El Observatorio de Derechos Humanos para Grupos Vulnerabilizados (ODHGV)
Advancing the rights of people living with HIV and most at risk of infection in Dominican Republic

Overview
Officially launched on the 18th of September 2013, El Observatorio de Derechos Humanos para Grupos Vulneralizados (ODHGV) is the Caribbean’s first human rights mechanism focussed on documenting and reporting human rights violations against people living with HIV (PLWH) and most at risk of infection. From its headquarters in Santo Domingo, the ODHGV also promotes and supports HIV-related human rights education and advocacy and provides counselling and legal assistance to individuals whose human rights have been violated.

The ODHGV is hosted by El Centro de Orientación e Investigación Integral (COIN) and its members included 29 civil society, government and multilateral organizations. To date, the ODHGV has been developed and supported by three annual allocations of US$20,000 per year from the main budget of Phase Two (2013-2016) of the CVC/COIN Vulnerabilised Groups Project plus an additional US$25,000 Mini-Grant from the Project.

The ODHGV is one of two Caribbean human rights mechanisms initiated by the CVC/COIN Project. From its headquarters in Kingston, Jamaica, the Caribbean Vulnerable Communities Coalition (CVC) is spearheading development of a human rights observatory that will invite participation from CVC member organizations across the Caribbean. CVC has been developing an online platform with software that can be used to document individual cases and then aggregate, analyse, and generate reports in different ways (and different languages) so it can best serve the unique needs of each member organization. For example, an organization representing PLWH may want more detail on alleged human rights violations by health care providers while an organization representing sex workers may want more detail on violations by the police.

This paper is largely devoted to discussing the ODHGV and its Dominican context, while touching on the CVC’s on-going work to establish a human rights observatory that serves the whole Caribbean. The ODHGV and its members, for example, will use the CVC observatory’s online platform and software for documenting Dominican cases.

History of CVC/COIN’s observatory approach to human rights
Building human rights into the CVC/COIN Vulnerabilised Groups Project
The Caribbean Vulnerable Communities Coalition (CVC) and El Centro de Orientación e Investigación Integral (COIN) are both dedicated to promoting and supporting effective civil society organization (CSO) responses to HIV among people living with HIV (PLWH) and people most at risk of infection. In 2008, when the Pan Caribbean Partnership against HIV and AIDS (PANCAP) issued a Caribbean-wide call for proposed projects to be included in their application for a Round 9 grant from the Global Fund, CVC and COIN joined forces to propose the five year (2011-2015) CVC/COIN Vulnerabilised Groups Project.
CVC and COIN chose the word “vulnerabilised” to signify that people are made vulnerable to HIV and AIDS by social exclusion, stigmatization and discrimination, and failures to recognize and respect human rights specified in the Universal Declaration of Human Rights (1948), in numerous other international and regional human rights agreements to which Caribbean countries are party, and in Caribbean countries’ own national laws.

A media training workshop gives birth to a committee
During Phase One of the CVC/COIN Project, the Project Unit facilitated a series of media training workshops. These brought representatives of the media together with representatives of groups most at risk of HIV to discuss how media reports about HIV and AIDS too often confirm popular stereotypes and misconceptions and, thus, encourage violation of human rights.

At a July 2012 media training workshop in Santo Domingo, media representatives suggested establishment of an entity to which journalists, police, prosecutors, health care providers and others could turn for training on human rights and, also, for reliable information on human rights violations that impact on marginalized youth, men who have sex with men (MSM), transgender women, sex workers, drug users, trafficked persons, migrants, and other most-at-risk subpopulations.

Workshop participants agreed to form a committee to look into the matter and both COIN and the CVC/COIN Project Unit agreed to support the committee with human and other resources.

The committee establishes a temporary human rights observatory
By November 2012, the committee had agreed to establish a temporary human rights observatory, COIN had agreed to house it in their headquarters in Santo Domingo, and COIN and the CVC/COIN Project had agreed to provide it with three temporary part-time consultants including a coordinator, a lawyer and a journalist.

The committee had agreed that the observatory would be governed by civil society, government and multilateral organizations that represent and/or serve PLWH and people most at risk of HIV infection and it had begun inviting such organizations to become members. It had also agreed that the observatory’s purpose would be to assist its member organizations with:

- Documenting individual cases of alleged human rights violation and referring cases to legal aid or pro bono legal services
- Aggregating and analysing data from cases and issuing periodic reports on human rights violations against particular subpopulations
- Publicizing cases through the media and otherwise campaigning and lobbying for recognition and respect of the human rights of PLWH and people most at risk of HIV
- Training in human rights for CSOs, the media, prosecutors, police, corrections officers, health care providers and others whose failures to recognize and respect human rights can have serious consequences for PLWH and people most at risk of HIV infection.

Providing for two observatories in the Phase Two plan and budget
While COIN and the CVC/COIN Project were supporting establishment of the temporary human rights observatory in the Dominican Republic, CVC was collaborating with the Jamaica Forum for Lesbians, All-sexuals and Gays (J-FLAG), the Jamaican Network of Seropositives (JN+) and other Jamaican CSOs on documenting and publicizing individual cases of human rights violations and on advocating for human rights. The benefits of having a human rights observatory in Jamaica somewhat similar to the one in Dominican Republic became increasingly obvious. So did the
economies of having this observatory serve the purposes of all CVC’s member organizations throughout the Caribbean.

For those reasons, CVC and COIN agreed that their proposal for Phase Two (2013-2015) of the CVC/COIN Vulnerabilised Groups Global Fund Project would include plans and budgets of US$20,000 per year for each of two observatories.

**Human rights in Dominican Republic**

A colonial legacy of conservative religion

After Christopher Columbus claimed the Island of Hispaniola for Spain on his first voyage in 1492, the colonial city of Santo Domingo became the springboard for Spanish conquest of the Americas and Catholic conversion of the indigenous peoples. In 1494, Spain’s competition with Portugal for imperial expansion was resolved with the Treaty of Tordesillas and a papal bull that divided those parts of the world not yet discovered by Europeans between Portugal and Spain. The papal bull specified that the Catholic Church would have responsibility for caring for all souls in Portuguese and Spanish colonies, just as it did in Portugal and Spain.

