

PROSTITUTION, SEX WORK AND
TRANSACTIONAL SEX IN THE
ENGLISH, DUTCH AND FRENCH-
SPEAKING CARIBBEAN

A LITERATURE REVIEW OF DEFINITIONS,
LAWS AND RESEARCH

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INTRODUCTION

Sex work in the Caribbean is multifaceted, covering a range of activities including brothel, club, tourist-oriented, and street-based prostitution, exotic dancing, and escort services. Predominantly women, and some men, provide sexual services and labour to local and foreign men and women, and significant activity takes place within the tourist industry. Most sex work activities are viewed by the public as stigmatizing and degrading for those who provide the services, and the majority constitute acts that have been made illegal or criminal.

Prostitution has historically been identified as a locus for sexually-transmitted disease, and women and men who sell sexual labour are commonly viewed as vectors of disease. With the Caribbean having the second highest prevalence of HIV infection in the world and the highest incidence rate among women in the Americas, and with AIDS being a leading cause of death in some age groups in populations in the region, the sex industry is viewed by many as an important site for interventions to prevent and control the HIV epidemic.

The aim of this project is to conduct a review of literature and legislation on sex work in the Caribbean for the period 1999-2009 in order that the Pan Caribbean Partnership against HIV/AIDS (PANCAP)/ CARICOM can better understand the ways in which sex work activities are organized, legislated, and defined throughout the region. This report also provides a comparison of the situations in the English-, French- and Dutch-speaking Caribbean countries, in keeping with the terms of reference for the project.

The review was commissioned by PANCAP with a grant from the International Development Association and in collaboration with UNAIDS, in the context of its work on the Regional Strategic Framework on HIV and AIDS.

The scope of the review was specified as follows:

1. Collate the publications, studies, articles etc on sex work and the sex industry in the region over the past ten years.
2. Review such publications and document the current legislation that governs sex work in the region, in particular provide a comparative analysis between existing sex work laws in the English-, French- and Dutch-speaking Caribbean.
3. Identify where possible the various definitions of sex work as it pertains to commercial sex work, transactional sex, etc.

THE RESEARCH

The aim of this project was to review literature that had been published in the past decade. It was commissioned as a desk review and did not allow for travel to collect information and documentation. Consequently only materials that had either been collected through earlier research or were available electronically could be included. Some documents were directly supplied through PANCAP, UNAIDS, and the NACs network, with important assistance from Ms. Aurora Noguera, coordinator of the PANCAP Vulnerable Groups project. The majority were collected by this author directly from the researchers through personal and e-mail contact. Several documents, reports and laws that were written in Spanish, Dutch and French were read in the original languages and translated for situation in this review. Spanish and French language assistance was provided by Ms. Patricia Diaz and Mr. Andy Taitt.

A substantial review of laws pertaining to prostitution and homosexuality in the English-speaking Caribbean, conducted recently by Dr. Tracy Robinson for UNIFEM, was drawn upon to guide part of this research effort. That information was supplemented and deepened by information about laws on the Dutch and French-speaking territories as well as further research on the English-speaking Caribbean through internet searches and contact with persons in different countries. This part of the research was particularly time consuming and complicated, as some Caribbean countries had not yet made their laws publicly accessible in electronic form and most contact persons were unable to provide any specific information about the local situation, despite repeated requests for assistance and information. Moreover, some laws may be outdated by the time this review is made public. For example, laws that contain articles on prostitution in the Dutch-speaking Caribbean were under review and revision at the time of this research; the Bahamas Parliament passed an amendment to the sexual offences act; and the Jamaican Parliament was discussing a new Sexual Offences Bill.¹

The bibliography at the end of this document shows the reports, books, and journal articles consulted in this research that have been published or written in the period 1999- present. In it are titles of documents that contain primary research as well as secondary analyses, and while the emphasis is on the French-, English- and Dutch-speaking Caribbean it also includes recent publications for the Spanish-speaking Caribbean. The French Departments in the Americas are still under-represented in this review, as very little could be found that was specific to sex work in any of the countries. Contact with a variety of researchers and NAC coordinators in the French-speaking territories delivered just one (1) preliminary report that covered some aspects of sex work in French Guyana. Undoubtedly there are reports that did not make it into this bibliography. However, it is expected that the UNAIDS Situational Analysis that started just as this review was being finalized, and which is coordinated by this author and involves fieldwork in fourteen of the countries included in the review, will uncover less publicly circulated documents and lead to a more comprehensive bibliography, especially on the English-speaking Caribbean.

¹ See <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Highlights1December2008pm.aspx>. The Jamaican Bill would “repeal the provisions of the Incest Punishment Act and certain provisions of the Offences Against the Person Act to make new provision for the prosecution of rape and other sexual offences.” <http://www.jamaica-gleaner.com/gleaner/20090330/lead/lead3.html>. See also: http://www.go-jamaica.com/news/read_article.php?id=10368 – June 26, 2009.

The emphasis in the documents used for this review is then on reports from empirical social research in the past decade. Secondary analyses and literature reviews rely on data from earlier research and rarely add new information hence are of less importance here. Newspaper reports and articles have been minimally included, given that they are often impressionistic or anecdotal or can be heavily biased. As Robert Carr notes about media coverage of sex work in Barbados and Jamaica, “the media sets the terms on which debates are waged, and sets the ‘frames’ for the discussion” (Carr 2009:80). So, for example, the Barbados daily newspaper, *The Nation* “is marked by a diversity of frames and vantage points” that take public health as a central focus, while “the debate in the Jamaican print media is marked by a preponderance of appeals to interpretations of Biblical text” (Carr 2009:86). The information that is presented on sex work in many media reports also cannot be verified or evaluated for accuracy, and can tend towards sensationalism.

Primary empirical research in the past decade on sex work in the English, French and Dutch Caribbean is somewhat limited. Eighteen (18) studies were identified that involve in-depth primary research on sex work and were conducted within the time frame of this project. Thirteen (13) of these studies relate to eight (8) countries: Suriname, Jamaica, Guyana, Barbados, Trinidad and Tobago, French Guyana, Antigua and Barbuda, and Haiti. Five (5) others are regional.

The main in-depth studies that were identified through this review are:

Suriname

HIV/AIDS and Commercial Sex Work in Suriname: Draft (CAREC/PAHO and Maxi Linder Association 2006)

An HIV Sero-Prevalence and Behavioral Study among Men-Who-Have-Sex-With-Men (MSM) in Suriname: Draft (CAREC/PAHO and Maxi Linder Association 2005)

Behavioral Surveillance Survey (BSS) and sero-prevalence study among Commercial Sex Workers (CSW) in the coastal districts Nickerie and Marowijne in Suriname: Draft (Schmeitz et al. 2009)

Jamaica

HIV/AIDS Prevention and Education for Commercial Sex Workers in Jamaica (Campbell and Campbell 2001)

HIV/AIDS Risk Mapping Study of Men Who Have Sex With Men in Jamaica (Royes 2003)

Jamaica. Situation of Children in Prostitution (Dunn 2001)

Barbados

Commercial Sex Work (Samuel 2001)

Report on the Baseline Study on HIV/STI Prevention Among Sex Workers in Barbados (Braithwaite and Team 2008)

Guyana

Report of a Study on Female Commercial Sex Workers in Guyana (Red Thread Women's Development Programme 2002)

Trinidad and Tobago

Situation Analysis of Commercial Sex Work in Trinidad and Tobago (CAFRA and UNAIDS 2004)

French Guyana

Enquête Connaissances Attitudes Pratiques en matières d'infection sexuellement transmissibles dans le milieu de la prostitution en Guyane (Entr'aides 2008)

Antigua

HIV/AIDS TRaC Study Among Spanish-Speaking Sex Workers (Joseph and Faura 2008)

Haiti

PEER Study Design and FoQus for Concept Development Report for HIV Prevention Amongst Commercial Sex Workers in Haiti (Rolfe et al. 2006)

The 5 regional studies are:

Trabajo Sexual, Trata De Personas Y VIH/Sida: Estudio cualitativo sobre la situación de la mujer migrante en países del Caribe :Draft (COIN 2008). Translated.

A Policy Analysis of Sex Work in the Bahamas, St. Lucia and Suriname: Draft (Perkins 2008)

A Caribbean Sub-regional Situational Analysis of Sex Work and HIV (Adomakoh 2007)

A Legal Analysis of Sex Work in the Anglophone Caribbean: Draft (Robinson 2007)

Sexing the Caribbean: Gender, Race and Sexual Labor (Kempadoo 2004).

A series of studies of child labour in Jamaica, Barbados, the Bahamas, Trinidad, Tobago, Guyana and Suriname published by the ILO in 2002-03 contain some primary research on girls and boys working in prostitution or involved in transactional sex. The information, while minimal, gives important indications of sex work trends amongst young people under the age of 18 in most of these 7 countries (Hunte and Lewis 2002; Dunn 2001, 2002c, 2002a, 2002b; Young 2003; Danns 2002; Schalkwijk 2002).

The majority of the studies referenced in this report can be found through direct contact with the author of the report or the commissioning agency, and are on file with this author. Not all are available in electronic format and few have been released formally to the public. Several reports are in draft and may be under revision. The draft status of several of the reports means that some of the information included here might require updating once those reports are finalized. Other studies or research projects were underway. However, as no reports of such studies were available at the time of this review, they are not included here.

Most of the studies are qualitative and provide insights into a specific sector of the sex trade, in a specific town or area of the country, or amongst a specific group. For example, in the study in French Guyana, 30 sex workers were interviewed in the capital Cayenne; in the study in Antigua Spanish-speaking sex workers were interviewed; the 2004 CAREC/Maxi Linder studies took place in Paramaribo amongst street-based sex workers and in Barbados, 44 sex workers – men and women – were interviewed. In the study of “MSM” in Jamaica, 10 in-depth interviews were held and 6 focus groups in a population that was estimated to be at the time between 100,000 and

120,000 men throughout the island (Royes 2003:3). The research on child prostitution in Jamaica, while triangulated, focused exclusively on children and young people under the age of 18. It included “73 interviews, 15 focus group discussions and three (3) workshops, observations in 35 locations and... consultations with 129 children and 140 adult stakeholders,” (Dunn 2002:11). The research carried out by CAFRA for UNAIDS in Trinidad and Tobago during 2002-03 identified 13 different categories of sex work and attempted to describe and analyze all. It did not, however, involve in-depth-interviews with sex workers in all categories. In the research carried out in 2000 in Jamaica, 27 sex workers were interviewed in parishes that were already known to have a high incidence of activity: St Ann, St James, Hanover, Westmoreland, St Catherine, Kingston and St Andrew, and where “the sample was deliberately selected to reflect the diversity of the sex worker population in relation to: location, type of sex work, age, gender and sexual orientation” (Campbell and Campbell 2001:13). The most recent study of sex work in Suriname focused on sex workers who worked in the border-towns, Nickerie and Albina. Respectively, 47 and 63 sex workers participated in the study. The interviews with sex workers were conducted alongside an HIV rapid test, carried out by trained testers and counselors (Schmeitz et al. 2009).

The sex work studies in Jamaica, Trinidad and Guyana are over 5 years old; thus it can be assumed that some of the details have changed. The most recent in-depth studies are in Barbados, Antigua and Suriname, the first being attached to an ongoing sex workers project of the Barbados Ministry of Health, the second to specific work being undertaken amongst migrant sex workers in Antigua, and the third a very recent initiative to document sexual behavior in relation to HIV in areas of Suriname that had hitherto been excluded from research efforts: Nickerie on the western border and the Marowijne district in the east.

These studies often confirm and repeat, deepen and broaden the information and analyses that were brought together in the tourism and sex trade research project carried out during 1997-98 in eight Caribbean territories and which resulted in the publication *Sun, Sex and Gold: Tourism and Sex Work in the Caribbean* (Kempadoo 1999). The majority of the studies has been produced in the context of HIV prevention, and examines the behavior of very specific groups of sex workers, such as street-based women and men who have sex with men. In many studies arrangements in the sex trade are not described. Instead, the overriding concern in the studies is to provide information about prevalence rates, document (un)safe sex practices (i.e. the extent to which condoms are used or negotiated by sex workers in their commercial and intimate relationships) and to ascertain beliefs and knowledge about HIV and AIDS.

Few recent studies appear to have been made specifically on sex tourism in the Dutch-, English- or French-speaking Caribbean. The research by Joan Phillips and Klaus de Albuquerque in Barbados, by Deborah Pruitt and Suzanne LaFont in Jamaica and by Jacqueline Sanchez-Taylor in Jamaica and the Dominican Republic, which focuses on sex work/transactional sexual relations between beach-boys and female tourists and which give some insight into male heterosexual prostitution, was primarily carried out before 1999. These, along with a student research project that examined American women’s involvement in sex tourism in Negril in 2001 (Torchio 2001), have been amply drawn upon and cited in studies since then. However, three in-depth studies have been recently published about sex tourism in the Dominican Republic and, more currently, Cuba (Brennan 2004; Padilla 2007; Cabezas 2009), as well as a number of

journal articles on both countries that contain secondary analyses. These studies on the Spanish-speaking Caribbean have not been included in the following analysis as they fall outside of the purview of this review.

The 2004 CAFRA/UNAIDS report on sex work in Trinidad and Tobago includes some specific mention of sex tourism in Tobago. The 2002 ILO report on child labour in Barbados notes school-age boys and under-age girls selling sex from the beaches (Dunn 2002b). For Dominica, the COIN 2008 report notes that some informants talked about sexual transactions between guides and tourists. However, the research is minimal and points mainly to sex work by young men with tourist women. Little recent research exists on sex work by women for male tourists in the English-, Dutch- or French-speaking Caribbean.

In the 1990s substantial reports were published about the Caribbean sex worker organizations – their aims, objectives and politics, the populations they served, their outreach and HIV prevention activities, and their struggles for sex worker rights (COIN 1996; Cannings et al. 1998; Antonius-Smits 1999; Kempadoo 1998). Since 1999 little new information has been published, although some reports about sex worker organization have appeared in newspaper articles.² There appears to be no substantive research or study that provides details about organized struggles by sex workers for rights, dignity and respect in recent years, even while a region-wide Caribbean Sex Workers Coalition exists today and there is some focus on HIV prevention and human rights for sex workers through UN agencies, CARICOM and the Caribbean Vulnerable Communities coalition.³

The full scope of the sex trade in the region in the first decade of the 21st century has not then been researched and documented, even while there is substantial outreach activity as well as practical experience with sex workers in HIV prevention work. The existing research and documentation is further limited by approaches to the subject (epidemiological), the population under study (defined by age group, status, place of work, geographical location, etc), sampling bias and sample sizes. Non-probability sampling, such as snowballing, is commonly used to recruit research subjects but brings with it the limitation that it “does not allow generalization of variances to a larger population” (CAREC/PAHO and Maxi Linder 2006: 21). Moreover in Barbados it is noted that the stigma and discrimination that sex workers face as well as participation in the drug trade hindered the recruitment of research subjects (Braithwaite and Team 2008: 8-9), and in Trinidad, “researching commercial sex work is challenging, because the population remains hidden and unknown, due to the clandestine nature of the type of work in which they are involved” (CAFRA 2004: 44). For French Guyana, it is pointed out that sex work in towns “is fairly-well known about empirically but requires more detailed work for prevention to be adapted to the various forms of prostitution...There needs to be a review of prostitution within the department... where the practices that take place are actually documented” (CNS report 2007/08:17). Much knowledge about the trade is thus still undocumented and

² See for example “Sex for Sale-A Regional Round-up: Lessons from Maxi Linder” by Cedriann J. Martin *Trinidad Express* May 12th 2007.

³ See for example, Adomakoh (2007), Perkins (2008), UNIFEM (2009) and descriptions of the CVC coalition’s work at: <http://www.cvccoalition.org/index.html> . This review also accompanies a wider PANCAP/CARICOM Vulnerable Group project that focuses on the training of sex work peer educators and the establishing of support for groups of sex workers in three countries.

inaccessible to the general public despite the outreach activities, experiences, and everyday stories and anecdotes that one can hear and read about in the news. Nevertheless, the studies that have been done indicate some trends, which are summarized in this report.

DEFINITIONS OF SEX WORK

Legal Definitions

“Sex work” and “sex workers” are not legal terms in any Caribbean country. The most common terms used in the law are *prostitution* and *prostitutes*. Laws that date to the late 19th and early 20th century define a prostitute as “a woman who engages in common lewdness.” However these have been for the most part replaced by new laws (such as in Trinidad and Tobago and Antigua and Barbuda) in the 1990s which define prostitution as “**the offering of the body by a person of either sex for the purpose of arousing or gratifying the sexual desire of another for payment in return.**” This more recent definition is not confined to any specific gender. It can thus include any act in which the body is deployed for sexual arousal of another in return for payment. Sexual intercourse does not always have to take place for an act to be classified as prostitution under such a definition, which could therefore include pornography, exotic or lap dancing and stripping, internet sexual services, and escort, gigolo or “rent-a-dread” services. As we shall see later, some transactional sex could fall under such a broad definition of prostitution.⁴

Some of the older laws that remain in force today continue to employ other terms to define prostitutes. “Common prostitutes” (Bahamas, Belize and St. Lucia), and “nightwalkers” (Belize and St. Lucia) are two references for sex workers. The terms “females of known immoral character,” “a rogue and vagabond,” and “a person who is an inmate of a disorderly house, brothel or house of ill-repute” continue to exist in the laws. Buildings where sex work is practiced are defined as “a bawdy house,” “a house for the resort of prostitutes,” “a house used for immoral traffic” or “a common ill-governed or disorderly house.” Such definitions clearly locate sex work as a socially undesirable activity, and sex workers as a harmful, disruptive, dangerous or immoral social category. Moreover, terms such as “illicit intercourse,” soliciting or “importuning” for “immoral purposes,” “female indecent behavior,” “buggery”, “unnatural crimes,” and “serious indecency,” are used in the laws to refer to acts, made illegal, that may include sexual intercourse between a sex worker and client, of all genders or any. Again here the legal definitions equate prostitution or prostitution-related activities with indecency, illegality,

⁴ The Bahamas is one of the few countries that spells out what is understood by sexual intercourse, confining it to a) “sexual connection occasioned by any degree of penetration of the vagina of any person or anus of any person, or by the stimulation of the vulva of any person or anus of any person, by or with-

- i. any part of the body of another person; or
- ii. any object used by another person,
- iii. except where the penetration or stimulation is carried out for proper medical purposes; and

b) sexual connection occasioned by the introduction of any part of the penis of any person into the mouth of another person.”

For Dominica, it is stated “ for the purposes of this Act sexual intercourse shall be deemed complete upon proof of penetration of the vagina, to any extent, by the penis”

and immorality. Twenty-first century revisions of legislation have begun to tolerate ‘indecent’ acts between consenting adults in private.

In the majority of the laws in the English-speaking and French territories, especially where these have been amended or revised in the late 20th and early 21st centuries, prostitution is defined in gender-neutral terms. However in Jamaica, where the Offences Against the Person Act dates to 1864, in the Dutch Caribbean, in Grenada and in some of the older Criminal Codes in Guyana, St. Lucia, and St. Vincent, the prostitute may still be defined in the law as a woman, with procurers and clients most commonly defined as men. Sometimes there are lapses where the law starts out by defining prostitution as a non-gendered practice but then slips back into references to a prostitute as “woman” or “she” or to a brothel keeper as “he” . The laws do not succeed in completely dispelling long-standing heteropatriarchal ideas that it is women who provide sexual services, and men who organize, profit from and pay for those services, as “pimps,” procurers, brothel-owners and clients.

Definitions in Social and HIV Studies

Prostitution was defined by Jamaican sociologist Fernando Henriques in 1961 as: **“sexual acts, including those which do not actually involve copulation, habitually performed by individuals with other individuals of their own or opposite sex, for a consideration which is non-sexual”**(1961:17).

Over the past two decades the term prostitution, which globally carries a stigma and is often used to denigrate women, has been exchanged for the concept of “sex work.” This new term is commonly understood to protect practitioners “from stigma, abuse, and marginalization that comes with the perception of prostitutes as against moral, sexual and behavioral norms of society.” (CAFRA 2004). The term “sex worker” was first introduced in the Caribbean in the early 1990s by COIN in the Dominican Republic and the Maxi Linder Association in Suriname, who respectively used the terms *trabajadoras sexuales* and *sekswerkers* in their out-reach and empowerment work. These new terms explicitly identified sex work as an income-generating activity or as “informal and unregulated labor” (Antonius-Smits 1999: 241). It followed from the idea that “work” in the Caribbean stands for all activities, except for leisure, “which contribute to human welfare, and not merely those which are linked to a particular form of economic accounting” and that “Caribbean women employ many different strategies to harness the resources they need to sustain themselves and their families and that all of these together constitute what might be classed their ‘sources of livelihood’” (Senior quoted in Kempadoo 2004:64). These sources of livelihood include sexuality, when “in a situation where women, carrying the main and often exclusive economic responsibility for their children, have to struggle to keep their heads above water, sex becomes one of the strategic assets women can command and control in a market situation” (Wekker 1992: 186). In some of the first exclusive studies of sex work in the 1990s, the researchers concluded that sex work could be defined as a gainful income-generating activity that involved an explicit exchange of sexual labour or services for material benefits (Kempadoo 1999).

Today, the term sex work has been fully adopted by Caribbean organizations, researchers, social workers, health practitioners, and policy makers.

The notion of “commercial sex work” was introduced in the region through epidemiological studies and HIV prevention work and has dominated public policy discourse in the late 20th and early 21st centuries. We thus find studies such as (Campbell and Campbell 2001), (Persaud et al. 1999), (Samuel 2001), (Earle & Phillips 2002), (Red Thread 2002), (CAFRA 2004), (CAREC/PAHO and Maxi Linder 2006), (Rolfe et al. 2006), and (Entr’aides 2008) that were initiated and funded by agencies such as CAREC and National AIDS programs that are concerned with analyses of the HIV epidemic using the term “commercial sex work” as synonymous with sex work and prostitution. Maxi Linder Association in Suriname uses the term *female commercial sex workers* in its English-language reports.

In many of the reports neither “CSW” nor sex work is defined. See for example, (Adomakoh 2007; Braithwaite and Team 2008; CAREC/PAHO and Maxi Linder 2005, 2006; COIN 2008; Red Thread 2004; Robinson 2007; Royes 2003; Samuel 2001), where the term is simply deployed without any clarification or definition.

Heterosexual relations between local men and female tourists are not always viewed as sex work but rather as “romance tourism” where “male sex work is believed to be ‘not just about sex’” (Adomakoh 2007:7). Beach boys, one study claims “reject the notion that they are male prostitutes” (Earle & Phillips 2002: 5). The distinction between romance tourism and sex work in tourism creates a gendered distinction and invokes differences in general understandings and definitions of male and female sexuality. Women are generally scorned and disrespected if they are seen to be engaging in multiple sexual relationships that are not attached to procreation or the family, and are often viewed as whores when they engage in explicit sexual-economic transactions. For men in a heterosexual transaction, such stigmas are slight. An exchange of sex with a female tourist instead reaffirms understandings of “real” Caribbean manhood which in part rests upon the idea that the man can give sexual pleasure to every, or any, woman.

The term “men-who-have-sex-with-men”, abbreviated to “MSM”, has been used in the region to define homosexual and heterosexual men who have sex with other men, some of which is paid or involves sex work. In Suriname, for example, it was found that approximately 15% of “MSM” were actively selling sex (CAREC/PAHO and Maxi Linder 2005). Further, it has been found in Jamaica and Suriname that bisexuality is common, and that “a majority of the MSM population are or have been sexually involved with women” (Royes 2003: 2). Nevertheless, “MSM” is often used in the literature as a euphemism for homosexual or gay men. Sarah Adomakoh for example describes MSM as “primarily homosexual” who “live bisexual lives” or as “gay men masking as heterosexual” (2007:12-13).

Research in Barbados notes that “MSW [male sex workers] are also known to engage in bisexual relationships, either to mask their orientation, or in business transactions to provide services to both men and women” (Braithwaite and Team 2008: 19). These findings echo extensive research in the Dominican Republic among men (Padilla 2007), as well as earlier research in the eastern Caribbean (Russell-Brown and Sealy 1998/2000).

A few of the studies make an effort to clarify and define the idea of sex work. So for example, in the report on Trinidad, the following definition is used, following the work of Jo Bindman:

“Negotiation and performance of sexual services for remuneration:

With or without intervention by a third party

Where those services are advertised or generally recognized as available from a specific location

Where the price of services reflects the pressures of supply and demand” (CAFRA 2004).

In Jamaica, a number of definitions are used. For example, in a 2001 study the authors state “commercial sex workers are here defined as men or women who provide sexual services in exchange for money as their main method of income” (Campbell and Campbell 2001:10). Similarly, Maggie Schmeitz et al. define commercial sex work as “Engaging in sexual acts in exchange for cash, goods or services with someone you have no further partner relationship with” (2009:6).

“Prostitution and related activities” is used by Leith Dunn in her study of child prostitution in Jamaica to refer to “various forms of pornography and sexual activities for income or other reasons” (Dunn 2001: 39). In relation to young people Sian Williams describes sex work as “sexual activity for economic gain” or “sex for gain,” “utilization of sex for economic independence,” and “sex in return for goods” (2000: 3-4).

The PSI study in Antigua identifies sex work as “sex in exchange for money and gifts” (Joseph and Faura 2008: 2). In French Guyana, “sexual relations for remuneration” is the definition used (Entr’aides 2008).

For Guyana, Red Thread understands sex work as a “highly mobile and part-time income-generating strategy” (Red Thread 2002: 2). Likewise the study in Haiti identifies sex work as an “incoming-generating activity” (Rolfe et al. 2006: 13).

Sex workers are identified in social and HIV studies in a number of other ways. Apart from “commercial sex workers” or “CSWs,” some examples of identifications are:

- a) Suriname: “Temporary wife” “freelance and part time sex worker” and “opportunity sex worker” (who may be saleswomen and cooks) in Suriname (Antonius-Smits 1999);
- b) Jamaica: “beach girls”, “beach boys,” “beach hustlers,” “gigolos” (Campbell et al. 1999), “Rent-a-Dreads” or “rentals (Kempadoo 2004), “business girl, ” “professional dancer, ” “entertainer”, “lady of the night” (Campbell and Campbell 2001); “sketel” (Earle & Phillips 2002);
- c) French Guyana: “prostitutes” (Celse and Dixneuf 2008);
- d) Barbados: “beach boy,” “beach bum,” “gigolos” (Phillips 1999, 2002);
- e) Belize: “*muchachas*” (female sex worker), “*prostitutas* or *mujeres malas*,” “freelancers’ (part time, independent sex workers) (Ragsdale and Anders 1999) ;
- f) Haiti: “*Brasez*” (one seeking a living, make money anyway one can), prostitutes (Rolfe et al. 2006);

- g) Trinidad: “street prostitutes,” “escorts,” “beach boys,” “entertainment workers,” “mobile sex workers” and “foreign and high school students as CSWs” (CAFRA 2004). “Drag Queens,” “male prostitutes,” and ‘girls of the night’ (Hunte and Lewis 2002).
- h) Tobago; “beach bums” (CAFRA 2004), “beach boys” and “studmen” who solicit visitors for a fee (Dunn 2002c).
- i) Antigua: “amigos” or “friends” as those partners whom one has sex with in exchange for money or gifts (PSI 2008).

Moreover, sex work in the English-speaking Caribbean may be referred to as “hooking,” “hustling,” “mekkin’ heights,” “picking fares,” “whoring work,” or “sexing for money.”

TRANSACTIONAL SEX

There are a number of empirical studies that mention or describe transactional sex. Some of the most prominent carried out since 1999 are:

The Sexual Health Needs of Youth in Tobago: Developing a Health Promotion Project. Report (Allen et al, 2000)

"Economic Hardship and Sexually Transmitted Diseases in Haiti’s Rural Artibonite Valley." (Fitzgerald et al. 2000)

Adolescent and Young Male Sexual and Reproductive Health Study, Jamaica. Report (Chevannes and Gayle, 2000)

"The mighty influence of long custom and practice:' Sexual Exploitation of Children for Cash and Goods in Jamaica." Report (Williams 2000)

Jamaica. Situation of Children in Prostitution: A Rapid Assessment. Report (Dunn 2001)

Factors that Shape the Initiation of Early Sexual Activity Among Adolescent Boys and Girls: A Study in Three Communities in Jamaica Report (Kempadoo and Dunn. 2001)

Sexual Practices and Condom Use Study. The Eastern Caribbean. Report (Earle & Phillips 2002)

"Children and Transactional Sex in Jamaica: Addressing Increased Vulnerability to HIV/AIDS." Thesis (Ahmed 2003)

Mobility, Migration, Tourism and Sexual Networking in the Eastern Caribbean. Report (Townsend 2004).

Sexing the Caribbean: Gender, Race and Sexual Labor (Kempadoo 2004)

“Gender and Sexuality: Behaviour, Attitudes and Taboos Among UWI Students on the St. Augustine Campus” Unpublished report (Douglas et al 2005 & 200). Published in Roberts et al., 2009.

The 'At Risk' Behaviours, Sub-cultures and Environments of Adolescent Girls in Barbados: Sexuality, Reproductive Health and HIV/AIDS. Draft Report (Barrow 2005)

An Assessment of Sexual Networks in St. James, Jamaica, Using the PLACE Method. Report (Figueroa et al. n.d.)

‘*She sweet up the boopsy and him nuh get nuh wine*’: *Young Women and Sexual Relationships in Kingston, Jamaica.* Report (Rolfe et al., 2007).

‘*Money make the nookie go ‘round*’: *Young Women and Sexual Relationships in Two Locations in Trinidad.* Report (Hawkins et al, 2007)

These studies are more generally about sexual behavior and HIV, with a heavy focus on youth.

Transactional sex is barely defined in the studies, and is not a legal term. The boundary between these activities and sex work is usually seen to be very blurred (Joseph and Faura 2008). Aziza Ahmed's study of children and transactional sex in Jamaica, relying heavily on Dunn's study of child prostitution, identifies transactional sex as all activities where sexual activities are exchanged for "wants" and "needs" (goods, gifts, cash, food, lunch money, fashionable clothes, shoes, hair-does, etc). This may take place in prostitution (seasonal, part-time or full-time), massage parlours, go-go dancing, pornography, with "Sugar Daddies" and "Sugar Mummies" and in religious sacrificial practices. "Red-eye sex" is a term used in Jamaica amongst young people to refer to transactional sexual relations (Kempadoo and Dunn 2001; Bombereau and Allen 2008). Kirstan Hawkins et al describe transactional sex as "Sex for financial gain, high social status and "the 'look' ... sex for consumerism and style" (2007).

