

# DOMINICAN REPUBLIC

## TOGETHER WE CAN

### THE COVID-19 IMPACT ON STATELESS PEOPLE & A ROADMAP FOR CHANGE

## INTRODUCTION

The COVID-19 pandemic and state responses to it have had a significant negative impact on the lives, wellbeing, and rights of the approximately 15 million stateless people around the world who have been denied a nationality, as well as tens of millions whose nationality is at risk. Globally, the devastating impacts of exclusion and denial of fundamental rights, including healthcare, during the pandemic relate to much deeper structural problems – the historic and systemic exclusion, deprivation and marginalisation of communities that have been made stateless as part of wider discriminatory political acts, or pursuant to dominant, discriminatory ideologies. COVID-19 has shone a light on these challenges and also presents a unique opportunity to raise visibility, address the structural causes of statelessness, and secure lasting change, through working directly with stateless people and being accountable to them. The same is true for the **Dominican Republic**, where the pandemic has further brought to light the acute human rights deprivations endured by Dominicans of Haitian descent.



This publication is an extract of the global report, **Together We Can: The COVID-19 Impact on Stateless People & a Roadmap for Change**,<sup>1</sup> published in June 2021 by the COVID-19 Emergency Statelessness Fund (CESF) Consortium,<sup>2</sup>

a global consortium of NGOs and citizenship rights activists, initiated by the Institute on Statelessness and Inclusion (ISI) in June 2020 to respond to the impact of COVID-19 on stateless populations. It focuses on the situation in the **Dominican Republic**, by presenting the Dominican Republic chapter of the global report, along with the **key thematic findings** and a practical 3-step **Roadmap for**

**Change**, which provides a framework for resolving and addressing the structural discrimination and exclusion of stateless people, during times of COVID-19 and beyond.

The **Together We Can** global report is grounded in the experiences and expertise of Consortium members drawing on a mix of desk research and findings from research-based action advocacy projects being implemented by CESF consortium members in 13 countries. In addition to documenting challenges, the report identifies emerging positive practice and concrete examples from the CESF project countries. It also draws on information from other countries, solicited through an open call for information which ISI shared with partners, regular tracking of news and information on COVID-19 and statelessness by the ISI team, as published in ISI Monthly Bulletins,<sup>3</sup> interviews and conversations with relevant partners, and dedicated desk-based research conducted for this report. All desk research reflects public information available at the time of writing. While we have made efforts to verify the ongoing nature of practices identified, this was not always possible, and we welcome any updates or corrections from relevant stakeholders. All information is up to date as of 25 May 2021.

#### ACRONYMS

CESF – COVID-19 Emergency Statelessness Fund

COVID-19 – Corona Virus Disease 2019

DxD – Dominican@s por Derecho platform

IACtHR – Inter-American Court of Human Rights

CEB – Junta Central Electoral (Central Electoral Board)

MIP – Ministerio de Interior y Policía (Ministry of Interior and Police)

OBMICA – Caribbean Migrants Observatory

**INJUSTICE, INEQUALITY, AND EXCLUSION DRIVE AND PERPETUATE THE MARGINALISATION OF VULNERABLE AND STIGMATISED POPULATIONS, INCLUDING STATELESS COMMUNITIES. THESE FACTORS HAVE LED TO DEVASTATING CONSEQUENCES DURING THE COVID-19 PANDEMIC, AS STATELESS PEOPLE, THE MAJORITY OF WHOM LIVE IN POVERTY, ARE FORCED TO WORK IN UNSAFE ENVIRONMENTS WITHOUT ACCESS TO HEALTH CARE, TESTING OR VACCINES. ALL OF US IN THE PUBLIC HEALTH AND HUMAN RIGHTS COMMUNITY HAVE A DUTY TO PROTECT THE RIGHT TO HEALTH CARE FOR ALL POPULATIONS, IRRESPECTIVE OF THEIR CITIZENSHIP OR IMMIGRATION STATUS. THUS, IT IS CRUCIAL THAT WE UNDERSTAND AND RESPOND TO THE WAYS IN WHICH THE PANDEMIC HAS AGGRAVATED THE ALREADY GRAVE STATELESSNESS CRISIS. THIS REPORT AND ROADMAP PROVIDE AN EXCELLENT GUIDE TO MORE INCLUSIVE APPROACHES TO ADDRESSING THE CRISIS INCUMBENT ON MULTIPLE STAKEHOLDERS, AND THEY ARE AN IMPORTANT STARTING POINT FOR ALL HEALTH AND HUMAN RIGHTS ACTORS DEDICATED TO AN EQUITABLE, INCLUSIVE, AND EFFECTIVE RESPONSE TO THE PANDEMIC.**

