

Caribbean Anti-Trafficking Law and Practice

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Introduction

I. Overview

From time immemorial, criminality has known no boundaries. This should come as no surprise, however, for, as some have repeatedly argued, it is a reflection of the general condition of the human heart and imagination – desperately wicked.¹ Whether it be the slave trade and practices that constitute slavery,² genocide of particular societal groups,³ attacks on innocent civilians by nefarious terrorist organisations,⁴ or the widespread trafficking of arms and drugs,⁵ criminality is ruthless and, indeed, relentless. It is driven by an insatiable appetite for wealth and power at the expense of the sanctity of human life, and robs individuals, families and societies of their inherent dignity, liberty and security. This explains why criminality in all its forms remains a Sisyphean challenge for governments the world over.

For many countries across the world, criminality has taken on a new, though no less diabolical, shape in the last century or so: namely the phenomenon of ‘human trafficking’.⁶ Every day across the globe, thousands of persons become victims of human trafficking.⁷ The stories detailing the experiences of trafficked victims, whether told or untold, are as horrifying as they are malevolent. Victims are typically recruited, coerced and, ultimately, exploited in the sex industry, agricultural and construction sectors, and even in domestic spaces.⁸ The traffickers, who come from all walks of life, facilitate this multi-billion-dollar criminal industry, using

¹ P Downey, *Desperately Wicked: Philosophy, Christianity and the Human Heart* (Intervarsity Press, 2009).

² H Thomas, *The Slave Trade: The Story of the Atlantic Slave Trade: 1440–1870* (Simon & Schuster, 1997).

³ E Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge University Press, 1989).

⁴ B Hoffman, *Inside Terrorism* (Columbia University Press, 2006).

⁵ M Bowman, *Transnational Threats: Smuggling and Trafficking in Arms, Drugs, and Human Life* (Greenwood Publishing Group, 2007).

⁶ L Shelley, ‘Human Trafficking as a Form of Transnational Crime’ (2013) 6 *Human Trafficking* 128.

⁷ See UNODC, *Human Trafficking: People for Sale* (United Nations Office for Drugs and Crime, 2011).

⁸ K Dunn, ‘Human Trafficking: Children or Commodity? International and Domestic Child Sex Trafficking’ (ProQuest, 2007) 16.

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their well-resourced networks to escape detection.⁹ In some countries, traffickers even operate with impunity.¹⁰

The phenomenon of human trafficking does not discriminate. It affects the young and the old, black and white, poor and rich, big countries and small countries, affluent nations and impoverished nations. It is a scourge whose impact is as enduring as it is immeasurable. Perhaps the most graphic illustration of the devastating impact of this phenomenon can be gleaned from the abduction and subsequent exploitation in the sex industry and domestic spaces of some 276 Chibok girls by the terrorist organisation, Boko Haram, on the night of 14–15 April 2014 in Nigeria.¹¹ It is unfathomable that these girls were ripped from the safety of their families, violently abducted, raped, forced to marry men twice their age, and continuously intimidated and harassed in an endless cycle of humiliation and bondage. The kidnapping and coercion of thousands of Yazidi women to marry, or perform sexual services for, members of the Islamic State (ISIS), a terrorist organisation, in Iraq and Syria is another disturbing illustration of the deleterious impact of human trafficking on individuals,¹² families, nation states¹³ and the international community as a whole.¹⁴

While, for a long time, some countries, including those in the Commonwealth Caribbean, described themselves as havens, untroubled by the havoc wreaked by human trafficking in ‘other parts’ of the globe, in the last two decades, the pendulum has shifted. Today, all countries, including those in the Commonwealth Caribbean, have been forced, whether out of practical necessity or in apprehension of the threat of sanction by the United States,¹⁵ to recognise both the existence and impact of human trafficking.¹⁶ This recognition, though slow in coming, has gradually gained momentum in recent years, especially since the entry into force of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against

⁹ L Shelley, *Human Trafficking: A Global Perspective* (Cambridge University Press, 2010) 138 (citing figures of between 10–32 billion dollars in profits on an annual basis, making trafficking the fastest growing form of organised crime).

¹⁰ V Mishra, ‘Combating Human Trafficking: Gaps in Law Enforcement’ in V Mishra (ed), *Human Trafficking: The Stakeholders’ Perspective* (SAGE Publications, 2013) 282.

¹¹ B Maiangwa and OB Amao, ‘Daughters, Brides, and Supporters of the Jihad: Revisiting the Gender-Based Atrocities of Boko Haram in Nigeria’ (2015) 12(2) *African Renaissance* 117.

¹² P Murthy, R Persaud and M Toda, ‘Human Trafficking: A Modern Plague’ in P Murthy and C Smith (eds), *Women’s Global Health and Human Rights* (Jones & Bartlett Learning, 2010) 63.

¹³ UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment* (UNODC, 2010) 1.

¹⁴ J Lobasz, ‘Beyond Border Security: Feminist Approaches to Human Trafficking’ (2009) 18 *Security Studies* 319, 326.

¹⁵ K Adair, ‘Human Trafficking Legislation in the Commonwealth Caribbean: Effective or Effected?’ in D Berry and T Robinson (eds), *Transitions in Caribbean Law: Lawmaking Constitutionalism and the Confluence of National and International Law* (Ian Randle Publishers, 2013).

¹⁶ J Quirk, ‘New Approaches to Combating Modern Slavery’ (2009) 31 *Human Rights Quarterly* 257, 258 (arguing that ‘while forms of human bondage had attracted a relatively modest amount of interest in earlier decades, their global profile underwent a major transformation from the mid-1990s onwards, with growing concerns over post-Cold War human trafficking serving as a decisive catalyst’).

Transnational Organized Crime in 2003,¹⁷ an international instrument to which there are, at the time of writing, 189 States Parties. The Protocol provides the first internationally accepted definition of human trafficking, which is discussed in more detail in subsequent chapters:

[T]he 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.¹⁸

Despite the existence of the Protocol and related instruments, however, human trafficking continues to challenge policymakers and practitioners the world over,¹⁹ not least in the Commonwealth Caribbean, a region which has for a long time considered the phenomenon of human trafficking to be a distant pebble, far removed from its blissful shores.

In response to the evolving dynamics of human trafficking, countries all across the world, including those in the Commonwealth Caribbean, have been quick to enact anti-trafficking legislation, often times at the behest of the United States' hegemony and exceptionalism in the form of the Annual US Department of State Trafficking in Persons Report.²⁰ While the passage of legislation in this context has undoubtedly raised the profile of the phenomenon in the region, it has also become apparent that some pieces of legislation at best represent misfits in the increasingly complicated puzzle of global regulations on human trafficking. The added complexity that arises in this regard lies in the fact that due to the absence of political will in some countries and inadequate financial and technical

¹⁷ T Obokata, 'Human Trafficking' in N Boister and R Currie (eds), *Routledge Handbook of Transnational Criminal Law* (Routledge, 2014) 185 (arguing that 'while there were early treaties on the subject [such as the International Agreement for the Suppression of White Slave Traffic 1904, the International Covenant for the Suppression of White Slave Traffic 1910, the International Convention for the Suppression of the Traffic of Women and Children 1921, the International Convention for the Suppression of Traffic in Women of Full Age 1933, the Convention for the Suppression of Traffic in Person and of the Exploitation of the Prostitution of Others 1949], the modern understanding of this crime as stipulated in Art 3 of the UN Trafficking Protocol should be the starting point because previously there was no agreement as to what constituted human trafficking').

¹⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (signed 15 November 2000, entered into force 25 December 2003) 2237 UNTS 319, s 3.

¹⁹ M Capous-Desyllas, 'A Critique of the Global Trafficking Discourse and US Policy' (2007) 34 *Journal of Sociology & Social Welfare* 57.

²⁰ J Musto, 'What's in A Name? Conflations and Contradictions in Contemporary US Discourses of Human Trafficking' (2009) 32 *Women's Studies International Forum* 281; G Soderlund, 'Running from the Rescuers: New US Crusades Against Sex Trafficking and the Rhetoric of Abolition' (2005) 17(3) *National Women's Studies Association Journal* 64.

resource capacity in others, human trafficking as a socio-legal phenomenon remains both under-researched, poorly theorised and ineffectively regulated in the Caribbean. For this reason, gleaning the effectiveness of anti-trafficking law and attendant state practice is of paramount importance.

It is against this backdrop that this monograph has been conceptualised. Apart from exploring the modalities of human trafficking in the Commonwealth Caribbean, this monograph represents an important contribution to the burgeoning literature on human trafficking by presenting an incisive and empirically grounded critique of anti-trafficking law and practice as it has existed and continues to exist in the Commonwealth Caribbean from an Analytical Eclectic perspective. The conclusion arrived at is that, in many countries across the Caribbean, there exists a 'disconnect' between anti-trafficking law and practice.