This division of territories and powers between the two monarchies and between church and state went largely unchallenged for the next 75 years, until France, England, Netherlands and other European powers began entering the competition for imperial conquest and Protestant churches began entering the competition for Christian missionary work.

In 1512, the Spanish began building the Cathedral of Santa María la Menor in what is now Santo Domingo’s Colonial Zone. The first and oldest in the Americas, it is the cathedral of the Cardinal Archbishop of Dominican Republic. He has the honorary title of Primate of the Americas and his palace is across a street from the cathedral and connected to it by an underground tunnel, built as a precaution against assassination of a visiting Pope. In front of the Cardinal Archbishop’s palace is a sculpture of two hands cupping a human foetus and a multi-lingual plaque explaining, “This is a monument to defend the human life. To the child still not born.”

The current Cardinal Archbishop Nicolas de Jesus Lopez Rodriguez is no exception to the rule that Cardinal Archbishops of Dominican Republic tend to be staunch defenders of traditional Catholic doctrine against birth control, abortion, divorce, and all sex outside of heterosexual marriage and not intended for reproduction. In 2013, the United States appointed openly gay James “Wally” Brewster as ambassador to Dominican Republic and the Cardinal Archbishop has been hurling anti-gay insults at him ever since. The ambassador is married to his same-sex partner and, when he criticized corruption in Dominican Republic, the Cardinal Archbishop replied he should “focus on housework, since he is the wife to a man.”

A colonial legacy of conservative government and socio-economic inequality

Spain recognized France’s claim to the western third of the Island of Hispaniola in 1667 and France populated that third mostly with slaves from Africa. The slaves eventually rebelled and in 1804 declared their country, Haiti, to be an independent nation. When the residents of the remaining two-thirds of the island — then known as Santo Domingo — sought independence from Spain in 1821, the Haitians invaded and ruled the whole island for 22 years. The residents of Santo Domingo finally won their independence in 1844 and called their new nation Dominican Republic.

In 1861, the Dominicans volunteered to re-join the Spanish Empire but soon rebelled and restored their independence in 1865. Dominican Republic then entered a long period of unsettled and mostly non-representative government, famous for 31 years of bloody dictatorship by Rafael Leonidas Trujillo

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1 Mail Online (2015). Gay American ambassador to Dominican Republic derided for his sexual orientation by local cardinal over the last two years. First published on 7 July 2015 and updated on 23 December 2015.
and his attempt at ethnic cleansing by eviction or slaughter of all ethnic Haitians. After Trujillo was assassinated in 1961, Juan Bosch was elected President. He was deposed by a military coup in 1963 and restored to office in 1965 after American intervention in a civil war. Joaquin Balaguer defeated Bosch in a 1966 election and relinquished his Presidency only in 1996 after an international outcry against his regime’s flawed elections. Only since 1996 has Dominican Republic had multi-party participation in regular elections where the President, Vice President and members of the National Congress and Senate can be replaced by popular vote.

While Dominican Republic is now a well-established democracy, it is still a country where the “richest 10% of the population, overwhelmingly the white descendants of Spanish settlers, own most of the land and benefit from 40% of national income. The poorest ... are people of African descent - including an estimated 800,000 of Haitian immigrant origin.”

The Social Watch Report 2012 heads its chapter on Dominican Republic with “Inequality is the biggest obstacle.” The chapter summarizes the findings of numerous reports by international and regional organizations and by the Government of Dominican Republic. Among the findings are that despite 40 years of rapid economic growth there has been little social investment. “Since 2004 Dominican Republic has been third from last among the countries of the Americas in terms of relative investment in social policies, and this is reflected mostly in the population’s poor access to health and education services and social assistance.”

Human rights violations by the National Police

In 2011, Amnesty International published ‘Shut Up if you don’t want to be killed!’ Human Rights Violations in Dominican Republic. The report observed that the country’s National Police was founded in 1936, five years into the Trujillo regime. During that regime an estimated 50,000 Dominicans were killed and many others were tortured, disappeared or forced into exile, often because they were political dissidents. The police and army were heavily implicated.

Since then, the National Police has retained some aspects of its original military ethos but it has also undergone considerable de-militarization, restructuring and other reform. The Institutional Law on the National Police (2004), Decree No. 731-04 regulating the application of the Law and the 2010 Constitution all lay out fairly progressive policies. Article 255 of the Constitution states that the National Police are “to safeguard the security of citizens; to prevent and control crime; to investigate criminal offences, under the direction of the Prosecution Service; and to maintain public order in order to protect free exercise of individuals’ rights and maintain social harmony in accordance with the Constitution and the law.” The Code of Criminal Procedure (2004) sets out the roles of the Prosecution Service and the National Police in criminal investigations and requires the police to comply with orders and requests from the Prosecution Service.

Amnesty’s investigations found, however, that practice lags far behind official policy and that “the National Police is still widely perceived as an authoritarian, repressive, corrupt and ineffective body that is responsible for many human rights violations.” The Amnesty report summarized results of various surveys finding that 59.2 percent of Dominicans believe the police are involved in criminal activity (including drug dealing) while only 29.6 percent believe they are there to protect public safety. In urban barrios with high crime rates, many leaders and residents say criminals pay the police to avoid arrest and carry on with their activity. They also say the police use arrests and mass round-ups to extort money from innocent people before releasing them.

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Amnesty's report says that Dominican authorities acknowledge that repressive and abusive policing is a factor in the rise of violence in Dominican Republic. The Office of the Prosecutor General reports that, over a six year period from 2005 through 2010, the annual number of homicides including killings by the police was from 2111 to 2472 and that from 10.5 to 19 percent of the people killed each year were killed by the police. The police killed from 260 to 437 people per year during that six year period, and they injured another 977 to 1297 per year. The National Police acknowledge that a few of the killings by the police may be unlawful but insist that the vast majority are justified and done in the interests of curtailing serious crime. Much of the Amnesty report is devoted to cases where family, friends and witnesses disagree with that assessment.