MICHELLE WILLIAMS  
DEAN, HARVARD T.H. CHAN  
SCHOOL OF PUBLIC HEALTH



# DOMINICAN REPUBLIC

In the Dominican Republic, large-scale statelessness (affecting over 130,000 persons) has been caused by the denial and deprivation of nationality of Dominicans of Haitian descent. The watershed and discriminatory 2013 Constitutional Court decision known as 'La Sentencia', excluded citizens of foreign ancestry (mainly Haitian descent) from the *jus soli* system of citizenship acquisition with retroactive effect.<sup>5</sup> Law 169-14, adopted in 2014 to palliate the effects of the ruling, is inadequate in scope and has been implemented timidly. As reflected by Beneco Enecia, "23 May 2021 sees the seventh anniversary of the so-called naturalisation law 169-14. Distressingly, under half of those eligible to have Dominican documents restored have achieved this. Despite 799 persons of Haitian ancestry being authorised for naturalisation, we are in the dark as to how this can happen."<sup>6</sup>

Deliberately working within a system of entrenched systemic **discrimination** perpetuating **inequality, racism and xenophobia** against Dominicans of Haitian descent, the government denies birth certificates and other essential documents to those of Haitian descent born on Dominican soil. Important but slow progress has occurred in that under half of eligible persons have regained their Dominican documents, but nobody has had their naturalisation materialised among the group of persons who were never registered. Birth certificates are required to get married, obtain school diplomas, start a business, get a driver's licence or passport, and a 'cédula', the national ID card essential for voting and banking. This has created a multi-generational problem, where entire families lack documentation. These circumstances confine Dominicans of Haitian descent to conditions of poverty and exclusion, with many living in isolated and impoverished 'bateyes'.<sup>7</sup> Women and girls are especially vulnerable to violence and marginalisation, including forced prostitution, human trafficking and underage marriage. In recent years, racist and xenophobic rhetoric has grown within mainstream media and flourished on social media. Human rights defenders, journalists and groups who condemn 'La Sentencia' face growing hostility and threats.

Exceptional COVID-19 measures inherited from the previous government continue under the Abinader administration which took power in August 2020. Lack of documentation is a barrier to social protection. Affected persons lack medical insurance and clean drinking water, while conditions are dire in impoverished communities. Many beneficiaries of Law 169 have their files in process and are unable to apply for government assistance.<sup>8</sup> Civil registry disruption has exacerbated barriers to birth registration.

**"Those who are stateless and at risk of statelessness in the Dominican Republic face a multitude of additional challenges that have been exacerbated by the COVID-19 pandemic due to their lack of documentation. Dominicans affected by the Constitutional Court ruling (CR 168-13) who have not been able to see their Dominican nationality**

**confirmed or acquired, have also not been formally included in the country's social protection programmes implemented to mitigate the negative effects of the pandemic."**

*UNHCR Representative for the US and the Northern Caribbean, Matthew Reynolds*

## **RIGHT TO NATIONALITY, DOCUMENTATION AND LEGAL STATUS**

In the Dominican Republic, civil registration services were suspended during the initial stages of the pandemic from March till May 2020, resuming in June 2020. This included civil registration offices in hospitals.<sup>9</sup> In October 2020, OBMICA conducted qualitative field research on the impact of COVID-19 on Haitian migrants and their descendants in the border region. It conducted 50 in-depth interviews with parents of stateless children and two focus groups, as well as consulting with key stakeholders. The findings show that lockdowns, curfews and other limitations on mobility prevented Haitian migrants and their descendants from being able to retrieve civil registration documents for themselves and their children. For example, the procedures for the renewal of regularisation documents for migrant parents, which could eventually favour the naturalisation of their stateless children, were cumbersome under the pandemic. Further, COVID-19 prevention measures limiting the number of people who can gather have complicated the process of delivering and receiving services. Haitian migrant parents reported difficulties in obtaining passports / renewing regularisation status due to pandemic-related office closures which not only puts them at risk but also impacts their ability to meet documentation requirements for registering their children's birth.

Civil registration services were suspended from March to June 2020, creating a backlog of birth registrations. Late declarations of birth increase the risk of statelessness, especially for a population whose belonging is already questioned, due to onerous and costly requirements for late birth declarations. The government is addressing the existing backlog by offering registration services in decentralised locations and extending operating hours;<sup>10</sup> and in an example of good practice the Dominican government extended the time allowed for registering vital events in a timely fashion. Presidential Decree 137-20 modified the time allotments so any vital events between 21 January and 3 July 2020 could be registered without a late penalty up to 60 days after 3 July 2020. Many report that financial constraints have continued to affect the possibility of obtaining overdue documents.