In a series of studies on child labour conducted for the ILO in 2002-03 "sweethearting" between school girls and older men, as well as girls "[u]sing pregnancy as a business to get money from several men" was reported for the Bahamas (Dunn 2002a:30); in Belize, girls were found to have sexual relations with a man who bought the food they sold in the village (Young 2003:15); and in Barbados Dunn reports of situations where school-aged girls and boys were "pimping sex for school fees, gave "sex for sneakers," and where girls were "offering sex for money to acquire material things" (Dunn 2002b: 15). In Guyana, George Dadds notes that "Young girls not only seek sex for love but also for money. Adult males proffer presents and money in return for sexual favours from teenage girls" (1998: 41).

Dunn's research on child prostitution in Jamaica identifies yet another aspect of transactional sex: aside from girls engaging in activities with older men, "Sugar Daddies", where sex is exchanged by the girl for economic benefit, "Chapses"- young boys – engage with "Sugar mummies" - older women - in exchange for economic support including access to education and a higher standard of living (Dunn 2001; Ahmed 2003). Williams' research on children in Jamaica notes a trade where girls and some boys are involved in "sexual activity for economic gain" (go-go dancing, brothel work, commercial sex work with tourists), and continues with noting that some girls in Kingston aged between 12 and 17 "are engaging in sex for gain as 'a slick thing' the fashionable thing to do. They want 'bashment clothes' for partying, and they are open about using sex to get them," arguing that "the girls are used to dealing with boys and men through sex and in sex, and they are determined to use sex to their advantage" (Williams 2000: 24-25). Similarly, Dunn notes in a study of child labour in Barbados that "some young girls appeared to have accepted a value system that justified their use of sex as a means of obtaining financial support from older men (Dunn 2002b: 55). In Haiti, according to an NGO worker "The sex business starts at [the age of] 15 or 16. They go to the youth centres, but they won't admit they're sex workers," "They're the most at risk because the clients are mostly older, married men who think it's safer to have unprotected sex with a young girl."⁵ Ahmed points out that an often neglected element in research on children in the sex trade is "the push factor of children seeking a physical or emotional connection through transactional activity" (Ahmed 2003: 16).

⁵ "Sex for survival puts Haitian women at risk" Caribbean Net News. Nov 4, 2008.
http://www.caribbeanetnews.com/haiti/haiti.php?news_id=11940&start=0&category_id=2

Christine Barrow's in-depth study amongst "at-risk" adolescent girls, young women "whose lifestyles, sub-cultural norms and socio-economic environments are neither safe nor secure", whose "relationships with older men are seen essentially as transactional", confirms the earlier findings about young women and transactional sexual relations in the region (2005:17). She also refers to a "sugar-daddy syndrome" which she describes as involving "school-girls in unprotected sex with older men in exchange for brand-name clothing, jewelry and other material goods, even food and basic necessities" and "transactional sexual liaisons with ZR men [mini-bus drivers]." She notes, "The principle motivation for the girls to enter these relationships is the receipt of money, material goods and financial security from the men involved, though they were also said to be attracted by the sex, the notoriety and the protection provided within these relationships" (Barrow 2005: 63). The men in the relationships were variously described as "thugs," "gangstas," "moneymen," "ghettomen," and "bad boys," characterized "by their style in dress and general appearance and their reputations" (Barrow 2005: 64)

Another area where the distinction between sex work and transactional sex is very blurred is male "hustling" and much of what occurs within sex tourism relations can be considered transactional sex. In these situations the providers of sexual services do not identify as either prostitutes or sex workers, payment for sex is not always involved and gifts, travel abroad, restaurant meals, or the companionship of a white tourist are some of the "benefits" they receive. In Barbados, for example, "Beach Boys claim to receive money, gifts and trips. Some assert that some of their colleagues now live a life of relative leisure as husbands to former visiting lovers to the island" (Earle & Phillips 2002: 16). In this study in the Eastern Caribbean with a sample size of 70 persons, 22 "received favours, gifts or money for sex with the casual partner" (Earle & Phillips 2002: 25). The terms *beachboy*, *gigolo*, *rent-a-dread*, *rental*, or *hustler* are most common for such activities. Such identifications, however, obscure the economic and sex work character of the men's activities, and creates a gendered distinction that privileges men by distancing them from the stigma that surrounds sex work (Kempadoo 2004: 78).

Even while transactional sex is heavily associated with young people, it is the larger umbrella term for all acts, including but not limited to sex work, where sexuality is exchanged for material and other non-sexual benefits. It can include relationships with "mistresses" or a "sponsored" relationship, where richer, older men provide financial support to (younger) women, outside of marriage. The *outside woman*, *buitenvrouw*, *deputy*, *bijzijd*, *sweetheart*, or *plasé* are thus also relationships that are heavily dependent upon the exchange of sex for non-sexual considerations. Many such relationships rest as strongly on a sharing of affections and companionship, and may revolve around notions of a "friendship" and involve notions such as commitment and loyalty even where they may sometimes last for a very short term.

In Haiti serial *plasaj* – a sexual relationship driven by economic necessity – is said to be common place and growing, and explained in the following way:

Because of the lack of economic possibilities for women in rural Haiti, single women with children must rely upon men for economic support. Single mothers search for a male partner to provide food and housing for

themselves and their children; these women enter into a *plasaj* sexual relationship with the new partner and have more children with him. While the women may be monogamous, the man is often *plasé* with several women. This relationship often dissolves within a few years, and the woman is left with additional children and the need to find a new partner (Fitzgerald et al. 2000: 499).

In this study, 30% of the 476 women who participated reported entering a sexual relationship out of economic necessity. In another study, in Carrefour in Haiti, it was found that “15% of male youth, adult men and adult women had been involved in transactional sexual relations” (Speizer et al. 2007:38).

In the French Departments 2% of 1738 women interviewed indicated that over the course of their lives they had been “given gifts, material benefits, drugs or money in exchange for sex” (Halfen et al. 2006: 139). Elsewhere transactional sex has been used to denote “sexual-economic relationships and exchanges where gifts are given in exchange for sex, multiple partnerships may be maintained, and an up-front monetary transaction does not necessarily take place” (Kempadoo 2004: 42)

Amalia Cabezas, in a study that covers sex tourism in Cuba and the Dominican Republic, argues that “the exchange of goods and money for sexual services is not an unambiguous commercial endeavor but a discursive construction that is contested and in motion, changing across time and space” (2009: 4). Amongst hospitality workers in all-inclusive resorts in Cuba, she found that there is a “use of affect and sexuality to cultivate friendships, romance, and other exchanges” which ultimately benefit and improve the workers’ lives (2009: 109). Amongst women without connections to the tourist economy and who lacked relatives abroad who could remit money “relationships with foreigners, whether they include sex or not, often provide unmatched economic returns. Monetary considerations are important, but... so are affective and spiritual ones” (2009: 117). *Tactical sex* is the concept Cabezas opts for to capture this complexity of affective-sexual relations that allows for the heterogeneity of relationships that can be found today in the Caribbean tourism industry. The notion of tactical sex closely approximates what has been described above as transactional sex, even while the definitions of both remain fuzzy.

The extent of this complex set of sexual-affective-economic relationships that shape transactional sex in the Caribbean region is extremely difficult to estimate or even research, as many of the relationships are not based exclusively on economic survival but rather on notions of “betterment” and the satisfaction of desires rather than basic needs, and thus are often difficult to distinguish from relationships premised upon notions of romance and love. Investigation into meanings of sexual desire in the region would greatly enhance understandings of transactional sex and enable more informed debate about the subject and point to implications for public health. At the time of the review, a new research initiative proposed to study “Caribbean Sexual Cultures” in Barbados, Trinidad and Suriname, in the context of UNIFEMs’ work on gender and HIV prevention, and could provide some new insights and analysis on transactional sex.⁶

⁶ See: http://www.unifemcar.org/pr_.cfm?ID=10&Sec_=Programmes

THE LAWS

The Appendix provides details on country laws that relate to sex work in Antigua and Barbuda, the Bahamas, Barbados, Belize, Curacao and Aruba, Dominica, France (for the French Departments in the Americas: Guadeloupe, Martinique, St. Martin, and French Guyana), Grenada, Guyana, Haiti, Jamaica, St. Lucia, Suriname, and Trinidad and Tobago. The lack of content-searchable electronic databases makes it difficult to be certain that all relevant laws have been identified. There are substantial differences between the Dutch, French and English-speaking countries yet a number of similarities within each language group that can be traced to British, Dutch and French (neo)-colonial laws.

The English-speaking Caribbean

In the English-speaking Caribbean almost all activities for female and male sex workers are criminalized. These include aiding prostitution and procuring for the purposes of prostitution; soliciting, loitering or wandering in a public place for purposes of prostitution; the use of premises as a brothel; living off or on, partially or wholly, the earnings of prostitution; sexual intercourse with a minor (person under the age of 16), and same-sex sexual intercourse (buggery and gross indecency). In effect, these laws make it a criminal offence for a woman or man to practice either heterosexual or homosexual prostitution. (See Tables 1-3)

The main laws that relate to prostitution in the English-speaking Caribbean are:

- a) Sexual Offences Acts (Antigua and Barbuda 1995, Bahamas 1991, Barbados 1992, Dominica 1998, Trinidad and Tobago 1986/2000)
- b) Penal Codes (Bahamas 1927, Suriname)
- c) Criminal Code or Laws (Belize 1999/2001, Grenada 1994, Guyana 1893, St. Lucia 2004, St. Vincent and the Grenadines 1894/1989, Trinidad and Tobago)
- d) Offences Against the Persons Acts (Antigua and Barbuda 1873, 1992, Grenada 1994, Jamaica 1864, Trinidad and Tobago 1980/86, 2005)
Minor Offences and Small Charges Acts (Bahamas 1998, Barbados 1998)

Vagrancy laws identify a prostitute as a person in a public place “who does not give satisfactory account of himself or herself” These laws criminalize their activities in Antigua and Barbuda, Barbados, the Bahamas, Belize, Dominica, Guyana, St. Kitts-Nevis, St. Lucia and can be traced to English vagrancy laws that date back to the 14th-early 19th centuries that also influenced laws in the USA and Canada. ⁷ (See Table 4).

Immigration Acts such as in Barbados, the Bahamas, Belize, Dominica, Grenada, Guyana, Jamaica, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago designate prostitutes and those organizing prostitution or living on the earnings of prostitution as “prohibited immigrants” or “prohibited aliens.” These laws are intended to refuse such persons entry into the country and define them as ineligible for the grant of immigrant status (Robinson 2008). (See Table 5).

⁷ John Cannon. "Vagrancy Acts." *The Oxford Companion to British History*. Oxford University Press. 2002. <http://www.encyclopedia.com>

TABLE 1. SOLICITING, LIVING OFF EARNINGS, LOITERING AND WANDERING IN PUBLIC PLACES		
Country	Law	Offence
Antigua	Antigua and Barbuda Sexual Offences Act 1995	22. (1) A person who a. knowingly lives wholly or in part on the earnings of prostitution, or b. in any place solicits for immoral purposes
Antigua	Antigua and Barbuda Small Charges Act 1892,	(3) Any person loitering or being in any public place for the purpose of prostitution or solicitation to the annoyance of the public Every male person who in any public place persistently solicits or importunes for immoral purposes (5) Any common prostitute wandering in the public streets or public highways, or in any place of public resort and behaving in a riotous or indecent manner
Bahamas	CHAPTER 84 PENAL CODE	138. Whoever- (1) knowingly lives wholly or in part on the earnings of prostitution; (2) in any public place persistently solicits or importunes for immoral purposes, 212. Every person who ... - (13) loiters or wanders about and importunes any passenger for the purposes of prostitution;
Bahamas	CHAPTER 89 VAGRANCY	2. Being a common prostitute, loitering or soliciting in a street or public place for the purpose of prostitution.
Bahamas	Sexual Offences and Domestic Violence, Cap 99	8. (1) Any person who- a) knowingly lives wholly or in part on the earnings of prostitution; or b) in any public place persistently solicits or importunes for immoral purposes, is guilty of an offence and liable to imprisonment for five years.
Barbados	Barbados Sexual Offences Act	19. (1) A person who a. knowingly lives wholly or in part on the earnings of prostitution; or b. in any place solicits for immoral purposes,
Barbados	Barbados Minor Offences Act 1998,	2. (1) Any person who d) in any street, highway or public place accosts a passenger and offers to take him to the house or residence of a prostitute; e) loiters in any street or highway and importunes passengers for the purpose of prostitution.
Belize	Summary Jurisdiction (Offences) Act	Petty Offences 4. -(1) A person who- (ix) being a common prostitute or night-walker loiters or is in any street or public place for the purpose of prostitution or solicitation to the annoyance of the inhabitants or passengers or behaves in a riotous and indecent manner; (xxx) being a common prostitute wanders in any street or place of public resort and behaves in a riotous and indecent manner; 18. -(1) A person who- a. being a male person, knowingly lives wholly or in part on the earnings of prostitution; or b. being a male person, in any public place persistently solicits or importunes for immoral purposes; or loiters about, or importunes any person in any street or other place for the purpose of prostitution
Belize	Belize Summary Jurisdiction (Offences) Act	(xxix), (xxx – i.e. being a common prostitute wanders in any street) and (xxxi) of section 4 (1) shall be deemed an idle and disorderly person.
Dominica	Sexual offences Act	25. (1) A person who (a) knowingly lives wholly or in part on the earnings of prostitution; or (b) in any place solicits for immoral purposes, (2) If it appears to a magistrate ... that any premises is used for purposes of prostitution, and that any person residing in or frequenting the premises is living

		wholly or in part on the earnings of prostitution, the Magistrate may issue a warrant ... [to] search the premises and to arrest that person. (3) Where a person is proved to — (a) live with or to be habitually in the company of a prostitute; or (b) have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that the person is aiding, abetting or compelling the prostitution with any other person or generally, that person shall be deemed to be knowingly living on the earnings of prostitution unless the person proves the contrary.
Grenada	Part XII: Forgery and False Coins	137. (29) loiters about or importunes any passenger for the purposes of prostitution.
Guyana	Guyana Summary Jurisdiction (Offences) Act 1894,	166. Every person who- a) being a male person, knowingly lives wholly or in part on the earnings of prostitution; or b) being a male person, in any public place persistently solicits or importunes for immoral purposes; or loiters about, or importunes any person in, any street or other public place for the purpose of prostitution,
Jamaica	Jamaica Town and Communities Act,	3. Every person who- (r) shall loiter in any public place and solicit any person for the purpose of prostitution,
Jamaica	Jamaica Offences Against the Persons Act,	63. (1) Every male person who- a) knowingly lives wholly or in part on the earnings of prostitution; or b) in any public place persistently solicits or importunes for immoral purposes,
St. Lucia	St. Lucia Draft Criminal Code	150. Any person who loiters about or importunes any passer-by in a public place for the purpose of 151. — (1) Every male or female person who — a) knowingly lives wholly or in part on the earnings of prostitution; in any public place persistently solicits or importunes for immoral purpose g) being a common prostitute or night walker, wanders in public streets or highways, lanes or places of public meeting or gathering of people or other public place and does not give a satisfactory account of herself;
Trinidad	Trinidad and Tobago Summary Offences Act 1921	(j) any woman loitering about and soliciting passers-by for the purpose of prostitution.
Trinidad	Trinidad and Tobago Sexual Offences Act 1986	23. (1) A person who – a) Knowingly lives wholly or in part on the earnings of prostitution; or b) In any place solicits for immoral purposes

TABLE 2. PROCURING FOR PURPOSES OF PROSTITUTION		
Country	Law	Offence
Antigua	Antigua and Barbuda Sexual Offences Act 1995	<p>16. A person who</p> <ul style="list-style-type: none"> a. procures a minor under sixteen years of age to have sexual ... b) procures another for prostitution, whether or not the person procured is already a prostitute c) procures another person to become an inmate, whether or not the person procured is already an inmate <p>17. A person who</p> <ul style="list-style-type: none"> a) by threats or intimidation procures another to have sexual intercourse b) by deception procures another to have sexual intercourse c) applies, administers ...any drug, ... to enable ...to have sexual intercourse
Bahamas	Sexual Offences and Domestic Violence, Cap 99	<p>7. Procuration. Any person who</p> <ul style="list-style-type: none"> a) procures or attempts to procure any person under eighteen years of age to have unlawful sexual intercourse b) procures or attempts to procure any person to become... a common prostitute; c) procures or attempts to procure any person to become an inmate of or frequent a brothel elsewhere; d) procures or attempts to procure any person, for the purposes of prostitution, to become an inmate of or frequent a brothel e) by threats or intimidation, procures or attempts to procure any person to have unlawful sexual intercourse f) by false pretences ... procures any person to have any unlawful sexual intercourse g) applies, administers ...any drug, ... to have unlawful sexual intercourse
Barbados	Barbados Sexual Offences Act, ss 9 - 20 CHAPTER 154 SEXUAL OFFENCES	<p>13. A person who</p> <ul style="list-style-type: none"> a. procures a minor under 16 years of age to have sexual intercourse b. procures another for prostitution, c. procures another to become an inmate of a brothel or to frequent a brothel, <p>14. A person who</p> <ul style="list-style-type: none"> a. by threats or intimidation procures another to have sexual intercourse b. by deception procures another to have sexual intercourse c. applies, ... any drug ... to have sexual intercourse
Belize	Belize Criminal Code (Amendment) Act 2001, s 3 Belize Criminal Code (Amendment) Act 1999	<p>49. Every person who procures or attempts to procure-</p> <ul style="list-style-type: none"> a. any female under eighteen years of age, not being a common prostitute or of known immoral character, to have unlawful carnal knowledge b. any female to become... a common prostitute; or c. any female to leave ... become an inmate of or frequent a brothel; or d. ... any female to leave her usual place of abode in Belize (such place not being a brothel...[to] become an inmate of or frequent a brothel <p>50. Every person who-</p> <ul style="list-style-type: none"> a. by threats or intimidation ... procures or attempts to procure any female to have any unlawful carnal knowledge, b. by false pretence ... procures any female... to have any unlawful carnal knowledge c. applies, ... any drug... to have unlawful carnal knowledge
Dominica	Sexual Offences Act	<p>18. A person who —</p> <ul style="list-style-type: none"> (a) procures or induces a minor to have sexual intercourse with any person (b) conspires with any other person to effect the procurement of a minor (c) procures another for prostitution, whether or not already a prostitute (d) procures another to become an inmate of a brothel... <p>22. (1) Any person who unlawfully takes away or causes to be taken away or detains another person against the will of that other person with intent</p> <p>23. (1) A person who</p>

		<p>(a) being the owner, occupier or manager of premises; or (b) having control ...or assisting in the management ... of premises, permits a minor under sixteen years of age to resort to ... premises for ...sexual intercourse (3) A person shall not be charged for an offence under this section if the minor is the spouse of that person.</p>
Guyana	Guyana Criminal Law (Offences) Act 1894	<p>72. Everyone who-</p> <p>(a) by any threat or intimidation, procures or attempts to procure any female to have any unlawful carnal connection (b) by any false pretence.... procures any female, not being a common prostitute or of known immoral character, to have any unlawful carnal connection ...</p> <p>Everyone who-</p> <p>a) procures or attempts to procure any female under twenty-one years of age to have any unlawful carnal connection b) procures or attempts to procure any female to become... a common prostitute; or c) procures or attempts to procure any female to ...become an inmate of a brothel;</p>
Jamaica	Jamaica Offences Against the Persons Act	<p>45. Whosoever shall, by false pretences... procure any woman or girl under the age of eighteen years to have illicit carnal connection...</p> <p>Protection of Women and Girls</p> <p>58.-(1) Any person who-</p> <p>a) procures or attempts to procure any girl or woman under eighteen years of age, not being a common prostitute ... to have unlawful carnal connection, b) procures or attempts to procure any woman or girl to become... a common prostitute; or c) procures or attempts to procure any woman or girl to leave this Island... to become a prostitute, or an inmate of, or frequent a brothel d) procures or attempts to procure any woman or girl to leave her usual place of abode ... to become an inmate of or frequent a brothel ...</p> <p>59. Any person who-</p> <p>a) by threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection b) by false pretences ... procures any woman or girl... to have unlawful carnal connection ...</p>
Trinidad	Trinidad and Tobago Sexual Offences Act 1986	<p>17. A person who—</p> <p>a) procures a minor under sixteen years of age to have sexual intercourse b) procures another for prostitution c) procures another to become an inmate... of or to frequent a brothel...</p>

TABLE 3. USE OF PREMISES AS A BROTHEL		
Country	Law	Offence
Antigua	Antigua and Barbuda Sexual Offences Act 1995	<p>20. (1) A person who</p> <ul style="list-style-type: none"> a. being the owner, occupier or manager of premises; or b. having control of premises or assisting in the management or control of premises, permits a minor under sixteen years of age to resort to ... for the purpose of having sexual intercourse <p>21. A person who</p> <ul style="list-style-type: none"> a. keeps or manages or acts or assists in the management of a brothel; or b. being the tenant, etc ... of any premises, knowingly permits the premises ... to be used as a brothel or for the purposes of prostitution; or c. being the lessor or landlord etc ..., lets the same or any part thereof with the knowledge that the premises ... to be used as a brothel, or d. is wilfully a party to the continued use of the premises ... as a brothel,
Antigua	Antigua and Barbuda Small Charges Act 1892,	41. (1) Any person who, being the tenant, lessee, etc of any premises knowingly permits such premises ... to be used for the purposes of habitual prostitution
Bahamas	CHAPTER 84 PENAL CODE	<p>137. Whoever-</p> <ul style="list-style-type: none"> (1) keeps or manages, or acts, or assists in the management of a brothel; (2) being the tenant, etc ... knowingly permits such premises ... to be used as a brothel, or for the purposes of habitual prostitution; (3) being the lessor, etc ... or the agent ..., lets the same ... with the knowledge that such premises ...to be used as a brothel, or is wilfully a party to the continued use ... as a brothel,
Barbados	Barbados Sexual Offences Act	<p>17. (1) A person who</p> <ul style="list-style-type: none"> a. being the owner, occupier or manager of premises; or b. having control of premises or assisting in the management ... of premises, induces or knowingly suffers a minor under 16 years of age to resort to ... the premises for the purpose of having sexual intercourse <p>18. A person who</p> <ul style="list-style-type: none"> a. keeps or manages or acts or assists in the management of a brothel; or b. being the tenant, etc ... of any premises, knowingly permits the premises ...to be used as a brothel or for the purposes of prostitution c. being the lessor etc ... lets the same ... with the knowledge that the premises ... are to be used as a brothel, or is wilfully a party to the continued use of the premises ... as a brothel,
Belize	Summary Jurisdiction (Offences) Act Chapter 98 revised edition 2000 showing the law as at 31st December, 2000	<p>“brothel” means a place where people of opposite sexes are allowed to resort for illicit intercourse, whether the women are common prostitutes or not and includes a common ill-governed or disorderly house.</p> <p>Suppression of Brothels</p> <p>15.-(1) A person who-</p> <ul style="list-style-type: none"> a. keeps etc ... a brothel; or b. being the tenant etc of any premises, knowingly permits such premises ...to be used as a brothel; or c. being the lessor etc ... lets the same ...with the knowledge that such premises ...to be used as a brothel; or being the lessor etc ... is wilfully a party to the continued use ...as a brothel,
Dominica	Sexual Offences Act	<p>23. (1) A person who</p> <ul style="list-style-type: none"> (c) being the owner, occupier or manager of premises; or (d) having control of premises or assisting ... <p>permits a minor under sixteen years of age to resort to ... the premises for the purpose of having sexual intercourse</p>

		<p>24. A person who—</p> <ul style="list-style-type: none"> (a) keeps, manages, acts or assists in the management of a brothel; (b) being the tenant, etc ... knowingly permits the premises ... for the purposes of prostitution; or (c) being the lessor etc ...lets the same ... with the knowledge that the premises ... to be used as a brothel, or is wilfully a party to the continued use ...as a brothel,
Guyana	Guyana Summary Jurisdiction (Offences) Act 1894, Cap. 8:02, ss 165	<p>165. (1) Any person who-</p> <ul style="list-style-type: none"> (a) keeps, or manages, or acts or assists in the management of a brothel; or (b) being the tenant etc ... permits such premises ... to be used as a brothel; or (c) being the lessor etc ... lets the same ...be used as a brothel, <p>(4) In this section –</p>
Jamaica	Jamaica Offences Against the Persons Act,	<p>51. Any person who, being the owner etc... of any premises, or having.... control thereof, induces or knowingly suffers any [minor] girl to resort to ... such premises for the purpose of being unlawfully and carnally known by any man,</p> <p>Suppression of Brothels</p> <p>66. Any person who-</p> <ul style="list-style-type: none"> a) keeps or manages or acts or assists in the management of a brothel; or b) being the tenant, etc ... knowingly permits such premises ... to be used as a brothel or for the purposes of habitual prostitution; or c) (c) being the lessor etc ... lets the same ... with the knowledge that such premises... to be used as a brothel, or is wilfully a party to the continued use ... as a brothel
St. Lucia	St. Lucia Draft Criminal Code	<p>143.— (1) Any person who keeps or manages ...as master or mistress ... or assists in the care... of a brothel is deemed to be the keeper thereof and guilty of an offence, and liable to be prosecuted and punished as such keeper, and it is immaterial whether or not he or she is the real keeper.</p> <p>(2) Any person who, being the tenant, etc ...of any premises —</p> <ul style="list-style-type: none"> a) knowingly permits such premises ...to be used as a brothel ... b) ... uses such premises for habitual prostitution ... <p>(3) Any person who...lets the premises be used as a brothel or for purposes of habitual prostitution....</p>
Trinidad	Trinidad and Tobago Sexual Offences Act 1986	<p>Use of Premises as a Brothel - A brothel is a place resorted to by persons of either sex for the purpose of prostitution.</p> <p>21. (1) A person who—</p> <ul style="list-style-type: none"> a) being the owner, occupier or manager of premises; or b) having control ... or assisting in the management or control of premises, permits a minor ... to resort to ... the premises for the purpose of having sexual intercourse ... is guilty of an offence <p>22. A person who –</p> <ul style="list-style-type: none"> a) Keeps or manages or acts or assists in the management of a brothel, or b) Being the tenant, etcknowingly permits the premises ... to be used as a brothel ..., or <p>being the lessor etc. ... lets the same to be used as a brothel, or is willfully a party to the continued use ... as a brothel...</p>

TABLE 4. LAWS SANCTIONING IDLE AND DISORDERLY PERSONS, ROGUES, VAGABONDS AND VAGRANTS		
Country	Law	Offence
Bahamas	CHAPTER 89 VAGRANCY	VAGRANTS 2. Being a common prostitute, loitering or soliciting in a street or public place for the purpose of prostitution.
Belize	Belize Summary Jurisdiction (Offences) Act 1953, Cap. 98,	Vagrancy 7. A person committing any of the offences mentioned in paragraphs (xxix), (xxx – i.e. being a common prostitute wanders in any street) ...shall be deemed an idle and disorderly person.
Dominica	Dominica Small Charges Act 1891, Cap 10:39,	30. (3) Any person who willfully – a) exposes his person in any public place or in view thereof; b) appears in public attired in such a manner as to outrage public morality Shall be deemed a rogue and a vagabond ...
Guyana	Guyana Summary Jurisdiction (Offences) Act 1894, Cap. 8:02,	133. Every owner or occupier, and every person in the employment of an owner or occupier, of any house, shop, room, or other public place ...who knowingly permits known prostitutes... to meet together or remain therein...
St. Lucia	St. Lucia Criminal Code,	525. — (1) The owner or occupier, or an employee of the owner or occupier of any house, shop, room, or other place of public resort ...permits known prostitutes, or convicted criminals, rogues and vagabonds, or incorrigible rogues, to meet together or remain in any such premises... 560. (1) Any person who — (c) is an inmate of a disorderly house, brothel, or house of ill-repute, or house for the resort of prostitutes, or a keeper of a disorderly house, or house for the resort of prostitutes; (d) is in the habit of frequenting such houses or places and does not give a satisfactory account of himself or herself; (g) being a common prostitute or night walker, wanders in public streets or highways, lanes or places of public meeting or gathering of people or other public place and does not give a satisfactory account of herself; is a vagrant or idle or disorderly person... Rogue and vagabond 563. Any person who — (d) is convicted on more than one occasion of loitering about or importuning any passer-by for the purposes of prostitution;...

