

LGBT Issues in the Dominican Republic

“Remember, all people have the right to equal treatment under the law. Be kind to your enemies and through your kindness and acceptance of them, hope will prevail. And one day, inequality will not be a focus of the human race because inequality will be a subject of the past.”

—Bob Satawake, husband of James “Wally” Brewster, U.S. Ambassador to the Dominican Republic

Same-sex sexual activity is not explicitly criminalized in the Dominican Republic, which sets the country apart from many of its Caribbean neighbors. But LGBT Dominicans are subjected to violence and discrimination based on their sexual orientation and/or gender identity.

Despite an environment of discrimination and marginalization, tireless activists are advocating for equal rights for the LGBT population and are ultimately looking to end persecution in their island nation.

Bias-Motivated Violence and Discrimination

LGBT people face serious issues of violence and discrimination, including hate crimes, arbitrary arrests, extortion by members of the police force, and lack of access to services and employment. According to a 2014 Gallup-Hoy poll, 73% of Dominicans said that LGBT people experience discrimination in the country.

Activists report 33 cases of possible hate-motivated murders of transgender people since 2006. Hate crimes are not codified in Dominican law and sexual orientation and gender identity are not taken into account in official investigations. Impunity is common in cases of violence and discrimination against LGBT people. Marginalization and lack of opportunities leave many transgender women with little choice but sex work, which makes them further vulnerable to violence.

Members of the police force are often complicit or directly responsible for violence against members of the LGBT community. In October 2015, transgender women in the city of Santiago denounced systematic persecution by local police. They alleged that a police general ordered agents to arrest sex workers—although prostitution is not criminalized in the country—and transgender women transiting through the city in the evening and nighttime. Some have suffered violence and extortion while in custody.

LGBT people experience discrimination in access to employment, education, housing, and issues in access to healthcare. Transgender people in particular face obstacles in accessing healthcare. Many no longer seek essential treatment given experiences of discrimination in health centers. LGBT Dominicans are reluctant to report violations, given a history of impunity and a mistrust of the police force.

Law 285-66

- Law 285-66 prohibits police officers from engaging in sodomy, punishable by up to two years in prison. The law essentially prohibits LGBT people from serving as members of the police force.
- In 2014, National Police Chief Manuel Castro affirmed this interpretation, stating that the law prohibits LGBT people from becoming members of the police force.

Ban on Same-Sex Marriage

- In 2010, the Dominican Republic enacted a new constitution that included a prohibition on same-sex marriage. Article 55 of the constitution defines the family as being based on the core relationship between a man and a woman. While some constitutional scholars dispute the interpretation of this article as a ban on same-sex marriage, it is prohibited in practice.

Opportunities for Change

■ James “Wally” Brewster, U.S. Ambassador to the Dominican Republic, assumed office in November 2013. As an openly gay man, Brewster stirred controversy in the predominantly Catholic country. But for LGBT activists, Ambassador Brewster’s presence triggered an opening for dialogue on LGBT human rights.

■ The Dominican Foreign Affairs Ministry is drafting the National Human Rights Plan, which lays out an agenda for 2015-2020. LGBT activists were not included in early consultations, but were later able to participate and submit recommendations. The final plan has not yet been released.

■ The National HIV/AIDS Council (CONAVIHSIDA) is leading the drafting of comprehensive nondiscrimination legislation, with the participation of civil society organizations. This is an opportunity to include protections on the basis of sexual orientation and gender identity.

■ Dominican NGO COIN recently launched a project titled “Tolerance through Tourism.” COIN is partnering with private sector tourism and hospitality companies to promote LGBT tourism to the Dominican Republic, increase employment opportunities for local LGBT people in tourism, and create meaningful interactions among LGBT tourists and their families, local civil society organizations, and individual members of the LGBT community. The project aims to harness the Dominican Republic’s importance as a tourist destination to promote the human rights of the country’s LGBT population.

U.S. Influence in the Dominican Republic

■ The Department of State describes the Dominican Republic as “an important partner in hemispheric affairs” given the country’s status as the largest economy in the Caribbean. The United States is the Dominican Republic’s most important partner in trade and the two countries cooperate on a variety of issues, including “trafficking in illegal substances.” In 2014, the United States sent over 35 million dollars in foreign assistance to the country.

■ Support for the human rights of LGBT people includes embassy events and initiatives to promote tolerance and inclusion of members of the LGBT community as well as funding for HIV/AIDS programming inclusive of initiatives to combat stigma and discrimination against LGBT Dominicans.

Recommendations for U.S. Action

■ Secretary of State John Kerry should convene a regional dialogue with Caribbean government officials to discuss initiatives to counter discrimination and hate crimes against vulnerable groups, including members of the LGBT community.

■ Ambassador James “Wally” Brewster and embassy staff should continue and diversify interactions with Dominican civil society groups working on behalf of the LGBT community.

■ The Bureau of International Narcotics and Law Enforcement Affairs (INL) should incorporate diversity and human rights training in all INL trainings with the Dominican police force.

■ USAID should conduct systematic training of healthcare professionals on proper care and treatment of members of the LGBT community.

■ The U.S. Department of Justice should assist in development of curriculum and instructor training on human rights and diversity for Dominican law enforcement.

■ The U.S. Department of Justice should provide technical assistance in development and drafting of comprehensive nondiscrimination and hate crime laws.

■ The U.S. Congress should raise the issue of human rights in the Dominican Republic in hearings and engage in legislator-to-legislator outreach in support of Dominican civil society calls for comprehensive nondiscrimination and hate crime laws.

For more information, see Human Rights First’s report: **“Hope Will Prevail: Advancing the Human Rights of LGBT People in the Dominican Republic.”***