## **EQUALITY AND NON-DISCRIMINATION**

During the pandemic, anti-Haitianism has increased.<sup>11</sup> President Luis Abinader announced plans to build a wall along the Dominican-Haitian

THIS PUBLICATION LOOKS MORE CLOSELY AT **RIGHT TO NATIONALITY, DOCUMENTATION AND LEGAL STATUS; RIGHT TO HEALTH AND SOCIO-ECONOMIC RIGHTS**,<sup>4</sup> AND MAKES THE FOLLOWING **CALL TO ACTION** TO THE GOVERNMENT AND RELEVANT STAKEHOLDERS:

---

**FACILITATE LEGAL CHANNELS TO ENSURE ACCESS TO NATIONALITY, BASED ON NON-DISCRIMINATORY POLICIES AND PRACTICES, WHICH PROMOTE MORE INCLUSION OF DOMINICANS AFFECTED BY SENTENCE 168-3.**

---

---

**SHARE UP TO DATE INFORMATION ON THE GROUP A BENEFICIARIES OF LAW 169-14 WHO HAVE RECEIVED ID AND ELECTORAL DOCUMENTS, WITH OTHER STATE DATA BASES SUCH SIUBEN, TO GUARANTEE THAT THOSE ELIGIBLE TO BENEFIT FROM RELEVANT SOCIAL PROTECTION PROGRAMMES, ARE ACCORDINGLY INCLUDED.**

---

---

**OFFER EQUAL ACCESS TO VACCINATIONS TO ALL RESIDING IN THE COUNTRY AS A STATE POLICY, INDEPENDENTLY OF THE DOCUMENTARY STATUS OF THE PERSON CONCERNED, TO CONTAIN AND CONTROL COVID-19.**

---

---

**NATURALISE ALL DESCENDANTS OF HAITIAN MIGRANTS REGISTERED IN DUE FORM (GROUP B) WHO ARE ENTITLED TO NATURALISATION AFTER TWO YEARS OF OBTAINING A MIGRANT STATUS UNDER THE OPERATION OF LAW 169-14.**

---

---

**ESTABLISH A GOVERNMENT-CIVIL SOCIETY WORKING GROUP TO EVALUATE AND PROVIDE SOLUTIONS FOR INDIVIDUALS EXCLUDED FROM THE CIVIL REGISTRY WHO ARE RECEIVING LEGAL ACCOMPANIMENT AND ASSISTANCE FROM NGOS.**

---

border, declaring that the 'dividing line' would put an end to "serious illegal immigration problems, drug trafficking and the transit of stolen vehicles", as well as achieving "protection of territorial integrity... sought since independence."<sup>12</sup> While facilities were available for Haitian migrants to renew or change their status under the pandemic, official messaging on this was opaque, services were centralised and affected persons had other priorities in a context of limited mobility given the health crisis. Moreover, there were some 200,000 spontaneous returns to Haiti during the pandemic in 2020. Sadly, the Dominican authorities restarted cross-border deportations of Haitians in late September after which, according to official figures, over 20,000 deportation events took place in 2020. Given the sluggish implementation of Law 169-14 for denationalised Dominicans of Haitian ancestry, intended for affected persons to regain Dominican documents, there is a danger of unwitting expulsions of stateless persons with the right to stay in 'their own country' where they were born. The very real dangers of this happening were demonstrated in the 2014 jurisprudence of the IACTHR.<sup>13</sup> Political scapegoating rhetoric targeting Haitians is not uncommon in the Dominican Republic. They are blamed for many things including unemployment, social crises and diseases.<sup>14</sup>

## RIGHT TO HEALTH

Stateless persons in the Dominican Republic have access to basic healthcare services free of charge, however, most are uninsured and live in poverty which means they lack the resources to pay for any prescribed medicines or treatment out of pocket. Many report discriminatory attitudes of healthcare staff and having to wait until insured citizens are treated first. Access to sexual and reproductive health services for women is hindered by nationalist, anti-Haitian rhetoric raising concerns about the cost to the state of providing service to 'Haitian migrant' women. This has led to a policy proposal of the Dominican Society of Obstetricians and Gynaecologists to charge for services.<sup>15</sup> In November 2020, President Luis Abinader claimed the Dominican health care system cannot sustain the cost of attending so many pregnant 'Haitian' women.<sup>16</sup> In recent years, there have also been military and border security inspections of hospitals in the border region, searching for pregnant women who may be 'illegally' using services. While there have been no reports of specific COVID-19 related abuse directed at migrants or stateless persons, the official discourse of excluding undocumented persons from the national vaccine campaign<sup>17</sup> is creating a hostile environment which is fostering vaccine hesitancy by those who may already have concerns about getting vaccinated.