Amnesty's report suggests that reasons for human rights violations by the police include insufficient financing, weak oversight, lack of an effective complaints mechanism, poor training and low pay. It says that, at the time of their investigation, the lowest ranking officers (45% of the National Police force) were paid the equivalent of US$140 per month, considerably lower than the official minimum wage of US$221. To meet their families' needs, low- and middle-ranking police officers have additional jobs including jobs with private security firms. This means they are often exhausted when working as police, in addition to being tempted to engage in corrupt and abusive practices. The report observes that lower than official minimum wages constitute a violation of the human rights of police officers.

**Discrimination against ethnic Haitians**

Sugar plantations and other agricultural operations in Dominican Republic have long been dependent on Haitian migrants and their descendants for cheap labour and they have long lived in make-shift shack in informal settlements known as *bateys* or else in poor urban barrios. Even if their families have lived in the Dominican Republic for generations, the government has always made it difficult for ethnic Haitians to qualify for citizenship and thus to qualify for public education, health and other services. The Haitian earthquake of January 2010 drove a new wave of undocumented Haitian migrants across the border into Dominican Republic. This new wave may have been a factor behind a September 2013 ruling by the Dominican Constitutional Court that any children born in the country since 1929 to undocumented foreign parents are not entitled to Dominican citizenship. In response to the outrage of national, regional and international human rights bodies, the government instituted a six month naturalization programme that expired on 1 February 2015. The programme made it so difficult to fill out all the paperwork and qualify that few were able to do so.

Hundreds of thousands of ethnic Haitians living in Dominican Republic are now effectively stateless. They live in fear of all public authorities who might report them and have them rounded up and bussed to the border and pushed into Haiti, a country in which many of them have never lived and have no documented right to live.4

**Human rights violations experienced by CVC/COIN’s target populations**

Lack of government commitment to financing of national security (e.g., National Police and Prosecution Services), education, health and social services means they all have problems with poor facilities and equipment, underpaid and overworked staff, and insufficient staff training and supervision. This lack of government commitment contributes to human rights violations that impact disproportionately on poor and otherwise marginalized people.

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These are examples of human rights violations reported by Dominican CSOs participating in the CVC/COIN Vulnerabilised Groups Project:

- **El Fundación Red de Jóvenes Unidos de Guachupita** (FURJUG) represents and serves marginalized youth in the poorest barrios of Santo Domingo. It reports that youth marginalized by poverty are offered education of such poor quality that they drop out early and do their best to earn money in an economy that offers them few legitimate job opportunities but many temptations to drug dealing, petty crime and transactional and commercial sex. Traditional Catholic values mean they have next to no education in sexual and reproductive health and next to no access to sexual and reproductive health services. Young girls, in particular, are highly vulnerable to sexual exploitation and abuse by older men but they don’t turn to authorities for help because they fear those authorities will subject them to even more sexual exploitation and abuse. Many experience unwanted pregnancy and, having no access to safe and effective abortion, suffer serious lifelong injury or death from attempts at non-medical abortion.

- **Este Amor** promotes and supports HIV and STI prevention among young men who have sex with men (MSM). It reports that young men marginalized by poverty often engage in transactional sex with older men and, even if they self-identify as heterosexual, become bisexual-behaving. Extreme homophobia among their peers and in their communities makes them secretive and reluctant to take up offers of HIV prevention and testing for fear they will be exposed as MSM. Those who are more visible as suspected MSM, if only because of their manner and appearance, are often expelled from school and harassed by the police and may be arrested and released only after submitting to sexual abuse.

- **Red de Voluntarios de Amigos Siempre Amigos** (RevASA) is a network of volunteers for an organization that represents and serves men who have sex with men (MSM). It reports that extreme homophobia fuelled by traditional Catholic teaching means that many MSM are so closeted or fearful of authorities that they are reluctant to take advantage of any HIV and STI prevention and treatment programmes on offer. They often find condoms and lubricants expensive and in short supply and available only behind the counters of pharmacies, where fear of the disapproval of pharmacy staff and other customers makes them virtually inaccessible.

- **La Red Nacional de Jóvenes Viviendo Con VIH/SIDA** (REDNAJCER) represents and serves young PLWH. It reports that health care providers often take the attitude that young PLWH are to blame for their HIV infections and this is especially the case if the young PLWH are transgender, seemingly gay, or poor with tattoos that suggest they may be gang members and drug users. Health care providers may allow them access to treatment but accompany the treatment with obvious disgust, stern disapproval and lectures on morality and religion. Such is the abuse they experience from health care providers that many are reluctant to take up their offers of services.

- **El Centro de Promoción y Solidaridad Humana** (CEPROSH) operates clinics and delivers HIV and STI prevention, testing and treatment to poor and otherwise marginalized people. It reports that fear of deportation make migrant Haitian sex workers fearful of all authorities. This makes them highly vulnerable to abuse by their regular partners (who often pimp them out for income) and their clients and reluctant to access any health services including ones offering HIV and STI prevention and treatment.

- **El Movimiento de Mujeres Unidas** (MODEMU) represents and serves sex workers. It reports that sex workers fear abusive police more than they fear abusive clients. The police
often arrest sex workers only to demand their money or sexual favours before releasing them.

- *El Fundación Dominicano de Reduccion de Daños* (FUNDEREDA) represents and serves drug users and advocates for harm reduction. It reports that ethnic Dominican injecting drug users deported to Dominican Republic from the United States have introduced injecting drug use to the country. Injecting drug users often exchange sex for money to buy their drugs and experience verbal, physical and sexual threats, abuse and extortion by the police and military. Many have STIs, HIV and/or Hepatitis B or C but don’t know their status because they fear stigmatization and discrimination by health care providers. If they try to access drug rehabilitation or HIV-related services they are often denied access because one or another of their various attributes disqualifies them.