TABLE 5. IMMIGRATION LAWS

Country	Law	Offence
Antigua	IMMIGRATION AND PASSPORT (10th <i>January</i> , 1946.)	7. The following persons...are prohibited immigrants- (<i>e</i>) any person who is reasonably believed to have come to Antigua and Barbuda for any immoral purpose, or who, being a woman or girl, is reasonably believed to be a prostitute or to have come to Antigua and Barbuda for the purpose of prostitution;
Bahamas	CHAPTER 191 IMMIGRATION	22. (1) ... an Immigration Officer may grant leave to any person to land and remain in The Bahamas... upon being satisfied that that person- (<i>f</i>) is not a person who is reasonably believed to have come to The Bahamas for any immoral purpose, or who being a woman or a girl, is not reasonably believed to be a prostitute or to have come to The Bahamas for the purpose of prostitution;
Barbados	Barbados Immigration Act, Cap 190	First Schedule - Prohibited Persons: 3. Persons (<i>a</i>) who are prostitutes;
Belize	CHAPTER 156 Immigration Act 1958	5.- The following persons are prohibited immigrants- (<i>e</i>) any prostitute or homosexual or any person who may be living on or receiving or may have been living on or receiving the proceeds of prostitution or homosexual behaviour;
Dominica	Dominica Immigration and Passport Act, Cap. 18:01	5. (1) The following persons...are prohibited immigrants: (<i>e</i>) any prostitute or any person who may be living on or receiving or may have lived on or received the proceeds of prostitution;
Grenada	Immigration Act 1990 CAP. 145	Prohibited Aliens 4 (1) (<i>e</i>) a prostitute or a person who may be living on or receiving or may have lived on or received the proceeds of prostitution.
Guyana	Guyana Immigration Act, Cap. 14:02;	3. (1)..., every person who- (<i>c</i>) is a prostitute (<i>d</i>) lives on, or receives, or has lived on, or has received, the proceeds of prostitution; shall be a prohibited immigrant ...
Jamaica	The Immigration Restriction (Commonwealth Citizens) Act 1945	4.-(1) The following Commonwealth citizens ... are prohibited immigrants-(<i>e</i>) any prostitute or any person who may be living on or receiving or may have lived on or received the proceeds of prostitution;
Trinidad	Trinidad and Tobago Immigration Act, Cap 18:01	Prohibited Classes 8. (1) (<i>e</i>)prostitutes, homosexuals or persons living on the earnings of prostitutes or homosexuals, or persons reasonably suspected as coming to Trinidad and Tobago for these or any other immoral purposes; (<i>f</i>) persons who are reasonably suspected of attempting to bring into Trinidad and Tobago or of procuring prostitutes or other persons for the purpose of prostitution or homosexual or other immoral purposes;

TABLE 6. PROCURING OF MINORS		
Country	Law	Offence
Antigua	Antigua and Barbuda Sexual Offences Act	<p>16. A person who</p> <p>a. procures a minor under sixteen years of age to have sexual intercourse with any person either in Antigua and Barbuda or elsewhere; or...</p> <p>20. (1) A person who</p> <p>c. being the owner, occupier or manager of premises; or</p> <p>d. having control of premises or assisting in the management or control of premises, permits a minor under sixteen years of age to resort to or to be in or upon the premises for the purpose of having sexual intercourse with any person ...</p>
Bahamas	Sexual Offences and Domestic Violence, Cap 99	<p>7. Procuration. Any person who</p> <p>h) procures or attempts to procure any person under eighteen years of age to have unlawful sexual intercourse, either in or outside The Bahamas, with any other person;...</p>
Barbados	Barbados Sexual Offences Act,	<p>13. A person who</p> <p>d. procures a minor under 16 years of age to have sexual intercourse with any person either in Barbados or elsewhere; or</p> <p>17. (1) A person who</p> <p>c. being the owner, occupier or manager of premises; or</p> <p>d. having control of premises or assisting in the management or control of premises,</p> <p>induces or knowingly suffers a minor under 16 years of age to resort to or to be in or upon the premises for the purpose of having sexual intercourse with any person</p>
Belize	Summary Jurisdiction (Offences) Act Chapter 98	<p>(5) A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully and carnally known by any man..., and-</p> <p>a. is under the age of sixteen years; or</p> <p>b. if of or over the age of sixteen years, and under the age of eighteen years, is so detained against her will, or against the will of her father or mother, or of any other person having the lawful care or charge of her; or</p>
Belize	Belize Criminal Code (Amendment) Act 2001,	<p>49. Every person who procures or attempts to procure-</p> <p>e. any female under eighteen years of age, not being a common prostitute or of known immoral character, to have unlawful carnal knowledge either within or without Belize with any other person or persons; or</p> <p>51. Every person who, being the owner or occupier of any premises, or having, or acting in, or assisting in, the management or control thereof, induces or knowingly suffers any female of such age ...to resort to be in or upon such premises for the purpose of being unlawfully and carnally known by any man...</p>
Curacao	Penal Code, article 259, 1917	260 trafficking in women and male minors is a criminal offense...
Dominica	Sexual Offences Act	<p>18. A person who —</p> <p>(e) procures or induces a minor to have sexual intercourse with any person in Dominica or elsewhere;</p> <p>(f) conspires with any other person to effect the procurement of a minor ...</p> <p>21. Where... it s proved ... that the procuration, seduction or prostitution of a</p>

		<p>minor has been caused, encouraged or favoured by the minor's father, mother, guardian or any other person who has lawful care or charge of the minor, the Court shall divest such person of all authority over the minor, and appoint any person or persons willing to take charge of the minor to be the guardian,...</p> <p>23. (1) A person who</p> <ul style="list-style-type: none"> (e) being the owner, occupier or manager of premises; or (f) having control of premises or assisting in the management or control of premises, <p>permits a minor under sixteen years of age to resort to or be in or upon the premises for the purpose of having sexual intercourse with any person ...</p>
Grenada	Criminal Code 1994 CAP. 1	<p>Procuration.</p> <p>188. Whoever</p> <ul style="list-style-type: none"> (a) procures any female under twenty-one years of age to have unlawful carnal connection...with any other person.
France	OFFENCES AGAINST THE DIGNITY OF PERSONS	Soliciting, accepting or obtaining, in exchange for remuneration or a promise of a remuneration, relations of a sexual nature with a minor who engages in prostitution...
Guyana	Guyana Criminal Law (Offences) Act 1894	86. Everyone who takes away or detains any unmarried girl, being under the age of eighteen years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, with intent unlawfully and carnally to know her...
Jamaica	Jamaica Offences Against the Persons Act,	<p>Rape; Abduction and Defilement of Women</p> <p>45. Whosoever shall, by false pretences, false representations, or other fraudulent means, procure any woman or girl under the age of eighteen years to have illicit carnal connection with any man...</p> <p>52. Where ...it is proved ...that the seduction or prostitution of a girl under the age of sixteen years has been caused, encouraged, or favoured by her father, mother, guardian, master or mistress, it shall be in the power of the court to divest such father, mother, guardian, master or mistress, of all authority over her, and to appoint any person or persons willing to take charge of such girl to be her guardian until she has attained the age of eighteen...</p> <p>Protection of Women and Girls</p> <p>58.-(1) Any person who-</p> <ul style="list-style-type: none"> e) procures or attempts to procure any girl or woman under eighteen years of age, not being a common prostitute, or of known immoral character, to have unlawful carnal connection, either within or without this Island, with any other person or persons... <p>60. ...A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is detained for the purpose of being unlawfully and carnally known by any man, whether any particular man or generally, and</p> <ul style="list-style-type: none"> a) either is under the age of sixteen years; or b) if of or over the age of sixteen years, and under the age of eighteen year <p>64. (1) If any person having the custody, charge, or care of a girl under the age of sixteen years causes or encourages the seduction, unlawful carnal knowledge, or prostitution of, or the commission of an indecent assault upon her,...</p> <p>65.(1) If any person having the custody, charge, or care of a child or young person who has attained the age of four years and is under the age of sixteen years, allows that child or young person to reside in, or to frequent a brothel...</p>

St. Lucia	St. Lucia Draft Criminal Code	<p>Procuring or aiding and abetting</p> <p>141.— (1) Any person who —</p> <p>a) procures any male or female under eighteen years of age to have unlawful sexual intercourse or sexual connection with another person within or outside this State;</p>
Suriname	Criminal Code 1917 Offences Against Morality Title XIV	<p>Art 303 Promotion of Indecent Behaviour with a Minor Any person (man) who...brings about or promotes the commission of illicit sexual behaviour with a third party by a minor, whose status he should know about or reasonably suspect</p> <p>Art 307 Traffic of Women The traffic of women and male minors ...</p>
Trinidad	Trinidad and Tobago Sexual Offences Act 1986	<p>17. A person who—</p> <p>d) procures a minor under sixteen years of age to have sexual intercourse with any person either in Trinidad and Tobago or elsewhere;...</p> <p>21. (1) A person who—</p> <p>c) being the owner, occupier or manager of premises; or</p> <p>d) having control of premises or assisting in the management or control of premises,</p> <p>permits a minor under sixteen years of age to resort to or to be in or upon the premises for the purpose of having sexual intercourse with any person ...</p>

TABLE 7. BUGGERY AND INDECENT ASSAULT		
Country	Law	Offence
Antigua	Antigua and Barbuda Sexual Offences Act 1995	<p>12. (1) A person who commits buggery...</p> <p>(2) In this section "buggery" means sexual intercourse per <i>anum</i> by a male person with a male person or by a male person with a female person.</p> <p>15. (1) A person who commits an <i>act</i> of serious indecency on or towards another...</p> <p>(2) Subsection (1) does not apply to an act of serious indecency committed in private between -</p> <p>a) a husband and his wife; or</p> <p>b) a male person and a female person each of whom is sixteen years of age or more;</p> <p>both of whom consent to the commission of the act.</p> <p>(3) An act of "serious indecency" is an act, other than sexual intercourse (whether natural or unnatural), by a person involving the use of the genital organ for the purpose of arousing or gratifying sexual desire.</p>
Barbados	Barbados Sexual Offences Act,	<p>9. Any person who commits buggery ...</p> <p>12. (1) A person who commits an act of serious indecency on or towards another or incites another to commit that act with the person or with another person ...</p> <p>(2) A person who commits an act of serious indecency with or towards a child under the age of 16 or incites the child under that age to such an act with him or another....</p> <p>(3) An act of "serious indecency" is an act, whether natural or unnatural by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.</p>
Dominica	Sexual offences Act 1998	<p>14. (1) Any person who commits an act of gross indecency with another person ...</p> <p>(2) Subsection (1) does not apply to an act of gross indecency committed in private between an adult male person and an adult female person, both of whom consent ...</p> <p>(4) In this section "gross indecency" is an act other than sexual intercourse (whether natural or unnatural) by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.</p> <p>15. (1) Any adult woman who —</p> <p>does any indecent act with or upon any girl under the age of sixteen years; or induces or permits any girl under the age of sixteen years to commit any indecent act with or upon such adult woman,</p> <p>16. (1) A person who commits buggery ...</p> <p>(2) Any person who attempts to commit the offence of buggery, or is guilty of an assault with intent to commit the same...</p> <p>(3) In this section "buggery" means sexual intercourse per <i>anum</i> by a male person with a male person or by a male person with a female person.</p>
Guyana	Guyana Criminal Law (Offences) Act 1893	<p>352. Any male person who, in public or private, commits, or is party to the commission, or procures or attempts to procure the commission, by any male person, of any act of indecency with any other male person ..</p> <p>.</p>

		<p>353. Everyone who –</p> <ul style="list-style-type: none"> a) attempts to commit buggery; or b) assaults any person with intent to commit buggery; or c) being a male, indecently assaults any other male person,... <p>354. Everyone who commits buggery, either with a human being or with any other living creature,...</p> <p>355. Everyone who-</p> <ul style="list-style-type: none"> a) does any indecent act in any place to which the public have or are permitted to have access; or b) does any indecent act in any place, intending thereby to insult or offend any person...
Jamaica	Jamaica Offences Against the Persons Act,	<p>Unnatural Offences</p> <p>76. Whosoever shall be convicted of the abominable crime of buggery, committed either with mankind or with any animal...</p> <p>77. Whosoever shall attempt to commit the said abominable crime,...or of any indecent assault upon any male person....</p> <p>Outrages on Decency</p> <p>79. Any male person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person....</p>
St. Lucia	St. Lucia Draft Criminal Code	<p>132.— (1) Any person who commits an act of gross indecency with another person ...</p> <p>(2) Subsection (1) does not apply to an act of gross indecency committed in private between an adult male person and an adult female person, both of whom consent...</p> <p>(4) In this section “gross indecency” is an act other than sexual intercourse (whether natural or unnatural) by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.</p> <p>Buggery</p> <p>133.— (1) A person who commits buggery...</p> <p>(2) Any person who attempts to commit buggery, or is guilty of an assault with intent to commit buggery,...</p> <p>(3) In this section “buggery” means sexual intercourse per anus by a male person with a male or by a male person with a female person.</p>
Trinidad	Trinidad and Tobago Sexual Offences Act 1986	<p>13. (1) A person who commits buggery ...a. if committed by an adult on a minor...b. if committed by an adult on another adult...c. if committed by a minor...</p> <p>(2) In this section “buggery” means sexual intercourse per anum by a male person with a male person or by a male person with a female person.</p> <p>16. (1) A person who commits an act of serious indecency on or towards another ...</p> <p>(2) Subsection (1) does not apply to an act of serious indecency committed in private between— a. a husband and his wife; or b. a male person and a female person each of whom is sixteen years of age or more, both of whom consent to the commission of the act.</p> <p>(3) An act of “serious indecency” is an act, other than sexual intercourse (whether natural or unnatural), by a person involving the use of the genital organ for the purpose of arousing or gratifying sexual desire.</p>

Laws against the procuring of minors for sexual intercourse (Barbados, Guyana, Jamaica, St. Lucia, St. Vincent, Suriname, Trinidad), and against acts of “indecent with a minor” or “unlawfully and carnally knowing” a minor (Antigua, Belize, Trinidad,) are relevant to this review as they cover prostitution that involves young people under the age of 16 years (18 in Jamaica). (See Table 6)

Laws on buggery (in Barbados, Belize, Guyana, Trinidad), anal sex between anyone (in St. Lucia, Trinidad), and serious indecency are also relevant as they relate to acts that often occur within the context of prostitution involving homosexual and heterosexual intercourse.⁸ Trinidad and Antigua make specific exemption of ‘acts of serious indecency’ that take place between married couples and between consenting adults in private and the Bahamas exempts all acts not involving a minor. (See Table 7).

The Dutch-speaking Caribbean

Laws in the Dutch Caribbean do not criminalize the prostitute or prostitution, but instead focus on the activities of third parties (men such as brothel-keepers, facilitators, procurers and sex industry managers) who profit from and manage the prostitution of another person.

Laws in the Netherlands Antilles, Aruba and Suriname reflect Articles 250bis and 250ter of the 1911 Penal Code in the Netherlands concerning prostitution and the trafficking of women. However, during the 20th century local governments in Curacao, Sint Maarten, Bonaire and Aruba ignored or suspended the laws to allow some brothels to operate legally under hotel licenses, and permitted the regulation of prostitution in particular ways. In 1980, a ban on streetwalking was brought into effect in Curacao. Aimed at curbing both local and foreign women's activities on public streets, it was introduced in the context of a police regulation for public order and protection, seeking to remove prostitution from public view.⁹ The lifting of the ban on brothels and the legalizing of sex work that occurred in the Netherlands in 2000 was not extended to the Dutch Caribbean.¹⁰ However, in 1997 revisions to the regulations of the Criminal Code took place in the Netherland Antilles and Aruba and revisions of the Suriname Criminal Code were started in 2005. In 2009 the Code in The Netherlands Antilles was also under revision. It is expected that the new law would not change the older articles on prostitution, but would add new regulations on trafficking, in keeping with the laws in the Netherlands.¹¹

Despite the fact that prostitution itself is not illegal in any part of the Dutch Caribbean, discriminations against sex workers still exist.

⁸ Serious indecency is generally defined as “an act other than sexual intercourse (whether natural or unnatural), by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire” but in Barbados as “an act, whether natural or unnatural, by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire”. A respondent in the Attorney General's office in Barbados agreed that this law implies that all sex would therefore be considered an indecent act. Can such a law then be actually enforced?

⁹ Beurs-en Nieuwsberichten (Curacao) 12 March 1980.

¹⁰ CEDAW discussion

¹¹ E-mail correspondence with Jacqueline Martis, March 2009.

Curacao

In 1921 articles 259 and 260 of the Dutch colonial Penal Code were supplemented by a regulation (P.B. 1921 No.66), which laid out general measures for the control of contagious diseases among the general population. Amendments in 1944 served to regulate prostitution in Curacao and Aruba. The Child and Morals Police (Kinder-en Zeden Politie, KZP), was established, whose tasks included the registration of prostitutes in conjunction with services of the Department of Public Health (Geestelijk en Gezondheids Dienst, GGD) and the immigration department,

In 1949 a one-hundred room brothel, “Campo Alegre” or The Happy Camp, was officially opened and continues to operate today. From the outset, women with Dutch Antillean nationality were barred from entering or working on the premises other than as medical professionals in the small government health clinic opened within the brothel compound or as cooks or other service workers for the sex working population. Since the late 1990s Campo Alegre is also known as Le Mirage Gentleman’s Club (Martis 1999, Kempadoo 2004, Brabander 2008).

The laws and regulations that were established in the 1940s continue to exist in Curacao. Foreign women interested in work in the brothel apply from abroad in writing to the director of the immigration department. The letters are forwarded to a KZP registration bureau, where they are screened according to a number of criteria: (1) that Campo Alegre/Le Mirage is mentioned in the letter, (2) the applicant is an adult, between the ages of twenty-one and forty, and (3) that a correspondence address is provided. The actual character of the work need not be specified. The applicant’s status is checked in the police and immigration department files, and permission granted to the woman to travel to Curacao once she is free of a criminal record or has not worked at Campo Alegre/Le Mirage for a certain period (formerly six months; and from the 1990s onwards, one year). A letter from the KZP is sent to the applicant, usually in Spanish, instructing her to arrive on the island around a certain date between Monday and Thursday with a valid passport and visa (if necessary), a health report (not more than one week old showing the results of chest x-ray, syphilis test, and, from the 1990s onwards, an HIV test), four photographs, and a year-return airline ticket (Kempadoo 2004: 98).

Once on the island, the women are enrolled in a police register as a prostitute by name, address, date and place of birth, nationality, and occupation, and they sign a declaration confirming knowledge of the 1921 and 1944 health regulations. All registered prostitutes are required to have in their possession a valid health card, commonly referred to as “the pink card.” Failure to report for a weekly medical exam and to update the card is reported to the police department (Kempadoo 2004).

Aruba

The morals police and the health department were given the authority to control and regulate prostitution in 1944 under the same Contagious Disease Acts that were introduced in Curacao. In 1957 the government introduced permits for female foreign “night-club hostesses.” The situation since then allows a bar or hotel owner to legally employ two to three foreign women once the proprietor ensures that they are registered with the police department, stay no more than three-

months and attend a weekly medical check-up ("Prostitutie op Aruba" 1978; Kalm 1985). Little new information can be found on the laws in Aruba.

Bonaire

According to the little information available, there are no laws against sex work in Bonaire. The government permits an owner of an entertainment business (guesthouse with bar and entertainment facilities) to allow sex workers to work once they register and undergo weekly medical checks with the Health Department. They are screened for syphilis, HIV and lung infections and must have had a Hepatitis B injection prior to arrival in Bonaire. If the sex workers are foreigners they are permitted by the Immigration Department to stay for up to three months. They may return again to work only after they have spent three months outside of the country. The business owner must ensure that the sex workers' rooms are wired with an alarm system for security purposes and that condoms are available. The owner pays the government for the permits to allow sex workers to stay, and the sex workers pay rent to the owner for use of a room.¹²

St. Maarten

The Dutch side of this island is governed by the older Dutch law on prostitution and in 1960 the Lieutenant Governor permitted the operation of "The Japanese Club" in response to the demand created by the establishment of a Japanese fishing industry on the island and the presence of a Japanese fishing fleet and sailors. In 1978, the club housed seventeen registered prostitutes, all of whom had to undergo a mandatory weekly medical examination (Kempadoo 1994: 155). Benoit writes in 1999: "The Director of the Sint Maarten Health Department considers only the Seaman's club (aka "The Made In" or "the Japanese Club") legal." Migrant women "are granted a three-month work permit by the immigration service after presenting a lung x-ray, the results of an HIV test, a test for syphilis, and a health certificate. After their stay on Sint Maarten, the women are supposed to leave for at least two months. For the most part, they are recruited in Latin America" (Benoit 1999: 33).

Suriname

In the early twentieth century, articles 250 bis and ter in the Penal Code in the Netherlands were introduced in Suriname as articles 306 and 307 of the local Penal Code (Kempadoo 1994: 150-151). Prostitution itself is not a criminal offense. Under the colonial laws it was "the promotion of female indecent behavior with obvious sexual provocation" that was prohibited, which made brothel-keeping, pimping and the organization of prostitution by a third-party a crime (Antonius et al 1999). Moreover, it was noted in 2002 that "The Police Criminal Act (Articles 65 and 66) penalises prostitution by women but not by men. Prostitution however is largely tolerated and brothels operate openly and are registered with the police and health authorities. Street prostitutes, however, in practice both men and women, are sometimes picked up by police and fined under provisions in the Police Criminal Act... There is a general prohibition of trade in women in Article 307 of the Penal Code, but so far as known this provision has not been applied in the context of trafficking."¹³

¹² Correspondence with Bonaire HIV/AIDS/STI Program Coordinator, 16/03/09.

¹³ Equality Now submission to the UN Human Rights Committee 76th Session, October 2002, http://www.equalitynow.org/english/campaigns/un/unhrc_reports/unhrc_suriname_en.pdf.

The Code has since been under revision. The trafficking of women and male minors and the promotion of sexual intercourse with a minor remain criminal offenses and are included in Articles 303 and 307 of the Penal Code. In 2005 during a workshop for the revision of the Code, “participants were of the opinion that the article [306] should be deleted.”¹⁴ Revisions of the Penal Code in Suriname are still in progress.¹⁵

The French-speaking Caribbean

The French Departments in the Americas - Guadeloupe, Martinique, St. Martin and French Guyana - are governed by the laws in France. In the early twentieth century, France for public health purposes adopted a regulationist system to control prostitution, with state-controlled brothels (*maisons closes* or *maisons de tolerance*). Under the Marthe Richard Act of 1946, brothels were prohibited and soliciting defined as an offense. Under this law, procurers were defined as “anyone who, in whatever way, knowingly helps, assists, or protects the prostitution of another person, as well as anyone who knowingly lives with a prostitute and is unable to show sufficient resources.” Penalties for procuring were also reinstated (Serre et al.; Allwood 2004). In 1960 France ratified the 1949 UN Convention on trafficking and strengthened certain provisions of the Penal Code, increasing the penalty in cases involving homosexual intercourse and soliciting, and broadening the definition of procurer (Serre et al). Penal code reform in 1994 erased a distinction between active soliciting and passive soliciting, thus making merely being seen in the street enough to allow the police to consider charging a person for soliciting as a prostitute (Serre et al).

In 2002, under the amended Offences against the Dignity of Persons Act in the Penal Code, soliciting for, procuring, and facilitating prostitution were criminalized. Human trafficking is also criminalized under this article. The inclusion of passive and active soliciting for prostitution in this most recent law effectively makes most acts of prostitution in France and its overseas departments a crime. Engaging in any form of prostitution with minors and “particularly vulnerable” groups (the sick, infirm, elderly, disabled, or pregnant) is also criminalized.

Haiti

In Haiti, the Penal Code does not criminalize prostitution. In the section Crimes and Offenses against the Person, facilitating the “debauchery” of a person under the age of 21 is punishable, and in Section iv – Offences against Public Decency, facilitating or procuring for prostitution by a guardian or supervisor is an offense.

General Trends

The laws on prostitution in the Dutch Caribbean and Haiti are the least restrictive – they criminalize third-party facilitation of prostitution (brothel-keeping, procuring or trafficking) but not the prostitute or her or his own organization of prostitution. In the Netherlands Antilles we find examples where the local government has legalized prostitution in specific ways.

Laws that govern the French Departments in the Americas and the English-speaking Caribbean

¹⁴ Nationaal Dagblad http://www.dbsuriname.com/archief/nat/2005/jan05/13-01-05/Nat_Work

¹⁵ E-mail correspondence with M aggie Schmeitz 20/03/09.

countries are the most extensive and make virtually every activity of a prostitute a criminal act. Thus, while being a prostitute is not considered a crime, it is virtually impossible to practice prostitution under the current laws.

Anti-trafficking laws are often related directly to sexual exploitation and as such target prostitution and prostitution-related activities. There are no laws in any territory that specifically deal with sex tourism. Laws on buggery criminalize any activities that involve paid sex between men, although in Antigua and St. Lucia where “buggery” means “sexual intercourse *per anum* by a male person with a male or by a male person with a female person” - activities that involve any anal sex for payment – male-to-male or male-to-female – are criminalized.

The laws are reinforced or interpreted through specific cultural and religious ideologies, many of which condemn women’s participation in sex work (Perkins 2008; Genrich and Braithwaite 2005). The laws that relate to prostitution and the ideologies that both underpin and reinforce them place sex workers across the region – both women and men - in very vulnerable positions. Sex working women and girls tend to be the most vulnerable as there remains a bias within the laws and ideologies that identifies women and not men as prostitutes, although stigmas surrounding male sex work are also acutely felt by men (Braithwaite and Team 2008:9).

The laws are enforced unevenly and not always do local policies and practices follow the letter of the law. As in the Netherlands Antilles, for example, the local government suspended its law that prohibits “causing or promoting” prostitution between another and a third party to allow brothels to operate as normal businesses within the entertainment sector. In other places, such as in Barbados, French Guyana, Suriname, and Trinidad, a blind eye is turned to the law. Police action, as made public in the local press, is often accompanied by enforcement of immigration laws that leads to the arrest, detention and deportation of foreign women.

Little evidence exists of the enforcement of the laws against a “person who keeps or manages or assists in the management of brothel,” who “knowingly lives wholly or in part on the earnings of prostitution,” who “procures” a person to become a prostitute or makes a profit out of the prostitution of others, “who detains a person against that other persons’ will” for purposes of sexual intercourse, or “who owns a public place and knowingly permits known prostitutes to meet there.” While news reports sometimes cover the arrest or prosecution of brothel keepers or managers of the sex trade, such events appear to be unusual. Data from the Criminal Investigation Department in Trinidad concerning sex work related offences show, for example, that for the period 1998-2002, 4 persons were charged with aiding prostitution, none with living on the earnings of prostitution and 2 for keeping or managing a brothel (CAFRA 2004: 27). Newspapers more commonly report on raids of brothels or areas of town where undocumented migrant women work or can be found. There is no reporting of client arrests. However, there are reports that the police are often clients of sex workers – both women and men – or that they harass and detain sex workers (Red Thread 2002; Robinson 2007, Perkins 2008).

Offences and Penalties

Offences that essentially consist of securing women’s bodies for sexual labor - the law generally recognizes procuring for purposes of prostitution and detaining persons against their will - are punishable by a range of penalties. Courts in Antigua and Barbuda and in Barbados may impose a maximum sentence of 15 years for procuring; courts in Trinidad may impose the same sentence

in cases where a minor is procured. For detaining against the will, courts may sentence to a maximum 15 years in Barbados, 10 years (Antigua, Grenada, St. Lucia and Trinidad), 8 years (Bahamas) and 5 years (Belize and Dominica) and 3 years (Jamaica).

Penalties for keeping a brothel range from imprisonment for 10 years (Trinidad), to 5 years (Antigua and Barbados) or 3 in St. Lucia, on down to such nominal penalties as \$500 in Dominica or \$150 for a first offence in the Bahamas, where a maximum penalty of \$1000 or 12 months is not imposed until a third conviction.

Courts in Barbados, Belize and Jamaica have the power to impose life sentences in convictions of any owner or occupier of premises used as a brothel who 'induces or knowingly suffers a minor' to be on the premises for purposes of sexual intercourse. This is one of the harshest penalties.

Anyone found guilty of the offences of soliciting and living off the earnings of prostitution is subject to a consistent penalty of five years imprisonment in the Bahamas, Barbados, Dominica, St. Lucia and Trinidad. Guyana imposes a maximum sentence on second conviction of three years and a fine for men found guilty of living off the earnings of a prostitute or soliciting. In Belize a male guilty of a similar offence may be fined \$100 or jailed for six months on first conviction and up to twelve months on a second. In Jamaica, a woman exercising control over a prostitute faces one year in jail and a man living off the earnings or soliciting faces 12 months. Antigua imposes a standard six months on women exercising control over a prostitute, on men who persistently solicit and anyone who lives off the earnings.

Loitering is most severely penalized in Barbados where anyone who 'accosts a passenger, loiters, importunes' faces a penalty of Bd\$2,500 or 2 years imprisonment or both. Guyana follows with a fine of G\$30,000 to \$60,000 on first conviction and three years and a possible whipping on second conviction. In the Bahamas anyone loitering for purposes of prostitution may be fined Ba\$100 but a common prostitute who loiters or solicits faces a year in prison. Belize and St. Lucia impose a maximum sentence of six months on second conviction. Grenada, Jamaica and Trinidad impose only a fine.

Many countries make the distinction between procuring 'minors under the age' - either of 16 or 18 years, or even 21 in the case of Guyana - 'to have sexual intercourse' and procuring women, or occasionally 'any person', 'to become a common prostitute'. It is difficult to determine what function this distinction serves where there is no increase in penalty for procuring minors and the effect might very well be to obscure the existence, and even the possibility, of child prostitution.

In Barbados and Guyana a conviction for any act of buggery can be punished by imprisonment for life. Antigua and Barbuda, St. Lucia and Trinidad and Tobago reserve life sentences for cases of buggery 'committed by an adult on a minor' and buggery between consenting adults is punishable by maximum sentences of 25 years (Trinidad), 15 years (Antigua) and 10 years (Belize, Dominica and Jamaica). In the Bahamas an unnatural crime attracts 20 years. Courts in Belize, Dominica and St. Lucia are authorized to commit offenders to a psychiatric hospital for

treatment. The difference in penalties between Barbados, with a reputation for tolerance, and Jamaica, often considered virulently homophobic and where the offence is described as ‘the abominable crime of buggery’, is striking. Gross or serious indecency is clearly viewed as a less serious offence carrying penalties ranging normally between 15 and 10 years, and with exemptions made in Trinidad and Tobago and Antigua and Barbuda of ‘acts of serious indecency’ that take place between married couples and between consenting adults in private, and in the Bahamas for all acts not involving a minor. Guyana, despite possible life sentences for buggery, punishes gross indecency with a maximum of two years imprisonment.

There are apparent anomalies in sentencing. In Guyana the law specifies a maximum sentence of 10 years for procuring of any female, and for detaining any female or any unmarried girl, under the age of eighteen years against her will ‘with intent unlawfully and carnally to know her’, or in any brothel. The penalty is increased to 14 years for taking away or detaining ‘any female against her will, with intent to marry or carnally know her’. Anomalies are also evident in the severity of penalties. In Dominica, exercising control over the movements of a prostitute for purposes of gain can be punished by 5 years imprisonment but keeping a brothel is punishable by a fine of \$500.

In comparing the severity of penalties for individual offences, Barbados appears to be consistently ranked among the countries imposing the most severe penalties. This is true for the offences of detaining against the will and of loitering (ranked first); for buggery, gross indecency, and procuring other than of a minor (ranked first along with one other country); for keeping or managing a brothel and for procuring, soliciting or living off the earnings (ranked first along with up to five other countries). The only offence anywhere punished more severely than in Barbados is that of inducing or knowingly suffering a girl under twelve to be in a brothel, subject in Jamaica to imprisonment for life. This consistent severity of penalties in Barbados deserves further attention and may be an area for reform.