## SOCIO-ECONOMIC RIGHTS

**Exclusion from Emergency Relief:** Migrants and stateless persons lacking Dominican documents have been excluded from the expanded programmes of social protection operated during the pandemic, including a stimulus to mitigate the loss of earnings from businesses and individuals, especially to protect employment, state subsidies for formal workers (*Programa 'FASE I y II'*) and informal workers (*'Quédate en Casa' y 'Pa' Ti'*). Inclusion in these measures depends on the documentation and legal status of the person or family member. Some of those who are ineligible, have received support from NGOs and international organisations.

It appears that the government has shifted responsibility towards such groups and expects NGOs and international organisations to provide for them.

**Lost Livelihoods:** Stateless persons were already in a precarious economic situation prior to the pandemic. The lockdown and curfew measures have impacted their livelihoods in several ways. There is less work available (carpentry, construction, transportation, domestic work), and those in informal work such as itinerant sales (lottery tickets, food) are not able to make a living as there is less money circulating in the community. Domestic workers were sent home temporarily. Salaries have been cut for some working in agriculture and selling lottery tickets, though they are expected to work the same number of hours. Many families are unable to buy basic provisions.

## Case Study

Nadia,<sup>18</sup> a 25-year-old stateless woman and mother of three stateless children, laments the exclusion of undocumented people from government programmes to mitigate the economic impact of COVID-19. Despite having registered for naturalisation following the passage of Law 169-14 in 2014 and receiving a regularisation card, the government has yet to deliver on its promise to naturalise over 7,000 stateless descendants of Haitian migrants. Their regularisation card is now expired, with unclear procedures in place for renewal or naturalisation as Dominican citizens. She states:

**"In this pandemic the government has helped many people. Those who have an identity card are getting food and monthly deposits of funds. Any kind of help goes to those with documents, and those without get nothing. My**

**[Dominican] mother-in-law and neighbours receive funds on their card [government social assistance programme]. Whenever they are going to distribute something, they say it's for people with documents and those without shouldn't come. I feel so bad. Sometimes it really weighs on me. Sometimes I say, look how the people with identity cards are getting food, and if I had gotten my ID, I would be getting funds and food for my children."**

## STATELESSNESS AND RIGHT TO NATIONALITY IN THE DOMINICAN REPUBLIC

Nationality and citizenship in the Dominican Republic are governed by the 2010 Constitution,<sup>19</sup> the Migration Law 295-04 (2004),<sup>20</sup> and the relevant constitutional case law. The descendants of Haitian migrants risk being made stateless due to nationality deprivation and denial. Professor, Brad K. Blitz, summarises the dual problem "...the problems of statelessness in the Dominican Republic are the result of both the denial and deprivation of citizenship and a deliberate lack of access – in this setting, requirements are imposed as a way to prevent access to nationality".<sup>21</sup>

The 1929 Constitution confirmed the right to nationality for Dominican-born descendants of migrants unless they were born to persons in transit. The former 1939 Migrant Law further stipulated that 'in transit' meant persons in the state for ten days or fewer. The current 2004 Migrant Law expanded the definition of 'in transit' to all non-residents. This has been reconfirmed in Article 18.3 of the 2010 Constitution, which states that children born to parents "residing illegally in the Dominican territory" are not entitled to nationality.

## THE CESF CONSORTIUM PROJECT

The aim of this project, carried out by DxD is to document and map specific cases of those who have been excluded from state relief, in order to better understand the evolving needs of the stateless community and develop appropriate longer-term engagement strategies for the DxD platform.

DxD is a platform made up of civil society organisations with a long history of service in the Dominican Republic in human rights, education, health, sustainable development and strategic research and litigation. Notably since Sentence 168-14, this platform has helped Dominicans of Haitian descent advocate for social inclusion, community development and better working conditions as well as access to civil registration and the right to Dominican nationality.

Under the project, DxD is working with 250 individuals and families who have been excluded from emergency aid in order to better understand their circumstance and to gather concrete evidence of their exclusion. Mapping the impact of disruptions to civil registration during the pandemic, in the context of the broader exclusions faced, the platform is interviewing 50 people. This project is contributing to a wider study mapping the impact of disruption to civil registries during the pandemic. To alleviate some economic burden, the platform has also granted loans to select stateless entrepreneurs to start small scale enterprises. The goal of this effort is to support their endeavours and to showcase their capacities, demystifying the claim that stateless people are a drain on the economy. This project is aiding key advocacy efforts with key stakeholders, including government officials and the UN to encourage more inclusive pandemic relief measures. In particular, the project aims to engage with:

- **Junta Central Electoral (Central Electoral Board)**, which operates the Civil Registry in the Dominican Republic. While it has been undergoing important modernisation in recent years, some argue that this led to greater discrimination against children born to Haitian migrants. As of February 2021, the CEB has circulated draft legislation intended to improve the operation of the Civil Registry in the Dominican Republic.