- *Trans Siempre Amigas* (TRANSSA) represents transgender women and *La Comunidad de Trans- Travesti Trabajadoras Sexuales Dominicanas* (COTRAVETD) represents transgender and transvestite sex workers. Both report that transgender women suffer more than anyone else from human rights violations by schools, employers, health care providers and police. Their problems are compounded if they are also drug users, sex workers or HIV-positive and compounded further by their tendency to internalize widespread prejudice and violate the human rights of each other. Those who are not poor, drug users, sex workers or HIV positive often discriminate against those who are and may even attempt to bar them from access to programmes and services.

**The ODHGV over its first three years**

**Getting started and establishing a broadly representative board of governors**

Phase One of the CVC/COIN Vulnerabilised Groups Project was meant to end on 31 December 2012 but, due to delays in release of money from the Global Fund, was extended until 31 March 2013. The CVC/COIN Project was then able to collaborate with COIN on implementation of the Phase Two plan to establish the temporary human rights observatory (discussed earlier under the History heading) as a permanent entity.

The process of getting established included meetings with civil society, government and multilateral organizations that might potentially govern the observatory and otherwise participate in and/or benefit from it. These meetings included focus group sessions with CSOs representing people vulnerable to HIV and human rights violations (i.e., rights-holders) to get at the nature of the human rights violations of most concern to them; sensitization sessions with members of the National AIDS Council and others whose actions might potentially constitute human rights violations against people they are mean to serve (i.e., duty-bearers). They also included meetings with the National Office of Public Defence, the Community Legal Services Centre and Pro Bono Foundation with a view to identifying ways of providing legal aid or pro bono legal services to people alleging their rights have been violated.

Results included concept notes (starting points for the material discussed later under “Defining what the ODHGV does”) and memoranda of understanding with the organizations who would participate as member organizations and, finally, official launch of the ODHGV in the National Library on the 18th of September 2013.

Since the official launch, additional organizations have signed memoranda of understanding and, as of December 2015, the ODHGV has 29 organizations:

1. **Afro Alianza Dominica** — Afro Dominican Alliance
2. **Centro Comunitario de Servicios Legales** (CECSEL-SD) — Community Legal Services Centre
3. **Centro de Promoción y Solidaridad Humana** (CEPROSH) — Centre for Human Advancement and Solidarity

4. **Círculo de Mujeres con Discapacidad** (CIMUDIS) — Circle of Women with Disabilities

5. **Clínica de Familia La Romana** — La Romana Family Clinic

6. **Coalición Organizaciones No Gubernamentales de Lucha Contra el SIDA** (ONGSIDA) — Coalition of NGOs for the Fights Against AIDS

7. **Comunidad de Trabajadoras Sexuales Trans y Travestis Dominicana** (COTRAVETD) — Community of Transgender and Transvestite Sex Workers

8. **Consejo Nacional para el VIH y el SIDA** (CONAVIHSIDA) — National Council on HIV and AIDS

9. **Colegio Dominicano de Periodistas** (CDP) — Dominican College of Journalists

10. **Comisión Nacional de los Derechos Humanos** (CNDH) — National Human Rights Commission

11. **Fundación de Red Jóvenes Unidos de Guachupita** (FURJUG) — Foundation of the Network of United Youth in Guachupita

12. **Fundación Dominicana de Reducción de Daños** (FUNDOREDA) — Dominican Foundation for Harm Reduction

13. **Fundación Pro Bono** — Pro Bono Foundation

14. **Fundación Voluntarios Verdaderos** (VOLVER) — Foundation of True Volunteers (assisting those whose quality of life is limited by drug addiction and other conditions)

15. **Gente Activa y Participativa** (GAYP) — People Active and Participatory (promoting healthy lifestyles among MSM)

16. **Grupo de Apoyo Este Amor** (Este Amor) — This is Love Support Group

17. **Instituto Nacional de Salud** (INSALUD) — National Institute of Health

18. **Ministerio de Interior y Policía** (MIP) — Ministry of the Interior and Police

19. **Movimiento de Mujeres Unidas** (MODEMU) — United Women’s Movement representing sex workers

20. **Movimiento Socio Cultural para los Trabajadores Haitianos** (MOSCTCHA) — Socio Cultural Movement for Haitian Workers

21. **Mujeres en Desarrollo Dominicana** (MUDE) — Dominican Women’s Development

22. **Programa Conjunto de las Naciones Unidas sobre el VIH y/o SIDA** (ONUSIDA) — Joint United Nations Programme on HIV/AIDS (UNAIDS)

23. **Programa Naciones Unidas para el Desarrollo** (PNUD) — United Nations Development Programme (UNDP)

24. **Proyecto de Desarrollo Alas de Igualdad** (ALAS DE IGUALDAD) — Wings of Equality Project


26. **Red Dominicana de Personas Viviendo con VIH** (REDOVIH) — Dominican Network of people living with HIV

27. **Red Nacional de Jóvenes Viviendo con VIH y/o SIDA** (REDNAJYC) — National Network of Youth Living with HIV/AIDS

28. **Trans Siempre Amigas** (TRANSSA) — Trans Forever Friends
29. *Universidad Abierta para Adultos* (UAPA) — Open University for Adults.

The National Council for HIV and AIDS (CONAHIVSIDA) is a key member since it oversees the national response to HIV and AIDS. Its own members include CSOs that represent and serve rights-holders and also some of the most important duty-bearers including the Minister of Economy, Planning and Development and the Ministers of Health and Social Assistance, Education, Labour, Women, and Youth; Executive Directors of National Health Insurance and the Essential Drug Programme; representatives of the Dominican Medical Association, Employers of Dominican Republic and the National Confederation of Dominican Workers.

Another key member of the ODHGV is the Ministry of the Interior and Police (MIP). It oversees the National Police and Prosecution Service and is best placed to address human rights violations by those two entities through better training, supervision and management of complaints.