In general, it would appear that the severity of the penalty reflects the attitudes and moral principles that lawmakers hold with regard to the offence. The procuring of minors for sexual intercourse and the practice of anal sex appear to be the two areas lawmakers find most troublesome. The former may be easily understood as arising from a paternalistic desire to protect children, even where the age of “the child” ranges into early adulthood. The latter can be understood in the context of homophobic patriarchal norms where sexual intercourse is firmly linked to notions of sex for procreation and heterosexual desire. Penetration of the vagina by a penis is clearly deemed the morally correct and recommended activity, and most other acts are found offensive. Nevertheless, the severe approach demonstrated in anti-buggery laws is sometimes allayed in other laws. For example, non-gendered laws on loitering for purposes of prostitution, which would thus include men, and which could involve “buggery” or “gross indecency,” have relatively slight penalties. This is the case of Barbados, where buggery is penalized by imprisonment for life, yet loiterers may be punished by a maximum of two years. In some other places the fines for loitering for purposes of prostitution are as low as \$100.

SEX INDUSTRY POPULATIONS

Sex Workers

In the literature reviewed, the most common focus is on very visible groups of women, such as those who work from the street or in well-established places for sex work such as known clubs and hotels, or migrants who stand out from the local population due to differences in language and appearance (i.e. women from the DR in Antigua and the French Departments, Colombians in Trinidad, Brazilians in the Guyanas, or Guyanese in Barbados).

Ages of women and men sex workers are said to range generally between 15 and 60 years, although studies of child labour identify some boys and girls from 12 years of age also to be engaged in sex work. In the Maxi Linder study among street-based sex workers in Paramaribo, the average age of women was found to be 29 years. In Barbados the ages range was between 23 and 38 years (Braithwaite and team 2008). In Albina and Nickerie in Suriname, the majority of sex workers interviewed were between the ages of 20 and 44 years old, and few younger than 19 (Schmeitz et al. 2009). In one study in Guyana, of the 124 sex workers surveyed, the average age was found to be 29 in brothels and 31 on the street (Persaud et al. 1999) and in 2002 it was found that “the majority [of women sex workers] were in their early 20s to their mid-40s” (Red Thread 2002:5). In the study in Jamaica – of women and men – this was between 20 and 49 years of age (Campbell and Campbell 2001:18). The COIN study of migrant women from the Dominican Republic sex workers reports their ages to be between 18 and 35 years (COIN 2008).

“Beach-boys” – men who work with (female) tourists - are the most visible category of male sex workers, as other male sex workers are often undetectable within the community of men-who-have-sex-with-men. However, it was found that of the 329 men who participated in the study of “MSM” in Suriname in 2004, 51 reported having sold sex in the 12 months prior to the time of the interview. How representative this is for a country, or how the “MSM” group differs or overlaps with the “Beach-boy” population is also not well researched, neither is there much attention to transgender sex workers or same-sex relations between women – paid or unpaid.

The sex workers that have been most studied tend to come from poorer urban and rural communities and be educated up to secondary-school level, with some not completing, and even illiterate. However, this description is skewed by the heavy focus on street- and lower-end brothel-based sex workers in the studies, and does not necessarily represent the demographics of the entire sex working population, especially not those who migrate frequently or work as escorts or in the upscale clubs and sectors of the industry. The study in Jamaica notes that “levels of formal education did not appear to be significantly different to the female general population” – a finding that had been established in earlier research (Campbell and Campbell 2001:19). The Barbados study argues that “[p]ersons who engage in sex work are not generally of the lowest education level as may have been believed” (Braithwaite and Team 2008: 36). The study in that country amongst women found that “generally they had completed secondary school education” (Braithwaite and Team 2008: 20). COIN reports for migrant sex workers from the Dominican Republic “[t]heir education level is medium, many have finished elementary school and some high school, and very few have gone on to university” (COIN 2008). Red Thread also points out that level of education was not always a good predictor for a woman to take up sex work: that even with higher levels of education “lack of access to other jobs or inadequate pay for the jobs for which they are qualified were the main reasons given for entering sex work” (Red Thread

2002:5). This may also be compounded by other factors. For example, prejudices and discrimination against Guyanese women in the formal employment sector in Suriname made finding a job very difficult. The women then at times turned to sex work to generate some additional income (Schmeitz et al. 2009: 32).

Many women have children, some may be married or in a steady partnership, and most claim they are in sex work in order to provide for their family or household. The research in Guyana, Suriname and Jamaica, and on migrant sex workers from the Dominican Republic indicates that most of the women who participated in their studies were single (mothers) (Red Thread 2002; Campbell and Campbell 2001; Schmeitz et al. 2009; COIN 2008). Indeed, for Guyana it was found that 84% of the women sex workers supported at least one child and 63% were single (Persaud et al. 1999). Campbell and Campbell observe about the Jamaican respondents, “because the ‘babyfathers’ were commonly absent, the majority...were heads of household and thereby often the sole financial earners for their families. This responsibility along with shrinking opportunities for alternative sources of income lures the entry of many women to sex work, especially in a context where women make up 64% of the unemployed” (2001:31).

For men and transgender persons, the picture appears not quite as clear cut: like women they may be in a steady partnership, be married or single. However, provision for children or a family by men does not appear a major factor in the studies. Some researchers argue that men are in sex work due to both same-sex and heterosexual desires and pleasure, while others argue that economic needs and wants are the main draw. Studies of men and transgenders who sell sex, however, are far too limited to draw further conclusions.

Sex workers in the Caribbean are commonly independent, part-time and flexible workers (Campbell and Campbell 2001; Red Thread 2002; Kempadoo 2004; Braithwaite and Team 2008; Schmeitz et al. 2009). In Jamaica it was found that “[v]ery often, as a result, the work provides high levels of autonomy and independence. Several of the respondents ...felt that in this way sex work had benefitted them, especially in contrast to other potential modes of employment... None of the participants described having a pimp of any kind, no matter where they worked” (Campbell and Campbell 2001: 38). Likewise Brader Braithwaite and the Sex Workers Project Team in Barbados note for women: “[o]ne of the main benefits in the job is the feature of their own independence and working schedules” (2008:20). Sex workers do not necessarily stay in one site or in one type of arrangement, but often operate in various places simultaneously or at different times in their lives. Also, categories of sex work easily overlap; for example, hotel- or club-based sex work occurs in both tourist resorts and mining areas. Many women and men who provide sexual services are not full-time professionals, rather can be informal, part-time, seasonal or “occasional” sex workers (Entr’aidés 2008; Red Thread 2002; Rolfe et al. 2006; Campbell and Campbell 2001). The Barbados report also notes that “Not all MSWs operate full time in providing sexual services; sometimes sex work supplements income for other activities and from alternative sources” and for the women in the study, “50% had other sources of income” that included bartending/waitressing, modelling, self-employment and “income from a ‘child’s father’” (Braithwaite and Team 2008:19, 25). In Paramaribo, work in clubs or brothels is characterised by the short stay of the sex workers (CAREC/PAHO and Maxi Linder 2006:12). For sex workers in Jamaica who reported saving with banks, building societies or partners, the majority also reported being able to stop selling sex for weeks or months at a time whenever they ‘felt like it’ (Campbell and Campbell 2001:63).

Sex Industry Owners, Managers, Employers, and Facilitators

While it is evident that many women and men who work in the sex trade can be considered “free-lancers”, that is, they work independently, the majority appear to depend upon rented rooms, clubs, or hotels to conduct their business, and upon other women and men to facilitate their work or to move into a country, including the provision of transportation and travel documents.¹⁶ There is however very limited information about these organizers, managers, employers, and facilitators in the studies reviewed here as well as little about relationships between these agents in the industry and sex workers. Moreover, persons who are typically called “pimps” and who are identified in laws as “living off the earnings of prostitution,” or are proved “to exercise control, direction, or influence over the movements of a prostitute” are largely invisible in the studies. The image that is conveyed is that they are predators on the women and are deceptive, abusive and manipulative. There is little sense of any mutual provision of necessary services between sex worker and the person who provides protection, security, or transportation.

Technically any family member or close friend who is found “to live with or to be habitually in the company of a prostitute,” or is dependent upon the earning of a prostitute also falls into this category of ‘living off the earnings,’ including some children, mothers, husbands, “personals” or steady partners. In places where laws include “every person in the employment of an owner or occupier, of any house, shop, room...who knowingly permits known prostitutes... to meet together or remain therein,” then workers such as bartenders, cleaners, cooks, bouncers, etc who are employed in sex clubs and brothels are also included.

That many of the owners, agents, employees, and dependents in the sex industry can extort money or services from sex workers, derive great profits from sex worker’s use of their premises or services, can use violence or the threat of violence to maintain sex workers in a situation of debt-bondage, or control sex worker’s movements in other ways is directly related to the criminalization of most prostitution activities and the heavy social stigmas that are attached to sex work. As has been extensively discussed in relation to the tourism industry in the region, sex work though not a formal part of the tourism product, is accommodated in – possibly integral to – government and private sector strategies to integrate local economies into the global political economy (Mullings 1999; CAFRA 2004). It likewise appears central to the gold mining industry, as well as to entertainment industries in many places. The actors who accommodate and make sex work possible in such industries, should be seen to be committing an offence, under laws that criminalize third party involvement in procuring or facilitating prostitution.

Clients

In the studies, the clients that are identified are mostly men from the country where the sex work is taking place, i.e. local men, often characterised as “decent”, and sometimes as “Big,” or “Bad.” However, few studies have paid much attention to the clients, placing more emphasis on sex workers, and little is revealed about the clients’ sexual behaviour and desires, i.e. the driving

¹⁶ In most types of work such people would be referred to as hotel owners, bosses, managers, entertainment coordinators, employers, travel agents, head-hunters, business-partners, security guards, or family. In sex work they become “pimps,” “brothel-keepers” “madams,” or “traffickers” due to the underground character of the trade.

force on the demand side, or about their knowledge about safe sex practices.¹⁷ In the studies where clients are mentioned, we find that some may be “executives who share girls at very classy hotels in Trinidad,” “members of a gang,” “retired public servants” and self-employed men who live alone, women tourists, construction workers from other islands, truckers, businessmen, taxi drivers, or schoolboys (CAFRA 2004: 61-70). In Guyana, Red Thread reports that the clientele is varied, including “businessmen, magistrates, lawyers, rich young men driving 4x4s, and proprietors of the numerous Chinese restaurants in the city” who frequent uptown sex workers, and “more working class clientele” for the downtown sex workers. In the interior, the clients are mostly miners, and in the Corentyne area, they are identified as “businessmen, schoolboys, politicians and officials of the regional authorities.” In all sites, the report continues, “police are among the clientele” (Red Thread 2002).

In French Guyana, civil servants from the health, education and law and order sectors are mentioned as clients, alongside men from the metropole in France who are either in the country to work at the space station in Kourou or who visit as tourists.¹⁸ Schmeitz reports that male clients of some Amerindian and Maroon street-based male sex workers in Albina come predominantly from French Guyana (2009:22). In the French Departments, 2% of men, with little variation across territories or age groups, reported they had paid for their first sexual encounter. Among exclusively heterosexual men, around 7% of those living in Guadeloupe and French Guyana, and in Martinique 2%, said that in the last five years they had paid or been paid for sex. In 2004, 12% of men 25 -34 years old in the Departments reported paying for sex. These men were more often likely to be single men (Halfen et al, 2006:139). In Guadeloupe it is claimed that the clients usually carry condoms (COIN 2008).

In Suriname, “locals, big men from Paramaribo and foreigners” as well as rice farmers, were identified in Nickerie and in Albina: owners of pontoons, rich and poor goldminers, alongside the men from French Guyana mentioned above (Schmeitz et al. 2009: 19). In Jamaica, reports were of tourists, ‘big’ businessmen, taxi drivers or cruise ship workers, bank clerks, and secretary girls, etc (Campbell and Campbell 2001: 45). For Belize it is noted that farmers, truck drivers, men from the local white Mennonite community, and Latin American and European tourists make up a large part of the clientele in Orange Walk (Ragsdale and Anders 1999).

In other places tourist men and women, soldiers or men in the military, police, crew on cruise ships and freighters, and miners are identified. The clients of male sex workers, other than female tourists here and there, remain largely unidentified in the studies. Thus, the lack of attention to the demand side of the equation leaves a great gap in general knowledge about the sex industry in the region.¹⁹

¹⁷ Once care is taken over their tendency to report the sensational, newspaper reports can occasionally be useful in understanding men’s attitudes and treatment of sex workers. For example, in April 2006 in Paramaribo two young men, 25 and 15 years old, confessed to killing a 37-year old prostitute because they were ‘discontented’ with the sexual services performed [and] demanded additional services. Her refusal led to an argument and to her death. Caribbean Net News: Prostitute brutally murdered in Suriname; http://www.caribbeannetnews.com/cgi_script/csArticles/articles/000013/001314.htm

¹⁸ “Prostitution infantile à Oiapoque” Reac-de-Gauche .

¹⁹ For other parts of the world, Ron Weitzer notes: The [USA] General Social Survey reports figures on the number of men who said that they had ever paid for sex – between 15-18% in eight polls from 1991 to

SEX WORK ARRANGEMENTS

Despite the laws that criminalize sex work and the stigmas that surround the activities particularly for women, sex work activities take place throughout the Caribbean. Sex work is documented in the literature as being organized in a number of ways:

- In specific hotels, guesthouses, bars and clubs where male clients meet female sex workers. In the capitals of Guyana and Suriname, for example, the women may rent a room on the hotel/club premises, independently seeking customers either on or off the premises, and where the business owner is not always directly involved in money transactions between clients and sex workers. In Marowijne in Suriname, there are a variety of motels, rooms and “hammock camps” where women rent space and work, as well clubs where women work independently, and in Nickerie, clubs and bars, where adult women rent rooms and work (Schmeitz et al. 2009). In some places, such as the brothel Campo Alegre in Curacao, women live in heavily secured and guarded premises and work in the room they rent. Clients who wish to take them to another location must pay an exit fee to the owner. Research in Haiti points to a hierarchy in the locations where sex is sold - ‘Kafes,’ ‘Mackerels,’ hotels/bordellos and clubs. “The Kafe represents a ‘higher class’ brothel, preferred by sex workers both for the potential for stable income generation and safety.” Sex workers live in the kafe. The mackerel is the term for a large room with small curtained cubicles where sex work is practiced (Rolfe et al. 2006:13). Between the kafe and mackerel is the “bordel” that is similar to a cheap hotel that may sell alcohol, but without music and entertainment (Rolfe et al. 2006: 25). In Belize, arrangements at a hotel combine with the “ficha” system in which the sex worker is paid a commission on the number of drinks that the client bought, and the sex worker lives in rooms on the premises. In this case the hotel or bar owner charges a set amount from the sex workers’ earnings instead of rent. Hotels or guest houses where sex work takes place are often closely connected to a bar nightclub or go-go dance club, which is where the majority of sex workers meet their clients (tourists and non-tourists). In some instances in Jamaica, sex workers pay an entry fee to nightclubs in order to meet clients inside (Campbell et al. 1999), and in other places freelance sex workers visit bars and nightclubs to meet clients without having to pay the bar owner (Ragsdale and Anders 1999; Rolfe et al. 2006). In Curaçao at the open-air “snacks” that sell drinks and fast food, the counter serves as a site where sex workers meet clients (Martis 1999). In French Guyana, where brothels are prohibited, bars and clubs are the usual meeting places for sex workers and clients (COIN 2008). On the river between French Guyana and Brazil, barges also serve as places where sex work occurs.

- From the street. This has been documented in almost all countries under review, and involves different locations from where sex workers solicit a range of clients. This is the

2006 ... Remarkably similar figures are reported for Australia (16%) and the average within Europe (15%), and 11% of British men say they have paid for sex with a prostitute. Because prostitution is stigmatized, the real figures may be significantly higher. In some other societies, even more men say they have paid for sex. For example, in Spain 39% of men have done so during their lifetime, and in Northeastern Thailand 43% of single men and 50% of married men had visited a prostitute” (Weitzer 2008: 2).

most visible and public form of sex work and it draws some of the poorest women and men.²⁰ Other than the standard image of a woman standing on the street corner, it also involves transvestites, transgenders, and men who solicit male clients. The street is viewed as one of the riskier and most vulnerable forms of sex work, where sex workers “have a very limited ability to negotiate condom use with clients” (Rolfe et al. 2006: 13). Maxi Linder Association in Suriname, which works for street-based workers, estimated in 2004 that “around 50-75 male sex workers and 350-400 female sex workers” operated in downtown Paramaribo and the peri-urban areas (CAREC/PAHO and Maxi Linder 2006: 12).

- Around mining industries in the interiors of Guyana, Suriname and French Guyana where women provide sexual services for male miners. In Suriname the sex trade encompasses several arrangements. One, referred to as the “sex-on-credit system,” takes place within the miner’s living quarters. Brazilian women are recruited and hired by the foreman of a mining operation to live for a three-month period with one miner who pays 10 percent of his total earnings to the foreman, who in turn pays for the woman’s travel into the camp, all her lodging expenses, and a fixed salary in gold. In effect, the woman becomes a domestic partner or a “temporary wife,” providing the miner with not only sex but also domestic labour for the three-month period. Under another arrangement, women are not allowed to live in the mining camps. In such cases they travel to the interior and reside in so-called women’s camps—a designated area of huts near the mining camps, where miners visit them. Hotel and bar complexes (called clubs in Suriname) also exist around the mining camps, where women are more likely to be recruited and employed directly by the bar or club owners (Antonius et al, 2009). In Guyana around various mining camps women work in a “kaimoo”—a wooden, zinc, or tarpaulin structure consisting of a series of small rooms, with just enough space for a bed, in which the women live and receive clients. Women who travel from the coastal areas to work in the interior often do so for around two to three months at a time. Gold mining sites have also fostered sex work by women and adolescents from Maroon and Amerindian villages and communities (Red Thread 2002; Schmeitz et al 2009). Dominant features in sex work in and around mining operations are, however, the migration (forced or voluntary) of women into the mining areas for a set period of time (usually three months) and payment in gold

- For tourists. Beaches, bars, casinos and nightclubs within tourist hotels, resorts and resort areas function as sites where tourists individually meet sex workers. Predominantly young women either explicitly or implicitly solicit men’s attention at hotel bars, nightclubs attached to resorts, or on the beach. Caribbean men as sex providers to tourist women also became increasingly visible in the 1990s. As with women, sex work offers the men possibilities for meals, cash, clothes, or some commodity that enables them to better provide for themselves and their families, as well as ways to travel or go abroad and thus to be a full participant in

²⁰ Although street prostitution is the most visible form of sex work and even while figures are not available for the Caribbean, globally it is estimated to constitute a small percentage of all sex work. For example, “about one-fifth of prostitution in the United States is street prostitution and the remainder is spread among massage parlors, bar prostitution, outcall services, and brothels” (Porter and Bonilla 2008:199).

the transnational, globalized world. Here the terms “girlfriends” and “boyfriends” are the operative term for clients. It is a site where “romances” occur, and where some form of desire on the part of the Caribbean woman or man is expressed as part of the relationship. This is where sexuality and economics converge in discreet ways. For many women and men, the encounters are not bound by monetary transactions, but flow from and into more general practices of hustling or making do. There is a wide range of arrangements that exist between the tourist and sex worker. Longer-term relationships can be forged between client and sex worker and in many instances may last for the period of stay of the tourist, but sometimes extend into a situation where the tourist sustains the relationship through gifts, a ticket, and money after returning home (Kempadoo 2004). The study in Tobago notes that the majority of the men become involved with tourists in the hope that the business transaction would lead to marriage, migration, or some other material goods (Allen et al. 2000). The ILO child labour study in Barbados reported some young people under the age of 16 to be involved in sex tourism (Dunn 2002b: 48). In tourism there are also situations such as in Jamaica and Tobago where professional sex workers rent a room in an all-inclusive resort hotel in order to have “short time” clients (Campbell et al, 1999; CAFRA 2004). The tourist industry is the only site where heterosexual male sex work has been frequently observed or noted.

- At docks, for crew of cargo and cruise ships. In Georgetown, Guyana, women gain permission to board freighters to service their clients on board (Red Thread 2002). In Ocho Rios, Jamaica, crew members of cruise ships visit specially designated lounges near the pier where sex workers rent a room to conduct business (Campbell et al. 1999). The “ship girls” sometimes report to form “boyfriend” relationships with their clients, “when the cruise ship worker deals with only one particular girl when his ship docks, bringing gifts, money, clothes and romance” (Campbell and Campbell 2001:35).

- For the military. Sex work for armed forces is a very old phenomenon around the world, and was one of the primary reasons for the establishment of regulations for prostitution in Curacao in the early 20th century (Kempadoo 2004). Today in the Caribbean, foreign troops, such as UN Peacekeepers in Haiti and the French Foreign Legion troops stationed in Kourou in French Guyana are reported to buy sex from adult women and girls (COIN 2008).²¹ In Grenada shortly after Hurricane Ivan it was reported that “relief supplies sent to this hurricane stricken island are being used by some members of the security forces in what is now a lucrative sex trade. Reports from within the security forces are that food hampers are often removed from the relief supply center based at the Special Services Unit (SSU) in the south of the island and given to young women in exchange for sex.”²²

- Through escort services. Although not fully captured in any research, escort work has been reported in Trinidad and Barbados (CAFRA 2004) (Earle & Phillips 2002), Jamaica (Campbell and Campbell 2001) and also described earlier for Curacao, although it is unlikely that is specific to only these countries. Discretion, confidentiality, high prices, up-scale bars,

²¹ See also Williams, Carol J. 2007. "U.N. confronts another sex scandal." *Los Angeles Times*. Los Angeles. December 15, 2007. <http://articles.latimes.com/2007/dec/15/world/fg-haitisex15>

²² “Food for sex rampant in Grenada” Caribbean Net News, Sept 27, 2004 <http://www.caribbeannetnews.com/2004/09/27/rampant.htm>

clubs and hotels, stylish and sophisticated women and men, and a lack of police surveillance, appear to be some of the hallmarks of this work.

- Exotic dancing. Not wholly unrelated to the bar and nightclubs are entertainment establishments where the primary job of the sex worker is exotic dancing, lap dancing, “go-go dancing” or stripping (noted in studies in Barbados, Guyana, Curacao, St. Maarten, Jamaica, Dominica and Trinidad). The COIN 2008 study points to several instances of Dominicanas being ‘lured’ into exotic dancing in various parts of the Eastern Caribbean.

- In the adult film industry. This too is an aspect of the sex industry that has been mentioned in several reports but for which little detail is provided. Reported for Trinidad, Tobago, Guyana, the Bahamas (CAFRA 2004; Danns 2002; Dunn 2002a).

- From home. Throughout the region, sex work occurs out of women’s homes and through the informal arrangements. For example, in a particular area of Cayenne, capital of French Guyana, sex work takes place in small rented rooms. In some cases, 5-6 women share a single room, living in overcrowded conditions (COIN 2008).

- To support drug-use. While there is a long history of marijuana use in Caribbean populations – sex working and non-sex working – the trafficking of cocaine through the region has led to an increase in use of the drug in the region, and “in all Caribbean countries and territories, with the exception of the smallest...crack/cocaine is easily available” with isolated instances of injected drug use (Day 2009:26). This in turn leads to an increase in sex work. And while a close association has been noted between sex work and drug use, and it is commonly assumed that drugs are used by the women in order to cope with the demands of sex work, Navindra Persaud et al observed in the 1990s for Guyana, that “it is also well known that drug using women may turn to commercial sex work in order to support their drug habits” (1999:55). This trend appears to be confirmed in studies since then. In Curaçao, for example, drug use was quite evident in one part of town. It was found that “chollers”—base [crack] users—often formed a family, a tight, closed network of men and women where sex was exchanged for drugs and protection. At times the women in such ‘families’ would solicit clients from the street to provide money for themselves and others to buy more drugs (Kempadoo 2004). In Suriname, in the 2003-04 study of 250 street-based sex workers in Paramaribo, “26% of the respondents received drugs as payment for commercial sex” in the twelve months leading up the time of interview (CAREC/PAHO and Maxi Linder 2006: 22), although the report does not distinguish between use of marijuana and cocaine or the mix, “blaka jonko,” which is smoked. In Nickerie, “The majority of street CSW [of which the total number is estimated to be 10-12] is believed to be ‘jonkies’: addicted to ‘blaka jonko’” (Schmeitz et al. 2009:19). In this study 2 crack-users reported doing sex work to sustain their drug habit. In Trinidad, it is noted that female “sprangers” - crack users – “used their body to trade sex for drugs,” although no further data or information is offered in the report (CAFRA 2004:45). A 2007 study in St. Lucia amongst drug users found that “75% of women and 50% of men engaged in transactional sex or sex for drugs exchanges” and that “none of these women were involved in sex work for drugs transactions prior to smoking crack” (Day 2009). Marcus Day concludes “if cocaine use leads to exchanging sex for money or drugs to support an addiction, then sex work could be thought of as an intermediate in the pathway

between cocaine and HIV infection” (2009: 30). Especially in the case of crack-cocaine, the few studies that have examined this in relation to sex work in the countries under review would suggest that the criminalization of drugs and prostitution creates a context of extreme vulnerability for male and female drug-using sex workers.

MOBILITY

A characteristic of the organization of female sex work in the region that is gaining increasing attention is the high level of mobility of the women. As remarked in Guyana in 2002 “The strikingly mobile and part-time nature of sex work in Guyana today was not known to Red Thread or to NAP before this study, and this is a dimension that requires careful attention in future outreach and intervention work” (Red Thread 2002:6). The mobility can be national, regional, or international, involving movement between sex work sites within a specific country, or from country to country. Women from Venezuela, Haiti, Brazil, Colombia, Barbados, Grenada, Cuba, Belize, Antigua and Barbuda, St. Lucia, St. Vincent, Suriname, French Guyana and Guyana have been identified working in other Caribbean countries, alongside women from China and Europe (Schmeitz et al. 2009; Adomakoh 2007; Kempadoo 2004). For Barbados in a small sample of 30 female sex workers, it was found that a significant proportion of the sample were from other countries (Guyana, Jamaica, Trinidad and Tobago and Canada) and that 36.7% of the sample conducted sex work both inside and outside the country. The COIN research indicates that since the 1990s as restrictions on migration to Europe and the United States have increased, new destinations have been found in Latin American, Asia, the Middle East and Japan, as well as other parts of the Caribbean. Women from the Dominican Republic today work in the sex trade in Curacao, Haiti, Aruba, Antigua, St. Martin/St. Maarten, Dominica, Martinique, French Guyana, Suriname, Guadeloupe and Trinidad. In Guyana “at a workshop with downtown sex workers in Georgetown, several women declared to have worked in Suriname, Cayenne, the Netherlands, and Antigua... in the interior Brazilian women were displacing Guyanese ... the constant movement around and out of the country to both new and existing sites means that few places have a consistently high concentration of sex workers” (Red Thread 2002:6). In Suriname, the club-based sex workers in Albina are said to be very mobile. Hailing from the Dominican Republic, they “live in Paramaribo, and travel back and forth to Albina from Friday to Sunday and for special events in Albina and St. Laurent [across the river in French Guyana]” (Schmeitz et al. 2009: 20). Jamaican sex workers, it is reported, “travel to other Caribbean countries such as Antigua, Barbados, Santo Domingo, The Bahamas, St. Martin, Tortula, St. Lucia, Puerto Rico, Tobago, Curacao for one month intervals or longer. Invitations were made by managers of night clubs in these countries via connections in Jamaica. Sex workers say they travel to work where business is better and they earn US dollars.”²³ In all places where mobility is noted, some is the result of the actions of recruiters, some of whom work with deception or false promises. As discussed here in the section on trafficking, debt-bondage of mobile/migrant women appears to be an integral aspect of the sex trade.

A significant factor in women working elsewhere is the “whore stigma,” that surrounds sex work. Migration away from home allows a woman to protect herself, her children and close community from the shame and public condemnation that accompany the idea of a woman selling sex. In Curacao, many Haitian, Dominican and Colombian women who conducted sex work while on the island, either as sex workers in the Campo Alegre or on shorter-term stays,

²³ Marlene Taylor “Money and Sex Work in Jamaica,” August 2006.

exchanged their earnings for goods in the free-trade zone or tax free shops, which they then took home, masking their engagement in sex work (Kempadoo 2004). For Barbados it is observed that “these women find it easy to ply their trade, possibly under a veil of anonymity, since they are nationals from another country (Braithwaite and team 2009:36). In Jamaica, it has been noted that “MSM” – irrespective of whether they engage in sex work - “tend to move away from rural areas into larger towns and cities where they can live their sexual orientations outwardly and with more freedom of expression” (Royes 2003:28). For women and men whose sexual life styles and practices are stigmatized and criminalized movement away from the home community is an imperative. However, not all migrants feel the need for secrecy either in the place they work or at home. Schmeitz notes that for the most part Brazilian women and Dominicanas were open about their work and talked about their families knowing; in contrast, the Guyanese women were more likely to feel a need for secrecy (Schmeitz et al. 2009: 42).

Migration positions sex workers – especially women - in very vulnerable situations. They are continually outside the immediate local context within which they work and can be more easily taken advantage of due to the lack of legal documents to live or stay in the country, social networks, or knowledge of local languages and politics. They are easily arrested in raids on brothels and detained and deported due to their undocumented status.²⁴ Migration also serves to confound attempts to quantify the population as the places women and men work around the region are determined by a number of factors, such as demand for sexual services, levels of border or immigration controls, type of recruitment network, the general economic situation at home, and the type of employment or income-generating activities that are available both at home and abroad. Migration moreover weakens the effectiveness of health and medical policies designed especially for sex workers, as the populations are often too transitory for any prevention or treatment work to take hold (Kempadoo 2004; COIN 2008).

In Guyana and Suriname, some of the movement across national borders is primarily determined by where sex workers can earn money (Red Thread 2002; Schmeitz et al. 2009). The women’s choice to work at a particular site or geographical location is conditioned by shifts and changes in the local economy and the amount of disposable income men have at a specific time. The temporary nature of gold mining “shouts,” for example, draws sex working women into the interior to gold mining camps for short periods of time, after which they may return home to work from a hotel in the city or move to another more lucrative site in the interior. Information gathered by COIN complicates this economically-deterministic picture. It was found that in some cases Dominicanas who acquired residency or permission to legally stay in Guadeloupe traveled to work in the sex trade in Europe but then returned to Guadeloupe because of the climate and the less demanding nature of the sex trade. Women reported that in Guadeloupe they needed to spend less time with clients, the clients did not demand total nudity, and the amounts they could charge for sex still allowed the women enough to “build my house and help my family” (COIN 2008). In other words, while income-generation may be major factor that motivates a woman to move away from her home and to work in the sex trade, factors other than a demand for sexual services or the amount of money a sex worker can make may play a role.