Over the past seven years, the Dominican government has re-written its Constitution, re-interpreted old laws and passed new ones. In 2013, 'La Sentencia' was ruled by the Constitutional Court, which retroactively stripped the nationality of tens of thousands of Dominicans, primarily affecting those of Haitian descent. The judgment ruled that those whose parents were irregular migrants at the time of their birth shall be deprived of Dominican nationality regardless of whether their citizenship was recognised under the law between 1929 and 2007.<sup>22</sup> Following international and domestic outcry, Law 169-14, introduced in 2014, was enacted in an attempt to rectify some of the injustice caused by the 2013 'La Sentencia' ruling. The Law divides the affected persons into two groups, in which Group A have birth registration and Group B do not but had the right to Dominican nationality under the Constitution when born. Although Law 169-14 offered the chance of review, leading to the possible confirmation of nationality, for persons in Group A and the opportunity to naturalise for Group B, the Law has come under criticism for the lack of transparency in application procedures and the lack of clear solutions for part of Group B. The enshrining of these Laws and the ongoing cases of statelessness are not isolated events; rather, they are the consequences of a long legacy of systemic discrimination towards Dominicans of Haitian descent over multiple decades which have left many stateless and vulnerable to human rights abuses.<sup>23</sup>

- **Ministerio de Interior y Policía (Ministry of Interior and Police)**, which is the umbrella ministry for the *Dirección General de Migración* (Migration Management). The Ministry has a particular role in facilitating the naturalisation of those who registered under Law 169-14. There have been calls for the MIP to take a lead in ensuring that the Presidential Decree (July 2020)<sup>24</sup> of outgoing President Medina and a subsequent decree by President Abinader in April 2021 to fast track the naturalisation of 799 affected persons are materialised.
- **Dominican Congress**, which is responsible for passing relevant laws such as the Anti-discrimination Law which has been circulating in draft form for several years.
- **Ministerio de Salud Pública (Ministry of Public Health)**, which has a key role in promoting and implementing the current national vaccine campaign. Dialogue between key civil society actors and hard to reach populations with the Ministry is necessary to ensure the widest possible outreach and effectiveness of the campaign.

### Impact

The project has helped support those Dominicans of Haitian ancestry eligible for naturalisation by keeping them informed of the Presidential Decrees of July 2020 and April 2021 respectively to fast track the naturalisation of some 799 persons, which should provide a precedent for the operation of Law 169-14 in this respect. Overtures have been made directly to the MIP with a view of materialising this. However, the situation is complicated to the extent that there has been little movement on the original 749 persons (mainly children) while a second decree has been issued covering a further 50 persons but with continued uncertainty on not just how this may be judicially materialised but, crucially, whether the political will exists to do so. Accompaniment of affected persons under the pandemic is providing the evidence base for re-establishing policy dialogue with the Dominican authorities, accounting for the extra layer of difficulty posed by the health crisis where both mobility constraints and economic problems have made it even more difficult to engage in civil registration processes on the part of affected persons. Those selected for small-scale economic initiatives are demonstrating the resilience possible even in strained circumstances, when due to lack of documentation, they are normally excluded from official loans.

# KEY GLOBAL THEMATIC FINDINGS

Many of the above findings on the Dominican Republic, also resonate at the global level. As the **Together We Can** report sets out, denial of the **right to nationality, documentation and legal status** as well as **inequality and discrimination** represent the main structural challenges impacting stateless people in a cyclical and intergenerational way. The other three thematic issues addressed in the global report - **right to health, socioeconomic rights** and **civil and political rights** - relate to some of the main rights deprivations stateless people endure, exacerbated by the pandemic. These challenges are interrelated and mutually reinforcing, heightening the cost of statelessness, generating new risks of statelessness and stifling efforts to promote the right to nationality and the rights of stateless people.

## THE RIGHT TO HEALTH:

The right to health should have universal application regardless of race, religion, legal status or other criteria. A year into the pandemic however, healthcare related challenges faced by stateless people have only heightened. The cost of healthcare continues to be an insurmountable hurdle for many stateless people who are excluded from healthcare plans, subsidies, insurance schemes and free healthcare. The lack of documentation has further prevented access to healthcare, while fear of arrest, detention and harassment by police or officials has also cultivated a culture of fear around accessing healthcare for stateless and undocumented people. The inability to carry out effective preventative measures including social distancing and wearing PPE, as well as lack of access to sanitation and hygiene products and facilities due to living and working conditions, also places stateless communities at great risk. The mental health impacts of lockdowns, loss of livelihoods, exposure to health risks and starvation and exclusion from state relief measures, are also significant. There is an urgent need to ensure inclusivity in

the roll out of COVID-19 vaccines, rising above vaccine nationalism. Unfortunately, we are already seeing a 'citizens first' approach to vaccine distribution and worrying initiatives including vaccine passports which would further exclude stateless people.

