

* 1. What are the issues relating to cultural rights that you see in your country’s migration processes?

Migration policies and management are part of an ongoing process of reform and modernisation of the Dominican Republic (DR). Advances include the development of the institutional architecture and the National Regularisation Plan that the [2004 Migration Law](https://www.oas.org/dil/Migrants/Republica%20Dominicana/1.Ley%20sobre%20migraci%C3%B3n%20N%C2%B0%20285%20del%2015%20de%20agosto%20de%202004%20(reemplaza%20la%20Ley%2095%20de%201939).pdf) called for more than a decade before it began to be implemented in 2014. However, reforms to continue strengthening institutional capacity for migration management and to ensure its sustainability are pending.

By contrast with the previous legislation of 1939, which distinguished between immigrants and non-immigrants, the 2004 Migration Law introduces new migration categories. Foreigners can be admitted in the categories of permanent residents (section V, articles 33 and 34), temporary residents (section VI, article 35) and non-residents (section VII, article 36). Each of these has various sub-categories. Temporary residents, for example, may include scientists, professionals, journalists, athletes, artists and other skilled workers. Non-resident sub-categories include tourists, businessmen, crew members, students, passengers in transit, temporary workers and border residents. This law includes important elements for strengthening the normative and institutional framework for migration governance. It creates the National Migration Institute (Instituto Nacional de Migración INM) and the National Migration Council (Consejo Nacional de Migración CNM).

In addition to the Ministry of Interior and Policy, the Ministry of Labour plays an important role in labour migration management. The Ministry of Labour is in charge of regulating labour relations and implementing employment policies. However, its institutional role regarding labour migration has been secondary to the more security-oriented Ministry of Interior and Police and its subsidiary Migration Department.

In 2012, the Ministry of Labour created a Labour Migration Unit. It has multiple functions, including to participate in labour migration policy development; work with the Migration Department regarding labour migration; safeguard migrant workers’ labour rights through inspection; co-ordinate research on labour migration and its socioeconomic impact on the country as an input for managing migrant workers; collaborate with the Observatory on the Dominican Labour Market to make recommendations to the Ministry of Labour regarding the implementation of migration policy and the labour market; and oversee the application of bilateral or international labour migration agreements (Ministry of Labour, 2012). While promising, the unit has yet to fulfil its potential. Currently, its activities are limited to sporadic trainings and dissemination of information on labour rights to migrant workers.

The chief limitations concern the major migrant collective of Haitians (Haitian Kreyol speaking) when interpretation/translation services are not routinely available in sensitive interactions with the authorities. Nationalist/cultural polarizing discourse may be imposed on migrants, especially those of Haitian origins, to erase their origins and cultural background accompanying it. This is in contrast to Venezuelan migrants whose recent score on the integration index (as reported by IOM 2022) indicates a more receptive host society. The index measures capacities and multidimensional resources of migrants in establishing themselves in their new context, considering the following integration dimensions: psychological, linguistic, social, economic, political and navigational. Probably the major difference in the treatment of the two collectives is that while under half of the out of status Haitian migrant population was preliminary regularized in 2014/2015 but since then over 200,000 of these latter have no avenue to stay in status given the regularization plan is on hold, supposedly while an audit takes place as of late 2021. By contrast, under half of the Venezuelan population in country of a total of 100,000 persons is benefitting from a so-called [“normalization plan”,](http://obmica.org/index.php/actualidad/404-balance-y-perspectivas-del-plan-de-normalizacion-para-venezolanos-as-en-rd) begun in 2021.

1. Do migrants have access to the cultural services and institutions of the host society?

The National Health Law (Law 42-01) and the 2015 Dominican Constitution (Article 61) establish the rights to health services for Dominicans and foreigners who reside in the Dominican Republic. However many immigrants lack access to health services, especially those without health insurance, which is around 84% of immigrants (ONE, 2013). Insufficient access to health services remains an issue for poor Dominicans as well. Education at both primary and secondary levels is a universal right in the Constitution (Art 63-3 and Art 63-4) and on the General Education Law (Law 66-97, article 9). There exists certain policies addressed specifically to immigrants in the borders on training and education by the National Institute for Comprehensive Early Childhood Care (Instituto Nacional de Atención Integral a la Primera Infancia INAIPI) (CONANI, 2017). However, actual access might not be readily available and children in immigrant households are less likely to attend school ([Alrabe et al., 2014](https://www.law.georgetown.edu/human-rights-institute/wp-content/uploads/sites/7/2018/03/left-behind.pdf), OECD/CIES-UNIBE, 2017). The Dominican Republic does not offer any Spanish as second language instruction for migrants, including school-aged children who study in the public school system.

Similarly, in the Dominican Republic, there have not been any large-scale efforts by the population to learn Creole. While this is partially the result of a long-standing [prejudice](https://www.nbcnews.com/news/latino/dominican-republic-s-enduring-history-racism-against-haitians-explored-stateless-n1270499) against Haitians, it is also due to the lack of educational opportunities to do so. Simply put, if you wanted to study Creole in the Dominican Republic, it is extremely difficult to find a place that can teach you. Unless you are enrolled in a university, there are no classes to take, and until very [recently](https://www.udemy.com/course/curso-de-creole-haitiano-para-hablantes-de-espanol-sesion-1/), there were no learning materials or textbooks specifically for Spanish speakers. If you live outside the capital city of Santo Domingo, the options to enroll in a course essentially drop to zero. The Dominican public school system offers French and English as subjects, but not Creole.