Migration has given rise to an organization of the sex trade that creates a racial or ethnic

²⁴ “Women to be deported following police raids in Antigua” Caribbean Net News August 26, 2006
<http://www.caribbeanetnews.com/2005/08/26/deported.shtml>

hierarchy or that privileges women of a certain nationality. For example, in French Guyana, the media report that Brazilians work in the bars, Haitians in the street, while Dominicanas are in rooms.²⁵ In Paramaribo, in summarizing earlier research, Schmeitz et al note,

“Club sex workers are typically from Brazil, Guyana, Colombia and the Dominican Republic. They usually stay in Suriname for periods varying from 3-6 months. The street-based sex workers are usually longer term, from Surinamese and Guyanese origin, poorer, and work under less hygienic and more dangerous conditions, with less opportunity to negotiate condom use” (2009: 4).

In Nickerie, Brazilians and women from the Dominican Republic are found to dominate in the better paid work in clubs, while Guyanese women are found mostly in bars, and Suriname and other Guyanese women work from the street (Schmeitz et al. 2009: 16). In Albina, in the east of Suriname, club workers are from the Dominican Republic, Brazil and Guyana, while street work is dominated by Surinamese women, especially young Maroon women. Schmeitz et al remark for Nickerie ‘it is interesting to note that apparently the physical features of Brazilian and Dominican women (fair skin, curly hair) allow them to earn much more money than local or Guyanese women in the same trade’ (2009: 18). In Curacao, a similar phenomenon has been noted. There, for example, the main brothel, which offers the best protection and security for the workers as well as a guaranteed clientele, is populated mainly by “brown-skinned” women from the Dominican Republic and Colombia, who are collectively identified as “San Doms”, while Dutch Antillean women and black Haitian women are located in the streets or lower-end clubs and hotels, and “snacks” (Kempadoo 2004). In Guyana, it was reported that “Brazilian men (who cross the border to mine in Guyana) preferred Indian, Amerindian or Mixed ‘girls’; that they do not like “black” women” (Red Thread 2002:7). Barbadian men are said to prefer ‘long hair’ women, hence the popularity of ‘Indian’ and ‘Spanish’ women. Racial and ethnic hierarchies in Caribbean sex industries today still often appear to closely follow colonial patterns of desire.

HEALTH

Robinson notes that “one of the most important developments in modern Caribbean sexual offences statutes is the introduction of laws criminalizing the transmission of HIV/AIDS, [and] non-disclosure of HIV/AIDS status to sexual partners and imposing mandatory testing” (Robinson 2007: 23). Robinson goes on to point out that in the St. Lucia Criminal Code, “anyone who knowing that they are suffering from AIDS intentionally or recklessly infects another person with HIV through sexual intercourse or otherwise commits an aggravated sexual assault” and is liable to ten years imprisonment (Robinson 2007: 24). Moreover, she notes “the Bahamas Sexual Offences and Domestic Violence Act now provides that a person who knows they are infected with HIV and has consensual sex without disclosing this to the other party commits an offence and is liable to be detained for up to five years” (Robinson 2007: 24). In Belize similar legislation exists, criminalizing non-disclosure of HIV status in consensual sexual intercourse. In Belize and Trinidad and Tobago “a male or female sex worker who engages in anal sex is liable to arrest for the offence of buggery. If convicted of buggery the new law...requires them to be tested for HIV/AIDS” (Robinson 2007: 24 -25).

²⁵ “Lutte contre le sida: le sursaut de la Guyane,” Favereau, Eric, *Liberation* 29 april 2006)

HIV and AIDS are primary concerns in many of the recent studies of sex work in the countries under review. While there is a common refrain in the studies that rates of HIV infection amongst sex workers are high and in some studies it is claimed that that sex workers are the “cause” of the epidemic (COIN 2008), such claims are difficult to assess or verify as they are commonly based on information drawn from a small biased sample, most notably from the very visible populations of poor sex workers. Moreover, there are other factors aside from prostitution itself that put a sex worker at risk of HIV infection. Dusilley Cannings, one of the first HIV+ sex workers in the English- and Dutch-speaking Caribbean to make public her job and health status, identified her husband as the person from whom she contracted HIV.²⁶ HIV and AIDS rates amongst clients are also not known or reported, nor are those of the more discreet (up-scale) or occasional sex workers – women and men – as these populations have a greater ability to mask or disguise their activities and to secure their confidentiality. The focus on HIV and AIDS, while important, tends to obscure other health issues that people who engage in sex work or transactional sex also face, and which may be of greater importance for their life-chances. For example, in the interior of Guyana, the contraction of malaria has been identified as being of a greater immediate concern to the sex worker than the risk of HIV. Non-communicable diseases have also been documented by PAHO as the leading causes of death in the Latin American and Caribbean region.²⁷ Non-communicable diseases in the region “are now the leading cause of premature mortality, accounting for nearly half the deaths of persons under 70, and for two out of three deaths overall.”²⁸

The emphasis in sex work studies on HIV and AIDS tends to isolate STIs from other health concerns, and does a poor job of capturing or addressing the complex health situations and conditions that sex workers and their clients experience and even less so of meeting their health care needs.

HUMAN TRAFFICKING

The coercion of women and minors into prostitution or “unlawful sexual intercourse” is prohibited in Sexual Offense Acts or Criminal and Penal Codes in Antigua and Barbuda, the Bahamas, Barbados, Belize, Curacao, Dominica, Grenada, the French departments, Guyana, Jamaica, St. Lucia, Suriname and Trinidad and Tobago, under laws that criminalize procuring of persons (usually women and minors) and detention against the will. For example in Antigua’s Sexual Offences Act, any person “who takes away or detains a female person against her will with intent ... to cause her to ... have sexual intercourse with a male person” or who by “deception procures another to have sexual intercourse with any person either in Antigua and Barbuda or elsewhere” commits an offense. This is compounded by the Immigration Act, which

²⁶ See Cannings et al. 1998. Also, Porter and Bonilla argue for the US that, “HIV infection is related to long-term injection drug use or to large numbers of nonpaying sex partners more than to prostitution per se” (2008: 200, emphasis mine). If this holds true for the Caribbean, then transactional sex and multiple partnering would be important areas for HIV prevention work.

²⁷ In 2001 rates were: 10.9% ischemic heart disease, 8.2% cerebrovascular disease; 5% diabetes, 4.8% lower respiratory infections, and 2.7% hypertensive heart disease, while HIV and AIDS accounted for 2.5% of all deaths (<http://www.dcp2.org/pubs/GBD/3/Table/3.10>).

²⁸ See: <http://www.caribbeanpressreleases.com/articles/2341/1/Campaign-against-Chronic-Diseases-Set-for-the-Caribbean/Page1.html> 2007.

prohibits a person who is a prostitute from entering the country. Together, these laws make it illegal for a person to “traffic” another into the sex industry – i.e., to coerce, deceive and transport a person across a border for purposes of sexual exploitation (sex work).

In the 2005 IOM review of trafficking laws in several Caribbean countries, it was also noted that “there are a number of criminal offences that cover abduction, kidnapping, forced detention and assault” that can be used to prosecute traffickers, while “sexual offences law can be useful to prosecute those responsible for forcing women into sex work.” (IOM 2005: 14) In addition, most Caribbean countries “guarantee freedom from forced labour and slavery within their constitutions as a fundamental right” (IOM 2005:13). Thus, without any specific trafficking law, activities that are generally understood to be trafficking are already criminalized and illegal in Caribbean countries under a range of laws.

However, the local laws and fundamental rights are overshadowed by recent international attention to human trafficking that is governed by the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which supplements the *Convention against Transnational Organized Crime*. This UN Convention was ratified by Aruba (January 2007), the Bahamas (September 2008), Belize (September 2003), France (2002), Guyana (September 2004), Jamaica (September 2003), St. Kitts and Nevis (May 2004), Suriname (2007) and Trinidad and Tobago (May 2007). Barbados, France, Haiti, Jamaica, St. Vincent and the Grenadines, and Trinidad and Tobago are signatories to the Protocol.

The UN definition of trafficking includes but is not limited to coercion and force in the sex trade.²⁹ Following from the UN Convention Belize, Barbados (2003), Dominica, Guyana (2005) and Jamaica (2007) have all passed Trafficking in Persons Acts. The Bahamas was drafting a similar Act at the time of this review.

Besides being encouraged by the UN to introduce specific anti-trafficking policy and laws, Caribbean governments are also asked to report annually to the US State Department about unregulated migration and forced labour, especially within domestic and regional sex industries, for its annual Trafficking in Persons report that is governed by the US Trafficking Victims Protection Act (TVPA) of 2000. Annually, the countries are ranked into three tiers according to their compliance with US standards. Countries that are placed in the lowest tier (3) are threatened with economic sanctions. Cuba has been consistently placed in Tier 3 and is therefore continuously on the list of sanctioned countries. Guyana, Suriname, Haiti, the Dominican Republic, Belize and Jamaica have all been ranked negatively by the US State Department at various times (Kempadoo 2007: 80). At the time of this review, Belize, the Dominican Republic, Guyana, St. Vincent and the Grenadines, and the Netherlands Antilles appeared on the US TIP

²⁹ In the 2000 UN Trafficking Protocol “Trafficking in persons” means “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;”

(Trafficking in Persons) Tier 2 Watch List.³⁰ The annual evaluation by the US State Department is controversial since on the one hand governments can be tempted to produce results to avoid economic sanctions and may mount a flurry of public activity at the time of the review to demonstrate that the country is doing its best to counter trafficking (Kempadoo 2007). The sex trade is one area in which results can be quickly produced, due to its clandestine and illegal status and, as pointed out by a former UN anti-trafficking advisor, activities often concentrate on raids in the sex industry and the arrest of sex traffickers and “victims” – usually underage and undocumented migrant women (Sanghera 2005). On the other hand the annual exercise and results are sometimes opposed or resented by local governments. For example, in 2009 the US rankings were immediately contested by the St. Vincent and Guyana governments on the basis of a lack of evidence.³¹ Even countries that have been placed in Tier 2 object to the US State Departments ranking, such as the Bahamas where the Ministry of Foreign Affairs issued a statement claiming “there is no positive evidence” of the trafficking of women from Jamaica for sex work, and that “incidences of employer coercion cannot by itself ground the offence of trafficking in persons or be evidence that persons are being trafficked.”³² Either way, the root cause of the problem is not seriously addressed and sex workers are subjected to increased surveillance, arrest, detention, and deportation.

While the more recent anti-trafficking laws concern all forced migration and labor situations, the primary concern of the US State Department for coercion for and within sex industries means that new trafficking acts duplicate the focus that already exists in laws against procuring and detention of persons against their will in the sex trade. Haiti is one of the few countries where trafficking for work outside of prostitution is seen to be relevant or significant (Ferguson 2003). Moreover, most of the concern about forced migration and forced labour in Caribbean sex industries appears to relate to situations of debt-bondage or smuggling that do not fit into the complete trafficking episode, and hence cannot be easily prosecuted under specific anti-trafficking laws.³³

³⁰ <http://www.state.gov/g/tip/rls/tiprpt/2009>

³¹ See: <http://www.radiojamaica.com/content/view/18997/88/>;
<http://www.gina.gov.gy/archive/daily/b090616.html#5Guyana>;

³² http://www.bahamaislandsinfo.com/index.php?option=com_content&view=article&id=3208:bahamas-responds-to-us-on-human-trafficking&catid=34: Bahamas%20National%20News&Itemid=147

³³ For an event to be considered trafficking, all three parts of the process need to be present: the recruitment, transportation...by means of a threat or use of force ...for purposes of exploitation. In cases where all three parts are not identified, some researchers use the notion “elements of trafficking.” However, this makes prosecution of a case difficult. To overcome this limitation, Anne Gallagher, former UN advisor on trafficking points out that other UN or local government provisions, policies and laws might be as, or even more, effective in the war on trafficking. For example, she notes, “Debt bondage, a common means of maintaining control over those in situations of exploitation, is said to be included within the prohibition on servitude contained in the ICCPR and thereby potentially assimilated into the broader notion of forced labor. These provisions give structure and substance to a range of rights protected in other instruments, including the right to employment that is freely chosen and accepted, the right to just and favourable conditions of work, and the right to an adequate standard of living, all of which are guaranteed in the International Covenant on Economic, Social and Cultural Rights (ICESCR)” (Gallagher 2009: 821). See also the recommendations that were made by Cynthia Mellon in 1999 and which are attached at the end of this report.

This review uncovered little documentation of actual trafficked cases in the Caribbean. For example, in Guyana in 2000, following reports of the trafficking of young girls between the border town Corriverton and Suriname, the Guyana Human Rights Association “found no established sex trade of female minors between the two countries” (Danns 2002: 21). In 2002, research by Red Thread found that “no sex worker claimed to have been tricked or coerced into sex work” and that “[n]one of the Amerindian women in the study had been ‘hijacked’” even while the researchers treated these claims with caution (Red Thread 2002: 9). In its study of trafficking in 2004, multiple cases of debt-bondage, forced prostitution and deception were reported, although actual “victims” of trafficking were not found through the study (Red Thread 2004). Nevertheless, in 2009, the Guyana government reported that “3 documented cases of trafficking” were known in the country.³⁴ In 2005 the IOM cited one case in the Netherlands Antilles that had already been documented in the 1990s (Martis 1999) and referred to one other case where “the United States government prosecuted two American traffickers for luring Jamaican men into forced labour in New Hampshire,” concluding that “there are few reports of trafficking cases in the Caribbean region itself” (IOM 2005:27). In Suriname three respondents in the research population of 110 indicated that they had been taken to Suriname “under false pretences” (Schmeitz et al. 2009: 32). The COIN 2008 report on migrant sex work reports many instances of forced prostitution, deception in the recruitment process, debt-bondage and smuggling, although it is difficult to discern in the report how the different elements come together to constitute a trafficking episode.

The majority of cross-border migrations for the sex trade that have appeared in research studies in the past decade report of situations such as in Antigua or Curacao, where women are generally aware of, and consent to being recruited for work in sex industries abroad, although they may be unaware of the terms or working conditions of the job, such as the hours, pay, location, etc (PSI 2008; COIN 2008; Kempadoo 2004). As is noted in the report on the situation in Antigua and Barbuda, which has a large population of Spanish-speaking sex workers, “most sex workers are there of their own volition and not forced but may have previously been involved with sex work in their home country...some came under the mistaken impression that it was some type of other work that they would be involved in” (PSI 2008). They may be smuggled into a country to avoid immigration controls, and/or pay large sums of money to middle-persons for false documents, passage, and accommodation. The COIN report notes that women from the Dominican Republic who were interviewed in Dominica told about a network of operators who ask for about \$1,000 to take a woman to St. Lucia for exotic dancing. Many of these women arrived independently in Dominica on tourist visas and overstayed in an undocumented status, others had arrived through smuggling networks via Guadeloupe, St. Martin, St. Thomas, Antigua, Martinique and St. Lucia. Around 40% of the sex workers from the Dominican Republic in Antigua had entered the country without legal documents, while others traveled to the country independently with tourist visas and documents. The same report describes for Antigua situations of debt-bondage, where some women were recruited from the Dominican Republic by Antiguan men with promises of work permits and residency, were placed in brothels while their passports are held and were forced to work to pay back their travel debts. Similar situations exist in French Guyana (COIN 2008). However, the extent of such situations cannot be determined from this study.

Trafficking is also often confused with migration. For example, in its research on trafficking in

³⁴ <http://www.gina.gov.gy/archive/daily/b090616.html#5Guyana>

the Bahamas, the IOM notes that “because of its close proximity, the Bahamas is used as a transit point by migrants and asylum seekers en route to the USA” and that “approximately 5,000 registered Haitian migrant workers are in the country, supporting 13,000 dependent family members. Also between 20,000 and 50,000 undocumented Haitians are living in the Bahamas. Migration statistics show that the majority of persons entering the Bahamas are Haitian children up to the age of 14, who apparently travel with a relative or parent.”³⁵ For Jamaica, it states, “Many of Jamaica's migration-related challenges are due to the growth of organized crime networks that have set up sophisticated human smuggling and trafficking operations.”³⁶ However, in the US TIP and IOM reports little evidence is produced to support claims of trafficking. Instead, the presence of migration is taken as an indication of the problem, making it difficult to discern what is understood as migration and how that differs from trafficking.

Arrangements that are commonly defined as sex work, transactional sex, smuggling, child labour, child sexual abuse, child-shifting, etc, are also sometimes included as instances of trafficking. For example, the 2009 US TIP report includes transactional sex and what has been defined in the region as a “Sugar Daddy” arrangement, as in the following: “The most common form of trafficking in Belize is the internal sex trafficking of minors, particularly situations where poor families push their school-aged daughters to provide sexual favors to wealthy older men in exchange for school fees, money, and gifts. This “sugar daddy” phenomenon occurs in Belize and other Caribbean countries,”³⁷

There are extensive human rights violations, especially of women’s rights, in migration and employment that can be identified, and have been well documented in the Caribbean. However, the main problem that surrounds the issue of human trafficking is that that the idea is extremely vague and confusing, identifies a great range of activities, can lead to careless policy and law, and calls for more rather than less surveillance and policing of national borders and of working women’s lives. The confusion about what constitutes trafficking has been pointed out repeatedly by scholars and researchers (Doezema 2000; Weitzer 2005; Ditmore 2005; Kempadoo 2005; Agustin 2007). In one of the few in-depth studies on trafficking in the Caribbean, Red Thread found that “the vast majority phrased their definition of trafficking in terms of movement for the purpose of exploitation... Moreover, participants' responses did not define trafficking in terms of people being taken overseas” (Red Thread 2004: 3). The researchers conclude, “It is impossible to gauge the true extent of trafficking in Guyana for two reasons. First, people are not always prepared to speak openly about illegal activities... Second, there is no general agreement on what specific activities constitute TIP” (Red Thread 2004:24). Sociologist Rhacel Parrenas points to a similar problem in a recent review of literature on the subject of trafficking:

“public discussions and debates fail to clarify our knowledge on human trafficking...The recent spate of books evinces quite different views on human trafficking. For instance, some reduce trafficking to slavery, in other words a form of property relation, while others see it as a severely unequal relationship of labor, meaning a relation of unequal exchange value.

³⁵ <http://www.iom.int/jahia/Jahia/activities/americas/the-caribbean/bahamas>

³⁶ <http://www.iom.int/jahia/Jahia/activities/americas/the-caribbean/jamaica>

³⁷ <http://www.state.gov/g/tip/rls/tiprpt/2009/123135.htm>, Belize country report. See Dunn (2002) for a description of the “Sugar Daddy” and “Sugar Mommy” arrangements in Jamaica.

Disagreements also persist on whether to view trafficking as a crime or violation of human rights. Lastly, the conflation of prostitution with human trafficking inspires some but dissuades others. One central caveat confounds our efforts to tackle the problem of human trafficking: the unreliability of our knowledge... Even the U.S. Government Accountability Office questions the reliability of most statistics. Moreover, we lack discussions on human trafficking based on extensive research. Our knowledge usually goes as far as anecdotes that present different scenarios of trafficking cases, which are often presented in a vacuum and not in the context of their emergence” (Parrenas Forthcoming)

The multiple interpretations and lack of clarity about what constitutes trafficking, as well as the potential for a range of activities and research methods to be used in claiming its existence mean that almost any illegal or criminal activity that involves migration and participation in sex work can be classified as trafficking. However, unless a full trafficking episode can be proven, no prosecution can take place under an anti-trafficking law.

Anti-trafficking legislation has also been found in various parts of the world to have many negative consequences for sex workers if carelessly applied, including greater harassment by immigration officials, arrest, detention and deportation, a “Push–Down–Pop–Up” effect, the identification of family and friends as “traffickers,” and indefinite suspension of women in shelters and homes (Chapkis 2003; Frederick 2005; Kapur 2002; Marshall and Thatun 2005; Pearson 2002; Kapur 2003). The expansive, all-encompassing legal and social definition moreover leaves little space to address the complexities in Caribbean sexual-economic relations or to take into account Caribbean sex workers’ agency. Current debates about trafficking may also help to circulate two main narratives about sex work that are oppressive or harmful to sex workers. One is that they are helpless victims of sexual violence who need to be rescued from the hands of “evil” traffickers and sent back to the safety of their guardians or homes. This idea is applied equally to adult women and girl minors and is reflected in laws such as those in Belize where “The magistrate before whom a woman or girl is brought pursuant to an entry and search under this section may cause her to be delivered up to her parents or guardian, or otherwise dealt with as circumstances may permit and require.” In Dominica and Jamaica similar laws apply. Such laws and ideas not only infantilize women, but deny both women and girls any agency and self-determination in the sex trade. As Williams notes about young women and girls in prostitution in Jamaica:

commercial sexual exploitation of children cannot always (or exclusively) be conceptualized as sexual violence in which children are victims....These accounts reveal young girls as actors, initiators, negotiators and as business persons making an opportunity, a virtue out of a necessity even; they reveal forms of ‘sex for gain’ ... of sex for economic independence, or as an expression of the erosion of values and attitudes in a society which subjects children to considerable social pressure to buy higher and “better” lifestyles” (Williams 2000:3).

The second narrative is that they are shameless, “loose” women or “whores” who sully and destroy the purity of the nation, “stealing” men away from the local women. In Dominica, COIN reports that migrant sex workers face harassment even in places such as the Church, “where parishioners think that they are going to steal their husbands” (COIN 2008). In Curacao, the name “SanDom” is applied by the local population to any Spanish-speaking woman on the island, and is seen to be synonymous with prostitute (Kempadoo 2004). Migrant women in the sex trade, such as (Indo-) Guyanese women in Barbados and Suriname, Dominicanas in Curacao and Antigua, or Brazilian women in Suriname and French Guyana, are often seen then to represent immorality and indecency and become targets of racial discrimination, harassment, detention and deportation. This second narrative feeds ethnic and racial hostilities, and supports xenophobic and nationalist attempts to keep foreigners out. Both narratives portray sex work in negative ways, supporting ideas that it should be erased from society.

SEX WORKER’S RIGHTS

Sex workers have been classified as a very vulnerable community in the Caribbean, and this report particularly points to legal contexts, stigmas, and discriminations that cause or maintain such vulnerability, as well as the issues of transactional sex and migration, which blur sex work boundaries and complicate the vulnerability. All these, as well as the violence sex workers experience on multiple fronts, place them in very difficult circumstances, especially in light of HIV and AIDS epidemics. Nevertheless, Caribbean sex workers have organized around and struggled against the obstacles, as well as for respect, wellbeing and rights, for a number of years.

In the 1990s, there was considerable attention for and organizing around sex worker’s rights in the Caribbean. In 1993 the Stichting Maxi Linder Association in Suriname was formed; in 1995 in the Dominican Republic the first sex worker’s congress was held; and in 1996 the organization MODEMU (*Movimiento de Mujeres Unidas*: the Movement of United Women) took shape. In 1998, the conference, “The Working Sex”, was held in Kingston, Jamaica, at which sex worker organizations participated and presented, and by 2000 a number of sex workers had become acquainted with the Red Thread Women’s Development Organization in Guyana and were involved in activities (Cannings et al. 1998; COIN 1996; Red Thread 1999). All these organizations and activities underscored the need for sex worker empowerment, rights and recognition. By 2002, Red Thread had identified sex worker’s needs as: a) “the development of literacy and other skills, because they want alternative work that would enable them to provide food, shelter and clothing for their children”; b) “the desire to organise in their own self-defense, mainly against physical injury by clients and by the police”; and c) “increased health safety and protection (from HIV/AIDS)” (Red Thread 2002: 11). In late 2008, a new sex worker’s organization publicly emerged: the Guyana Sex Work Coalition.³⁸

The issues that Caribbean sex workers struggle and organize around have been summarized in the following way:

Organized sex workers tend to identify the problems they encounter as lodged in the harsh economic conditions of their countries, laws that criminalize their lives, stigmas and prejudices that they and their children

³⁸ <http://www.commonwealthfoundation.com/sustainabledev/worldaidsday/WAD%20Caribbean>

must endure, and the violence and harassment they face from the state (i.e., police and immigration laws). These are defined as key oppressive elements. The extensive misogyny and violent tendencies of some of their male clients, dishonesty and corruption of “managers” and “boyfriends,” and links between the global sex trade and underground criminal activity are also of primary concern. Furthermore, the discrimination sex workers face from health and social workers, the constant worry about contracting STDS from clients, and the often dirty conditions in which they have to work compound the problems they face on a day-to-day basis (Kempadoo 2004: 203).

The problems have changed little over the past two decades although they have been exacerbated recently by a globally-induced attention by governments to trafficking that brings with it greater surveillance of migrant women and sex workers. Over the past decade the sex workers’ struggle has intensified due to wider recognition of the vulnerabilities they face, greater mobilization, and the inclusion of more men and transgender persons.

Important support for sex workers’ rights struggles has recently been facilitated through the regional coalition of Caribbean Vulnerable Communities that helped establish a Caribbean Coalition of Sex Workers. This new Coalition links sex workers and sex workers’ rights advocates and NGOs in eight Caribbean countries, holding three consultative meetings since 2007 and participating in international events.³⁹ The Coalition calls for a number of changes in laws and policy in order to protect their rights as workers, access to services, protection, and greater social inclusion (UNIFEM 2009). In 2008 the Coalition identified five areas for attention:

1. Law reform - to repeal laws that contribute to sex workers’ vulnerability (to HIV and AIDS), including those which criminalize consensual sex between persons of the same sex.
2. Youth – zero tolerance for the sexual exploitation of children yet also recognizing transactional sex as a growing phenomenon and “the need to provide appropriate health and social services and support where persons under the age of 18 (or the age of consent as established by applicable national laws) are involved in commercial sex.”
3. Diversity – outreach to “transgender persons, men who buy sex and men who sell sex to women.”
4. Human Trafficking – to support all legal and ethical efforts to prevent all forms of coercion linked to commercial sex, while recognizing “the complex factors that drive sex workers’ mobility and the human rights abuses and vulnerability that characterize the lives of mobile sex workers”.
5. Substance Use – to recognize the links between substance use and sex work and to advocate for better HIV prevention, care, and treatment as well as for more research in this area.⁴⁰

It is considered imperative that any initiative for change in the sex industry be informed by and

³⁹ “Finally, sex comes to AIDS 2008” by Cedriann Martin, 7 August 2008.
<http://www.panos.org.uk/?lid=23782>

⁴⁰ CVC “Sex Work Policy and Programming in the Caribbean Workplan 2008-09” (draft, in progress).

shaped together with sex workers if it is to have any sustained and lasting impact, whether this is in the area of HIV prevention or of law reform.

GAPS AND INCONSISTENCIES

This review reveals a number of gaps and inconsistencies, which are summarized as follows:

There is a lack of a common term or legal and conceptual frameworks to refer to and define sex work across the English-, Dutch- and French-speaking Caribbean. In the law, sex work is an unknown term, while in social and epidemiological studies prostitution is a term that is barely used. In few studies or laws is prostitution or sex work fully defined.

There are inconsistencies in the gendered identifications of prostitutes or sex workers, brothel keepers, procurers, solicitors, loiterers, etc. in the laws. In some instances the laws reflect classic patriarchal definitions of the prostitute as woman and those who organize, profit from, buy or exploit her sexual labour, as men. In more recent laws, there is some attempt to move away from such strict gendered assignments and to reflect the everyday complexity of the sex trade where women, but also some men, transgenders, transsexuals, etc. are engaged in sexual-economic exchanges with multiple others, and where the organizers, procurers, brothel managers, “pimps” etc also include some women. The inconsistencies can lead to confusions in interpretations and enforcement of the law.

There is little information about how the existing laws are enforced or violated or how everyday policing of prostitution takes place, other than the occasional media reporting of arrests of mainly migrant sex working women, often for violation of immigration laws. Uniformly the laws across the region criminalize brothel-keeping, procuring and “living off the earnings of a prostitute” yet how governments enforce these laws is not clear. The only case that has been carefully documented is that for Curacao where in the 1940s the local government deliberately suspended its laws on brothel-keeping to allow prostitution in one site to be legally organized, in effect making the Government the leading procurer.

There is to date scant solid evidence of trafficking, yet there is much official activity around this phenomenon. Evidence of trafficking is diligently pursued in the countries under review to satisfy the demands of the US State Department and the effort appears disproportionate in light of the results. Nevertheless, coercion, deception and force in migration processes as well as force and debt-bondage in sex industries appear to be common occurrences. Many of these violations are directly linked to the criminalisation and stigmatization of prostitution and other sexual-economic exchanges, and to tight regulations on regional labour migration.

From the research evidence available, situations in countries where the sex trade is highly criminalized (the English-speaking Caribbean) do not appear to be different from those where laws are minimal or sex work is state regulated (respectively Haiti or Curacao). In all places sex work appears to be practiced in a variety of forms and everywhere it appears to be highly stigmatized. The existing studies, however, have not clearly

documented conditions in the sex trade, and do not support careful comparison of the varying conditions for sex workers under regulationism or criminalization.

Little research describes in any detail the sex industry owners, managers, coordinators, and facilitators, irrespective of whether they operate in the underground or in formal, legal sectors of the economy. Likewise, ‘pimps’ and ‘dependents’ are invisible in many of the studies, or if they do appear, are cast as persons who take advantage of sex workers. The interdependence and relations of power in the sex industry remain obscured due to this lack of attention.

While the laws concentrate on prostitution, which in most countries refers to payment for sex, there are numerous other arrangements where sex is exchanged for material and other benefits that cannot be explicitly identified as prostitution, and involve many young women and men. There is a lack of insights and information about “transactional” or “tactical” sex and of the various factors that may drive (young) people into affective-sexual-economic exchanges, including pleasure, emotion and spiritual beliefs, and of how these exchanges differ from sex work.

Little research exists on the demographics and sexual behaviours and desires of the demand side/clients. The research indicates that many clients are married or are engaged in multiple sexual partnering, and this would suggest that they are likely vectors of infection to the rest of the population. Yet little or no data exist that could help to map the epidemic. The PLACE studies in Jamaica and Haiti are some of the few that have mapped sexual networks in relation to HIV and AIDS. However, these do not specifically focus on sex work.

Although a considerable amount of information has been generated about knowledge, behaviour and practices concerning HIV and AIDS among groups of sex workers, in studies of sex work little information is provided about sex workers’ needs beyond safe sex practices, and little attention has been given to the development and support of sex workers’ rights.