II. Locating the 'Commonwealth Caribbean'

The Caribbean is an archipelago of mainland territories, islands and cays, spanning the entire Caribbean Basin area. Although each territory, island or cay is unique, they are, collectively, tropical landmasses located to the north of the equator, whose economies have traditionally been built around tourism,²¹ agriculture²² and manufacturing²³ and, in the case of Trinidad and Tobago, petroleum.²⁴

The states that comprise the Caribbean fall into four geopolitical taxonomies, largely representing their colonial heritage and mother tongue. At one end of the spectrum lies the Spanish Caribbean, which incidentally comprise the largest portion of the Caribbean, both in terms of population size and landmass. The Spanish-speaking territories are Cuba, The Dominican Republic and Puerto Rico. These territories' colonial history lies in conquest and occupation by Spain in the fifteenth century, and, in the case of Puerto Rico, political control by the United States in 1899, following the Spanish–American War in which the United States acquired the island under the terms of the Treaty of Paris. At the other end of the spectrum are the French Caribbean Islands of Haiti, which shares a border on the island of Hispaniola with the Spanish-speaking Dominican Republic, and which is incidentally the poorest country in the western hemisphere, notwithstanding the fact that it was the first country to experience formal emancipation from slavery; as well as the relatively more affluent French Overseas Departments of French Guiana, Martinique, Guadeloupe, Sint Martin and Saint Barthélemy. Also, on the

²¹ C Jayawardena, 'Mastering Caribbean Tourism' (2002) 14 *International Journal of Contemporary Hospitality Management* 88.

²² D Barker, 'Caribbean Agriculture in a Period of Global Change: Vulnerabilities and Opportunities' (2012) 40(2) *Caribbean Studies* 41.

²³ H Millar and S Russell, 'The Adoption of Sustainable Manufacturing Practices in the Caribbean' (2011) 20 *Business Strategy and the Environment* 512.

²⁴ G Higgins, *A History of Trinidad Oil* (Trinidad Express Newspapers, 1996).

spectrum of Caribbean countries are the Dutch-speaking Caribbean islands of Aruba, Bonaire, Curaçao, Saba, Sint Eustatius, Sint Maarten and Suriname.

Although human trafficking reportedly occurs in some of the above-mentioned islands and cays, the primary focus of this monograph lies in interrogating the law and practice on human trafficking in the English-speaking Caribbean. The territories and islands that comprise the English-speaking Caribbean are scattered across the Caribbean Basin, and, for historical and cultural reasons, include Belize which is located in Central America²⁵ and Guyana²⁶ which is located in South America.

The law and practice on human trafficking in the following territories and islands will be interrogated in the context of this monograph: Anguilla; Antigua and Barbuda; Barbados; The Bahamas; Belize; Bermuda; the British Virgin Islands (BVI); the Cayman Islands; Dominica; Grenada; Guyana; Jamaica; Montserrat; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; the Turks and Caicos Islands; and the United States Virgin Islands (USVI). The common threads that connect these islands, apart from their shared geography, are the fact that they have all retained English as their designated official language²⁷ as well as the fact that they all share a unique history and culture, marked by slavery, emancipation and colonial rule. Today, with the exception of Anguilla, Bermuda, the BVI, the Cayman Islands, Montserrat, the Turks and Caicos Islands and the USVI, which are all British overseas territories, with the exception of USVI, which is an unincorporated territory of the United States, the other territories and islands referred to above are independent nations. Indeed, all these territories and islands are relatively stable common law and, indeed, constitutional, democracies that operate under the rubric of the rule of law.²⁸

III. Situational Overview

The Caribbean is world renowned for its refreshingly beautiful sunrises and sunsets, turquoise seas, majestic skies and warm and friendly people. As a leading tourism destination, the Caribbean offers an unmatched leisure experience that continues to attract millions of visitors from across the world. In recent years, however, there has been a noticeable increase in criminal activity in the region,²⁹ undoubtedly resulting from fluctuating revenues from tourism and agriculture and a corresponding increase in inflation, unemployment and, in some countries, poverty. Criminality, in this context, has not been restricted to arms and drugs trafficking, but increasingly the trafficking of human beings.

²⁵ J Booth, *Understanding Central America: Global Forces, Rebellion and Change* (Routledge, 2018).

²⁶ D Berry, *Caribbean Integration Law* (Oxford University Press, 2014) 8.

²⁷ Note that, for the purposes of this volume, non-independent English-speaking Caribbean countries (eg, Anguilla, the British Virgin Islands, the Cayman Islands, Montserrat, and the US Virgin Islands) are not included in this definition of the 'Commonwealth Caribbean'.

²⁸ E Ventose, *Commonwealth Caribbean Administrative Law* (Routledge, 2012) 300.

²⁹ D Lashin, *Crime in the Caribbean* (De Auteur, 2005).

Although official statistics on human trafficking in most Commonwealth Caribbean countries either do not exist or only paint a partial picture of the existing state of affairs, the limited available data appears to suggest the unmistakable, if not uncomfortable, reality that human trafficking does, in fact, occur in the region. While providing exact estimates that account for all incidents of human trafficking across 18 territories and islands is admittedly beyond the scope of this monograph, it suffices to note that sex trafficking remains the predominant form of human trafficking in the Commonwealth Caribbean, followed by forced labour and domestic servitude. Indeed, in keeping with international trends, women and girls have accounted for the largest proportion of trafficked victims, although there is an increasing number of men and boys who have been trafficked, particularly in the agriculture, mining and construction industries.

Although domestic or internal trafficking does occur in some territories and islands – and in particular in Belize, Guyana, Jamaica, and Trinidad and Tobago – by far the greatest proportion of victims have been subject to transnational trafficking. Indeed, both official and anecdotal data strongly suggests that persons from the Dominican Republic, Haiti, Venezuela, India and China are at the greatest risk of being trafficked across the Commonwealth Caribbean.

For ease of understanding, the modalities of human trafficking in the respective Commonwealth Caribbean territories and islands are discussed below under three taxonomies, namely the ‘Big Six’, the ‘Eastern Caribbean’ and the ‘Overseas Territories’, which admittedly represent an artificial, but convenient, segmentation of the territories and islands based on their colloquial heritage.

A. The ‘Big Six’

For the purpose of this discussion, the ‘Big Six’ territories and islands are Barbados, The Bahamas, Belize, Guyana, Jamaica, and Trinidad and Tobago. These territories and islands have colloquially been referred to as the ‘Big Six’ because they are precisely that: the six biggest states in the Commonwealth Caribbean based not only on their relative population sizes, but also the size of their respective landmasses. Interestingly, although Guyana is by far the biggest of these six states, having an estimated landmass of 83,000 square miles, its population of just over 750,000 pales in comparison to Jamaica, which boasts a population of nearly three million, and Trinidad and Tobago, which is home to nearly 1.4 million people.

The above-mentioned states can be collectively described as source, transit and destination countries in so far as human trafficking is concerned.

i. Barbados

Although the state of affairs in Barbados as it relates to human trafficking is not dismal, it appears that, given its relative economic prosperity, Barbados has quickly become a destination country for persons trafficked for sex and, to a lesser

extent, labour exploitation. These victims have reportedly originated from as far as Ukraine and India and as near as Guyana and the Dominican Republic.

The first case of human trafficking in Barbados was reportedly investigated in 2004, when authorities identified two adult Guyanese women as having been trafficked for sexual exploitation.³⁰ A year later, one female minor was found to have been a victim of sexual exploitation.³¹ This was followed by a number of Indian nationals who were identified as having been trafficked for the purposes of forced labour, having worked for a construction company in Barbados for wages of about US \$1 per week.³² It was not until 2013 that another case of human trafficking was recorded in Barbados, this time involving five Guyanese girls who were reportedly rescued by police from a bar in Nelson Street, Bridgetown.³³ Reports are that these girls were forced into prostitution by their traffickers, who demanded that they offer their sexual services for as little as BBD \$10, which was immediately taken away from them by a 76-year-old woman, who sources say posed as a grandmother of young recruits from Guyana. Of the amounts made weekly by the girls, \$150 was then deducted by the alleged traffickers to cover rent, albeit that the girls reportedly shared make-shift rooms. The girls were reportedly not allowed to have friends; their conversations in the bar with prospective clients were frequently interrupted; and their shopping expeditions into Bridgetown for clothes were allowed only if they were accompanied by the accused or her associates.³⁴

Although the full scale of human trafficking in Barbados remains unclear, it has been suggested that traffickers in that country typically have a particular preference for young, vulnerable Guyanese girls, who are reportedly easily forced into prostitution due to their poor education and job prospects and unfavourable living conditions at home. Many of these victims never escape the psychological and physical constraints imposed by their traffickers, partly because they themselves believe that living in Barbados affords them a better quality of life than remaining in Guyana, but also because human trafficking does not appear to be high on the national agenda in Barbados.³⁵

ii. *The Bahamas*

According to the former Special Rapporteur on Trafficking in Persons, Joy Ngozi Ezeilo, following her official visit to The Bahamas, The Bahamas is a transit and

³⁰T Durbin and J St George, 'Human Trafficking in Barbados: Achievements and Continuing Hurdles' (2013) 38(1–2) *Journal of Eastern Caribbean Studies* 126.