## SOCIO-ECONOMIC RIGHTS:

When the pandemic took hold in early 2020, state responses prioritised citizens to the exclusion and detriment of migrants, refugees and stateless people. Over a year into the crisis, there has been hardly any shift in the approach to social and economic support by states and other actors. There has been a significant impact on **employment and income** and consequently the **loss of livelihoods** amongst the stateless and those at risk of statelessness. Jobs are mainly found in the informal sector which have been brought to a standstill with the implementation of lockdowns and curfews. There are further **barriers to education** during lockdowns due to the nature of online classes and the need for access to equipment and the internet.

## CIVIL AND POLITICAL RIGHTS:

In order to address the threat to public health, most States have implemented restrictions which limit civil and political rights. Some states have also introduced more permanent restrictions. Stateless communities and those whose nationality is at risk face ongoing restrictions and rights violations which, due to pre-existing conditions, have a disproportionately devastating impact. **Arbitrary detention, the risk of arrest and fear of harassment** by officials has impacted stateless populations and those whose nationality is at risk. For those

in detention, there is an increased risk of infection due to the inability to adequately social distance or self-isolate. Restrictions on **freedom of movement** have exacerbated the impacts of COVID-19 including for those trying to seek healthcare and education outside of refugee camps and has further had an impact on livelihoods and family reunions.

## THE RIGHT TO NATIONALITY, DOCUMENTATION AND LEGAL STATUS:

COVID-19 related measures have impacted the right to nationality, documentation and legal status in deeply concerning ways. Disruptions to crucial **civil registration procedures** have resulted in delays and backlogs leaving stateless people and those whose nationality is at risk in limbo, completely vulnerable to the multiple effects of COVID-19. Such documentation and registration challenges also subject people to longer-term risks of statelessness. **Unregistered births** and subsequent non-issuance of IDs can heighten the risk of statelessness, particularly among minority and border communities and those with migrant heritage. **Asylum and statelessness determination procedures** have also been disrupted, as have permanent residence applications, visa processes and other consular services.

## EQUALITY AND NON-DISCRIMINATION:

Discrimination continues to be an underlying and entrenched driving force behind statelessness worldwide. There has been a rise in **hate speech, xenophobia and racism**. Minority and migrant communities have been vilified in populist political narratives and used as scapegoats for the spread of infection, including to distract from the failings of political leaders. Gender discrimination has also had a significant impact where **gender discriminatory nationality laws** deny nationality to children. Increased cases of **gender-based violence** have also been reported, where, particularly in the country contexts with gender discriminatory nationality laws, women are unable to extract themselves from unsafe situations.

For a more detailed overview of these global thematic findings and related calls to action,

# TOGETHER WE CAN: A ROADMAP TO ADDRESS THE COVID-19 IMPACT ON STATELESS PEOPLE

This roadmap serves as a framework for resolving and addressing the structural discrimination and exclusion of stateless people during times of COVID-19 and beyond. The starting point is that change is within our grasp and can be achieved through creative, committed and courageous action. **Together we can** and **together we must** address the structural discrimination underlying statelessness, protect the rights of stateless people and meet their emergency needs. The Roadmap informs and guides the necessary inclusive responses of multiple stakeholders including governments, UN actors, humanitarian agencies, donors and NGOs.

# 1 CHECK FOR INSTITUTIONAL BLIND-SPOTS

We invite states, UN actors, humanitarian groups and other stakeholders to engage in careful **introspection**, check for **institutional blind-spots**, and **review and reform** policies and practices to **ensure that stateless people are prioritised, their particular contexts and needs are understood and addressed and they are not excluded or left behind** through:

- **strengthening awareness** of the issue at all levels;
- **acknowledging** historical failures;
- **collecting and sharing information** on statelessness and nationality rights deprivations; and
- **resourcing** the enhancement of capacities, collaborations and funding.

# 2 INCLUDE, CONSULT & ENGAGE IN DIALOGUE

We invite activists and NGOs to **make their expertise available** and those in positions of power, to have **open consultation** and **meaningful and constructive dialogue** with affected communities, and commit to **including stateless people on equal terms** by:

- **consulting** with activists and affected communities;
- **building trust** and strengthening solidarity with stateless communities;
- **meeting the needs and priorities** of affected communities and ensuring their meaningful participation; and
- **facilitating wider discourse** within society and institutions on equality, inclusion and the right to nationality.

# 3 BUILD BACK BETTER

We invite all actors to learn the hard lessons that the pandemic has taught us and invest in **future-proofing**, ensuring a **lasting commitment to breaking down the pervasive injustice, indigntiy, inequality, deprivation and exclusion that stateless people face**, focusing on:

- **implementing reforms** to address discriminatory laws, policies and practices;
- **redressing** the intergenerational disadvantage and legacy of statelessness;
- **being accountable** to stateless communities and activists;
- **monitoring** the performance and progress of states;
- **ensuring access to justice and reparations** for stateless people; and
- **sustainably investing** in inclusive societies.