It is recognized that some countries are heavily dependent on tourism and that the sex trade plays a considerable role in the national economy, yet there are no recent studies in English-, Dutch- or French-speaking territories that examine the linkages between sex work and tourism and no exact figures available on the sex tourism industry. There are also no estimates of the number of people involved in secondary activities that support the trade, including taxi drivers, hotel personnel, and purveyors of food and drink to clients and sex workers. Moreover, the main emphasis in studies of sex tourism is on local men selling their services to women tourists, and little is known about sex work – male, female or transgender - with male tourists.

Attitudes and claims that prostitution or “trading in human flesh” is not part of any “legitimate sectorial activity or some specialised industry” deny the reality and help to obscure rather than reveal everyday practices.⁴¹

A primary focus since 1999 in studies on sex work in the Caribbean has been on HIV and AIDS. There is a lack of a holistic approach to the study of the health and well-being of sex workers in the region, in which other factors that could play a role in “risk-taking behaviour” are concealed.

⁴¹ See for example: <http://labourparty.wordpress.com/2006/09/14/no-to-prostitution/>

RECOMMENDATIONS

These recommendations point very clearly to specific areas of research as well as legal and social action that can be undertaken in the Caribbean to come to terms with sex work.

1. Definitions, terms and laws need to be harmonized in the region, especially within CARICOM. Given that in no country is the exchange of sexual services for payment or benefit itself a criminal offence, but rather that the organization of prostitution is criminalized, it would seem appropriate to focus on ensuring that laws in CARICOM address the force, violence and coercion that women and men face in and beyond the sex trade and on refraining from the criminalization of activities that are not defined by law as illegal (prostitution/sex work). This would not require new laws on prostitution, but rather a simplification or repeal of some laws or specific articles, particularly those that limit choices in sexual activity between persons capable of giving consent.

Further study of conditions in the sex trade under regulationism and criminalization would allow for a more precise identification of areas for legal reform and could help to inform public and policy debates about advantages and disadvantages of specific systems for regulating sex work. Drawing on international experiences would also be helpful for informed debate.

2. Any debate on legal reform must go beyond merely what is criminalized and how severely it is punished. If the discrepancies in penalties arise from a confusion of legal with moral principles, as seen in phrases like ‘immoral traffic’, ‘lewd behaviour’, ‘bawdy house,’ ‘buggery,’ and ‘common prostitute’, the debate will have to examine the extent to which laws are responsible for providing guidance on morally acceptable behavior. This is relevant because much of the resistance to reform of laws on prostitution and to improving the working and living conditions of sex workers arises out of moral and religious convictions.
3. Attention to trafficking needs to be carefully considered. Given the tendency of the US State Department to classify almost every action within the sex trade as trafficking, and the propensity to extend the definition into almost every area of migration, and that Caribbean governments are annually evaluated by the US on their anti-trafficking efforts, great care needs to be taken to distinguish activities that realistically fall under trafficking and to ensure that sex worker’s rights and agency are not harmed by the war on trafficking.
4. Knowledge needs to be developed about the organization of the sex industry and the ways it is linked to the national economy, as well as about the organizers, managers, employers, facilitators and clients in the industry. The focus on sex workers, while important for the empowerment of very vulnerable social groups, needs to be complemented by study and research on the rest of the sex industry and the broader context and relationships within which sex workers operate.
5. Affective-sexual-economic relations – “transactional” or “tactical sex” - needs careful and sustained research in order that the distinctions from sex work can be better made. Attention must be focused on the specific vulnerabilities of young women and men in

these relationships, the relations of power that exist within them, and on how these more informal activities are related to the law, economy, work, and sexual health.

6. A broader approach to HIV and AIDS prevention needs to be developed that takes into account the clients and others involved in the sex industry and considers them co-responsible in transmission as well as in the fight against the epidemics.
7. Safe, sustainable income-generating alternatives, that may include but not place a premium on sexuality, should be created for women and men to participate in the global economy.
8. A holistic approach to sex workers' lives and activities is needed, which would allow sex workers to be viewed and treated respectfully and according to their rights as full citizens of CARICOM Member Countries.

Moreover, the recommendations made in 1999 that arose from the regional research project on tourism and the sex trade are worth recalling here (see Mellon 1999):

1. States should seek to clarify the legal situation of sex work without criminalizing sex workers and without putting more power into the hands of brothel owners and others who are in a position to exert economic pressure on sex workers. As long as sex work remains a clandestine activity, workers in the industry will continue to be vulnerable to abuse, with limited possibilities for taking open and organized action toward accessing and ensuring their rights. Due to the ambiguous nature of their legal status, sex workers are vulnerable to abuse by authorities, clients and others, for which they cannot seek protection and redress from the state.
2. Sex work must be recognized as a labor activity to which both national labor legislation and ILO standards apply. Labor rights are never achieved easily. However, having access to the necessary legal instruments is an essential element for improving working conditions. Where national labor legislation and practice is not in line with ILO standards or is weak and incomplete, it must be strengthened.
3. Work must be done to counter the social discrimination sex workers face in society. Although changes in the way people think require long-term effort, making sure sex workers are protected under law as members of society with rights and as workers is an essential step toward countering at least the more visible effects of discrimination.
4. Sex workers who migrate to work in other countries must have access to state protection from both the host country and their country of origin. Regardless of the "legality" of a person's presence in a country, all people should have access to human rights and protection from abuse. The concept of "labor migration" and national boundaries needs to be revised in the light of the current global situation.
5. Access to health care is a right contained in the International Convention on Economic, Social and Cultural Rights. While this is still far from being a reality in most countries, it is a standard toward which to aspire. Sex workers need access to health care and to health education and preventative programs around AIDS/HIV and sexually transmitted diseases (STDs). However, the elements of coercion present in many of the existing state-run programs constitute a violation of sex workers' human rights and dignity. No programs should be put in place without consultation with sex workers, and their scope should include clients as well. Minors must not be

denied access to curative and preventive measures for STDs. The ongoing work of sex workers' organizations in the area of AIDS/HIV education and prevention should be recognized, encouraged and supported.

6. The situation of children and adolescents involved in prostitution should be given special and separate consideration, since their needs and realities are frequently different from those of adults. Child prostitution must be examined in the context of the general economic injustice which puts people in the position of having to work for their survival before they have achieved physical and intellectual maturity. Attempts at assisting child sex workers should not lead to further abuse of their rights and should be congruent with the legal age of sexual consent in the country.

7. The situation of indigenous and Maroon women and their communities should be given special attention. Compliance with ILO Convention 169 on the Rights of Indigenous and Tribal Peoples should be sought and policies should be put in place to guarantee that the women of these communities will gain knowledge of and access to their rights as well as opportunities for education and economic advancement that are in keeping with the goals they themselves identify.

8. The lack of real development strategies that include the majority of the population of countries (as opposed to a small economic elite) is a serious problem. Job training programs must be put in place, and these should be made especially available to women and youth. If such programs are to be truly accessible, they should be held at hours during which women can attend, and include the possibility of child care. However, job training should be seen as a complement to job development programs and not the other way around. Training people for jobs that do not exist is a dead-end effort.

9. While tourism is currently one of the few economic avenues open to many Caribbean countries, the current structure whereby multinational companies hold a monopoly on tourism profits is untenable for local populations. Action must be taken so that local people can have some influence over tourism policy. Community-based tourism, as is beginning to be practiced in some regions, should be explored as an option.

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APPENDIX: TABLE OF LAWS

COUNTRY	LAW	OFFENCE
ANTIGUA	Antigua and Barbuda Sexual Offences Act 1995	<p>2. In this Act</p> <p>"adult" means a person who is eighteen years of age or more;</p> <p>"brothel" means a place resorted to by persons of either sex for the purpose of prostitution;</p> <p>"prostitute" means a person of either sex who engages in prostitution;</p> <p>"prostitution" means the offering of the body by a person of either sex for the purpose of arousing or gratifying the sexual desire of another for payment in return.</p> <p>12. (1) A person who commits buggery is guilty of an offence and is liable on conviction to imprisonment -</p> <ul style="list-style-type: none"> a. for life, if committed by an adult on a minor; b. for fifteen years, if committed by an adult on another adult; c. for five years, if committed by a minor. <p>(2) In this section "buggery" means sexual intercourse <i>per anum</i> by a male person with a male person or by a male person with a female person.</p> <p>15. (1) A person who commits an act of serious indecency on or towards another is guilty of an offence and is liable on conviction to imprisonment -</p> <ul style="list-style-type: none"> a) for ten years, if committed on or towards a minor under sixteen years of age; b) for five years, if committed on or towards a person sixteen years of age or more, <p>(2) Subsection (1) does not apply to an act of serious indecency committed in private between -</p> <ul style="list-style-type: none"> c) a husband and his wife; or d) a male person and a female person each of whom is sixteen years of age or more; <p>both of whom consent to the commission of the act.</p> <p>(3) An act of "serious indecency" is an act, other than sexual intercourse (whether natural or unnatural), by a person involving the use of the genital organ for the purpose of arousing or gratifying sexual desire.</p> <p>16. A person who</p> <ul style="list-style-type: none"> b. procures a minor under sixteen years of age to have sexual intercourse with any person either in Antigua and Barbuda or elsewhere; or d) procures another for prostitution, whether or not the person procured is already a prostitute, either in Antigua and Barbuda or elsewhere; or e) procures another person to become an inmate, whether or not the person procured is already an inmate elsewhere, of or to frequent a brothel either in Antigua and Barbuda or elsewhere, <p>is guilty of an offence and is liable on conviction to imprisonment for fifteen years.</p> <p>17. A person who</p> <ul style="list-style-type: none"> d) by threats or intimidation procures another to have sexual intercourse with any person either in Antigua and Barbuda or elsewhere; or e) by deception procures another to have sexual intercourse with any person either in Antigua and Barbuda or elsewhere; or

		<p>f) applies, administers to <i>or</i> causes to be taken by any person any drug, matter or thing with intent to stupefy or overpower that person so as thereby to enable any other person to have sexual intercourse with that person, is guilty of an offence and is liable on conviction to imprisonment for fifteen years.</p> <p>18. (1) A person who detains another against that other's will -</p> <p>a. in or upon any premises with intent that the person detained may have sexual intercourse with any person; or</p> <p>b. in any brothel, is guilty of an offence and is liable on conviction to imprisonment for ten years.</p> <p>19. A person who takes away or detains a female person against her will with intent -</p> <p>a. to marry her or to have sexual intercourse with her; or</p> <p>b. to cause her to marry or to have sexual intercourse with a male person, is guilty of an offence and is liable on conviction to imprisonment for ten years.</p> <p>20. (1) A person who</p> <p>e. being the owner, occupier or manager of premises; or</p> <p>f. having control of premises or assisting in the management or control of premises, permits a minor under sixteen years of age to resort to or to be in or upon the premises for the purpose of having sexual intercourse with any person is guilty of an offence and is liable on conviction to imprisonment for ten years.</p> <p>(2) It is a defence for a person charged under this section to prove that he did not know or had no reason to believe or suspect that the minor was under the age of sixteen years.</p> <p>(3) A person shall not be charged for an offence under this section if the minor is the spouse of that person.</p> <p>21. A person who</p> <p>e. keeps or manages or acts or assists in the management of a brothel; or</p> <p>f. being the tenant, lessee, occupier or person in charge of any premises, knowingly permits the premises or any part thereof to be used as a brothel or for the purposes of prostitution; or</p> <p>g. being the lessor or landlord of any premises, or the agent of the lessor or landlord, lets the same or any part thereof with the knowledge that the premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of the premises or any part thereof as a brothel, is guilty of an offence and is liable on summary conviction to a fine of \$10,000 and to imprisonment for five years.</p> <p>22. (1) A person who</p> <p>c. knowingly lives wholly or in part on the earnings of prostitution, or</p> <p>d. in any place solicits for immoral purposes, is guilty of an offence and is liable on conviction to imprisonment for five years.</p> <p>(3) Where a person is proved to live with or to be habitually in the company of a prostitute, or is proved to have exercised control, direction, or influence over the movements of a prostitute, in such a manner as to show that the person is</p>
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		aiding, abetting or compelling the prostitution with any other person or generally that person shall be deemed to be knowingly living on the earnings of prostitution unless the person proves the contrary.
ANTIGUA	Antigua and Barbuda Small Charges Act 1892, Cap 405	<p>41. (1) Any person who, being the tenant, lessee, occupier or person in charge of any premises knowingly permits such premises or any part thereof to be used for the purposes of habitual prostitution shall be liable to imprisonment for a term not exceeding six months.</p> <p>(2) Every female who is proved to have, for the purposes of gain, exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that she is aiding, abetting, or compelling her prostitution with any person, or generally, shall be liable to imprisonment for a term not exceeding six months.</p> <p>(3) Any person loitering or being in any public place for the purpose of prostitution or solicitation to the annoyance of the public shall be liable to imprisonment for a term not exceeding two months.</p> <p>(4) Every male person who in any public place persistently solicits or importunes for immoral purposes shall be liable to imprisonment for a term not exceeding six months.</p> <p>(5) Any common prostitute wandering in the public streets or public highways, or in any place of public resort and behaving in a riotous or indecent manner, shall be liable to imprisonment for a term not exceeding six months.</p>
ANTIGUA	Immigration And Passport Act (10th January, 1946.)	<p>7. The following persons, not being citizens of Antigua and Barbuda, are prohibited immigrants-</p> <p>(e) any person who is reasonably believed to have come to Antigua and Barbuda for any immoral purpose, or who, being a woman or girl, is reasonably believed to be a prostitute or to have come to Antigua and Barbuda for the purpose of prostitution;</p>
BAHAMAS	<p>CHAPTER 84</p> <p>PENAL CODE</p> <p>An Act to establish a Code of crimes punishable on indictment, and of certain similar and other offences punishable on summary conviction.</p>	<p>Power of search in a house used for immoral traffic.</p> <p>42. If it is made to appear to a magistrate by information on oath that there is reason to suspect that any house or part of a house is used for the purposes of prostitution, and that any person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, the magistrate may issue a warrant authorising any peace officer to enter and search the house and to arrest that person.</p> <p>Presumption as to person living with a prostitute.</p> <p>43. Where a person is proved to live with or to be habitually in the company of a prostitute, or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that such person is aiding, abetting or compelling her prostitution with any other person or generally, such person shall, unless such person can satisfy the court to the contrary, be deemed to be knowingly living on the earnings of prostitution.</p> <p>TITLE xi BROTHELS AND IMMORAL TRAFFIC</p> <p>137. Whoever-</p> <p>(1) keeps or manages, or acts, or assists in the management of a brothel;</p> <p>(2) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or</p>

		<p>for the purposes of habitual prostitution;</p> <p>(3) being the lessor or landlord of any premises or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that such premises or some parts thereof are or is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof as a brothel, shall be liable-</p> <p>a) to a penalty of one hundred and fifty dollars or in the discretion of the magistrate to imprisonment for three months;</p> <p>b) on a second or subsequent conviction, to a penalty of five hundred dollars or in the discretion of the magistrate to imprisonment for six months; and in case of a third or subsequent conviction such person shall be liable to a penalty of one thousand dollars or, in the discretion of the magistrate to imprisonment for twelve months.</p> <p>In addition to any such penalty or imprisonment as aforesaid the offender may be required by the magistrate to enter into a recognisance, with or without sureties, to be of good behaviour for any period not exceeding twelve months, and, in default of entering into such recognisance, he may be imprisoned for three months in addition to any term of imprisonment awarded in respect of his offence.</p> <p>138. Whoever-</p> <p>(1) knowingly lives wholly or in part on the earnings of prostitution;</p> <p>(2) in any public place persistently solicits or importunes for immoral purposes, shall be liable to imprisonment for six months.</p> <p><i>Nuisances and Obstructions in the Streets, and the Like</i></p> <p>212. Every person who does any of the following acts shall, in every case, be liable to a penalty of one hundred and fifty dollars, that is to say, every person who-</p> <p>(13) loiters or wanders about and importunes any passenger for the purposes of prostitution;</p>
BAHAMAS	<p>CHAPTER 89</p> <p>VAGRANCY</p> <p>An Act to control vagrants and for purposes related thereto.</p>	<p>5. Any person who commits any of the offences specified in the Third Schedule to this Act and who is convicted of any such offence by the magistrate shall be deemed an incorrigible rogue and be liable to imprisonment for one year.</p> <p>VAGRANTS</p> <p>2. Being a common prostitute, loitering or soliciting in a street or public place for the purpose of prostitution.</p>
BAHAMAS	<p>Sexual Offences and Domestic Violence, Cap 99</p> <p>9 of 1991</p> <p>10 of 2000</p> <p>[Commencement 2nd August, 1991]</p> <p>An Act to amend the law relating</p>	<p>4. For the purposes of this Act, "sexual intercourse" includes-</p> <p>a) sexual connection occasioned by any degree of penetration of the vagina of any person or anus of any person, or by the stimulation of the vulva of any person or anus of any person, by or with-</p> <p>i. any part of the body of another person; or</p> <p>ii. any object used by another person,</p> <p>iii. except where the penetration or stimulation is carried out for proper medical purposes; and</p> <p>b) sexual connection occasioned by the introduction of any part of the penis of any person into the mouth of another person,</p> <p>and any reference in this Act to the act of having sexual intercourse includes a</p>

	<p>to sexual offences and to make provision in respect of related circumstances involving parties to a marriage.</p>	<p>reference to any stage or continuation of that act.</p> <p>Procuration</p> <p>7. Any person who</p> <ul style="list-style-type: none"> i) procures or attempts to procure any person under eighteen years of age to have unlawful sexual intercourse, either in or outside The Bahamas, with any other person; j) procures or attempts to procure any person to become, either in or outside The Bahamas, a common prostitute; k) procures or attempts to procure any person to leave The Bahamas with intent that he may become an inmate of or frequent a brothel elsewhere; l) procures or attempts to procure any person to leave his usual place of abode in The Bahamas with intent that he may, for the purposes of prostitution, become an inmate of or frequent a brothel either in or outside The Bahamas; m) by threats or intimidation, procures or attempts to procure any person to have unlawful sexual intercourse either in or outside The Bahamas; n) by false pretences or false representations, procures any person to have any unlawful sexual intercourse either in or outside The Bahamas; or o) applies, administers or causes to be taken by any person any drug, matter or thing with intent to stupefy or overpower, so as thereby to enable any other person to have unlawful sexual intercourse with such first-mentioned person, <p>is guilty of an offence and liable to imprisonment for eight years.</p> <p>Prostitution and disclosure of AIDS.</p> <p>8. (1) Any person who-</p> <ul style="list-style-type: none"> c) knowingly lives wholly or in part on the earnings of prostitution; or d) in any public place persistently solicits or importunes for immoral purposes, <p>is guilty of an offence and liable to imprisonment for five years.</p> <p>16. Unnatural crime.</p> <p>(2) Any adult male who-</p> <ul style="list-style-type: none"> a. has sexual intercourse with another male who is a minor; or b. has sexual intercourse, in a public place, with another male, whether with or without the consent of that other male, is guilty of a sexual offence and liable to imprisonment for twenty years. <p>(3) Any female adult who-</p> <ul style="list-style-type: none"> a. has sexual intercourse with another female who is a minor, or b. has sexual intercourse, in a public place, with another female, whether with or without the consent of that other female, is guilty of a sexual offence and liable to imprisonment for twenty years. <p>(4) Notwithstanding the commission by any person of an act which amounts to an offence under this section, that person is not guilty of the offence if he committed the act under restraint, duress or fear.</p> <p>Unlawful detention with intent to have sexual intercourse.</p> <p>21. (1) Any person who detains any other person against his will</p> <ul style="list-style-type: none"> a. in or upon premises with intent that that other person may co-habit or have unlawful sexual intercourse with another person, whether any particular
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		<p>person or generally; or</p> <p>b. in a brothel,</p> <p>is guilty of an offence and liable to imprisonment for two years.</p> <p>(2) Where any person is in or upon premises for the purpose of co-habiting or having any unlawful sexual intercourse, or is in any brothel, another person shall be deemed to detain him in or upon the premises or in the brothel, if with intent to compel or induce him to remain therein that other person withholds from him any wearing apparel or other property belonging to him, or, where wearing apparel has been lent or otherwise supplied to him by or by the direction of that other person, that other person threatens him with legal proceedings if he takes away with him the wearing apparel so lent or supplied.</p> <p>(3) No legal proceedings whether civil or criminal shall be taken against a person who was in or upon any premises or brothel as mentioned in subsection (2) for taking away or being found in possession of any such wearing apparel as was necessary to enable him to leave the premises or brothel.</p>
BAHAMAS	<p>CHAPTER 191</p> <p>IMMIGRATION</p> <p>An Act to repeal and replace the Immigration Act.</p>	<p>22. (1) Subject to the provisions of this Act an Immigration Officer may grant leave to any person to land and remain in The Bahamas for such period as he may determine in accordance with the provisions of subsection (2) of this section, upon being satisfied that that person-</p> <p>(f) is not a person who is reasonably believed to have come to The Bahamas for any immoral purpose, or who being a woman or a girl, is not reasonably believed to be a prostitute or to have come to The Bahamas for the purpose of prostitution;</p>
BARBADOS	<p>Barbados Sexual Offences Act, CHAPTER 154 SEXUAL OFFENCES</p> <p><i>An Act to revise and reform the law relating to sexual crimes. 1992-3.</i></p>	<p>9. Any person who commits buggery is guilty of an offence and is liable on conviction on indictment to imprisonment for life.</p> <p>12. (1) A person who commits an act of serious indecency on or towards another or incites another to commit that act with the person or with another person is guilty of an offence and, if committed on or towards a person 16 years of age or more or if the person incited is of 16 years of age or more, is liable on conviction to imprisonment for a term of 10 years.</p> <p>(2) A person who commits an act of serious indecency with or towards a child under the age of 16 or incites the child under that age to such an act with him or another, is guilty of an offence and is liable on conviction to imprisonment for a term of 15 years.</p> <p>(3) An act of “serious indecency” is an act, whether natural or unnatural by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.</p> <p>13. A person who</p> <p>e. procures a minor under 16 years of age to have sexual intercourse with any person either in Barbados or elsewhere; or</p> <p>f. procures another for prostitution, whether or not the person procured is already a prostitute, either in Barbados or elsewhere; or</p> <p>g. procures another to become an inmate of a brothel or to frequent a brothel, whether the person procured is already an inmate of a brothel in Barbados or elsewhere,</p> <p>is guilty of an offence and is liable on conviction on indictment to imprisonment for 15 years.</p> <p>14. A person who</p>

		<p>d. by threats or intimidation procures another to have sexual intercourse with any person either in Barbados or elsewhere; or</p> <p>e. by deception procures another to have sexual intercourse with any person either in Barbados or elsewhere; or</p> <p>f. applies, administers to or causes to be taken by any person any drug, matter or thing with intent to stupefy or overpower that person so as thereby to enable any other person to have sexual intercourse with that person, is guilty of an offence and is liable on conviction on indictment to imprisonment for 15 years.</p> <p>15. (1) A person who detains another against that other's will</p> <p>a. in or upon any premises with intent that the person detained may have sexual intercourse with any person; or</p> <p>b. in any brothel,</p> <p>is guilty of an offence and is liable on conviction on indictment to imprisonment for 15 years.</p> <p>16. A person who unlawfully takes away or causes to be taken away or detains another person against the will of that other person with intent</p> <p>a. to marry or to have sexual intercourse with the other person; or</p> <p>b. to cause the person to marry or to have sexual intercourse with any other person,</p> <p>is guilty of an offence and is liable on conviction to imprisonment for 10 years.</p> <p>17. (1) A person who</p> <p>e. being the owner, occupier or manager of premises; or</p> <p>f. having control of premises or assisting in the management or control of premises,</p> <p>induces or knowingly suffers a minor under 16 years of age to resort to or to be in or upon the premises for the purpose of having sexual intercourse with any person is guilty of an offence and</p> <p>c) where the minor is under 14 years, is liable on conviction on indictment to imprisonment for life; and</p> <p>d) where the minor is 14 years or over but under 16 years is liable on conviction on indictment to a term of 10 years.</p> <p>18. A person who</p> <p>d. keeps or manages or acts or assists in the management of a brothel; or</p> <p>e. being the tenant, lessee, occupier or person in charge of any premises, knowingly permits the premises or any part thereof to be used as a brothel or for the purposes of prostitution; or</p> <p>f. being the lessor or landlord of any premises, or the agent of the lessor or landlord, lets the same or any part thereof with the knowledge that the premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of the premises or any part thereof as a brothel, is guilty of an offence and is liable on summary conviction to imprisonment for a term of 5 years or to a fine of \$5 000 or to both.</p> <p>19. (1) A person who</p> <p>c. knowingly lives wholly or in part on the earnings of prostitution; or</p> <p>d. in any place solicits for immoral purposes,</p> <p>is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 5 years or to both.</p> <p>(2) If it appears to a magistrate by complaint on oath, that there is reason to suspect that any premises is used for purposes of prostitution and that any</p>
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BARBADOS	Barbados Minor Offences Act 1998, CHAPTER 137	<p>2. (1) Any person who</p> <ol style="list-style-type: none"> f) in any street, highway or public place accosts a passenger and offers to take him to the house or residence of a prostitute; g) loiters in any street or highway and importunes passengers for the purpose of prostitution <p>commits an offence and is liable on conviction before a magistrate to a penalty of \$2 500 or to imprisonment for 2 years or to both.</p>
BARBADOS	Barbados Immigration Act, Cap 190,	<p>8. (1) Subject to subsection (2), entry into Barbados of the persons described in the <i>First Schedule</i> other than citizens or, subject to section 7, permanent residents is prohibited.</p> <p><i>First Schedule - Prohibited Persons:</i></p> <p>3. Persons</p> <p>(a) who are prostitutes;</p>
BELIZE	Summary Jurisdiction (Offences) Act Chapter 98 revised edition 2000 showing the law as at 31st December, 2000	<p>“brothel” means a place where people of opposite sexes are allowed to resort for illicit intercourse, whether the women are common prostitutes or not and includes a common ill-governed or disorderly house.</p> <p>Petty Offences</p> <p>4.-(1) A person who-</p> <ol style="list-style-type: none"> (ix) being a common prostitute or night-walker loiters or is in any street or public place for the purpose of prostitution or solicitation to the annoyance of the inhabitants or passengers or behaves in a riotous and indecent manner; (xxx) being a common prostitute wanders in any street or place of public resort and behaves in a riotous and indecent manner; <p>is guilty of a petty offence.</p> <p>(6) In respect of breaches of the provisions of paragraphs (xxviii) to (xxxi) imprisonment, for any term not exceeding two months, may be imposed instead of a fine.</p> <p>(9) Every person who is guilty of a petty offence shall be liable as follows:-</p> <ol style="list-style-type: none"> (a) for the first offence, to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding two months; (b) for a second or subsequent offence (whether it be the same or any other

		<p>petty offence or petty misdemeanour), to a fine not exceeding four hundred dollars or to imprisonment for a term not exceeding six months.</p> <p>Suppression of Brothels</p> <p>15.-(1) A person who-</p> <ul style="list-style-type: none"> d. keeps or manages, or acts or assists in the management of a brothel; or e. being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel; or f. being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel; or g. being the lessor or landlord of any premises, or the agent of such lessor or landlord, is wilfully a party to the continued use of such premises or any part thereof, as a brothel, <p>is guilty of an offence and is on summary conviction liable-</p> <ul style="list-style-type: none"> i. in the case of a first conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months; and ii. in the case of a second or subsequent conviction, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months. <p>(2) In the case of a third or subsequent conviction, a person may, in addition to such fine or imprisonment as aforesaid, be required by the court to enter into a recognisance in a sum not exceeding one thousand dollars, with or without sureties, to the satisfaction of the court to be of good behaviour for any period not exceeding twelve months, and in default of entering into such recognisance, with or without sureties, as the case may be, such person may be imprisoned for any term not exceeding three months, in addition to any fine or term of imprisonment imposed as aforesaid.</p> <p>(4) In this section-</p> <p>“brothel” means a place where people of opposite sexes are allowed to resort for illicit intercourse, whether the women are common prostitutes or not and includes a common ill-governed or disorderly house.</p> <p>17.-(1) Where it is made to appear to a magistrate by information on the oath of any parent, relative or guardian, or any other person who, in the opinion of the magistrate, is bona fide acting in the interest of any woman or girl, or a member of the Police Department not below the rank of sergeant, that there is reason to suspect that any woman or girl is unlawfully being detained for immoral purposes by any person in any place within his jurisdiction, the magistrate may issue a warrant empowering and authorising any member of the Police Department to enter the said place or premises and any room or other part thereof, by force if necessary, at any hour of the day or night and to search the same for, and when found to take to and detain in a place of safety, such woman or girl until she can be brought before a magistrate.</p> <p>(3) The magistrate before whom a woman or girl is brought pursuant to an entry and search under this section may cause her to be delivered up to her parents or guardian, or otherwise dealt with as circumstances may permit and require.</p> <p>(5) A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully and carnally known by any man, whether any particular man or generally, and-</p>
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		<p>c. is under the age of sixteen years; or</p> <p>d. if of or over the age of sixteen years, and under the age of eighteen years, is so detained against her will, or against the will of her father or mother, or of any other person having the lawful care or charge of her; or</p> <p>e. if of or above the age of eighteen years, is so detained against her will.</p> <p>18.-(1) A person who-</p> <p>c. being a male person, knowingly lives wholly or in part on the earnings of prostitution; or</p> <p>d. being a male person, in any public place persistently solicits or importunes for immoral purposes; or</p> <p>loiters about, or importunes any person in any street or other place for the purpose of prostitution, is guilty of an offence and is on summary conviction liable-</p> <p>i. in the case of a first conviction, to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding six months; and</p> <p>ii. in the case of a second or subsequent conviction, to imprisonment for a term not exceeding twelve months.</p> <p>(2) If it is made to appear to a court of summary jurisdiction by information on oath that there is reason to suspect that any house, or any part of a house, is used by a female for purposes of prostitution, and that any male person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, the court may issue a warrant authorising any police officer to enter and search the house and to arrest that male person.</p> <p>(3) Where a male person is proved to live with, or to be habitually in the company of, a prostitute and has no visible means of subsistence, he shall, unless he can satisfy the court to the contrary, be deemed to be knowingly living on the earnings of prostitution.</p>
BELIZE	Trafficking in Persons (Prohibition) Act 2003	<p>Trafficking in persons - the recruitment, transportation, transfer, harboring or receipt of a person</p> <p>a. by means of the threat or use of force or other means of coercion, or</p> <p>b. by abduction, fraud, deception, abuse of power or of a position of vulnerability, or</p> <p>c. by the giving or receiving of payments of benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.</p>
BELIZE	Belize Summary Jurisdiction (Offences) Act 1953, Cap. 98	<p>Vagrants</p> <p>7. A person committing any of the offences mentioned in paragraphs (xxix), (<i>note: these include xxx – i.e. being a common prostitute wanders in any street</i>) and (xxxi) of section 4 (1) shall be deemed an idle and disorderly person.</p>
BELIZE	Belize Criminal Code (Amendment) Act 2001	<p>49. Every person who procures or attempts to procure-</p> <p>f. any female under eighteen years of age, not being a common prostitute or of known immoral character, to have unlawful carnal knowledge either within or without Belize with any other person or persons; or</p> <p>g. any female to become, either within or without Belize, a common prostitute; or</p> <p>h. any female to leave Belize, with intent that she may become an inmate of or frequent a brothel; or</p> <p>i. either within or without Belize, any female to leave her usual place of abode in Belize (such place not being a brothel), with intent that she may, for the purposes of prostitution, become an inmate of or frequent a brothel</p>