³¹*ibid.*

³²'Internationally Recognised Core Labour Standards in Barbados Report for The WTO General Council Review of the Trade Policies of Barbados' (International Trade Union Confederation, Geneva, 17 and 19 September 2008).

³³'Barbados duo charged with trafficking in five Guyanese women' *Stabroek News* (23 April 2013).

³⁴'Done in by \$10 ... The Guyana–Barbados human trafficking case' *Kaieteur News* (7 May 2013).

³⁵George Alleyne, 'Barbados Branded Negligent on Human Trafficking' *Caribbean News Life* (10 July 2018).

destination country for trafficked persons from the Caribbean region and from Central and South America. Due to its geographical location, its relative close proximity to the United States and its porous coastal borders which span about 100,000 square miles, authorities in The Bahamas have increasingly been confronted with the challenge of human trafficking.³⁶

The vast majority of trafficked victims are women and girls from the Dominican Republic and Jamaica who are reportedly trafficked for the purpose of sexual exploitation. These persons are reportedly lured by means of deception, namely through responding to misleading advertisements about jobs as nannies and cashiers, transported by their traffickers, and subsequently blindfolded and exploited and, in some cases, abandoned post-exploitation. Their passports are typically confiscated upon arrival in The Bahamas, and debt bondage is in a number of instances used by traffickers as a means of supposedly recovering the costs of travel and fees associated with obtaining visas. Aside from sexual exploitation, there is reportedly also a growing number of persons from Haiti, the Philippines, China, Colombia and India³⁷ who have been trafficked for the purpose of labour exploitation in The Bahamas. Undocumented Haitians, in particular, remain particularly vulnerable to exploitation by means of domestic servitude, especially since the devastating earthquake in 2010 and Hurricane Matthew in 2016.

While, traditionally, men have been primarily implicated in human trafficking, Bahamian authorities have reported that, increasingly, women have become engaged in human trafficking, albeit to a lesser degree than their male counterparts. For example, a 24-year-old Jamaican woman was convicted of human trafficking in 2014 and imprisoned for 15 years after she reportedly lured two Jamaican women to The Bahamas, seized their passports once they arrived in that country, and demanded that they prostitute themselves. The women alleged that the accused dressed them up in provocative clothing and took pictures of them for prospective clients. While the accused in this case was the first to be convicted of human trafficking in The Bahamas, it is widely felt that exploitation of this nature is not an isolated case.

iii. Belize

Belize is the only English-speaking country on the Central American mainland. It borders Mexico to the north, Guatemala to the south and shares maritime borders with Honduras. Belize is a country of contrasts; although it is a relatively affluent country compared with some of its Central American neighbours, there are pockets of impoverished communities whose economic vulnerability and

³⁶ Human Rights Council, 'Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo – The Bahamas' (A/HRC/26/37/Add.5, 5 June 2014).

³⁷ IP Singh, '6 Punjabis go missing from Bahamas, were to enter US illegally' *Chandigarh News Times of India* (7 November 2017).

social disenfranchisement place particularly young and impressionable members of those communities at risk of being exploited by traffickers. For this reason, Belize can properly be described as a source, transit and destination country for human trafficking.

Justice Ann-Marie Smith, in a paper presented at the Caribbean Association of Judicial Officers Third Biennial Conference, has opined that Belize's strategic geographical location in Central America makes it particularly vulnerable to trafficking in persons.³⁸ In this context, Belize has proven to be an attractive destination to those who are fleeing unemployment in Honduras, Guatemala and El Salvador.³⁹ More specifically, Belizean brothel operators reportedly make direct contact with traffickers in those neighbouring countries to bring vulnerable women and girls into Belize to then forcibly require that they engage in prostitution.⁴⁰ These women and girls reportedly remain in Belize, notwithstanding the forcible confiscation of their travel documents⁴¹ and subsequent exploitation, because their quality of life is assumed to be better than that obtained in their countries of origin.⁴²

An unfortunate case which demonstrates the grave nature of transnational trafficking in the Belizean context was documented by former UN Special Rapporteur on Trafficking in Persons, Joy Ngozi Ezeilo, who, during her official visit to that country, found that a Guatemalan girl was transported to Belize when she was 13 years old on a promise of a babysitting job.⁴³ Upon arrival, her trafficker, a woman originally from Guatemala who grew up in Belize, took her to work in a bar in a small village in Belize where she was made to sell sexual services. She was never paid for the services she provided, and was deprived of her freedom for one year, threatened by the trafficker that she would be detained by the police on account of her illegal entry into the country if she tried to escape, and even sexually abused by a local police officer who was complicit in her exploitation. An unrelated case, also documented by the then UN Special Rapporteur, involved a woman from El Salvador who was promised domestic work in Belize, but who, upon her arrival in Belize, had her passport withheld by her trafficker, was kept in bondage for two months and forced to work in a bar in a small village. Her trafficker reportedly exercised control over her by withholding her small child.⁴⁴ The former

³⁸ A-M Smith, 'Human Trafficking – The Belizean Experience' (Caribbean Association of Judicial Officers Third Biennial Conference: Equality, Justice and Caribbean Realities – the Way Forward, 2014).

³⁹ *ibid.*

⁴⁰ *ibid.*

⁴¹ 'In Modern Bondage: Sex Trafficking in the Americas' (International Human Rights Law Institute, DePaul University College of Law, October 2005).

⁴² AP Mano, 'An Innovative Approach to Sex Trafficking Research: The Methodological Advancement of Attride-Stirling's Thematic' (2017) 55 *International Annals of Criminology* 40.

⁴³ Human Rights Council, 'Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo – Mission to Belize' (A/HRC/26/37/Add.6, 11 June 2014).

⁴⁴ *ibid.*

UN Special Rapporteur on Trafficking in Persons also identified a situation in which 60 Nepali nationals were identified as having been subject to labour exploitation by a Chinese company. Five persons involved in the case opted to remain in Belize and assist with the prosecution of the case.⁴⁵

Belizeans, and in particular young and impressionable individuals with poor educational and job prospects, are widely acknowledged to be at a highest risk of being trafficked. For example, it was only recently that a number of Belizean teenagers were reportedly lured across the Belize/Mexico border by male escorts for the purpose of exploitation, though they were, fortunately, rescued by a Belizean senator who reported the suspicious activity to the police.⁴⁶ The police subsequently arrested nine Honduran nationals who had apparently been operating a trafficking ring in El Salvador, Guatemala, Belize and Mexico. Long before this case transpired, however, it had been reported that a young Belizean girl was transported to the United States, where she was later sold into domestic servitude for over 10 years before she was eventually rescued and identified as a victim of trafficking.⁴⁷

Since 2012, reports indicate that just over 20 cases of human trafficking have been investigated in Belize,⁴⁸ albeit that only a handful of these cases have resulted in successful prosecutions. One of the earliest cases to have been successfully prosecuted in Belize occurred in 2012, when a 54-year-old woman was convicted and sentenced to 18 months' imprisonment for attempted human trafficking. In that case, the court heard that the accused had hired a young woman to work for her as a domestic helper, but later forcibly encouraged the young woman to prostitute herself, instructing the victim, 'while you are young and pretty, you should take on the opportunity of prostituting yourself'.⁴⁹ Additionally, in 2012, another woman was convicted of human trafficking and sentenced to 12 months' imprisonment in circumstances where she instructed a 17-year-old female employee to engage in sexual activity with patrons of her tavern, despite objections from the employee.⁵⁰

iv. Guyana

Research into human trafficking in Guyana strongly suggests that, of all the English-speaking Caribbean countries discussed in this monograph, Guyana consistently records the highest rates of human trafficking. In fact, conservative estimates suggest that, in the last five years alone, over 200 people have been

⁴⁵ *ibid* Addendum [21].

⁴⁶ William Ysaguirre, 'Human trafficking – a growing problem in Belize' *The Reporter* (13 October 2017).

⁴⁷ Daniel Ortiz, 'Belizean woman victim of human trafficking' *Amandala* (25 February 2011).

⁴⁸ Human Rights Committee, 'Consideration of reports submitted by States parties under article 40 of the Covenant – Belize' (CCPR/C/BLZ/1, 26 September 2017); 'Trafficking in Persons Report – Belize' (Office to Monitor and Combat Trafficking in Persons, US Department of State, 2018).

⁴⁹ 'Two Human Trafficking Convictions Mark a Major Step Forward for Belize's Justice System' (American Bar Association, February 2012).