**STATELESSNESS DOES NOT ONLY EXIST IN HISTORY BUT IS ONGOING, IN REAL TIME AND IN PRACTICALLY EVERY CORNER OF THE WORLD. EVEN THOUGH STATELESSNESS INTERSECTS WITH EVERY OTHER HUMAN RIGHTS VIOLATION, IT REMAINS LARGELY UNKNOWN AND MISUNDERSTOOD. THE LARGE STATELESSNESS KNOWLEDGE GAP, EVEN AMONG PROMINENT DEVELOPMENT, MIGRATION, HUMANITARIAN AND HUMAN RIGHTS ACTORS, IS A CHALLENGE AND BURDEN FOR STATELESS PEOPLE LIKE ME, GLOBALLY. WE ARE NOT JUST A COLLECTION OF STORIES. WE ARE OUR OWN ADVOCATES AND EXPERTS THROUGH OUR LIVED EXPERIENCES. THIS REPORT RECOGNISES STATELESS PEOPLE AS LEADERS WHO MUST SHAPE THE VISION AND MAKE DECISIONS ABOUT THE PRIORITIES THAT DIRECTLY AFFECT OUR LIVES, OUR FAMILIES AND OUR COMMUNITIES. THE ROADMAP OFFERS A WAY FORWARD FOR OUR ALLIES TO CHECK THEIR STATELESSNESS BLIND-SPOTS, CENTRE US IN THEIR ACTIONS AND BE ACCOUNTABLE US WHEN DELIVERING THEIR MANDATES. WE CANNOT END STATELESSNESS BY OURSELVES. TOGETHER WE MUST WORK TO ENVISION A WORLD WHERE NOBODY IS DEPRIVED OF NATIONALITY BASED ON THEIR RACE, ETHNICITY, SEX, GENDER, OR RELIGION. A WORLD WHERE EVERYONE'S HUMAN RIGHT TO NATIONALITY IS PROTECTED AND UPHELD, AND WHERE STATELESSNESS IS TRULY RELEGATED TO THE HISTORY BOOKS.**

**KARINA AMBARTSOUMIAN-CLOUGH,**  
FOUNDING MEMBER &  
EXECUTIVE DIRECTOR,  
UNITED STATELESS



<sup>1</sup> CESF Consortium, 'Together we Can: The COVID-19 Impact on Stateless People & A Roadmap for Change,' (2021), available at: [https://files.institutesi.org/together\\_we\\_can\\_report\\_2021.pdf](https://files.institutesi.org/together_we_can_report_2021.pdf).

<sup>2</sup> For more information about the CESF Consortium, see: [https://files.institutesi.org/CESF\\_Brochure\\_2021.pdf](https://files.institutesi.org/CESF_Brochure_2021.pdf).

<sup>3</sup> ISI Monthly Bulletins and other key resources can be viewed here: <https://www.institutesi.org/resources>.

<sup>4</sup> See further Chapter on Right to Nationality, Documentation and Legal Status, Chapter on Right to Health and Chapter on Socio-Economic Rights in Part 2 of 'Together We Can: The COVID-19 Impact on Stateless People and Roadmap for Change,' (2021), available at: [https://files.institutesi.org/together\\_we\\_can\\_report\\_2021.pdf](https://files.institutesi.org/together_we_can_report_2021.pdf).

<sup>5</sup> Institute on Statelessness and Inclusion, 'The World's Stateless: Deprivation of Nationality' (2020), available at: [https://files.institutesi.org/WORLD's\\_STATELESS\\_2020.pdf](https://files.institutesi.org/WORLD's_STATELESS_2020.pdf).

<sup>6</sup> Beneco Enceia, Coordinator of the Dominican@s por Derecho civil society Platform.

<sup>7</sup> 'Bateyes' is the name for the area between sugar cane fields where many of the DR stateless populations live.

<sup>8</sup> SICA-COVID-19 Regional Observatory, Decrees and measures adopted by the Dominican Republic, (2021), available at: <https://www.sica.int/coronavirus/observatorio/SICACOVID19/medidas/republicadominicana>.

<sup>9</sup> UNHCR, OEA Más Derechos Para Más Gente, CLARCIEV 'Emergency Response of Civil Registry and Identification Offices during the COVID-19 Pandemic: Good Practices, Mechanisms and Facilities Implemented in the Americas' (2020) available at: <http://www.oas.org/es/sap/dgpe/puica/docs/Respuesta-emergencia-RC-pandemia-COVID-19.pdf>.

<sup>10</sup> Ibid.

