic AP photograph of an improvised morgue near the Southern Dominico-Haitian border widely circulated at the time of a major cross-border flooding disaster on the island in May 2004. The upshot was considerable solidarity for the victims irrespective of their ethnic origins and responsible reporting, including for example on the solidarity of Haitian women who crossed the border from Haiti to assist in the relief effort with Dominicans, Dominico-Haitians and Haitians alike (see internal reports from the RFJS: Jano Sikse Border Network).

**Conclusions**

We have argued that two important but insufficient conditions for the advancement of the rights of migrant women are an enabling legislative framework and the mobilisation of those whose rights are being violated to champion their own cause. We have contended, too, that another key factor is the extent to which public opinion is amenable to the realisation of women migrants’ rights in a given context. Currently, in the scenario which occupies us on Hispaniola, we postulate that this latter variable has been a limiting factor on both the achievement of a more robust legislative framework being applied at the domestic level; and on the possibility of Haitian migrants, especially female migrants, and their descendants coming more to the fore in claiming rights.

A few examples should suffice to reinforce the above points. Despite over a decade of civil society lobbying and participation in official discussions on a new migration law
for the Dominican Republic (to replace the obsolete law of 1939, adopted pointedly some two years after the massacre of Haitians on the Dominico-Haitian border), the text finally passed in 2004 pandered to extremist right wing pressures. Accordingly, it is not in consonance with international norms on the topic. Moreover, the subsequent attempts on the part of key civil society groups to challenge through the Supreme Court the allegedly unconstitutional intrusions, including questionable gender-based violations, failed. Despite five years having elapsed since the law was adopted, there is still no regularisation programme for those longer-standing Haitian immigrants who are unauthorised. This should have happened before the law was implemented. Again, there are gender implications as regards the omission, since women migrants are even less likely to have their documentation in order than their male counterparts. Presumably the authorities have not galvanised a regularisation plan believing it to be too politically sensitive. For its part, interested civil society groups have not managed to put the issue squarely on the agenda, possibly because of divided public opinion on the question.

Where Dominico-Haitian women have attempted to take the lead, notably in a landmark case on the right to Dominican nationality successfully brought before the Inter-American Human Rights Court by the Movement of Dominico-Haitian Women (MUDHA), supported by regional human rights groups, the results have been mixed. To its credit, the Dominican authorities paid the reparations to the two young Dominican women of Haitian descent discriminated against in this particular case but there are attempts underway to change the Dominican constitution and hence legally disenfranchise a whole segment of the population (born/or to be born in the country to undocumented foreigners). Were this retrograde adjustment to the Constitution to be adopted, it would defy the unequivocal regional jurisprudence on this matter.21 As observed above, public opinion is almost evenly divided as to whether or not the fundamental rights of Haitian migrants and their descendants should be respected on the nationality question.

It is unlikely that the relevant duty bearers (the Haitian state and the Dominican state) will be bumped into more decisively positive actions for the advancement of the rights of Haitian migrants until there is more of a groundswell of public opinion across the island. We have noted the historical and current role of international civil society, the international human rights régime and the Dominican diaspora in championing the cause of Haitian migrants. At the same time we have suggested that the movement off the island and on the island (not to mention across the island) has not always been synchronised to maximise the effects of their respective efforts towards positive social change.

We have argued that social discourse is influential in the construction of public opinion, hence the need to better understand the different registers of social discourse as they affect the rights of Haitian migrants in the Dominican Republic, notably women migrants. While drawing attention to the diversity of social discourse on the subject, we posit that the legacy of the outdated discriminatory discourse prevalent at least a century ago in other contexts still obtains in the Dominican Republic with negative

21 See http://www.corteidh.or.cr/seriecpdf/seriee_130_esp.pdf
consequences for the pro-migrants rights movement. In the context of the racialisation of the Haitian migrant, the woman migrant is even further disadvantaged by stigmatising gender bias.

Recent research suggests that this reality is not unique to Hispaniola. On the contrary, there have been studies done in comparable contexts which should provide useful insights for scholarly work on the topics on Hispaniola. Carlos Sandóval (2006), for example, in his wide-ranging study suggestively titled “Otros amenazantes” (Threatening others) analyses the racialisation of Nicaraguan migrants in Costa Rica and the formation of national identities in the country in counterpoint to the perceived threat of the migrants from neighbouring Nicaragua.

In conclusion, we affirm that there is a rich research agenda to be drawn up as regards the construction of public opinion in relation to migrant rights in the Dominican Republic from a gender perspective. Our intention is that this paper may begin to inspire action-oriented research across the island with a view to inculcating more realistic representations of migrants, where their agency is in evidence and where the movement of Haitian migrant women sua sponte is acknowledged and celebrated.
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