**Building the ODHGV staff team**

The three temporary part-time consultants provided by COIN and the CVC/COIN Project continued to support development of the ODHGV until it was launched and then through its start-up years, gradually recruiting and training a small team of five full- and part-time staff and relinquishing responsibilities to them. The team now includes:

- Coordinator Guillermo Peña, a recent graduate in law who, since late 2014, has been coordinating all activities and undertaking many himself
- Two recent graduates in law who have primary responsibility for documenting cases, referring them to legal aid or pro bono lawyers and assisting those lawyers
- A Psychologist who has primary responsibility for taking calls over the ODHGV’s helpline and for over-the-phone and in-person counselling of those who believe their rights have been violated (Both the Psychologist and helpline are provided by CONAVIHSIDA.)
- A Communications Officer who assists with drafting official correspondence and reports, press releases and content for social media (The ODHGV maintains a website ─ www.observatoriodhgv.org ─ and a twitter account ─ https://twitter.com/hashtag/odhgv.)

**The ODHGV’s convenient location in COIN’s headquarters**

The ODHGV is located in COIN’s main offices in the Villas Agricolas neighbourhood of Santo Domingo. Also located there are COIN’s meetings rooms, main clinic and the clinic’s psychologist. Whether they live in Santo Domingo or they are visiting from elsewhere, many members of the vulnerabilised groups served by COIN have occasion to visit COIN’s main offices for a variety of reasons or, at least, are familiar with the location of those offices. It is now convenient for them to visit the ODHGV when they also come for other reasons and convenient, too, for the ODHGV to refer them to the clinic and its psychologist when appropriate.

**Defining what the ODHGV does**

The ODHGV’s website lays out its agreed self-definition, vision, mission, objectives and values. In terms of the vulnerabilised groups it serves, it states that its priorities are: LGBTI (lesbian, gay, bisexual, transgender and intersex people), sex workers, PLWH, vulnerable youth, drug users, trafficked people, people subjected to gender and other violence, migrants, and people with disabilities.

In October 2014, just over a year after its official launch, the ODHGV issued its first major report. The introduction says the ODHGV’s main purposes are to document complaints of human rights
violations experienced by individuals vulnerable to HIV; to generate information that CSOs can use for evidence-based advocacy and for highlighting how human rights violations drive the HIV epidemic in socially marginalized groups. The report indicates that the ODHGV offers:

1. **Case documentation and research** on human rights violations, referrals to pro bono legal services or legal aid and case advocacy
2. **Capacity building** to strengthen CSOs’ ability to document and use evidence and other resources to advocate for human rights
3. **Advocacy and media work** including development of legislative briefs and reports and engagement with the media
4. **Human rights education** including public campaigns and training workshops for rights-holders (CSOs representing people vulnerable to HIV and human rights violations) and duty-bearers (police, health care providers and others responsible for recognizing and respecting everyone’s human rights and delivering services of high quality to all)
5. **Engagement with regional and international human rights mechanisms** (for example, to collaborate on reporting and advocacy).

**Building capacity to document cases**

While it was getting officially launched and established, the ODHGV met with 13 universities and negotiated an agreement to provide it with recent graduates in law who would serve their internships by helping the ODHGV with documentation of cases and referral to legal aid or pro bono legal services. It also developed documentation protocols, manuals and data-collection forms and, in November 2013, it began rolling out installation of JurisDOC software on its own computers and those of CSOs and began training CSO staff and volunteers to collect case information on forms and enter it into the ODHGV’s database. The idea was that the CSOs would be able to do much of the case documentation and feed the results to the ODHGV for aggregation, analysis and periodic reports that would show, for example, the annual number of cases where sex workers’ rights were violated, broken down by perpetrators of the violations (e.g., clients, police, health care providers).

A number of challenges soon became evident, including:

- Designed for professional attorneys, the JurisDOC software proved incompatible with the older, less powerful laptop or desktop computers used by many CSOs. It also proved too complicated and cumbersome and not easily adapted for the entry, aggregation, analysis and reporting that best served the needs of the ODHGV and each of its member organizations.

- It is not always easy for an inexperienced non-professional to distinguish between a personal grievance and a legitimate human rights violation. Sometimes people just need counselling on how best to communicate their belief that they have been treated badly directly to the alleged offender or the offender’s superiors, or else just to live with their grievance and do their best to move on.

- Someone whose rights are often violated may be habitually distrustful of people in authority and sceptical that anyone can do anything to stop the violation. They may distrust even a peer associated with a CSO who offers to document an incidence of human rights violation and to share the documentation with the ODHGV. They may fear the
repercussions and otherwise lack motivation to provide information unless they can be absolutely assured that the information will not be used to harm them and, better yet, assured that the information will be used to help them.

The ODHG has responded to those challenges by:

- Shelving plans to use JurisDOC and preparing to use the software and platform now being developed by CVC for its observatory (see box)
- Building a team sufficiently large and well-qualified to do the documentation itself and to distinguish between personal grievances and human rights violations and provide appropriate counselling and/or referral.

### A CVC platform and software that empowers CSOs

A recipient of the United Nations Human Rights Prize 2008, Dr. Carolyn Gomes is a medical doctor and also co-founder and former Executive Director of Jamaicans for Justice, Jamaica’s preeminent human rights organization. During the 14 years she was with Jamaicans for Justice, they developed and refined software that helped them document some 4,000 cases of human rights violations and generate whatever reports they needed.

Now Executive Director of the Caribbean Vulnerable Communities Coalition, Dr Gomes explains that CVC is collaborating with Jamaica Forum for Lesbians, All-sexuals and Gays (J-FLAG), Jamaican Network of Seropositives (JN+) and Jamaica AIDS Support for Life (JASL) on establishing an as-yet-unnamed human rights observatory that will serve the purposes of CVC member organizations not just in Jamaica but right across the Caribbean.

Towards that end, they are developing software that can be adapted to the unique purposes of each CVC member organization. Each CSO will be able to modify data entry forms so they ask for the information on cases of human rights violation the CSO deems most relevant. Each will also be able to generate whatever reports suit to its own purposes. Non-identifying data on human rights violations will be shared and reported on to all participants in the database, allowing regional data collection and reporting on human rights abuses facing key populations.