Despite the large numbers of Creole speakers who reside in the Dominican Republic, in and out of positive migration status, Dominican law does not require Creole language accommodations in any public arena. This includes schools, hospitals, and military checkpoints. The legal code stipulates that an interpreter is required for a person once they are *already in the custody* of authorities, but this requirement doesn’t extend to police or military run-ins in the street. In these cases, once the interpreter has been solicited, it is often too late. The lack of language training, combined with the absence of Creole accommodations in public hospitals can be life-threatening for some Haitian patients. Although most Dominican doctors have some training in English, none are required to have any Creole fluency, even when they are sent to work in primarily Haitian communities.

Last year, the Dominican government announced that Dominican hospitals will no longer [treat undocumented migrants](https://presidencia.gob.do/noticias/cnm-anuncia-que-estara-en-sesion-permanente-y-auditara-el-plan-nacional-de-regularizacion). The explanation for the policy, which stipulates that hospitals will only be required to treat undocumented patients in cases of “emergency,” was that the Dominican Republic “can no longer keep carrying the burdens of Haiti’s problems.”

Further information on access to health and education for Haitian migrants is to be found in the recent [NACLA article of November 2022.](https://nacla.org/dominican-republic-language-barriers-complicate-life-haitian-migrants?eType=EmailBlastContent&eId=b1763c7b-4564-4cbc-8bd4-77b22403d090&utm_source=substack&utm_medium=email)

Very few refugees have been recognized by the official mechanism to do so, CONARE, in the DR, considering, in particular, the conditions from which considerable numbers of both Venezuelans and Haitians have left their respective countries in recent times. On the contrary, the UNHCR reports looking for third countries to which to relocate putative refugees. Meanwhile, those Dominicans denationalized in 2013 by a Constitutional Court ruling, who have not managed to access their Dominican nationality, despite the so-called [Naturalization Law 169-14](https://siteal.iiep.unesco.org/sites/default/files/sit_accion_files/do_0330.pdf) intended to do so, remain in the shadow without papers guaranteeing their full access to health and education services, as reported to the [Inter-American Human Rights hearing in March 2022.](https://dominicanosxderecho.wordpress.com/2022/05/05/sociedad-civil-rd-presenta-informe-ante-cidh-sobre-situacion-de-dominicans-desnacionalizads/) According to a recent report, the figure or persons of concern in this relation totals over 100,000 persons (Participación Cuidadana 2022).

1. Are tangible artefacts belonging to migrants protected by the state? Does their use affect the cultural rights of migrants?
2. Which institutions have been successful in respecting and protecting the cultural resources and assets of migrants?

Since 1992, there has been a new turn towards decolonialization discoursespearheaded by civil society organizations and feminist organizations, intending to challenge the focus on the DR valuing almost exclusively its Hispanic heritage, as an ex Spanish colony. This happened in the context of the commemoration of the 500 years since Columbus arrived in the Americas, and specifically in the DR. Slowly some government institutions are taking up the gauntlet, including the Ministry of Culture. A breakthrough in 2005 was the recognition of the so-called “Guloyas” as a [UNESCO-recognised patrimony](https://hoy.com.do/los-guloyas-declarados-patrimonio-humanidad/). These are descendants of the migrants from the Anglophone Caribbean who came to cut sugarcane before Haitians did, who are Afro-descended and who have retained significant cultural traditions.

1. What are the steps that relevant local and national authorities take to ensure that the rights of migrants to access, practice, maintain and transmit living cultural resources are protected, especially forced migrants?

Afro-descendant activities are becoming more normalized in country with the potential to reduce anti-Haitianism and address racial profiling. Interestingly, the Centro Cultural de España promotes many such activities. There are champions of cultural diversity within the Ministry of Culture, notably figures such as plastic artist Geo Ripley. In May 2022, for the first time the Minister of Culture participated in important Afro-descendant commemorations around the so-called Boca de Nigua circuit. The UN system (notably agencies such as UNFPA, UNHCR and UNESCO) have also put resources behind Afro-descendant studies and activities.

1. What is the position of governmental authorities when cultural practices of migrants are not in line with those of the majority of the population?

Dominicans are as much voudun practioners as Haitian (although much less visibly). While there is a rhetoric indicating intolerance and little understanding of the voudun religion (which in Haiti has equal status to Catholicism in the new Constitution of 1987 there), in the DR there are no official attempts to eliminate it.

On an annual basis, culminating in “Holy Week” the descendants of Haitians engage in a Dominican cult in and around the sugarcane growing areas known as [Gaga](https://asodea.files.wordpress.com/2009/09/june-rosenberg-el-gagareligion-y-sociedad-de-un-culto-dominicano.pdf), which is parallel but different to a cult known as “Rara” in Haiti. Every year there are tensions around this practice because the Dominican authorities understand it to be in some way threatening to mainstream culture.