⁵⁰ *ibid*.

subject to exploitation in Guyana, the overwhelming majority of whom have been women and girls (89 per cent).⁵¹ The majority of these victims are Guyanese nationals, while some 41 per cent of victims so identified are non-nationals.⁵² Quite astonishingly, in 2016 alone, some 103 children were reportedly trafficked.⁵³ In this connection, the United Nations Children's Fund (UNICEF) has explained that the high rate of child trafficking in Guyana is triggered by the fragile economic situation in which many families find themselves, particularly those in the 'hinterland' communities who are often nomadic and thus lacking strong familial, social and economic support.⁵⁴ UNICEF has not only pointed to the trafficking of children for the purpose of sexual exploitation in the hinterland communities, but also labour trafficking in Guyana's gold mines, including mines located near the borders of Brazil, Suriname and Venezuela. Trafficking, in this context, appears to occur with greater frequency in these locales because of limited law enforcement presence and complicity of some law enforcement officers in victims' exploitation.⁵⁵ In short, child trafficking in Guyana is fuelled by myriad structural conditions, including a culture of tolerance, disintegration of the family structure, an acute lack of knowledge on the schemes used by traffickers, lack of employment opportunities and lack of adequate law enforcement presence, legal protection and prosecution or sanctions, among other things.⁵⁶

Aside from the trafficking of children, Guyanese women have also been exploited abroad in a number of countries, both within and outside the Caribbean, including Barbados, Jamaica, Suriname, Venezuela and Brazil. While a number of these women are trafficked for the purpose of domestic servitude, the vast majority of them are trafficked for the purpose of sexual exploitation. The stories are harrowing as they are endless. Most of these women are reportedly recruited through the promise of jobs or better living conditions overseas only to find themselves, once in the receiving country, in physical and psychological bondage, often being forced to provide their sexual services to traffickers, their associates and clients, and threatened with the prospect of being detained and immediately sent back home were they to escape.⁵⁷

v. Jamaica

Jamaica, like its Commonwealth Caribbean neighbours, has not escaped the scourge of human trafficking. In fact, conservative estimates suggest that in the

⁵¹ 'ECD man jailed for human trafficking' *Guyana Chronicle* (5 January 2018).

⁵² *ibid.*

⁵³ 'Trafficking of children' *Guyana Times* (11 November 11 2016).

⁵⁴ 'Situation Analysis of Children and Women' (United Nations Children's Fund (UNICEF), July 2016).

⁵⁵ *ibid.*

⁵⁶ 'Recent Activities' (Government of Guyana Ministry of Public Security Ministerial Task Force on Trafficking in Persons, 13 December 2017). Note that the 19–25 age group is the second most at-risk age group locally after the 12–18 age group.

⁵⁷ '50% of Guyanese trafficked are children – UNICEF' (*INews Guyana*, 22 October 2016).

last decade, over 70 victims of trafficking have been rescued by authorities in that country, while four convictions have to date been obtained.⁵⁸ A large proportion of these victims have been trafficked for the purpose of sexual exploitation,⁵⁹ though an increasing number of persons, including male victims, have been trafficked for the purpose of forced labour. Myriad factors account for the relatively frequent occurrence of human trafficking in Jamaica, including poverty, unemployment, the country's porous borders which expose it to trafficking from neighbouring countries such as Haiti and the Dominican Republic, and the operation of organised criminal groups with links to human trafficking enterprises, especially those which reportedly exist in some of Jamaica's 'inner-city communities'.⁶⁰

One of the earliest cases to have captured the attention of Jamaican authorities involved the trafficking of some 21 Honduran boys who were transported into Jamaican waters and then forced to engage in deep-sea diving for conchs and lobsters.⁶¹ There have also been a number of cases in which both Jamaican women and girls as well as foreign women and girls have been trafficked into sexual exploitation, particularly at nightclubs. For example, as a result of a sting operation carried out at a nightclub in St Andrew, Jamaica, a number of young Guyanese girls were identified as having been recruited under the guise of spending the summer vacation in Jamaica, and subsequently forced to work at the club dancing and performing various sexual acts. The accused, in this case, allegedly told the victims that they had to engage in these activities in order to pay for their living expenses and as recompense for their airfare. Their passports were allegedly confiscated by an immigration officer who reportedly was complicit in their exploitation.⁶²

As intimated above, to date, despite the identification of over 70 victims of trafficking, there have been very few convictions, though an estimated 10 cases are, at the time of writing, before Jamaican courts.⁶³ One of the earliest convictions under Jamaica's Trafficking in Persons (Prevention, Suppression, and Punishment) Act 2007 was that of *R v Rajesh Gurunani*.⁶⁴ In that case, the defendant was convicted on three counts of human trafficking, three counts of withholding travel documents and three counts of facilitating trafficking in persons in circumstances where he recruited a number of persons from India through a promise of jobs as managers in his Jamaican stores. On their arrival in Jamaica, the defendant

⁵⁸ 'Traffickers in Jamaica turning to Bitcoin' *Nation News Barbados* (22 May 2018).

⁵⁹ G Angus, 'Persons Urged to be Cautious in Responding to Job Offers' (Jamaica Information Service, 1 December 2016).

⁶⁰ 'Jamaica: Child Labour Legislative Gap Analysis' (International Programme on the Elimination of Child Labour, March 2012).

⁶¹ Angus (n 59); 'Jamaica gets help from CARICOM neighbours in human trafficking fight' *Jamaica Observer* (18 June 2014).

⁶² 'Ex-night club owner in Jamaica remanded over trafficking of Guyanese girl, others' *Stabroek News* (1 October 2011).

⁶³ GR Smith and L Palmer-Hamilton, 'Human Trafficking: Modern Day Slavery or Child Abuse or What?' (Jamaica Bar Association, 2015).

⁶⁴ *Jamaica Gleaner* (3 July 2015).

confiscated their passports and forced them to work long hours as lower-level staff for little pay. These victims spoke Hindi and thus understood very little English. Their movements were restricted, communication with their families was limited to one five-minute supervised phone call per month and they lived in a small basement with poor ventilation, having access to only one bathroom. This basement was a shared living quarters for 10 to 14 males. They worked both during the days and at nights; they were not permitted to interact with the locals; and were given no spending money in hand. Although, upon conviction, the defendant escaped a prison sentence, he was ordered to pay more than JMD \$4.5 million in fines and compensation arising from his conviction.

More recently, in *Ebanks and Reeves v R*,⁶⁵ the Court of Appeal of Jamaica imposed a 10-year prison sentence on Ebanks and a three-year suspended sentence and a fine of \$50,000 on his common-law wife, Reeves, after they were both convicted of trafficking-related offences. The circumstances of the case were that Ebanks, a fisherman, travelled to Haiti, and brought home a 14-year-old girl subsequent to promising her mother he would send her to school. Once the child arrived at the couple's St Elizabeth home in Jamaica, she was reportedly kept there for three years as Ebanks' household helper, in addition to having been physically assaulted and raped by him. In the Supreme Court, the Court heard that Ebanks demonstrated inhumane and menacing conduct to both the 14-year old victim of trafficking and his spouse. More specifically, in a probation report, Reeves reportedly informed the Court that, although not trafficked, she herself had been abused physically and verbally by Ebanks who she said treated her like his personal possession.⁶⁶ She said he dictated to her what she could and could not do and caused her not to have a good relationship with her family, partly by beating her in front of relatives when she ran away. She also said that from time to time he kept her locked up in the house for days. She admitted to exercising poor judgement in getting involved with Ebanks but noted that she had objected to him bringing in the girl but was afraid to do anything about it.

In any event, the Supreme Court had sentenced Ebanks to 14 years' imprisonment for his role in the trafficking of the 14-year-old girl in 2016, but Ebanks subsequently appealed both his sentence and conviction, arguing that the evidence did not support a finding that the elements of the offence were satisfied and/or the sentence imposed was disproportionate to the nature of the offence allegedly committed. Although Justice C Dennis Morrison, Justice Paulette Williams and Justice Leighton Pusey, in the Court of Appeal, ultimately dismissed Ebanks' submission that his conviction should be set aside, they nonetheless substituted the 14-year term of imprisonment for 10 years' imprisonment. While it would certainly be interesting to know the rationale behind this reduction in sentence, at the time of writing, a written judgment had unfortunately not yet been published.

⁶⁵ HCC 112/13. See 'Court of Appeal affirms conviction in first human trafficking case' *Jamaica Observer* (8 October 2018).

⁶⁶ Tanesha Mundle, 'Human trafficking arrest saved my life' *Jamaica Observer* (12 July 2016).