Dr Gomes believes many CSOs will wish to remain largely responsible for their own human rights advocacy and for assisting their own target populations with counselling and referrals to legal aid or pro bono legal services. For that reason, CVC has partnered with the University - Rights Advocacy Project (U-RAP) of the Faculty of Law at the University of the West Indies on development of legal literacy material and training specific to the needs of different CSOs around the Caribbean. In addition, U-RAP will be training and supporting a panel of pro bono attorneys to support CSOs in seeking redress for those who complain to them of human rights abuses. She points out that the CVC’s proposal for a new Global Fund project (allowing it to continue with the work begin with the CVC/COIN Vulnerabilised Groups Project) has three priorities: 1) health system strengthening, 2) human rights and legal action, and 3) CSO strengthening. To be consistent with priority 3, the new observatory should not be a senior and centralized entity but, instead, a vehicle that empowers each participating CSO.

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A first major report, focusing on cases involving transgender women

Louise Tillotson was Technical and Policy Coordinator for the CVC/COIN Vulnerabilised Groups Project and part of the temporary part-time team that prepared the ODHG for its launch and saw it through its first years of operations. She was principle author of the ODHG’s first major report, Discrimination and violence towards transgender women in the Dominican Republic, and says this report was meant to serve as a rough model for periodic (possibly annual) reports that provide
basic information on all cases documented over a certain time period and then focus on cases involving one vulnerabilised group and provide considerable detail, background and analysis and conclude with recommendations for action.

Dated 27 October 2014, the report said that from December 2013 through October 2014, the ODHGV had received reports of 39 incidents of human rights violation. Of those, 17 were incidents of alleged violations against transgender sex workers; 12 were incidents of alleged violations involving the police planting drugs on individuals and then arresting them; 7 were incidents of alleged gender-based violence; 3 were incidents involving alleged discrimination based on HIV status. While documenting the incidents, the ODHGV determined that 37 constituted alleged criminal violations and 2 constituted alleged civil violations.

The distribution of reported incidents by type cannot be read as any indication of the distribution of incidents not reported to the ODHGV. TRANSSA and COTRAVETD were early to seize on the new ODHGV as an opportunity to address human rights violations against transgender sex workers and urged them to ask the ODHGV to document their cases and assist them in taking legal action. As CSOs representing and serving other vulnerable groups begin making more active use of the ODHGV, the distribution of reported incidents by type will change. While that is so, the ODHGV report provides evidence that transgender women, in general, are the single vulnerable group that has the most problems with human rights violation and it provides three examples (see box).

The report specified which Dominican laws and international conventions guaranteed the human rights that been violated in these incidents and ended with a set of general recommendations for action by Dominican legislators, the Ministry of Interior and Police, the Chief of Police and the Ministry of Youth. (See box towards end of this paper on presentation of this report to the Inter American Commission on Human Rights.)

### One transgender sex worker’s case

Maria reported that she was on a street talking to a potential client when two police officers approached. They arrested the potential client and assaulted her verbally and asked her for her money. When she refused to give it to them, they bound her hands with a belt and beat her until she was unconscious. They took her to the hospital for treatment and then to the police station for overnight detainment.

Once released, Maria went to the ODHGV and they took photos of bruises and wounds to her head, neck and right leg, the results of kicks and blows by police feet and firearms. She said they had taken her cell phone and the equivalent of US$45 in cash. After an ODHGV lawyer called the Colonel in charge of the police station, she got her cell phone back but not her money. The ODHGV then helped her file formal complaints to the National Police’s Central Directorate of Internal Affairs and the Prosecution Service’s Department of Internal Affairs.

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**A second major report focussing on cases involving MSM and tourism police**

Guillermo Peña became the ODHGV’s first full-time Coordinator in late 2014. He was the principal author of the ODHGV’s second major report, *Discrimination and violence by the Special Force for Tourism Security … etc.* Dated 11 August 2015, this report covered the same territory as the first major report and then focussed on cases involving reported human rights violations by the Cuerpo Especializado Seguridad Turistica (CESTUR) — Special Force for Tourism Security — against MSM, sex workers and parking attendants.

The report updates the first report (which said the ODHGV had received reports of 39 incidents of human rights violation from December 2013 through October 2014) by saying the ODHGV had...
received reports of an additional 20 incidents in November and December of 2014. Unlike the first report, it does not break down those 20 additional incidents by type. Neither does it bring us up to date by telling us the total number of incidents reported from January 2015 onwards. In future, it would be helpful to have a table, updated from one report to the next, showing the cumulative total of all cases documented and breaking them down by type.

The report goes on to say the ODHGV has received reports of 21 incidents of human rights violation by the CESTUR and those incidents were reported both in 2014 and 2015. Of the 21 incidents, 12 were against parking attendants, 7 against MSM (one of these against a gay couple) and 2 against sex workers. These incidents all took place in Santo Domingo’s Colonial Zone, popular with both tourists and locals for sight-seeing, dining and entertainment and by the CESTUR. The report explains that parking attendants are often known or suspected drug users and thus qualify as members of one of the ODHGV’s priority vulnerabilised groups.

The report provides seven examples of CESTUR human rights violations against parking attendants, MSM and sex workers. It also provides background on these groups and the duties of CESTUR and laws governing it. It concludes with a set of recommendations for action by CESTUR and the Ministry that oversees it.

One gay couple’s case

Denis and Matthew (an American tourist) were stopped in the street and asked for identifying documents by two CESTUR officers. When they asked why they had been stopped, the officers did not answer but a taxi driver intervened to say, “These fags were kissing in the street.” Other people gathered around and said they had seen Denis and Matthew do no wrong but the officers would not return their documents and, instead, arrested them. While they were in detention, friends called the US Embassy, Human Rights Watch and the ODHGV’s helpline to report what had happened.