1. Please provide examples of how the tensions have been handled in the past.

In practice, the tensions around the above mostly manifest themselves in some negative press build up, some initial announcement that the Gaga will not be allowed to take place, then a backing down when there is some mediation by relevant actors. On occasions this has been by the Guolyas themselves (see above) or relevant Bishops and so on making common cause with this cultural practice.

1. How do the different sectors of the population learn about the cultures of the migrants, especially new and forced migrants?

There are physical spaces which are emblematic such as Chinatown and Little Haiti in greater Santo Domingo. The former is more readily known and visited, indicating a good – on the whole – integration of Chinese migrants and their descendants. The latter is more stigmatized as being where poorer Haitian migrants go about their business.

Attempts have been made to make the school curriculum more diverse. In particular there has in the past been good coordination between Haitian and Dominican historians to try to negotiate a common historical narrative between the two countries with a view to reducing negative stereotypes across the island, but unfortunately this work has not been concluded nor operationalized. On limited occasions, the Haitian Embassy has organized art exhibitions.

1. What challenges do migrants face currently in practicing, maintaining and transmitting their culture, especially when they are new and/or forced migrants?

There is reasonable apprehension associated with free expression of Haitian culture where even speaking Kreyol may be interpreted negatively by the authorities. [Cultural expressions around childbirth (in the case of Haitian or Haitian descended mothers)](http://obmica.org/index.php/actualidad/381-editoria-boletin-obmica-diciembre-2021) may find hostile reception or even ridicule in public health facilities. The issue of racial profiling has been brought to the fore again in a [recent bulletin issued by the US Embassy](https://do.usembassy.gov/alert-ongoing-dominican-migration-enforcement/), warning that dark-skinned US citizens in the DR may be mistreated, liable to arbitrary detention and even possible deportation.

1. Please share good practices in protecting the cultural rights of migrants to access cultural resources and services, to enjoy their heritage and that of others, to use their language in private and in public, to participate in cultural life, to freedom of artistic expression and to take part in decisions that impact their cultural life.

As mentioned above, Venezuelans are relatively better integrated than other minorities, exemplified in a joint Dominican-Venezuelan orchestra which started up in 2021. “Arepas”, a staple of Venezuelan cuisine, are very much appreciated and widely available. Haitian cuisine, by contrast, is not so readily available nor known about. However, Dominican performance artist “Karmadavis” tried to remedy this with, in 2019, a piece set in the sugar cane areas of the south with aging sugar cane workers and their families who shared their cuisine with him. [This performance](https://issuu.com/centroleon/docs/_cl___layout_27_concurso___single_) received recognition from a key arts centre in the north of the country, in Santiago de los Caballeros. More generally, Karmadavis’ work enables a contextualisation of the relations between the two countries, the DR and Haiti, as illustrated in 2019 in [this interview with him.](https://performingborders.live/interviews/guest-post-karmadavis-interview-with-maria-cristina-fumagalli-and-bridget-wooding-english-spanish/)

Also of note is the OHCHR/UNHCR art contest which enabled a Haitian minority artist, Jean Philippe Moiseau based in the Dominican Republic, to [showcase his work outside of the country.](https://www.ohchr.org/sites/default/files/documents/issues/minorities/2022-11-03/ONLINE-Exhibition-Catalogue-Minority-Artists.pdf) Hence, difficult issues may be raised through art to make visible in new ways issues which still need to be addressed, as regards ethnic minorities and their culture.

1. Please advise how cultural rights of vulnerable and marginalised sections of migrants are protected.

Unfortunately, a law on discrimination as not yet been adopted by the Dominican Congress, despite having a draft available for consideration for some time. Important advances have been made as regards journalists engaging in reporting which better reflects the rights of migrants and their families but still more needs to be done. Hate speech in the social networks is all too common against different groups in vulnerable situations, including migrants, and needs to be addressed.

**Conclusions**

During the last century, the Dominican migration process underwent notable changes. Until the fall of the regimes of Trujillo in the Dominican Republic (1961) and Duvalier in Haiti (1986), emigration was modest and immigration was regulated and agricultural. Since 1986, the Dominican has become a country where both emigration and immigration flows are high. Immigrants come mainly from Haiti, due in part to the marked contrasts in the level of income, political instability and geographic proximity. Most immigrants are of working age and the majority are men, but female immigration has increased. Immigrant integration remains a challenge given the increase in the number of immigrants especially after 2010 (for Haitians) and 2018 (for Venezuelans). The Dominican Republic has yet to develop policies to facilitate the integration of the majority of immigrants into Dominican society. Such policies would need to focus on the native-born population as well as the foreign-born, to counteract anti-Haitian attitudes that still exist among parts of the population and to promote a democratic, rights-based understanding of migration. Thus an enabling environment would permit the flourishing of cultural expressions which, in some cases, remain in the shadows because of a lack of basic integration for some immigrants and their descendants, wherein Haitians and their descendants are especially disadvantaged.

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