<sup>11</sup> M. C. Fumagalli and B. Wooding, 'Stranger than Fiction: Opportunities for a new narrative in Dominican-Haitian relations under Covid-19,' Human Rights Centre Blog, (8 July 2020), available at: <https://hrccessex.wordpress.com/2020/07/08/stranger-than-fiction-opportunities-for-a-new-narrative-in-dominican-haitian-relations-under-covid-19/>.

<sup>12</sup> J. Pandian, 'Dominican Republic: a wall of division,' Latin America Bureau, (20 April 2021), available at: <https://lab.org.uk/dominican-republic-a-wall-of-division/>.

<sup>13</sup> Inter-American Court of Human Rights, Case of Expelled Dominicans and Haitians v The Dominican Republic, (2014), available at: [http://corteidh.or.cr/docs/casos/articulos/seriec\\_282\\_ing.pdf](http://corteidh.or.cr/docs/casos/articulos/seriec_282_ing.pdf).

<sup>14</sup> D. Shaw, 'Dominican Wall of Anti-Haitianism Keeps Neocolonial Inequity Alive,' Council on Hemispheric Affairs (29 March 2021), available at: <https://www.coha.org/dominican-wall-of-anti-haitianism-keeps-neocolonial-inequity-alive/>.

<sup>15</sup> R.I. De León, 'Tomorrow the curfew will be from 7:00 pm and there is no grace for circulation' El Día, (30 December 2020), available at: <https://eldia.com.do/manana-el-toque-de-queda-sera-a-partir-de-la-700-p-m-y-no-hay-gracia-para-circulacion/>.

<sup>16</sup> La Republica 'Luis Abinader: "Dominican health cannot and does not support the number of Haitian (pregnant) women"' La Republica (25 November 2020), available at: <https://listindiario.com/la-republica/2020/11/25/645670/lu-is-abinader-la-salud-dominicana-no-puede-y-no-soporta-la-cantidad-de-parturientas-haitianas>.

<sup>17</sup> Agencia EFE 'Excluded from vaccines, Haitians suffer a new stigma in the Dominican Republic' Agencia EFE, (11 March 2021), available at: <https://www.efe.com/efe/america/sociedad/excluidos-de-las-vacunas-los-haitianos-su-fren-un-nuevo-estigma-en-republica-dominicana/20000013-4485548>.

<sup>18</sup> A pseudonym of one of the interviewees in the research. See B. Wooding and A. Petrozziello, 'Research Brief: COVID-19 Impacts on Haitian migrants and their descendants on the southern border of the Dominican Republic,' (June 2021), available at: <http://obmica.org/>.

<sup>19</sup> Dominican Republic Constitution, (2010), available at: [https://www.constituteproject.org/constitution/Dominican\\_Republic\\_2010.pdf](https://www.constituteproject.org/constitution/Dominican_Republic_2010.pdf).

<sup>20</sup> Ministerio de Interior y Policía Republica Dominicana, 'LEY General de Migración No. 285-04: Reglamento de Aplicación Decreto No. 613-11' available at: [https://mip.gob.do/transparencia/images/docs/Publicaciones\\_Oficiales/Libro-s-y-Revistas/LEY%20de%20Migraci%C3%B3n/LEY%20de%20MIGRACION.pdf](https://mip.gob.do/transparencia/images/docs/Publicaciones_Oficiales/Libro-s-y-Revistas/LEY%20de%20Migraci%C3%B3n/LEY%20de%20MIGRACION.pdf).

<sup>21</sup> B. Blitz, 'Forced Migration Policy Briefing 3: Statelessness, protection and equality,' (2009), available at: <https://www.refworld.org/pdfid/4e5f3d572.pdf>.

<sup>22</sup> SENTENCIA TC/0168/13, available at: <https://web.archive.org/web/20150812200410/http://tribunalconstitucional.gob.do/sites/default/files/documentos/Sentencia%20TC%200168-13%20-%20C.pdf>.

<sup>23</sup> Dominican@s por Derecho, Institute on Statelessness and Inclusion, and CEJIL, 'Joint Submission to the Human Rights Council at the 32nd Session of the Universal Periodic Review: Dominican Republic,' (12 July 2018), available at: [https://files.institutesi.org/UPR32\\_DominicanRepublic.pdf](https://files.institutesi.org/UPR32_DominicanRepublic.pdf).

<sup>24</sup> Institute on Statelessness and Inclusion, 'Monthly Bulletin,' (September 2020), available at: <https://www.institutesi.org/resources/monthly-bulletin-september-2020>.

<sup>25</sup> CESF Consortium, 'Together we Can: The COVID-19 Impact on Stateless People & A Roadmap for Change,' (2021), available at: [https://files.institutesi.org/together\\_we\\_can\\_report\\_2021.pdf](https://files.institutesi.org/together_we_can_report_2021.pdf).