The ODHGV’s Coordinator, Guillermo Peña, went to the station where Denis and Matthew were being held and spoke to the Colonel in charge. Guillermo called the US Embassy and the Crown Prosecutor and, after some back and forth, the Colonel agreed to release the two men on condition that Guillermo sign a book to put it on record that he accepted responsibility as guarantor of the two men’s good behaviour.

A third major report on the ODHGV’s activities during 2015

Dated 22 December 2015, the ODHGV’s annual report for 2015 provides a general discussion of the current state of affairs regarding human rights violations against vulnerabilised groups in the Dominican Republic and then describes the ODHGV’s activities during 2015. Highlights include:

- During 2015, the ODHGV’s Helpline received 222 calls. These calls reported and followed up on 28 cases of human rights violation: 10 involving LGBTI people, 11 involving PLWH, 4 involving victims of gender-based violence, and 3 involving marginalized youth. In addition, they provided psychological counselling to 14 people in stressful situations that did not constitute cases of human rights violation.

- During 2015, the ODHGV documented 40 cases of human rights violation against MSM, sex workers, transgender women and parking attendants. Again, in future reports it would be helpful to have a table, updated from one report to the next, showing the cumulative total of all cases documented and breaking them down by year reported and type.
- During 2015, the ODHGV assisted with the successful trial and conviction of the perpetrators of two hate crimes (a stabbing and a murder) against transgender women. La Unidad de Derechos Humanos de la Procuraduría General de la República Dominicana — The Humans Rights Unit of the Attorney General’s Office of the Dominican Republic — collaborated with the ODHGV, TRANSSA and COTRAVEDT on both of those cases and also with filing a complaint against arbitrary arrest of transgender women in Santiago. The complaint resulted in the removal from office of the general in charge of the police in Santiago. Meanwhile, there were still 30 outstanding cases of crimes against transgender women that the ODHGV is still helping TRANSSA and COTRAVEDT pursue.

- During 2015, the ODHGV signed agreements with:
  - Fundación Pro Bono for provision of free legal assistance to vulnerabilised people
  - Medical-Law (a legal firm), CONAVIHSIDA and the UNDP for provision of free legal assistance to vulnerabilised people
  - Participacion Ciudadana (PC) to collaborate on fighting for the human rights of vulnerabilised people. PC is Dominican group that fights for fair elections, against government corruption and so on.

- During 2014 and 2015, the ODHGV documented 30 reports by young people that officers of the Direccion Nacional de Control de Drogas (DNCD) had planted drugs on them while arresting them.

- During 2015, the ODHGV, TRANSSA and GAYP complained to the Junta Central y Electoral (JCE) and had them remove signs saying, in effect, that biological males dressed as females would not be allowed to vote because electoral officers would be unable to determine their gender.

- During 2015, the ODHGV and the Human Rights Unit of the Attorney General’s Office collaborated on the facilitation of six important events. This included:
  - Three workshops for prosecutors in Azua, Santiago and Santo Domingo on human rights and stigma and discrimination
  - One workshop for the police in San Cristóbal on human rights and stigma and discrimination
  - A breakfast meeting with legislators to present and discuss the report on Discrimination and violence towards transgender women and a report on the 30 young people who alleged drug control officers had planted drugs on them
  - A meeting with the Colonel in charge of the CESTUR in the Santo Domingo’s Colonial Zone to discuss human rights violations by officers under his command.

The third report, too, concludes with a set of recommendations. See box.
Training for law enforcers is an ODHGV priority

More often than not, the reports of alleged human rights violations received by the ODHGV involve human rights violations by law enforcement officers including officers of the National Police, CESTUR (tourism police) and DNCD (drug control officers). For that reason, the first recommendation made by the ODHGV’s annual report for 2015 is that the ODHGV work with those law enforcement agencies, the Ministries that oversee them and other human rights organizations on designing and delivering courses and periodic workshops on human rights for law enforcement officers and public prosecutors.

The CVC/COIN Project recognized the need for such courses and workshops well before official launch of the ODHGV and, in 2012, issued the first version of a manual for trainers providing guidance and content for six training modules covering: 1) an introduction to human rights, 2) stigma, discrimination and vulnerability, 3) vulnerability and risk of HIV infection, 4) hate crimes, 5) human rights of sex workers, 6) human rights of LGBTI people. Since its issue, the manual has been used for a number of training workshops.

Observations and suggestions

The ODHGV’s monthly reports to the CVC/COIN Project Unit and the Project Unit’s quarterly reports to its counterpart in the umbrella PANCAP Round 9 Global Fund Project indicate that the ODHGV has done much more than mentioned in the above discussion. Some but not all of these additional actions are covered under the “Blog” tab on the ODHGV’s website at www.observatoriodhgv.org. Important to mention are:

- The ODHGV and its member organizations campaign for human rights in large part by issuing press releases and holding press conferences to focus attention on individual cases and on major reports, such as the three discussed above. These releases and conferences often result in stories in the media. The ODHGV and CSOs also post videos on YouTube to illustrated human rights violations.

- The ODHGV facilitates training workshops for rights-holders (i.e., its member CSOs) as well as for duty-bearers but much of its training for rights-holders is hands-on as the ODHGV collaborates with them on documenting cases, seeking resolution of those cases and campaigning for human rights. For example, at the request of Jovenes Aliados a Este Amor (JALEA) — a group of young MSM promoting MSM rights and health in the Province of La Romana — the ODHGV facilitated a training workshop helping JALEA become more active in case documentation and follow-up.

- With a new grant, ODHGV will be focusing more attention on building the human rights literacy of vulnerabilised groups and individuals. The plan is to provide them with information on their rights in specific situations, e.g., when being arrested, when in detention, when being denied access to a service.

- The ODHGV best serves vulnerabilised groups represented and served by CSOs who take an active interest in collaborating with the ODHGV. TRANSSA and COTRAVEDT have been exemplary in working with the ODHGV to bring human rights against transgender women to the attention of the general public and duty-bearers.