On another note, one of the more intriguing questions that has arisen in recent years in the anti-trafficking field in Jamaica is the extent to which trafficked children are accounted for in Jamaica's 'missing children' phenomenon. Although the vast majority of children who are reported as 'missing' eventually return to their families, research suggests that the 'missing children' phenomenon accounts for over eight thousand children in any five-year cycle.⁶⁷ In respect of the estimated 20 per cent of this figure who remain unaccounted for, the question has arisen as to whether at least some of these children have been trafficked.⁶⁸ While state officials remain adamant that there is no concrete correlation between children going missing and human trafficking, NGO interlocutors remain confident that at least some of these missing children are caught up in some form of exploitation.⁶⁹ Discussions with interlocutors in Jamaica did not provide a definitive answer to this vexing question, but some have argued that the missing children phenomenon, which is particularly prevalent in 'inner-city communities' which are typically run by criminal 'dons',⁷⁰ might reflect families' desire to ensure that their children have a brighter future with friends and family outside their impoverished communities, similar to the Haitian *restavèk* practice, discussed later in the chapter, where children are sent abroad, even with strangers, in search of better opportunities.

That said, it should be noted that human trafficking not only occurs on Jamaican soil, but in multiple places across the world, regrettably involving Jamaicans as either victims or perpetrators. More specifically, it should be noted that the most recently published UK National Referral Mechanism (NRM) statistics suggest that 21 Jamaicans in 2017 and 14 in 2016 were referred to the NRM as either potential or actual victims of trafficking.⁷¹ The majority of these victims have reportedly been trafficked for the purpose of sexual exploitation, although a sizeable minority are alleged to have been trafficked for the purpose of labour exploitation.⁷²

Jamaican traffickers have increasingly become implicated in human trafficking in a number of jurisdictions, including The Bahamas, the United States, Canada and even as far away as Botswana. For example, a Jamaican woman was convicted of trafficking two women into prostitution and unlawfully withholding their travel documents in The Bahamas.⁷³ Another unfortunate instance of Jamaican traffickers becoming implicated in human trafficking arose in the United States where the accused, a 29-year-old man, was arrested for having lured, harboured and forced a

⁶⁷ T Hill, 'An Investigation into the State's Response to the Trafficking of Women and Girls in Jamaica' (2016) 10 *Caribbean Review of Gender Studies* 127.

⁶⁸ *ibid.*

⁶⁹ 'The Mystery of Missing Children in Jamaica' (*Hear the Children Cry*, 15 June 2016).

⁷⁰ H Johnson and J Soeters, 'Jamaican Dons, Italian Godfathers and the Chances of a "Reversible Destiny"' (2008) 56 *Political Studies* 166.

⁷¹ 'National Referral Mechanism Statistics – End of Year Summary 2017' (EOY17-MSHT, National Crime Agency, 26 March 2018).

⁷² *ibid.*

⁷³ L Johnson, 'Court of Appeal quashes Jamaican woman's human trafficking conviction' *The Tribune* (21 January 2016).

14-year-old girl to have sex with him on multiple occasions and then with various other men for money that he then pocketed. According to reports, the accused threatened the victim with physical violence and then physically assaulted her until she was compelled to engage in prostitution.⁷⁴ In an unrelated case, a Jamaican man was arrested and charged in the United States for having lured a 16-year-old girl to model tattoos using *Facebook*, and then subsequently forcing her to engage in prostitution. He reportedly ensured the victim's compliance with his unlawful demands through intimidation and threats of inflicting physical injury if she reported the matter to the police.⁷⁵

More recently, five Jamaican men were charged with the sex trafficking of minors in the United States after they allegedly lured young girls across state borders, and repeatedly engaged in unlawful sexual intercourse with them. The men then allegedly advertised the victims on adult websites dedicated to escort services and in classified ads.⁷⁶ In an unrelated matter, a Jamaican man was alleged to have recruited, beaten, raped and forced six women into his prostitution racket, an operation that extended from Australia to Dubai to Miami.⁷⁷ The accused, who allegedly used fraudulent American identity documents to travel to Australia, the United Arab Emirates and the United States, reportedly used psychological coercion and physical abuse to intimidate and coerce his victims, effectively treating them as 'sex slaves'. He then is allegedly to have bragged about being a member of the LA street gang, 'The Bloods', to further intimidate the women, and thus prevent them from reporting the matter to the police.

Further afield, a Jamaican man was arrested and charged in Botswana after evidence surfaced that he was involved in an international human trafficking syndicate that exploited women in both Ethiopia and Botswana.⁷⁸

vi. *Trinidad and Tobago*

The final of the 'Big Six' islands to be addressed in this section is the twin-island Republic of Trinidad and Tobago. Although this island is relatively affluent, owing to the presence of oil reserves, it has not escaped the scourge of human trafficking. In fact, Trinidad and Tobago is widely acknowledged to be a source, transit and destination country for human trafficking.

Indeed, since 2011, conservative estimates indicate that over 40 victims of trafficking have been identified in Trinidad and Tobago, the majority of whom

⁷⁴Naeisha Rose, 'Jamaica man pleads guilty to sex trafficking of teen girl: DA' *TimesLedger* (22 April 2018).

⁷⁵Emily Davenport, 'Jamaica man charged with pimping out and raping a 16-year-old girl' (QNS, 23 January 2018).

⁷⁶'Feds charge five from Jamaica as child pimps' *Queens Chronicle: Central/Mid Queens News* (11 August 2016)

⁷⁷'Miami jury finds Jamaican guilty of sex trafficking' *Miami Herald* (2 July 2014).

⁷⁸Innocent Tshukudu, 'Jamaican in Human Trafficking Charges' (*TheVoiceBW*, 30 December 2015).

being women trafficked for the purpose of sexual exploitation, though there is an increasing number of persons who have been trafficked for the purpose of forced labour and domestic servitude.⁷⁹ Although Trinidadians are from time to time trafficked both at home and abroad, the vast majority of victims originate from Venezuela, Guyana, Columbia, the Dominican Republic, Bolivia, and St Vincent and the Grenadines.⁸⁰ It is noteworthy that not only adults have been trafficked, but increasingly also children, particularly migrant children.⁸¹

Both Trinidadians and non-nationals alike have been implicated in the over 20 trafficking matters that are, at the time of writing, before the courts, including local law enforcement officers, business owners and corporate executives.⁸² For example, it was recently reported that a 67-year-old Trinidadian business woman was arrested and charged for allegedly recruiting a 27-year-old male Bolivian by promising him a job and a substantial salary, but later confiscating his passport upon his arrival in Trinidad, and then forcing him to work at her home and then at her business place for two years, while underpaying him for his services.⁸³ In an unrelated matter, the managing director of a promotions and advertisement company based in Trinidad was arrested and charged for receiving two female Venezuelan nationals for the purpose of sex trafficking. The accused and his associates allegedly made frequent trips to Venezuela to meet and accompany young Venezuelan women to Trinidad, by air and by sea, offering them jobs in promoting Latin cultural events in Trinidad and Tobago, but then subsequently exploiting their sexual services.⁸⁴

The issue of Venezuelan nationals being trafficked to the twin-island Republic is a real and pressing one for policymakers in Trinidad and Tobago given its close proximity to Venezuela and the relative ease with which persons from that country, in light of ongoing extreme economic pressures and impoverishment, can enter Trinidad and Tobago. This issue raised its ugly head recently when over one hundred Venezuelans were identified as potential victims of trafficking in the Trinidad and Tobago leg of an Interpol-coordinated anti-trafficking operation.⁸⁵ This should come as no surprise, however, as the Director of the Counter-Trafficking Unit in Trinidad and Tobago had, for a long time, warned that human trafficking was taking place between the twin-island Republic and Venezuela, evidenced by Venezuelan women being brought into Tobago and then

⁷⁹ '2018 Trafficking in Persons Report' (Office to Monitor and Combat Trafficking in Persons, US Department of State, 2018).

⁸⁰ Yvonne Baboolal, 'CTU director on human trafficking: Most cases sex related' *Trinidad Guardian* (1 December 2016).

⁸¹ 'Ministry of National Security counteracts human trafficking incident' *Trinidad and Tobago Government News* (8 July 2016).

⁸² 'Trinidad and Tobago improves in global fight against Human Trafficking' *Loop News* (28 June 2017).

⁸³ 'Businesswoman charged with labour exploitation' (CNC3, 2018).

⁸⁴ 'Counter Trafficking Unit continues to arrest and charge business owners for human trafficking offences' (Ministry of National Security of Trinidad & Tobago, 27 May 2017).

⁸⁵ Julien Neaves, '146 Venezuelans, Caribbean nationals held in human trafficking bust' *Trinidad and Tobago Newsday* (2 May 2018).

surreptitiously transported over to Trinidad, where they are thereafter forced to have sex with multiple men across the island. According to the Director, human trafficking, in this context, has been facilitated by a combination of a lack of security controls and turbulent economic conditions in Venezuela. In this regard, the Director has quite poignantly opined:

Many of the Latino girls come up on the boat and you won't detect them at all. There is no checking for vehicles, there is no checking for identification, there is no checking for anything. Even at the airports, there is no major kind of security taking place. So, you can have victims of human trafficking ... they will come and service clients that are here in Tobago and they will take them back by boat or plane to Trinidad.