		<p>either within or without Belize, shall be liable to imprisonment for five years.</p> <p>50. Every person who-</p> <p>d. by threats or intimidation or any other method of compulsion, procures or attempts to procure any female to have any unlawful carnal knowledge, either within or without Belize; or</p> <p>e. by false pretence or false representation, procures any female, not being a common prostitute or of known immoral character, to have any unlawful carnal knowledge, either within or without Belize; or</p> <p>f. applies, administers to, or causes to be taken by, any female any drug, matter or thing, with intent to stupefy or overpower her so as thereby to enable any person to have unlawful carnal knowledge with such female, shall be liable to imprisonment for three years.</p> <p>51. Every person who, being the owner or occupier of any premises, or having, or acting in, or assisting in, the management or control thereof, induces or knowingly suffers any female of such age as is in this section mentioned to resort to be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, shall-</p> <p>a. if such female is under the age of twelve years, be guilty of felony, and being convicted thereof be liable to imprisonment for life; and</p> <p>b. if such female is of or above the age of twelve and under the age of sixteen years, be liable to imprisonment for two years.</p> <p>53. Every person who has carnal intercourse against the order of nature with any person or animal shall be liable to imprisonment for ten years.</p>
BELIZE	CHAPTER 156 Immigration Act 1958	<p>5.-(1) Subject to section 2 (3), the following persons are prohibited immigrants-</p> <p>(e) any prostitute or homosexual or any person who may be living on or receiving or may have been living on or receiving the proceeds of prostitution or homosexual behaviour;</p>
CURACAO	Penal Code, 1917	<p>259 Any man who makes a habit or profession of deliberately causing or promoting fornication between another person and a third party is liable to a prison sentence of a maximum of one year or a fine of maximum Nag1,000.</p> <p>260 Trafficking in women and male minors is a criminal offense with a prison sentence of up to five years</p>
CURACAO AND ARUBA	Contagious Disease Acts 1921, amended September 23, 1944	<p>34 (bis) The Chief of Police is to create a register of prostitutes in which name, age, home address, and other particulars are recorded and given to the directors of the Department of Public Health;</p> <p>(ter) Women prostitutes are to report to the police and register themselves as prostitutes within a week of the introduction of the regulation or, for those entering the profession at a later date, within a week of their engagement, and for foreign women, within 24 hours of their arrival on the island.</p> <p>(quarter) Registered prostitutes are to report weekly to appointed medical doctors at the Department of Public Health. Foreign women are to report for the first time on the first working day after their arrival on the island.</p> <p>(quinquies) When a registered woman fails to report to the health authorities, the authorities are to report this to the police, who are to enforce the woman's visit to the medical doctor</p> <p>(septies) It is forbidden for a man to drink with a prostitute or for a prostitute to</p>

		<p>allow the use of alcohol in her place of work.</p> <p>38 (bis) A person who has contracted a venereal disease is to seek medical treatment and if the disease is diagnosed as incurable within 48 hours, the doctor is to report this to the director of the Department of Public Health.</p>
DOMINICA	<p>Sexual Offences Act 1998</p> <p>An Act to Revise and Reform the Law Relating to Sexual Offences</p>	<p>4. (2) In subsection (1) “sexual connection” means —</p> <p>(a) the introduction, to any extent, into the vagina or the anus of any person of —</p> <p>(i) any part of the body of any other person; or</p> <p>(ii) any object held or manipulated by any other person, otherwise than for <i>bonafide</i> medical purposes;</p> <p>(b) connection between the mouth or tongue of any person’ and any part of the genitalia of any other person.</p> <p>13. (1) Any person who indecently assaults another is guilty of an offence and liable on conviction to imprisonment—</p> <p>(a) for ten years, if committed on a person under the age of fourteen;</p> <p>(b) for seven years, if committed on a person of fourteen years of age or more but who has not yet attained the age of sixteen years; or</p> <p>(c) for five years, if committed on a person who is sixteen years of age or more.</p> <p>(2) A person under the age of sixteen years cannot in law give any consent which would prevent an act being an assault for the purposes of this section.</p> <p>(3) In this section “indecent assault” means an assault or battery accompanied by words or circumstances indicating an indecent intention.</p> <p>14. (1) Any person who commits an act of gross indecency with another person is guilty of an offence and liable on conviction to imprisonment for five years.</p> <p>(2) Subsection (1) does not apply to an act of gross indecency committed in private between an adult male person and an adult female person, both of whom consent.</p> <p>(3) For the purposes of subsection (2) —</p> <p>(a) an act shall be deemed not to have been committed in private if it is committed in a public place; and</p> <p>(b) a person shall be deemed not, to consent to the commission of such an act if —</p> <p>(i) the consent is extorted by force, threats or fear of bodily harm or is obtained by false and fraudulent representations as to the nature of the act;</p> <p>(ii) the consent is induced by the application or administration of any drug, matter or thing with intent to intoxicate or stupefy the person; or</p> <p>(iii) that person is, and the other party to the act knows or has good reason to believe that the person is suffering from a mental disorder.</p> <p>(4) In this section “gross indecency” is an act other than sexual intercourse (whether natural or unnatural) by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.</p> <p>15. (1) Any adult woman who —</p> <p>does any indecent act with or upon any girl under the age of sixteen years; or induces or permits any girl under the age of sixteen years to commit any indecent act with or upon such adult woman,</p>

		<p>is guilty of an offence and liable on conviction to imprisonment for seven years. (2) The girl shall not be charged as a party to any offence under this section. (3) It is no defence to a charge under this section that the girl consented. -</p> <p>16. (1) A person who commits buggery is guilty of an offence and liable on conviction to imprisonment for — twenty-five years, if committed by an adult on a minor; ten years, if committed by an adult on another adult; or five years, if committed by a minor; and, if the Court thinks it fit, the Court may order that the convicted person be admitted to a psychiatric hospital for treatment. (2) Any person who attempts to commit the offence of buggery, or is guilty of an assault with intent to commit the same is guilty of an offence and liable to imprisonment for four years and, if the Court thinks it fit, the Court may order that the convicted person be admitted to the psychiatric hospital for treatment. (3) In this section “buggery” means sexual intercourse per anum by a male person with a male person or by a male person with a female person.</p> <p>18. A person who — (g) procures or induces a minor to have sexual intercourse with any person in Dominica or elsewhere; (h) conspires with any other person to effect the procurement of a minor as aforesaid; (i) procures another for prostitution, whether or not the person procured is already a prostitute, in Dominica or elsewhere; or (j) procures another to become an inmate of a brothel, whether the person procured is already an inmate of a brothel in Dominica or elsewhere is guilty of an offence and. liable on conviction to imprisonment for— (k) fourteen years for an offence contrary to paragraphs (c) and(d); and (l) twenty-five years for an offence contrary to paragraphs (a) and (b).</p> <p>19. A person who — by threats or intimidation procures another person to have sexual intercourse with any person in Dominica or elsewhere; by deception procures another person to have sexual intercourse with any person in Dominica or elsewhere; or applies, administers to or causes to be taken by any person any drug, matter or thing with intent to stupefy or overpower that person in order to enable any other person to have sexual intercourse with that person, is guilty of an offence and liable on conviction to imprisonment for twenty-five years.</p> <p>20. (1) A person who detains another against that other’s will — (a) in or upon any premises with intent that the person detained may have sexual intercourse with any person; or (b) in any brothel, is guilty of an offence and liable on conviction to imprisonment for ten years. (2) A magistrate who is satisfied upon oath that there is reasonable ground for believing that a person is unlawfully detained in any place for immoral purposes, may issue a warrant authorising any police officer to enter, if need be</p>
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		<p>by force, and search any place specified in the warrant and to remove any person so detained and apprehend any person accused or suspected of unlawful detention.</p> <p>(3) A police officer referred to under subsection (2) shall cause the person apprehended under that subsection to be brought before the Magistrate and proceedings shall be taken for punishing the person according to law.</p> <p>21. Where, on the trial of any person under this Act, it is proved to the satisfaction of the Court that the procurement, seduction or prostitution of a minor has been caused, encouraged or favoured by the minor's father, mother, guardian or any other person who has lawful care or charge of the minor, the Court shall divest such person of all authority over the minor, and appoint any person or persons willing to take charge of the minor to be the guardian, until the minor attains the age of eighteen, or any age below this as the Court may direct. And the Court may from time to time rescind or vary the order by the appointment of any other person or persons as the guardian, or in any other respect.</p> <p>22. (1) Any person who unlawfully takes away or causes to be taken away or detains another person against the will of that other person with intent</p> <ul style="list-style-type: none"> (a) to commit or to aid or abet the commission of an offence under this Act; (b) to marry or to have sexual intercourse with the other person; or (c) to cause the person to marry or to have sexual intercourse with any other person, <p>is guilty of an offence and liable on conviction to imprisonment for ten years.</p> <p>(2) It is no defence to a charge under subsection (1) that the person consented to be taken away or detained, if that person is a minor under the age of sixteen years.</p> <p>(3) A magistrate who is satisfied upon oath that there is reasonable ground for believing that a person is unlawfully detained in any place for immoral purposes, may issue a warrant authorising any police officer to enter, if need be by force, and search any place specified in the warrant and to remove any person so detained and apprehend any person accused or suspected of unlawful detention.</p> <p>(4) A police officer referred to under subsection(3) shall cause the person apprehended under that subsection to be brought before the Magistrate and proceedings shall be taken for punishing the person according to law.</p> <p>23. (1) A person who</p> <ul style="list-style-type: none"> (g) being the owner, occupier or manager of premises; or (h) having control of premises or assisting in the management or control of premises, <p>permits a minor under sixteen years of age to resort to or be in or upon the premises for the purpose of having sexual intercourse with any person is guilty of an offence and liable on conviction to imprisonment for ten years.</p> <p>(2) It is a defence to any charge under this section if it is made to appear to the Court or jury, before whom the charge is brought, that the person charged had reasonable cause to believe that the minor was of or above the age of sixteen years.</p> <p>(3) A person shall not be charged for an offence under this section if the minor is the spouse of that person.</p>
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		<p>24. A person who—</p> <ul style="list-style-type: none"> (d) keeps, manages, acts or assists in the management of a brothel; (e) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits the premises or any part thereof to be used as a brothel or for the purposes of prostitution; or (f) being the lessor or landlord of any premises, or the agent of the lessor or landlord, lets the same or any part thereof with the knowledge that the premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of the premises or any part thereof as a brothel, <p>is guilty of an offence and liable on summary conviction to a fine of five thousand dollars and to imprisonment for five years.</p> <p>25. (1) A person who</p> <ul style="list-style-type: none"> (c) knowingly lives wholly or in part on the earnings of prostitution; or (d) in any place solicits for immoral purposes, <p>is guilty of an offence and liable on summary conviction to a fine of five thousand dollars and to imprisonment for five years.</p> <p>(2) If it appears to a magistrate by complaint on oath, that there is reason to suspect that any premises is used for purposes of prostitution, and that any person residing in or frequenting the premises is living wholly or in part on the earnings of prostitution, the Magistrate may issue a warrant authorising any police officer to enter, if need be by force, and search the premises and to arrest that person.</p> <p>(3) Where a person is proved to —</p> <ul style="list-style-type: none"> (c) live with or to be habitually in the company of a prostitute; or (d) have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that the person is aiding, abetting or compelling the prostitution with any other person or generally, <p>that person shall be deemed to be knowingly living on the earnings of prostitution unless the person proves the contrary.</p> <p>26. A person who for purposes of gain; exercises control, direction or influence over the movements of a prostitute in a way which shows that the person is aiding, abetting or compelling the prostitution is guilty of an offence and liable on summary conviction to imprisonment for five years.</p>
DOMINICA	Offence of Human Trafficking	<p>27B. (1) A person is guilty of an offence of human trafficking if that person assists any other person to enter or leave Dominica in an unlawful manner.</p> <p>(2) A person who is convicted of an offence under subsection (1) is liable to a fine of one hundred thousand dollars or to imprisonment for seven years or to both such fine and imprisonment.</p>
DOMINICA	Dominica Small Charges Act 1891, Cap 10:39,	<p>30. (1) Any person behaving in a public place in an indecent manner is liable to imprisonment for one month.</p> <p>(3) Any person who willfully –</p> <p>exposes his person in any public place or in view thereof; appears in public attired in such a manner as to outrage public morality Shall be deemed a rogue and a vagabond within the meaning of this Act and is liable to imprisonment for three months; and in determining what shall be an outrage of public morality, regard shall be had to the appearance of any person in a public attired in garments made partially or entirely of grass material,</p>

		banana leaves, pelts or skins of animals.
DOMINICA	Dominica Immigration and Passport Act, Cap. 18:01, s 5;	<p>5. (1) The following persons, not belonging to the State, are prohibited immigrants:</p> <p>(e) any prostitute or any person who may be living on or receiving or may have lived on or received the proceeds of prostitution;</p>
FRANCE	OFFENCES AGAINST THE DIGNITY OF PERSONS Section Ibis Articles 225-4 and Section 2, Articles 225-5 – 225 -12 of the Penal Code, 2002 (In translation, from the Legifrance website).	<p>Publicly soliciting another person by any means, including passive conduct, with a view to inciting them to engage in sexual relations in exchange for remuneration or a promise of remuneration is punished by two months' imprisonment and by a fine of €3,750.</p> <p>Soliciting, accepting or obtaining, in exchange for remuneration or a promise of a remuneration, relations of a sexual nature with a minor who engages in prostitution, even if not habitually, is punished by three years' imprisonment and a fine of €45,000.</p> <p>Soliciting, accepting or obtaining in exchange for remuneration or a promise of remuneration, sexual relations with a person whose particular vulnerability, due to age, sickness, infirmity, a physical or psychological disability or to pregnancy, is apparent or known to the offender, and who engages in prostitution, even if not habitually, is punished by the same penalties.</p> <p>Procuring is where any person, in whatsoever manner:</p> <ol style="list-style-type: none"> 1) helps, assist or protects the prostitution of others; 2) makes a profit out of the prostitution of others, shares the proceeds of it or receives income from a person engaging habitually in prostitution; 3) hires, trains or corrupts a person with a view to prostitution or exercises on such a person pressure to practice prostitution or to continue doing so. <p>The following acts committed by any person and in whatever manner are assimilated to procuring and are punished by the penalties set out under article 225-5:</p> <ol style="list-style-type: none"> 1) acting as an intermediary between two persons one of whom is engaged in prostitution and the other exploits or remunerates the prostitution of others; 2) facilitating the justification of a procurer's fictitious resources; 3) being unable to account for an income compatible with one's lifestyle while living with a person habitually engaged in prostitution or while entertaining a habitual relationship with one or more persons engaging in prostitution; 4) obstructing operations of prevention, control, assistance or re-education undertaken by institutions qualified to deal with persons in danger of prostitution or engaging in prostitution. <p>A penalty of ten years' imprisonment and a fine of €750,000 is incurred by anyone who, acting directly or through an intermediary:</p> <ol style="list-style-type: none"> 1) holds, manages, exploits, directs, operates, finances or contributes to finance a place of prostitution; 2) holding, managing, exploiting, directing, operating, financing or contributing to finance any given place open to the public or used by the public, accepts or habitually tolerates one or more persons to engage in prostitution within the premises or their annexes, or solicits clients in such premises with a view to prostitution;

		<p>3) sells or makes available to one or more persons any premises or places not open to the public, in the knowledge that they will there engage in prostitution;</p> <p>4) sells, hires or makes available in any way whatsoever vehicles of any type to one or more persons knowing that they will engage in prostitution in them</p>
GRENADA	Immigration Act 1990 CAP. 145	<p>Prohibited Aliens</p> <p>4 (1): an immigration officer shall not grant leave to an alien to enter Grenada if the alien is a prohibited alien that is to say ... (e) a prostitute or a person who may be living on or receiving or may have lived on or received the proceeds of prostitution.</p>
GRENADA	<p>Criminal Code 1994 CAP. 1 (original law of 1958, most recent amendment – 1993)</p> <p>Part VII: Offences Against the Person and Reputation.</p> <p>Kidnapping, Abduction and Similar Offences,</p>	<p>Procuration.</p> <p>188. Whoever</p> <p>(b) procures any female under twenty-one years of age to have unlawful carnal connection, either within or without Her Majesty’s Dominions, with any other person.</p> <p>(c) procures any female to become either within or without Her Majesty’s Dominions, a common prostitute</p> <p>(d) procures any female to leave this state, with intent that she may become an inmate of a brothel elsewhere;</p> <p>(e) procures any female to leave her usual place of abode in this State with intent that she may, for the purposes of prostitution, become an inmate of a brothel, either within or without Her Majesty’s Dominion’s, Shall be liable to imprisonment for two years.</p> <p>Forcible taking or detaining a female with intent.</p> <p>189. Whoever by force takes away or detains against her will any female of any age, with intent to marry or carnally know her, or cause her to be married or carnally known by any other person, shall be liable to imprisonment for ten years.</p> <p>Unlawful detention with intent to have carnal knowledge.</p> <p>190. Whoever detains any female against her will –</p> <p>(a) in or upon premises with intent that she may be unlawfully and carnally known by any other man whether any particular man or generally; or</p> <p>(b) in a brothel, shall be liable to imprisonment for two years.</p>
GRENADA	Part XII: Forgery and False Coins	<p>Nuisances and Obstructions in the Streets and the like.</p> <p>137. Every person who does any of the acts mentioned in (a) paragraphs (28) to (30) shall be liable on summary conviction to a fine not exceeding twenty-four dollars.</p> <p>(29) loiters about or importunes any passenger for the purposes of prostitution.</p>
GUYANA	Guyana Summary Jurisdiction (Offences) Act 1894, Cap. 8:02,	<p>133. Every owner or occupier, and every person in the employment of an owner or occupier, of any house, shop, room, or other public place of resort wherein provisions, liquors or refreshments of any kind are sold and consumed (whether they are kept or retailed therein or are procured elsewhere), who knowingly permits known prostitutes, or convicted felons, vagrants, rogues and vagabonds, or incorrigible rogues to meet together or remain therein, shall be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars.</p>

		<p>165. (1) Any person who-</p> <ul style="list-style-type: none"> (d) keeps, or manages, or acts or assists in the management of a brothel; or (e) being the tenant, lessee, occupier or person in charge of any premises knowingly permits such premises or any part thereof to be used as a brothel; or (f) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that such premises or part thereof are or is to be used as a brothel, <p>shall be liable on summary conviction –</p> <ul style="list-style-type: none"> (i) in the case of first conviction, to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars or to imprisonment for eighteen months; and (ii) In the case of a second or subsequent conviction to a fine of not less than thirty thousand dollars and not more than sixty thousand dollars or to imprisonment for three years <p>(4) In this section –</p> <p>“brothel” includes a common ill-governed or disorderly house.</p> <p>166. Every person who-</p> <ul style="list-style-type: none"> a) being a male person, knowingly lives wholly or in part on the earnings of prostitution; or c) being a male person, in any public place persistently solicits or importunes for immoral purposes; or d) loiters about, or importunes any person in, any street or other public place for the purpose of prostitution, <p>shall be liable on summary conviction-</p> <ul style="list-style-type: none"> (i) in the case of first conviction, to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars or to imprisonment for eighteen months; and (ii) in the case of a second or subsequent conviction to imprisonment for three years, and if the offender is a male, he shall in addition, be liable to a whipping or a flogging. <p>167. If it is made to appear to a court of summary jurisdiction by information on that there is reason to suspect that any house, or any part of a house is used by a female for prostitution, and that any male person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, the court may issue a warrant authorizing any constable to enter and search the house and to arrest that male person.</p> <p>168. Where a male person is proved to live with or to be habitually in the company of, a prostitute and has no visible means of subsistence, he shall, unless he can satisfy the court to the contrary, be deemed to be knowingly living on the earnings of prostitution.</p>
GUYANA	Guyana Criminal Law (Offences) Act 1894	<p>72. Everyone who-</p> <ul style="list-style-type: none"> (a) by any threat or intimidation, procures or attempts to procure any female to have any unlawful carnal connection, either within or without Guyana; or (b) by any false pretence, false representation, or other fraudulent means, procures any female, not being a common prostitute or of known immoral character, to have any unlawful carnal connection, either within or without Guyana; or [(c) applies....] <p>Shall be guilty of a misdemeanour and liable to imprisonment for ten years.</p>

		<p>. Everyone who-</p> <p>d) procures or attempts to procure any female under twenty-one years of age to have any unlawful carnal connection, either within or without Guyana, with any other person; or</p> <p>e) procures or attempts to procure any female to become, either within or without Guyana, a common prostitute; or</p> <p>f) procures or attempts to procure any female to leave Guyana, with intent that she may become an inmate of a brothel; or</p> <p>g) procures or attempts to procure any female to leave her usual place of abode in Guyana with intent that she may, for the purposes of prostitution, become an inmate of a brothel either within or without Guyana, shall be guilty of a misdemeanour and liable to imprisonment for ten years.</p> <p>85. Everyone who, by force, takes away or detains any female against her will, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be guilty of felony and liable to imprisonment for fourteen years.</p> <p>86. Everyone who takes away or detains any unmarried girl, being under the age of eighteen years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, with intent unlawfully and carnally to know her, or cause her to be unlawfully and carnally known by any other person, whether the carnal knowledge is intended to be with any particular person or generally, shall be guilty of a misdemeanour and liable to imprisonment for ten years</p> <p>87. (1) Everyone who detains any female, against her will-</p> <p>(a) in or upon any premises, with intent unlawfully and carnally to know her, or to cause her to be unlawfully and carnally known by any other person, whether the carnal knowledge is intended to be with any particular person or generally; or</p> <p>(b) in any brothel</p> <p>shall be guilty of a misdemeanour and liable to imprisonment for ten years.</p> <p>(2) Where a female is in or upon any premises for the purpose of having any unlawful carnal connection, or is in any brothel, a person shall be deemed to detain her in or upon such premises or in the brothel, if, with intent to compel or induce her to remain in or upon the premises or in the brothel, that person withholds from her any wearing apparel or other property belonging to her, or if, where wearing apparel has been lent or otherwise supplied to her by or by the direction of that person, that person threatens her with legal proceedings if she takes away with her the wearing apparel so lent or supplied.</p> <p>352. Any male person who, in public or private, commits, or is party to the commission, or procures or attempts to procure the commission, by any male person, of any act of indecency with any other male person shall be guilty of a misdemeanour and liable to imprisonment for two years.</p> <p>353. Everyone who –</p> <p>d) attempts to commit buggery; or</p> <p>e) assaults any person with intent to commit buggery; or</p> <p>f) being a male, indecently assaults any other male person,</p> <p>shall be guilty of a felony and liable to imprisonment for ten years.</p> <p>354. Everyone who commits buggery, either with a human being or with any other living creature, shall be guilty of a felony and liable to imprisonment for</p>
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		<p>life.</p> <p>355. Everyone who-</p> <p>c) does any indecent act in any place to which the public have or are permitted to have access; or</p> <p>d) does any indecent act in any place, intending thereby to insult or offend any person,</p> <p>shall be guilty of a misdemeanour and liable to imprisonment for two years.</p> <p>357. Everyone who-</p> <p>a) keeps or manages a bawdy house; or</p> <p>b) keeps or manages a common ill-governed or disorderly house;</p> <p>shall be guilty of a misdemeanour and liable to imprisonment for two years.</p>
GUYANA	Prevention of Crimes Act 1885	<p>7. Every person who-</p> <p>(b) occupies or keeps a brothel, and</p> <p>(i) knowingly lodges or harbours thieves or reputed thieves, ...</p> <p>Shall be liable on summary conviction to a fine...</p>
GUYANA	Guyana Immigration Act, Cap. 14:02;	<p>3. (1) Except as otherwise provided in this section, every person who-</p> <p>(c) is a prostitute</p> <p>(d) lives on, or receives, or has lived on, or has received, the proceeds of prostitution;</p> <p>shall be a prohibited immigrant for the purposes of this Act; and every person who is deemed under this Act to be a prohibited immigrant may be dealt with as such.</p>
GUYANA	Guyana Combating of Trafficking in Persons Act 2005	<p>Part II Criminal Offences and Related Provisions</p> <p>3. (1) Whoever engages in or conspires to engage in, or attempts to engage in, or assist another person to engage in or organises or directs other persons to engage in “trafficking in persons” shall –</p> <p>(i) on summary conviction –</p> <p>(a) be sentenced to not less than three years nor more than five years imprisonment;</p> <p>(b) be subject to forfeiture of property under section 7; and</p> <p>(c) be ordered to pay full restitution to the trafficked person or persons under section 6,</p> <p>(ii) on conviction on indictment</p> <p>(a) be sentenced to not less than five years or to life imprisonment</p> <p>(b) be subject to forfeiture of property under section 7; and</p> <p>(c) be ordered to pay full restitution to the trafficked person or persons under section 6,</p> <p>(2) The recruitment, transportation, transfer, harbouring, or receipt of any child, or the giving of payments or benefits to obtain the consent of a person having control of a child, for the purpose of exploitation shall constitute trafficking in persons irrespective of whether any of the means described in section (2) have been established</p> <p>Transporting for the Purpose of exploiting such person’s prostitution</p> <p>5. (1) Whoever knowingly transports or conspires to transport, or attempts to transport or assists another person engaged in transporting any person in Guyana or across an international border for the purpose of exploiting that</p>

		<p>person's prostitution commits an offence and shall be liable on summary conviction to be punished in accordance with subsection (2).</p> <p>(2) Persons convicted of the crime of transporting a person for the purpose of exploiting that person's prostitution shall be liable to a fine of not less than five hundred thousand dollars and not more than one million dollars and shall be imprisoned for not more than three years, but the presence of any one of the following aggravating factors resulting from acts of the defendant can permit a longer sentence up to a maximum of five years together with forfeiture of the conveyance used for transporting the victim –</p> <ul style="list-style-type: none"> (a) transporting two or more persons at the same time; (b) permanent of life-threatening bodily injury to a person transported; (c) transportation of one or more children; or (d) transporting as part of the activity of an organised criminal group. <p>Part III Assistance and Protection for Victims</p> <p>13. Investigative, prosecutorial, and other appropriate authorities shall take all steps necessary to identify victims of trafficking. Once victims are identified, these authorities shall provide reasonable protection to victims of trafficking to prevent recapture by the traffickers and their associates, secure the victim and the victim's family if they reside in Guyana from threats, reprisals or intimidation by the traffickers and their associates, and ensure the victim has an opportunity to consult with a victims's advocate or other appropriate person to develop a safety plan. (CATWLAC http://www.catwlac.org/ingles/ingles.html)</p>
HAITI	<p>Title II – Crimes and Offences Against the Person</p> <p>Chapter I - Crimes and Offences Against the Person</p> <p>Section iv – Violation of Public Decency</p>	<p>282.- Whoever violates public decency, by inciting, encouraging or persistently facilitating the debauchery or corruption of young people, of either sex, under the age of 21 years, shall be punished with a term of imprisonment from six to two years.</p> <p>If the prostitution or corruption has been incited, supported or facilitated by their father, mother, teacher or other persons charged with their supervision, the penalty shall be imprisonment of from one to three years.</p>
JAMAICA	Jamaica Town and Communities Act	<p>3. Every person who-</p> <ul style="list-style-type: none"> (k) shall, in any thoroughfare or public place, indecently expose his or her person; ... (r) shall loiter in any public place and solicit any person for the purpose of prostitution, <p>shall be guilty of an offence and shall be liable to a penalty not exceeding one thousand dollars.</p>
JAMAICA	Jamaica Offences Against the Persons Act,	<p>Rape; Abduction and Defilement of Women</p> <p>45. Whosoever shall, by false pretences, false representations, or other fraudulent means, procure any woman or girl under the age of eighteen years to have illicit carnal connection with any man, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned for a term not exceeding three years, with or without hard labour</p> <p>51. Any person who, being the owner or occupier of any premises, or having, or acting or assisting in, the management or control thereof, induces or knowingly suffers any girl of such age as is in this section mentioned to resort to or be in or</p>