- The ODHGV team puts much of its energy into resolving reported cases through counselling and mediation. As a result, many cases do not require referral to legal aid
or pro bono lawyers, though the ODHGV’s junior lawyers may turn to legal aid and pro bono lawyers for advice. They often accompany victims to lodge complaints so agencies receiving the complaints cannot deny they have received them.

- **Duty-bearers are often more than happy work to with the ODHGV.** The ODHGV recognizes, for example, that police officers have human rights too and may violate other people’s human rights largely because they are under-paid, overworked and not provided with all the training and supervision they need. Their superiors recognize the same things and recognize, too, that drawing attention to lack of resources helps them negotiate with legislators for more generous budgets and other support.

It is early days for the ODHGV and their achievements with very limited resources are remarkable. In the months ahead, they may wish to consider:

- Producing just one major report each year, an annual report with a theme. This report could provide comprehensive information on the changing human rights environment in Dominican Republic and on the ODHGV’s activities and achievements, including a table or tables on the number of new cases reported over the year and breaking those cases down by type. A suggestion would be to engage a consultant writer to produce the first such annual report with a view to that report serving as a template for subsequent annual reports.

- Engaging a professional web designer for a few days to improve the website, paying particular attention to arranging the material now covered under the “Blog” tab so that it comes under logical subject headings. Adding new information to the website including:
  - Basic information on international and regional human rights agreements and Dominican law as they pertain to the human rights of vulnerabilised populations. Included, for example, might be the Yogyakarta Principles on the Application of Human Rights Law in Relation to Sexual Orientation and Gender Identity; Organization of American States (OAS) resolutions on Human Rights, Sexual Orientation and Gender Identity.
  - Basic information on what individuals should do if they feel their human rights have been violated, including information on what their CSOs and the ODHGV offer in the way of assistance.
  - A running diary of events starting with the most recent events at top.
  - A schedule of upcoming events.

- Ensuring that ODHG staff and consultants always follow standard practice of having someone take minutes at important meetings and someone act as reporter at major events, including training workshops. Subsequently, posting summaries of the minutes and event reports on the ODHGV’s website. They might provide the content of the running diary suggested above.
International advocacy

In Washington DC on 28 October 2015, a CVC/COIN delegation met with Commissioner Rosemarie Belle-Antoine, Special Rapporteur on LGBTI Rights for the Inter-American Commission on Human Rights (IAHCR), and members of her team. The delegation presented the ODHGV’s first (27 October 2014) major report and discussed its findings. The ODHGV and the new CVC human rights observatory will continue providing their reports to the IAHCR and helping them build the body of evidence they use to inform their work. They will do the same for the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other international human rights bodies.

Looking ahead

Since its official launch on the 18th of September 2013, El Observatorio de Derechos Humanos para Grupos Vulneralizados (ODHGV) has demonstrated itself to be a low cost, efficient and effective mechanism for advancing the human rights of Dominican people living with HIV (PLWH) or vulnerable to infection. It serves the interests of them and the CSOs that represent them (rights-holders) and, also, of the government ministries and agencies that are meant to serve all Dominicans while recognizing and respecting their human rights (duty-bearers).

The ODHGV team now looks forward to a bright future of strengthening and scaling up what they do, with more rights-holders and duty-bearers taking advantage of the opportunities it offers to advance the human rights of vulnerabilised people. A significant step in that direction will be the impending launch of the CVC observatory’s platform and software for documenting cases, aggregating and analysing data on those cases and generating whatever reports participating organizations feel would serve them best, e.g., by providing evidence to support human rights campaigns.

As CSOs in other Caribbean countries become more actively involved in documenting, reporting and following up on cases of human rights violation they will be able to look to the ODHGV as an example of good practice. In the years ahead, they will also have a growing body of strong cases they can use for advocacy and litigation purposes.
The CVC/COIN Profiles of Good Practice Collection

All projects covered in this series of CVC/COIN Profiles of Good Practice were supported by the CVC/COIN Vulnerabilised Groups Project, a component of the PANCAP Round 9 Global Fund Project (January 2011-March 2016). They include a variety of projects from the six countries covered by the CVC/COIN Project and at least one demonstrating an effective approach to sexual and reproductive health and rights (SRHR) among each of the Project’s six target populations: men who have sex with men (MSM), transgender women, sex workers, drug users, prisoners, and marginalized youth. A project’s exclusion from coverage in this series in no way implies it was not good practice.

Stuart Adams, the consultant who did the final evaluation of Phase One of the CVC/COIN Project (January 2011-March 2013), participated in the selection and then researched and wrote each Profile. To be approved for selection, a project had to meet or come close to meeting all five of the criteria for good practice recommended by the OECD’s Development Assistance Committee (DAC) plus three additional criteria used by the German Federal Ministry for Economic Cooperation and Development (BMZ) when it selects projects worthy of being covered by publications in the German Health Practices Collection. The eight criteria are:

- **Relevant**: For example, based on sound behavioural, serological or other evidence of need for the intervention.
- **Effective**: For example, indicated by reliable evidence of results measured against objectives and targets established at the outset.
- **Efficient**: For example, makes good use of whatever human, financial and other resources may be available, including collaboration with partners that add value.
- **Impactful**: For example, reaches or demonstrates potential to reach large numbers of target populations with effective HIV prevention, treatment and care; creates safe environments where human rights are recognized and respected.
- **Sustainable**: For example, is sufficiently relevant, effective and efficient to merit continuing support from existing partners and to merit support from potential new partners.
- **Empowering**: For example, provides people from at-risk groups with knowledge, skills and tools to engage in responsible sexual behaviour or to assert their right to essential health care.
- **Transferable**: For example, develops and demonstrates the use of methods and tools that can be adapted for use by other organizations in other locales.
- **Well monitored**: Regularly gathers, analyses and reports data to measure results against objectives and targets and to identify any problems that may require corrective action; records events and personal stories to preserve qualitative information that may enrich knowledge and be useful for educational or advocacy purposes.

Collectively, the projects and programmes profiled in this series have made significant contributions to knowledge about HIV and how to respond to it among vulnerabilised groups in the Caribbean.