We actually had a young boy, 17 years old, who ended up in Trinidad and became exploited. He was a homosexual boy who was looking for a job, and he joined an online social group. He wanted to get out of the island that he was in and he was offered a job in that social group which landed him in Trinidad. He ended up working in a legitimate business place but after hours he had to service the owners of the business, who were bisexual. The young man was also forced to provide sexual services to many other men. This 17-year-old boy had to do some unimaginable things and some unimaginable things was done [sic] to him. All that came as a result of joining a social online group.

Additionally, what was noticed was that amongst the drugs and the illegal guns, they saw people starting to come in and people being exchanged along with guns and drugs.⁸⁶

More generally, it is noteworthy that women and girls from the Dominican Republic, like Venezuelans, also represent a group that is highly susceptible to human trafficking, in relation to which officials in Trinidad and Tobago have become increasingly wary. This renewed focus on addressing human trafficking involving Dominican victims was prompted by an incident a few years ago where a Syrian man and three Trinidadians were arrested and charged in connection with the alleged trafficking of 22 women of Dominican nationality, some of whom were reportedly forced into prostitution at a nightclub in the south of the country, while others were forced to pose naked and yet still others tied to a bed and exploited.⁸⁷

B. The Eastern Caribbean

For the purposes of this chapter, the islands that comprise the Eastern Caribbean are Antigua and Barbuda, Dominica, Grenada, St Kitts and Nevis, St Lucia, and St Vincent and the Grenadines. These islands are, in general, middle-income constitutional democracies, heavily reliant on tourism, agriculture and, more recently, citizenship by investment. Although Antigua and Barbuda and St Kitts and Nevis can now properly be described as high-income territories, they, like their Eastern Caribbean counterparts, have not escaped the taint of criminality.

⁸⁶ 'Sex-trafficking of Venezuelan women in Tobago' *Trinidad and Tobago Newsday* (6 December 2017).

⁸⁷ 'Trinidad rescues 22 Dominican women "forced" into prostitution' (*EFE*, 19 October 2015).

i. Antigua and Barbuda

In Antigua and Barbuda, reports suggest that human trafficking is increasingly becoming a vexing issue, especially the transnational sex trafficking of women and girls from Jamaica and the Dominican Republic. In fact, from as far back as 2010, the Antiguan Minister of National Security has repeatedly suggested that women and girls are being brought to Antigua and Barbuda and thereafter forced to perform sexual services in various nightclubs, while others are reportedly held in debt bondage.⁸⁸ In more recent years, the same minister has been quite frank in detailing his concerns about human trafficking in Antigua, noting that the ‘trade is alive and well and flourishing’, though he has admitted that ‘everything seems to have gone underground.’⁸⁹ In explaining that the general modus operandi is for women and girls to be lured to Antigua on the promise of jobs, the minister cited several instances in which these victims have been met at the VC Bird International Airport by Antiguan nationals, who reportedly welcome these vulnerable individuals under the guise of being family or friends, but thereafter forcing them into a life of exploitation.⁹⁰

While the exact details of the eight cases⁹¹ which are currently being investigated by Antiguan authorities have not been made public, the Trafficking in Persons (Prevention) Committee has explained that young and impressionable persons and young single mothers with heavy financial dependency are being targeted by traffickers.⁹² Other sources suggest that Antigua’s geographical location and porous borders,⁹³ high tourist activity and the growing presence of bars, taverns and brothels continue to expose the most vulnerable segments of that society to trafficking.⁹⁴ For example, 19 potential victims of human trafficking were only recently reportedly rescued from allegedly exploitative conditions at two nightclubs in Antigua.⁹⁵

ii. Dominica

Meanwhile, Dominica, a country which was only recently decimated by the passage of Hurricane Maria, faces similar challenges to Antigua and Barbuda. Although no official statistics are available to account for the existing state of affairs in so far as human trafficking is concerned, a number of Dominican interlocutors are of the

⁸⁸ ‘Antigua passes human trafficking legislation’ *Jamaica Gleaner* (11 June 2010).

⁸⁹ ‘Human Trafficking Activities Detected’ (*ABS TV Radio Antigua & Barbuda* November 2016).

⁹⁰ *ibid.*

⁹¹ ‘2018 Trafficking in Persons Report – Antigua and Barbuda’ (*Refworld*, 28 June 2018).

⁹² ‘Antigua and Barbuda’s Annual Report on Trafficking in Persons 2017’ (Trafficking in Persons (Prevention) Committee, December 2017).

⁹³ Carol Williams, ‘Antigua & Barbuda Ready to Crack Down on Human Trafficking, Sex Tourism’ (*Caribbean News Digital*, 2 April 2011).

⁹⁴ ‘Situation Analysis of Children in Antigua & Barbuda’ (United Nations Children’s Fund (UNICEF) and the Government of Antigua and Barbuda, August 2017).

⁹⁵ ‘Human trafficking crackdown at two nightclubs’ *Antigua Observer* (10 February 2018).

view that women and girls from the Carib territory are at the greatest risk of being trafficked for the purpose of sexual exploitation and domestic servitude, particularly in light of the recent destruction of infrastructural and social support systems brought about by the passage of the hurricane. Another interesting dynamic which has been observed in the Dominican context is the influx of a growing number of Haitian women into Dominica, who have allegedly found themselves either exploited in the coastal community of Portsmouth⁹⁶ or transported to the nearby French islands of Martinique and Guadeloupe,⁹⁷ where they are at risk of being subject to sexual exploitation.

Although women from the Dominican Republic reportedly frequent the Portsmouth community, it is the nuanced relationship between Haiti and Dominica which potentially exposes Haitian women and girls to the possibility of being trafficked. In this context, it must be borne in mind that although Dominica's official language is English, it has a strong French creole heritage, in addition to porous borders, which make it relatively easy for potential victims of trafficking to be transported to Dominica, exploited there and then assimilated into the society. It should therefore come as no surprise that two Dominican men were recently arrested and charged for allegedly trafficking a Haitian national,⁹⁸ whose body was eventually found floating in the water in an area close to Portsmouth.

iii. Grenada

Although official data on human trafficking in Grenada remains unavailable, there has reportedly been at least one instance in which a group of young Nepalese students were unlawfully recruited and transported into Grenada and allegedly exploited by a Ghanaian national who resided in Trinidad and Tobago.⁹⁹ While the outcome of this particular case was unknown at the time of writing, Grenadian policymakers remain alert to the fact that Grenada, though relatively economically stable, is not immune to the scourge of human trafficking. In this context, a former Grenadian Prime Minister has brought attention to Grenada's vulnerability to trafficking, citing Tropical Storm Ivan, for example, which badly affected Grenada in 2004, and which reportedly resulted in a number of Grenadians being offered bogus invitations to study and work abroad.¹⁰⁰ The former Prime Minister has also brought attention to the Caribbean Community (CARICOM) free movement of persons regime,¹⁰¹ which he indicated creates opportunities for traffickers to move

⁹⁶ Ken Richards, 'Dominica fights human trade' (*BBCCaribbean.com*, 28 October 2005).

⁹⁷ 'National Security minister concerned about human trafficking' (*Dominica News Online*, 2 February 2010).

⁹⁸ 'Bail denied in human trafficking case' (*Dominica News Online*, 24 January 2013).

⁹⁹ 'Ghanaian Charged with Human Trafficking' *Grenada Informer* (30 April 2015); 'Trafficked Nepalese students detained in Grenada' *Jamaica Observer* (22 April 2015).

¹⁰⁰ 'PM wants urgent action against human trafficking' *Antigua Observer* (8 April 2010).

¹⁰¹ Oluatoyin Alleyne, 'Sex tourism growing in favoured destinations in Caribbean' *Stabroek News* (15 October 2010).

freely between CARICOM Member States for up to six months at a time, although the Caribbean Court of Justice (CCJ) has held that they may be refused entry if they constitute a charge on public funds or pose a genuine, present and sufficiently serious threat to public security, public health, public order and public morality.¹⁰²

iv. St Kitts and Nevis

St Kitts and Nevis, like Grenada, has been fortunate to not have to contend with high rates of human trafficking. Indeed, since a single charge was reportedly laid in relation to labour trafficking in 2014,¹⁰³ St Kitts and Nevis has not been confronted with confirmed cases of human trafficking, though some sources have intimated that the trafficking of women for the purpose of prostitution remains a real concern in that jurisdiction.

v. St Lucia

Meanwhile, in St Lucia, although there are no official estimates as to human trafficking cases, at least one case involving the alleged trafficking of a group of Asian students, who were pawned of substantial sums of money after they were promised enrolment at a fake Lambirds Academy, has surfaced.¹⁰⁴ Further afield, at least three St Lucians have, in recent years, been referred to the UK's NRM as potential victims of trafficking. These potential victims alleged that they were trafficked for the purpose of sexual exploitation in the United Kingdom.¹⁰⁵

vi. St Vincent and the Grenadines

Finally, the multi-island State of St Vincent and the Grenadines has increasingly been confronted by the phenomenon of human trafficking in recent years, particularly in the realm of sexual exploitation, but also forced labour. Indeed, while there has been no successful conviction for human trafficking in that country to date,¹⁰⁶ over 20 suspected cases of human trafficking have reportedly been investigated by the country's Anti-Trafficking Unit since it became fully operationalised.¹⁰⁷ At the time of writing, the latest of these investigations involved allegations that a

¹⁰² *Shanique Myrie v Barbados* [2012] CCJ 3.