		<p>upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally-</p> <ul style="list-style-type: none"> a) shall, if such girl is under the age of twelve years, be guilty of felony, and being convicted thereof shall be liable to be imprisoned for life, With or without hard labor; and b) if such girl is of or above the age of twelve and under the age of sixteen years, shall be guilty of a misdemeanour and being convicted thereof shall be liable to be imprisoned for a term not exceeding five years with or without hard labour. <p>52. Where on trial of any offence under this Act it is proved to the satisfaction of the court that the seduction or prostitution of a girl under the age of sixteen years has been caused, encouraged, or favoured by her father, mother, guardian, master or mistress, it shall be in the power of the court to divest such father, mother, guardian, master or mistress, of all authority over her, and to appoint any person or persons willing to take charge of such girl to be her guardian until she has attained the age of eighteen, or any age below this as the court may direct, and a Judge of the Supreme Court shall have the power from time to time to rescind or vary such order by the appointment of any other person or persons as such guardian, or in any other respect</p> <p>Protection of Women and Girls</p> <p>58.-(1) Any person who-</p> <ul style="list-style-type: none"> f) procures or attempts to procure any girl or woman under eighteen years of age, not being a common prostitute, or of known immoral character, to have unlawful carnal connection, either within or without this Island, with any other person or persons; or g) procures or attempts to procure any woman or girl to become, either within or without this Island, a common prostitute; or h) procures or attempts to procure any woman or girl to leave this Island, with intent that she shall become a prostitute, or an inmate of, or frequent a brothel elsewhere; or i) procures or attempts to procure any woman or girl to leave her usual place of abode in this island (such place not being a brothel), with intent that she may, for the purposes of prostitution, become an inmate of or frequent a brothel within or without this Island, <p>shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for a term not exceeding three years, with or without hard labour:</p> <p>(2) Any male person who is convicted under sub- section (1) may, in addition to any term of imprisonment awarded in respect of the said offence, be sentenced to be once privately whipped and the number of strokes and the instrument with which they shall be inflicted shall be specified by the Court in the sentence.</p> <p>59. Any person who-</p> <ul style="list-style-type: none"> c) by threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection, either within or without this island or d) by false pretences or false representations procures any woman or girl, not being a common prostitute or of known immoral character, to have any unlawful carnal connection, either within or without this Island; or e) applies, administers to, or causes to be taken by any woman or girl any drug, matter, or thing, with intent to stupefy or overpower so as thereby to
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		<p>enable any person to have unlawful carnal connection with such woman or girl;</p> <p>f) has or attempts to have unlawful carnal connection with any woman or girl, when partially or entirely stupefied or overpowered as aforesaid, shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for a term not exceeding three years, with or without hard labour.</p> <p>60. Any person who with intent that any unmarried girl under the age of eighteen years should be unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man, or generally, takes or causes to be taken such girl out of the possession and against the will of her father or mother, or any other person having the lawful care or charge of her, shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for a term not exceeding three years, with or without hard labour:</p> <p>61. Any person who detains any woman or girl against her will</p> <p>a) in or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man, or generally; or</p> <p>b) in any brothel,</p> <p>shall be guilty of a misdemeanour, and being convicted thereof, shall be liable to be imprisoned for a term not exceeding three years, with or without hard labour. Where a woman or girl is in or upon any premises for the purpose of having any unlawful carnal connection, or is in any brothel, a person shall be deemed to detain such woman or girl in or upon such premises or in such brothel, if, with intent to compel or induce her to remain in or upon such premises or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or, where wearing apparel has been lent or otherwise supplied to such woman or girl by or by the direction of such person, such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.</p> <p>No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away of being found in possession of any such wearing apparel was necessary to enable her to leave such premises or brothel.</p> <p>62 If it appears to any Justice, on information made before him on oath by any parent, relative, or guardian of any woman or girl, or any other person who, in the opinion of the Justice is bona fide acting in the interest of any woman or girl, that there is reasonable cause to suspect that such woman or girl is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of such Justice, such Justice may issue a warrant authorizing any person named therein to search for, and, when found, to take to and detain in a place of safety such woman or girl until she can be brought before a Justice; and the Justice before whom such woman or girl is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit or require.</p> <p>A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is detained for the purpose of being unlawfully and carnally known by any man, whether any particular man or generally, and</p> <p>c) either is under the age of sixteen years; or</p> <p>d) if of or over the age of sixteen years, and under the age of eighteen years, is so detained against her will, or against the will of her father or mother or of any other person having the lawful Care or charge of her; or</p> <p>e) if of or above the age of eighteen years is so detained against her will</p>
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	<p>63. (1) Every male person who-</p> <p>c) knowingly lives wholly or in part on the earnings of prostitution; or d) in any public place persistently solicits or importunes for immoral purposes, shall on summary conviction before a Resident Magistrate be liable to imprisonment, with or without hard labour, for a term not exceeding twelve months.</p> <p>(2) If it is made to appear to a Resident Magistrate by information on oath that there is reason to suspect that any house or any part of a house is used by a female for purposes of prostitution, and that any male person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, the Resident Magistrate may issue a warrant authorizing any constable to enter and search the house and to arrest that male person.</p> <p>(3) Where a male person is proved to live with or to be habitually in the company of a prostitute, or is proved to have exercised control, direction, or influence over the movements of prostitute in such a manner as to show that he is aiding, abetting, or compelling her prostitution with any other person or generally, he shall, unless he can satisfy the court to the contrary, be deemed to be knowingly living on the earnings of prostitution.</p> <p>(4) Every female who is proved to have, for the purposes of gain, exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that she is aiding, abetting, or compelling her prostitution with any person, or generally, shall on summary conviction before a Resident Magistrate be liable to imprisonment with or without hard labour for a term not exceeding one year.</p> <p>64. (1) If any person having the custody, charge, or care of a girl under the age of sixteen years causes or encourages the seduction, unlawful carnal knowledge, or prostitution of, or the commission of an indecent assault upon her, he shall be guilty of a misdemeanour and shall be liable to imprisonment for any term not exceeding three years.</p> <p>(2) For the purposes of this section a person shall be deemed to have caused or encouraged the seduction, unlawful carnal knowledge, or prostitution of, or the commission of an indecent assault upon a girl who has been seduced, unlawfully carnally known, or indecently assaulted, or who has become a prostitute, if he has knowingly allowed her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.</p> <p>65. (1) If any person having the custody, charge, or care of a child or young person who has attained the age of four years and is under the age of sixteen years, allows that child or young person to reside in, or to frequent a brothel, he shall be guilty of a misdemeanour and shall be liable on conviction on indictment, or on summary conviction before a Resident Magistrate, to a fine not exceeding two thousand dollars, or to imprisonment, with or without hard labour, for a term not exceeding one year or to both such fine and imprisonment.</p> <p>(2) Nothing in this section shall affect the liability of a person to be indicted under section 51, but upon the trial of a person under that section it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section, to find him guilty of that offence.</p> <p>Suppression of Brothels</p>
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		<p>66. Any person who-</p> <p>d) keeps or manages or acts or assists in the management of a brothel; or</p> <p>e) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution; or</p> <p>f) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof as a brothel,</p> <p>shall on summary conviction before a Resident Magistrate be liable</p> <p>(i) to a fine not exceeding two hundred dollars or to imprisonment, with or without hard labour, for a term not exceeding three months; and</p> <p>(ii) (ii) on a second or subsequent conviction to a he not exceeding five hundred dollars or to imprisonment, with or without hard labour, for a term not exceeding six months; or, in any such case, to both fine and imprisonment.</p> <p>Unnatural Offences</p> <p>76. Whosoever shall be convicted of the abominable crime of buggery, committed either with mankind or with any animal, shall be liable to be imprisoned and kept to hard labour for a term not exceeding ten years.</p> <p>77. Whosoever shall attempt to commit the said abominable crime, or shall be guilty of any assault with intent to commit the same, or of any indecent assault upon any male person, shall be guilty of a misdemeanour, and being convicted thereof, shall be liable to be imprisoned for a term not exceeding seven years, with or without hard labour.</p> <p>Outrages on Decency</p> <p>79. Any male person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for a term not exceeding two years, with or without hard labour.</p>
JAMAICA	Spirit Licence Act 1928	<p>56.- (1) No person holding any licence under this Act shall knowingly permit his premises to be a habitual resort or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution, but nothing in this section shall prevent him from allowing any such persons to remain on his premises for the purpose of obtaining reasonable refreshment for such time as is necessary for the purpose.</p>
JAMAICA	The Immigration Restriction (Commonwealth Citizens) Act 1945	<p>4.-(1) The following Commonwealth citizens (not being persons deemed to belong to the Island as defined by subsection (2) of section 2) are prohibited immigrants-</p> <p>(e) any prostitute or any person who may be living on or receiving or may have lived on or received the proceeds of prostitution;</p>
JAMAICA	<i>Trafficking in Persons (Prevention, Suppression and Punishment) Act 2007</i>	<p>Part II Trafficking in persons and related Provisions</p> <p>4. (1) A person commits the offence of trafficking in persons where, for the purpose of exploitation he –</p> <p>(a) recruits, transports, transfers, harbours or receives another person within Jamaica;</p>

		<p>(b) recruits, transports, transfers another person from Jamaica to another country; or</p> <p>(c) recruits, transports, transfers or receives another person from another country into Jamaica, by any of the specified means in subsection (2)</p> <p>(2) The means referred to in subsection (1) are –</p> <p>(a) threat or use of force or other form of coercion;</p> <p>(b) abduction;</p> <p>(c) deception or fraud;</p> <p>(d) the abuse of –</p> <p style="padding-left: 40px;">(i) power; or</p> <p style="padding-left: 40px;">(ii) a position of vulnerability</p> <p>(e) the giving or receiving of a benefit in order to obtain the consent of a person who has control over another person</p> <p>(3) Notwithstanding the absence of the use of any of the means specified in paragraphs (a) to (e) of subsection (2), a person who recruits, transports, transfers, harbours or receives a child for the purpose of exploitation of the child commits the offence of trafficking in persons.</p> <p>(4) It shall not be a defence for a person who commits the offence of trafficking in persons that the offence was committed with the victim’s consent.</p> <p>(5) A person who facilitates the offence of trafficking in persons commits an offence.</p> <p>(6) A person who commits the offence of trafficking in persons or who facilitates that offence is liable on conviction on indictment before a Circuit Court to a fine or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment.</p> <p>(7) A person who, for the purpose of committing or facilitating an offence under subsection (1) conceals, removes, withholds or destroys any –</p> <p>(a) travel document that belongs to another person; or</p> <p>(b) document that establishes or purports to establish another person’s identity or immigration status,</p> <p>is liable on conviction on indictment before a Circuit Court to a fine or imprisonment for a term not exceeding ten years or to both such fine and imprisonment</p> <p>(8) Every person who receives a financial or other benefit knowing that it results from the offence of trafficking in persons commits an offence and is liable on conviction on indictment before a Circuit Court to a fine or imprisonment for a term not exceeding ten years or to both such fine and imprisonment.</p> <p>(9) For the purposes of this section, an offence under subsection (1) is facilitated–</p> <p>(a) where the facilitator knows that such an offence is intended to be facilitated;</p> <p>(b) whether or not the facilitator knows the specific nature of the offence that is intended to be facilitated; and</p> <p>(c) whether or not the offence was actually committed.</p> <p>Immunity of Victim from prosecution</p> <p>8. Where a person provides evidence that he is a victim he shall not be liable to prosecution for any offence against the laws relating to immigration or prostitution that is a direct result of the offence of trafficking in persons</p>
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		<p>committed against him.</p> <p>Part III Assistance and protection of Victims</p> <p>Protection of Victims</p> <p>9. (1) The Government shall take all reasonable steps to identify victims in Jamaica.</p> <p>(2) When victims are identified the appropriate agent shall provide reasonable protection to the victims of trafficking to prevent their being recaptured, intimidated or becoming the object of traffickers and their associates.</p> <p>Assistance to Victims</p> <p>10. (1) The Government shall take appropriate steps to assist victims where practicable and such assistance may include:</p> <p>(a) assistance in understanding the laws of Jamaica and their rights as victims;</p> <p>(b) assistance in obtaining any relevant documents or information to assist with legal proceedings;</p> <p>(c) assistance in replacing or providing passports or travel documents necessary for the victim to return to their home country;</p> <p>(d) assistance in language interpretation and translation if necessary;</p> <p>(e) assistance in meeting expenses related to legal proceedings against the traffickers;</p> <p>(f) the provision of safe shelters and assistance with living expenses.</p> <p>(2) The Government in consultation with appropriate non-governmental organizations and agencies shall establish programmes and initiatives to support victims by assistance with integration, reintegration or resettlement, as the case may require of the persons.</p> <p>(3) For the purposes of this section, an appropriate non-governmental organization or agency refers to an organization or agency being a corporation or an association or persons resident or not resident in Jamaica, which is approved for the purposes of this section by order made by the Minister.</p> <p>Child Care and Protection Act</p> <p>Prohibition against the sale or trafficking</p> <p>10. – (1) No person shall sell or participate in the trafficking of any child.</p> <p>(2) Any person who commits an offence under of subsection (1) shall be liable on conviction or indictment before a Circuit Court, to a fine or to imprisonment with hard labour for a term not exceeding ten years, or to both such fine and imprisonment.</p>
ST. LUCIA	<p>St. Lucia Draft Criminal Code</p> <p>CHAPTER TWO</p> <p>PART I</p> <p>OFFENCES AGAINST THE PERSON</p>	<p>132.— (1) Any person who commits an act of gross indecency with another person is guilty of an offence and liable on conviction on indictment to imprisonment for ten years or on summary conviction to five years.</p> <p>(2) Subsection (1) does not apply to an act of gross indecency committed in private between an adult male person and an adult female person, both of whom consent.</p> <p>(3) For the purposes of subsection (2) —</p> <p>an act shall be deemed not to have been committed in private if it is committed in a public place; and</p>

	<p><i>Sub-Part C — Sexual Offences</i></p>	<p>a person shall be deemed not to consent to the commission of such an act if - the consent is extorted by force, threats or fear of bodily harm or is obtained by false and fraudulent representations as to the nature of the act; the consent is induced by the application or administration of any drug, matter or thing with intent to intoxicate or stupefy the person; or that person is, and the other party to the act knows or has good reason to believe that the person is suffering from a mental disorder.</p> <p>(4) In this section “gross indecency” is an act other than sexual intercourse (whether natural or unnatural) by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.</p> <p>Buggery</p> <p>133.— (1) A person who commits buggery is guilty of an offence and liable on conviction on indictment to imprisonment for —</p> <p>a) life, if committed by an adult on a minor; or b) ten years, if committed by a minor; and, if the Court thinks it fit, the Court may order that the convicted person be admitted to a psychiatric hospital for treatment.</p> <p>(2) Any person who attempts to commit buggery, or is guilty of an assault with intent to commit buggery, is guilty of an offence and liable to imprisonment for five years and, if the Court thinks it fit, the Court may order that the convicted person be admitted to the psychiatric hospital for treatment.</p> <p>(3) In this section “buggery” means sexual intercourse per anus by a male person with a male or by a male person with a female person.</p> <p>“brothel” means a place resorted to by persons of either sex for the purpose of prostitution;</p> <p>135.— (1) A person who detains another against that other’s will— in or upon any premises with intent that the person detained may have sexual intercourse with any person; or in any brothel is guilty of an offence and liable on conviction on indictment to imprisonment for ten years.</p> <p>Procuring or aiding and abetting</p> <p>141.— (1) Any person who —</p> <p>b) procures any male or female under eighteen years of age to have unlawful sexual intercourse or sexual connection with another person within or outside this State; c) procures any male or female to become, either within or outside this State, a common prostitute; d) procures any male or female to leave this State, with intent that he or she may for the purposes of prostitution, become an inmate of, or frequent, a brothel elsewhere; e) procures any male or female to leave his or her usual place of abode in this State with intent that he or she may for the purposes of prostitution, become an inmate or frequent a brothel, in any country; is liable on conviction on indictment to imprisonment for seven years.</p>
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	<p>(2) Any person who, knowing that an offence under subsection (1) has been committed by the person, aids and abets the unlawful detention of another person, or otherwise aids and abets the execution of the intent with which that offence was committed, is guilty of that offence.</p> <p>(3) A police officer may take into custody without a warrant the person whom he or she has reasonable cause to suspect of having committed or attempting to commit, any offence under this section.</p> <p>Procuring defilement or abetment of defilement by guardian or parent</p> <p>142. Any person who, being the parent or guardian of any male or female —</p> <ul style="list-style-type: none"> a) procures such male or female to have sexual intercourse or sexual connection with another person; b) orders, is party to, permits or knowingly receives the profits of, the defilement, seduction or prostitution of such male or female, <p>is liable on conviction on indictment to fifteen years imprisonment, if such male or female is under the age of twelve years, or to five years imprisonment, if such male or female is above the age of twelve years.</p> <p>Keeping brothel</p> <p>143.— (1) Any person who keeps or manages or appears, acts, or behaves as master or mistress or as the person having the care, control, or management, or assists in the care, control, or management of a brothel is deemed to be the keeper thereof and guilty of an offence, and liable to be prosecuted and punished as such keeper, and it is immaterial whether or not he or she is the real keeper.</p> <p>(2) Any person who, being the tenant, lessee, or occupier or person in charge of any premises —</p> <ul style="list-style-type: none"> c) knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution; d) and being a male or female uses such premises for habitual prostitution of himself or herself; is guilty of an offence. <p>(3) Any person who, being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the premises or any part of it with the knowledge that such premises or part of it is to be used as a brothel or for purposes of habitual prostitution, is guilty of an offence.</p> <p>(4) Where the Commissioner of Police brings to the attention of the lessor or landlord, or his or her agent by a notice in writing signed by him or her that such premises are being used as a brothel or for purposes of habitual prostitution, the lessor or landlord or agent is deemed to have had such knowledge or to wilfully aid and abet the continued use of such premises or any part of it as a brothel or for purposes of habitual prostitution.</p> <p>(5) Any person who is guilty of an offence [under] subsections (2) and (3) is liable on summary conviction to a fine not exceeding fifteen thousand dollars or to imprisonment for three years.</p> <p>Liability of landlord on failure to determine lease after notice</p> <p>145. If the landlord, lessor or the agent of the landlord or lessor after such conviction has been brought to his or her notice fails to exercise his or her rights under section 144 and subsequently during the subsistence of the lease or tenancy any such offence is again committed in respect of the premises, the landlord, lessor or agent is deemed to have knowingly aided and abetted the</p>
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<p>ST. LUCIA</p>	<p>St. Lucia Criminal Code</p> <p>PART V SUMMARY OFFENCES</p>	<p>502. Any person who in any public place, or in any other place open to public view —</p> <ul style="list-style-type: none"> a) is naked or not sufficiently or decently clothed, <p>is liable on summary conviction to a fine of one thousand dollars.</p> <p>503. Any person who wilfully and indecently exposes his or her genital organs —</p> <ul style="list-style-type: none"> a) in any public place or within view of the public; <p>is liable on summary conviction to a fine of one thousand dollars.</p> <p>504.— (1) Any person who knowingly and without lawful justification or excuse —</p> <ul style="list-style-type: none"> (b) exhibits any indecent show or performance in any public place, <p>is liable on summary conviction to imprisonment for six months.</p>

		<p>525.— (1) The owner or occupier, or an employee of the owner or occupier of any house, shop, room, or other place of public resort where provisions; liquors, or refreshments of any kind are sold or consumed who —</p> <p>a) permits drunkenness, gambling or any other disorderly conduct in any such premises;</p> <p>b) permits known prostitutes, or convicted criminals, rogues and vagabonds, or incorrigible rogues, to meet together or remain in any such premises, is liable on summary conviction to a fine of one thousand dollars.</p> <p>560. (1) Any person who —</p> <p>(a) is an inmate of a disorderly house, brothel, or house of ill-repute, or house for the resort of prostitutes, or a keeper of a disorderly house, or house for the resort of prostitutes;</p> <p>(b) is in the habit of frequenting such houses or places and does not give a satisfactory account of himself or herself;</p> <p>(c) not having any visible means of maintaining himself or herself, lives without employment;</p> <p>(d) being a common prostitute or night walker, wanders in public streets or highways, lanes or places of public meeting or gathering of people or other public place and does not give a satisfactory account of herself;</p> <p>is a vagrant or idle or disorderly person, and is liable on summary conviction to imprisonment for one month.</p> <p>Rogue and vagabond</p> <p>563. Any person who —</p> <p>(d) is convicted on more than one occasion of loitering about or importuning any passer-by for the purposes of prostitution;</p> <p>(f) is found in or about any market, wharf, or jetty, or in or about any vessel, for any unlawful purpose;</p> <p>(g) is found in any verandah, gallery, outhouse, passage, gateway, dwelling-house, warehouse, store, stable, or other building, in any yard, garden or other enclosed place or land, for any unlawful purpose;</p> <p>is deemed a rogue and vagabond and is liable on summary conviction to imprisonment for six months.</p> <p>630.— (1) It shall be lawful for any Magistrate, on the information upon oath of any credible person to authorise, by warrant under his or her hand, any police officer to enter any building, place, or premises suspected to be used as a brothel, and to take into custody all persons, and to seize monies or securities for money found in such building, place or premises.</p> <p>(3) Nothing contained in this section shall prevent any proceedings against the owner, occupier, keeper or any other person in any way engaged in the management of any brothel.</p> <p>631. The search, arrest and seizure in the case of any brothel, may also lawfully be carried out under an order made in writing by a Magistrate upon a report in writing made to him or her by the Commissioner of Police or a police officer.</p>
SURINAME	Criminal Code 1917 Offences Against Morality Title XIV	<p>303 Promotion of Indecent Behaviour with a Minor</p> <p>Any person (man) who...brings about or promotes the commission of illicit sexual behaviour with a third party by a minor, whose status he should know about or reasonably suspect is liable to imprisonment to a maximum of 4 years</p> <p>306 Promotion of Indecent Behaviour</p>

		<p>Any person (man) who makes a profession or regular practice of intentionally bringing about or promoting the commission of illicit sexual practices by others (female) with third parties....</p> <p>307 Traffic of Women</p> <p>The traffic of women and male minors of is liable to imprisonment to a maximum 5 years.</p> <p>Forced Sexual Activity</p> <p>295 Any person (man) who compels a woman to engage in sexual intercourse through violence or threat of violence ... is liable to imprisonment to a maximum of 12 years.</p> <p>299 Any person (man) who by violence or threat of violence forces another person to commit or permit illicit sexual activities... is liable to imprisonment to a maximum of 8 years.</p>
TRINIDAD	<p>Trinidad and Tobago Sexual Offences Act 1986</p> <p>An Act to repeal and replace the laws of Trinidad and Tobago relating to sexual crimes, to the procurement, abduction and prostitution of persons and to kindred offences.</p>	<p>13. (1) A person who commits buggery is guilty of an offence and is liable on conviction to imprisonment—</p> <ul style="list-style-type: none"> a. if committed by an adult on a minor, for life; b. if committed by an adult on another adult, for twenty-five years; c. if committed by a minor, for five years. <p>(2) In this section “buggery” means sexual intercourse per anum by a male person with a male person or by a male person with a female person.</p> <p>16. (1) A person who commits an act of serious indecency on or towards another is guilty of an offence and is liable on conviction to imprisonment—</p> <ul style="list-style-type: none"> a. if committed on or towards a minor under sixteen years of age for ten years for a first offence and to imprisonment for fifteen years for a subsequent offence; b. if committed on or towards a person sixteen years of age or more for five years. <p>(2) Subsection (1) does not apply to an act of serious indecency committed in private between—</p> <ul style="list-style-type: none"> a. a husband and his wife; or b. a male person and a female person each of whom is sixteen years of age or more, both of whom consent to the commission of the act. <p>(3) An act of “serious indecency” is an act, other than sexual intercourse (whether natural or unnatural), by a person involving the use of the genital organ for the purpose of arousing or gratifying sexual desire</p> <p>“prostitute” means a person of either sex who engages in prostitution;</p> <p>“prostitution” means the offering of the body by a person of either sex for the purpose of arousing or gratifying the sexual desire of another for payment in return.</p> <p>17. A person who—</p> <ul style="list-style-type: none"> e) procures a minor under sixteen years of age to have sexual intercourse with any person either in Trinidad and Tobago or elsewhere; or f) procures another for prostitution, whether or not the person procured is already a prostitute, either in Trinidad and Tobago or elsewhere; or g) procures another to become an inmate, whether or not the person procured is already an inmate elsewhere, of or to frequent a brothel either in Trinidad and Tobago or elsewhere,

	<p>is guilty of an offence and is liable on conviction to imprisonment for fifteen years.</p> <p>19. (1) A person who detains another against that other's will—</p> <ul style="list-style-type: none"> a) in or upon any premises with intent that the person detained may have sexual intercourse with any person; or b) in any brothel, <p>is guilty of an offence and is liable on conviction to imprisonment for ten years.</p> <p>(2) A Magistrate or Justice who is satisfied upon oath that there is reasonable ground for believing that a person is unlawfully detained in any place for immoral purposes, may issue a warrant authorising any constable to enter (if need be by force) and search any place specified in the warrant and to remove any person so detained and apprehend any person accused of the unlawful detention.</p> <p>20. A person who takes away or detains a female person against her will with intent—</p> <ul style="list-style-type: none"> a) to marry her or to have sexual intercourse with her; or b) to cause her to marry or to have sexual intercourse with a male person, <p>is guilty of an offence and is liable on conviction to imprisonment for ten years.</p> <p>Use of Premises as a Brothel - A brothel is a place resorted to by persons of either sex for the purpose of prostitution.</p> <p>21. (1) A person who—</p> <ul style="list-style-type: none"> e) being the owner, occupier or manager of premises; or f) having control of premises or assisting in the management or control of premises, <p>permits a minor under sixteen years of age to resort to or to be in or upon the premises for the purpose of having sexual intercourse with any person is guilty of an offence and is liable on conviction to imprisonment for ten years.</p> <p>(2) It is a defence for a person charged under this section to prove that he did not know or had no reason to believe or suspect that the minor was under the age of sixteen years.</p> <p>(3) A person shall not be charged for an offence under this section if the minor is the spouse of that person.</p> <p>22. A person who –</p> <ul style="list-style-type: none"> c) Keeps or manages or acts or assists in the management of a brothel, or d) Being the tenant, lessee, occupier of person in charge of any premises, knowingly permits the premises or any part thereof to be used as a brothel for the purposes of prostitution, or <p>being the lessor or landlord of any premises, or the agent of the lessor or landlord, lets the same or any part thereof with the knowledge that the premises or some part thereof are or is to be used as a brothel, or is willfully a party to the continued use of the premises or any part thereof as a brothel, is guilty of an offence and is liable on conviction to imprisonment for five years</p> <p>23. (1) A person who –</p> <ul style="list-style-type: none"> c) Knowingly lives wholly or in part on the earnings of prostitution; or d) In any place solicits for immoral purposes <p>is guilty of an offence and is liable on conviction to imprisonment for five</p>
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		<p>years.</p> <p>(2) If it appears to any Magistrate of Justice, by complaint on oath, that there is reason to suspect that any premises is used for purposes of prostitution and that any person residing in or frequenting the premises is living wholly or in part on the earnings of prostitution, the Magistrate or Justice may issue a warrant authorizing any constable to enter (if need be by force) to search the premises and to arrest that person.</p> <p>(3) Where a person is proved to live with or to be habitually in the company of a prostitute, or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to aiding, abetting or compelling the prostitution with any other person or generally that person shall be deemed to be knowingly living on the earnings of prostitution unless the person proves the contrary.</p> <p>24. A person who for purposes of gain, exercises control, direction or influence over the movement of a prostitute in a way which shows that the person is aiding, abetting or compelling the prostitution is guilty of an offence and is liable on conviction to imprisonment for five years.</p>
TRINIDAD	Trinidad and Tobago Immigration Act, Cap 18:01, s 7	<p>Prohibited Classes</p> <p>8. (1) Except as provided in subsection (2), entry into Trinidad and Tobago of the persons described in this subsection, other than citizens and, subject to section 7(2), residents, is prohibited, namely—</p> <p>e) prostitutes, homosexuals or persons living on the earnings of prostitutes or homosexuals, or persons reasonably suspected as coming to Trinidad and Tobago for these or any other immoral purposes;</p> <p>f) persons who are reasonably suspected of attempting to bring into Trinidad and Tobago or of procuring prostitutes or other persons for the purpose of prostitution or homosexual or other immoral purposes;</p>
TRINIDAD	Theatres and Dance Hall Act of 1934 Subsidiary Legislation	<p>5. The following conditions shall be strictly observed in any theatre or dance hall during the presentation or performance of any stage play or the holding of any dance:</p> <p>(d) no lewd or suggestive dancing shall be performed;</p> <p>(e) all performers and dancers shall be decently attired;</p>
TRINIDAD	Summary Offences Act Chapter 11:02 1921	<p>46. A person convicted a second time of being an idle and disorderly person, and a person apprehended as an idle and disorderly person violently resisting any constable apprehending him and who is subsequently convicted of the offence for which he was apprehended, and a person who commits any of the offences mentioned below in this section, may be deemed a rogue and vagabond, and shall be liable to imprisonment for two months—</p> <p>(j) any woman loitering about and soliciting passers-by for the purpose of prostitution.</p> <p>51. Any person who, during the presentation or performance of any stage play or concert or other dramatic or musical entertainment, or of any other form of entertainment whatsoever, or the holding of any dance, in any building or place to which the public is admitted or has access—</p> <p>(a) is indecently attired;</p> <p>(b) performs any lewd or suggestive dancing or actions;</p> <p>is liable to a fine of four hundred dollars.</p> <p>53. Any owner or occupier, or any person in the employment of any owner or</p>

		<p>occupier, of any house, shop, room, or other place of public resort wherein provisions, liquors, or refreshments of any kind are sold or consumed (whether the same are kept or retailed therein or procured elsewhere), who knowingly permits drunkenness, gambling, or any other disorderly conduct therein, or knowingly permits or suffers known prostitutes, convicted offenders, rogues and vagabonds, or incorrigible rogues to meet together or remain therein, is liable to a fine of one thousand dollars or to imprisonment for three months.</p> <p>57. Any owner or occupier of any house, building, yard, or other place who knowingly permits or suffers any convicted offenders, persons convicted of riot or affray, common prostitutes, rogues and vagabonds, or incorrigible rogues to meet together or remain therein to the number of ten or more, is liable on first or second conviction to a fine of four hundred dollars, and on any subsequent conviction to imprisonment for six months.</p> <p>58. Any owner or occupier of any house, building, yard, or other place who knowingly permits or suffers any convicted offenders, persons convicted of riot or affray, common prostitutes, rogues and vagabonds, or incorrigible rogues to meet together and remain therein, and to play or sing or dance therein, or to play or bet therein at any game or pretended game of chance with any instrument of gaming or with any coin, card, or token, is liable to the same fines and punishments as mentioned in section 57.</p> <p>59. Where any convicted offenders, persons convicted of riot or affray, common prostitutes, rogues and vagabonds, and incorrigible rogues, to the number of ten or more, meet together or remain in any house, building, yard, or other place, or are found playing or singing or dancing therein, or playing, gaming, or betting therein with any instrument of gaming or with any coin, card, or token, all such persons are liable on first or second conviction to a fine of one hundred dollars and on any subsequent conviction, to imprisonment with hard labour for three months.</p> <p>61. On the trial or hearing of any information or proceeding under this Act, proof of the meeting together of any convicted offenders, persons convicted of riot or affray, common prostitutes, rogues and vagabonds, or incorrigible rogues in any house, building, yard, or other place, or of such persons playing or singing or dancing or gaming or betting therein, shall be <i>prima facie</i> evidence that such person or persons had there met together, or were remaining there, or were there playing or singing or dancing or gaming or betting, with the knowledge of the occupier of such house, building, yard, or other place.</p>
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