¹⁰³ 'Ninth Follow-Up Report – St Kitts and Nevis' (CFATE, 2 December 2014).

¹⁰⁴ 'Four foreigners on human trafficking charges in St Lucia' *Jamaica Observer* (3 March 2015).

¹⁰⁵ 'National Referral Mechanism Statistics – End of Year Summary 2016' (National Crime Agency, 7 April 2017).

¹⁰⁶ 'Case collapses, but investigators lauded' *The Vincentian* (15 April 2016). The Prosecution, in this case, withdrew its case for a want of evidence in an alleged labour trafficking case involving three Jamaican nationals.

¹⁰⁷ '2018 Trafficking in Persons Report' (Office to Monitor and Combat Trafficking in Persons, US Department of State, 2018).

number of Asian employees at a certain factory in St Vincent had been stripped of their passports, made to be completely dependent on their alleged trafficker for food and lodging and forced to work for said person, without commensurate remuneration.¹⁰⁸

Despite repeated high-level statements from policymakers in St Vincent and the Grenadines which suggest that the country does not have a human trafficking problem,¹⁰⁹ it is nonetheless widely accepted that the multifarious nature of the islands and cays that comprise this jurisdiction, their porous borders and a lack of adequate surveillance, especially of uninhabited internal areas and hard to reach coastal regions, render the country at risk of becoming a source, transit and destination country for human trafficking, particularly the trafficking of women from Venezuela, Guyana and the Dominican Republic for sexual exploitation.¹¹⁰

C. The Overseas Territories

Despite their porous borders, relatively small population sizes, weak coastal surveillance systems and relative economic stability, the Overseas Territories have, quite fortuitously, not in large part been tarnished by the scourge of human trafficking. In fact, in most of the Overseas Territories, trafficking is simply not viewed as a major challenge, albeit that human smuggling continues to pose serious concerns for policymakers.

Notwithstanding the foregoing, however, there have been isolated cases of human trafficking that have implicated a few of the Overseas Territories, which remind us that no country is impervious to the enduring threat that trafficking poses. In Anguilla, for example, a person was only recently arrested and charged with a human trafficking offence;¹¹¹ a Caymanian national resident in Canada was recently arrested and charged for forcing a woman into prostitution by verbally and physically assaulting her and abusing her dog;¹¹² while in the USVI, a woman was reportedly arrested and charged for allegedly forcing a 13-year-old female minor into the sex trade.¹¹³

While these cases are admittedly isolated incidents of human trafficking in the Overseas Territories, they nonetheless do strongly suggest that the phenomenon of trafficking potentially affects all countries, including relatively affluent ones.

¹⁰⁸‘Police free human trafficking victims across the Caribbean’ *WLNS* (30 April 2018); ‘St Vincent: Victims of Human Trafficking Rescued By INTERPOL’ (*NEWS784*, 30 April 2018).

¹⁰⁹‘Interpol “overextended” facts about SVG’s human trafficking raid’ *IWitness News* (3 May 2018).

¹¹⁰‘Vincentian PM: Men complained after suspected sex workers deported’ *Loop News* (4 May 2018).

¹¹¹‘Anguilla Police Report 3rd January 2018’ *721 News* (4 January 2018).

¹¹²James Whittaker, ‘More victims possible in human trafficking case’ *Cayman Compass* (24 July 2016). In this case, investigators believed that the woman earned approximately C\$200,000 (CI\$125,000) for the accused, which they say he spent on jewellery, expensive clothing, rent and food for himself.

¹¹³‘US Virgin Islands: Efforts to Combat Human Trafficking’ (US Department of Health and Human Services, December 2016).

IV. Further Afield

Although it is beyond the scope of this monograph to fully address the dynamics of human trafficking in other parts of the Caribbean aside from the English-speaking territories and islands examined above, it suffices here to note that human trafficking does in fact exist with alarming and calamitous consequences in the French, Spanish and, to a lesser extent, Dutch-speaking Caribbean.

A. The French Caribbean

While there have been no reliable reports of human trafficking occurring in the French Overseas Departments, the same cannot be said for trafficking in the context of Haiti, whose history and legal landscape are inescapably linked to mainland France. In many ways, Haiti represents an intriguing paradox of bondage, even after over a century's formal emancipation. Aside from being the poorest country in the western hemisphere,¹¹⁴ Haiti's already precarious and, indeed, fragile social and economic infrastructure continues to be placed in the spotlight by a number of unfortunate circumstances, including the 2010 earthquake,¹¹⁵ Hurricane Matthew, a 2016 deadly tropical cyclone, and frequent cholera outbreaks.

Against the backdrop of these circumstances, it should come as no surprise that Haitians have, for a number of years, been identified as the most vulnerable people in the Caribbean in so far as exposure to human trafficking is concerned. In fact, conservative estimates suggest that in any one year, over two thousand Haitians are formally identified as victims of trafficking,¹¹⁶ a large proportion of whom are children.¹¹⁷

The question of child trafficking in Haiti is a particularly acute problem to which the Haitian government and the international community as a whole has struggled to find innovative solutions. More specifically, although child trafficking and the related *restavèk* practice are prohibited in Haiti, it continues to be the case that children who have been sent by their impoverished Haitian families to informal adoption centres, particularly in the Dominican Republic, in the hope of these children achieving a better education and therefore social mobility, they

¹¹⁴C Cloud, 'Human Rights Abuses along the Dominican-Haitian Border' (Human Rights and Human Welfare, 2009) 58.

¹¹⁵Joshua Philipp, 'Child Trafficking Through International Adoption Continues Despite Regulations' *The Epoch Times* (28 March 2018). Noting that, in the wake of Haiti's 2010 earthquake, 'trafficking networks were springing into action immediately after the disaster and taking advantage of the weakness of local authorities and relief coordination' to kidnap children.

¹¹⁶'Child Labour in Haiti - What is the Government doing about it?' (*Haiti Now*, 2017).

¹¹⁷Julian Vigo, 'Child Trafficking and Adoption in Haiti' (*Counter Punch*, 17 September 2013).

are frequently exploited, whether sexually or in domestic servitude.¹¹⁸ According to practitioners and scholars in the field, the inescapable connection between the *restavèk* phenomenon and the human trafficking phenomenon became quite evident following the 2010 earthquake, which provided a platform for children to be exploited both in Haiti and abroad.¹¹⁹

A similarly disturbing trend which is increasingly being recognised by the international community as representing a particularly distressing form of trafficking is the trafficking of Haitian children for the purpose of their adoption by individuals and organisations parading as ‘missionaries’ in Haiti. In this context, it has only recently been reported that some 31 underage girls were being held in hotel rooms by so-called ‘missionaries’, who were intending on trafficking these children to the neighbouring country of the Dominican Republic where they would have potentially been forcibly adopted or otherwise exploited.¹²⁰ Cases of this nature are not isolated occurrences, however, as, for over a decade, anti-trafficking stakeholders have been calling on the Haitian government to adopt stringent measures to protect against the recruitment of children into orphanages for the purpose of exploitation.¹²¹ Sadly, because of a lack of political will and/or a lack of human and infrastructural resources, these calls have seemingly fallen on deaf ears. This has meant that a sizeable number of Haitian children continue to be exploited by so-called missionaries.

More generally, given the calamities that have consistently befallen Haiti, UN Peacekeepers have been deployed to assist the country in restoring some semblance of peace. Unfortunately, however, many of these Peacekeepers have brought anything but peace to Haiti; in fact, there is strong evidence to suggest that they have brought further poverty, abuse and disenfranchisement to an already vulnerable society. Indeed, a recent Associated Press report has detailed the devastating impact which the exploitation meted out by ‘Peacekeepers’ from Bangladesh, Brazil, Jordan, Nigeria, Pakistan, Uruguay and Sri Lanka has had on already vulnerable Haitians.¹²² Citing interviews with various UN sources, the report pointed out that Sri Lankan Peacekeepers harboured both male and female Haitian children, offered them money, cookies and other snacks to gain their trust, and eventually forced them to engage in unthinkable acts of a grave sexual nature. While over one hundred of these so-called ‘Peacekeepers’ were reportedly sent

¹¹⁸Nadege Green, ‘Broward College Conference Highlights Haiti’s Attempts to Curb Child Slavery’ (*WLRN*, 25 March 2015).

¹¹⁹T Borysthen-Tkacz, A Zack and J Zumbach, ‘Legal Curriculum on Restavèk Children in Haiti’ (Boston University School of Law, 2014).

¹²⁰Whitney Webb, ‘31 Underage Haitian Girls Rescued from Alleged Human Trafficking Operation’ (*True Activist*, 8 February 2017).

¹²¹Rachel Belt, ‘A Form of Child Trafficking in Haiti: The Orphanage Business’ (*OHRH*, 17 December 2013).

¹²²Paisley Dodds, ‘AP Exclusive: UN child sex ring left victims but no arrests’ (Associated Press, 12 April 2017).

home, none was reportedly ever imprisoned,¹²³ although the harrowing stories of exploitation continue to send shockwaves throughout Haiti.

B. The Spanish Caribbean

The Spanish-speaking Caribbean islands collectively account for the largest proportion of trafficked victims in the region. Interestingly, although there is much political agitation against Cuba, just over 50 persons have been identified as victims of trafficking in that country,¹²⁴ which is truly remarkable when viewed in light of the fact that Cuba's population exceeds 11 million people. Indeed, while it is true that Cuban nationals, in particular women and girls, have been trafficked for the purpose of sexual exploitation in Ecuador,¹²⁵ the United States,¹²⁶ Columbia, Costa Rica and Mexico,¹²⁷ the UN Special Rapporteur on Trafficking in Persons has publicly expressed that traffickers do not operate with impunity in Cuba, since its strong political will to exorcise the phenomenon, the relative social equality that characterises the state's socialist system of governance, high levels of education and widespread access to health and social services prevent many Cubans from becoming victims of trafficking.¹²⁸ Though not impervious, Cuba has demonstrated that there is not an inescapable correlation between the size of its population and the number of victims who are trafficked.

By contrast, in the Dominican Republic, nearly one thousand victims of trafficking are identified on an annual basis, which accounts for one of the largest proportions of trafficked victims in the entire region.¹²⁹ The majority of these victims, who incidentally are of Haitian heritage, are trafficked for the purpose of sexual exploitation.

The relationship between Haiti and the Dominican Republic is an interesting one, which raises more questions than answers. On the one hand, both of these states share the island of Hispaniola, but on the other, Haiti is the poorest country in the western hemisphere while the Dominican Republic is relatively more affluent. The distinct social and economic profiles of these two countries have invariably led to myriad geopolitical tensions, which have only escalated in the last decade in the wake of the earthquake of 2010 and the passage of legislation amending

¹²³ *ibid.*

¹²⁴ 'Cuba warns of human trafficking, forced prostitution dangers' (*Xinhua*, 21 January 2018).

¹²⁵ 'Cuban Busted in Human Trafficking Ring Sent Packing' (*NewsAmericas*, 22 July 22).

¹²⁶ 'Miami Resident Sentenced to 30 Years in Prison for Sex Trafficking' (Department of Justice, 7 July 2017).

¹²⁷ 'Cuba needs new laws and stronger action targeting human trafficking, says UN rights expert' (OHCHR, Geneva, 20 April 2017).

¹²⁸ 'Cuba Welcomes First Visit from UN Special Rapporteur in Nearly 10 Years' (International Justice Resource Center, 19 April 2017).

¹²⁹ IM Peña, 'Legal Remedies for the Right to Asylum for Qualifying Victims of Human Trafficking: A Comparative Analysis between United States, Mexico and the Dominican Republic' (Centre for Civil and Human Rights, University of Notre Dame, 2015).

the Dominican Constitution to effectively render thousands of Haitians stateless, and therefore vulnerable to abuse, including human trafficking. In this context, Haitians are reportedly ten times more likely to be trafficked to the Dominican Republic as part of the *restavèk* system,¹³⁰ as described earlier in this chapter, as well as exploited in the commercial sex industry in bars and on the streets¹³¹ and beaches of tourist towns.¹³²

Interestingly, although Haitians are, from a regional perspective, at the greatest risk of being trafficked, it is somewhat paradoxical that Dominican women and girls are also at a high risk of being trafficked, and have in fact been trafficked to a number of other Caribbean countries, including Antigua and Barbuda, Barbados, The Bahamas, Jamaica, and Trinidad and Tobago, as described earlier in this chapter.

Finally, it is noteworthy to note that although human trafficking does occur in Puerto Rico, it is not remotely of the scale that occurs in the Dominican Republic. In fact, official statistics suggest that although some Puerto Ricans are exploited in the sex and labour industries, there have consistently been fewer than 30 cases of human trafficking in this territory in any one year,¹³³ which is remarkable when one considers the fact that it boasts a population of almost 3.4 million people.

C. The Dutch Caribbean

Although the Dutch Caribbean islands maintain a high standard of living and are relatively prosperous nations with very little criminality, the phenomenon of human trafficking has managed to find its way into these otherwise stable societies. While, because of their close proximity to Venezuela, none of the Dutch Caribbean islands are immune from human trafficking, it is Curacao and Aruba that have reportedly had to contend most with the evolving dynamics of human trafficking. More specifically, in light of the recent social and economic unrest in Venezuela, an increasing number of Venezuelan women have been lured to Curacao and Aruba under the guise of obtaining jobs, only to thereafter be physically and psychologically coerced, having their personal belongings and travel documents confiscated, and being forced to engage in sexual activity of a commercial nature.¹³⁴ Interestingly, it has been alleged that law enforcement officials, including

¹³⁰S Pena, 'A Qualitative Analysis of Child Trafficking in Haiti and the Dominican Republic Using the Capitalist Theory' (Proceedings of the National Conference on Undergraduate Research (NCUR) Weber State University, Ogden, Utah, March 2012).

¹³¹'Haitian child victims of trafficking in Dominican Republic receive assistance' (International Organization for Migration, 21 May 2013).

¹³²'Commercial Sexual Exploitation of Children in the Dominican Republic' (International Justice Mission, 2015).

¹³³'Puerto Rico: Efforts to Combat Human Trafficking' (US Department of Health and Human Services, 2016).

¹³⁴'First deportation to Colombia for human trafficking crime' *Curaçao Chronicle* (2 April 2013).

immigration officers¹³⁵ and police officers,¹³⁶ are at times complicit in the exploitation of these vulnerable victims by turning a blind eye or facilitating the unlawful entry of these individuals. These developments have led to calls by the prosecutors' departments in those jurisdictions to impose stiff jail sentences in an effort to curtail the recalcitrant activities of traffickers.¹³⁷

V. Summary

The foregoing discussion aptly demonstrates that human trafficking exists in the Caribbean and is arguably here to stay. The cases cited above are not exhaustive but point to the inescapably harsh realities faced by trafficked victims in the region who, because of poor educational and/or job prospects and the desire to exercise their agency in search of better opportunities, are easily recruited, controlled and exploited. This applies as much in relation to adults as it does to children.

In short, then, having regard to the discussion above, it is clear that human trafficking is a dynamic and quickly evolving phenomenon in the Caribbean, which continues to challenge policymakers to find innovative solutions in the hope of addressing its myriad externalities.

VI. Structure of the Monograph

This chapter has provided a useful analysis of the existing state of affairs as regards human trafficking in the Caribbean from an Analytical Eclectic perspective. In chapter two, the theoretical and analytical approaches to problematising human trafficking will be explored, followed by a critical analysis of international law's patchy response to the phenomenon in chapter three. Chapter four addresses revolutionary developments in the anti-trafficking field in Europe, while chapter five attempts to assess the law and practice on human trafficking in England and Wales against the backdrop of international and European anti-trafficking best practices and standards. Meanwhile, chapters six, seven and eight present an authoritative, empirically grounded and incisive interrogation of the law and practice on human trafficking in the Commonwealth Caribbean from an Analytical Eclectic perspective. The monograph culminates in chapter nine, which explores the ways in which the 'disconnect' between anti-trafficking law and practice could be best ameliorated.

¹³⁵ 'Head of Immigration Service suspected of 9 cases of human trafficking' *Curaçao Chronicle* (12 April 2018).

¹³⁶ 'Two police officers arrested in human trafficking case' *Curaçao Chronicle* (21 November 2016).

¹³⁷ 'Intervene now, Ministry of Labor and Social Affairs facilitates women trafficking (part 2)' *Curaçao Chronicle* (10 June 2015); 'Prosecutor's Office demands stiff jail sentences in Papegaai-investigation' *Curaçao Chronicle* (15 March 2017).