
**IS THE CRIMINALISATION OF COMMERCIAL SEX WORKERS
A DETERRENT TO COMMERCIAL SEX WORK?
A CASE OF CAMEROON**

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Abstract

This dissertation explores why the sex industry in Cameroon is such a thriving one, with more and more women resorting to commercial sex work (CSW) on a daily basis despite the existence of a law in the country's Penal Code penalising sex workers and persons who solicit sex or share in the proceeds of commercial sexual activities. By adopting various methodological strategies, the paper exposes the desperate situation of women in prostitution (Commercial Sex Workers, CSWs) through their stories and experiences in interviews conducted during the research study. Based on discussions with key informants, the paper establishes that criminalisation has not deterred CSW for various reasons. One of them is the reality that hardly any CSWs are prosecuted and the few that are often end up before sympathetic prosecuting magistrates, thus contributing to an almost complete lack of official understanding or even acknowledgement of this prevalent underground and often taboo industry. As a result, more and more women and girls choose to indulge in CSW for their livelihoods. Sadly, criminalisation seems only to have succeeded in fostering the exploitation and oppression of CSWs by unscrupulous law enforcement agents and other individuals who benefit from their activities. Within a framework of international human rights agreements and domestic laws, the document further establishes that the manner of implementation of the law is potentially gendered, given that only the CSW is victimised, whereas other offenders – such as the client who solicits her, those who effectively demand a share in the proceeds of her work, that is, the brothel and cabaret owners, and the police officers who demand bribes from her – escape unpunished. Based on its research findings, the paper proposes the decriminalisation of CSW in Cameroon, given that the implementation of the law is so inconsistent with international human rights agreements whose foundations are based on the universal principle of 'equality before the law of all persons', and some of which have not only been ratified by Cameroon but also incorporated into its Constitution. The paper further proposes helpful recommendations in the form of a plan of action geared towards providing CSWs with, for instance, viable alternative economic activities (e.g., self-help income generating projects), rehabilitation programmes, legal education and counselling.

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Dedication

I dedicate this work to my loving parents:

My dear mother, I thank the LORD for the wonderful opportunity to have you around at this time of my joy.

My father, though not physically present today to share in my joy, I know he watches from where he is now.

It is also dedicated to the Lobe grand children and the other grand children in my family. I admonish you to take this work as a source of encouragement, always remembering that it is never late to pursue studies or anything that is of good report.

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List of Acronyms

AIDS	Acquired Immune Deficiency Syndrome
APLE	Arresting Prostitutes is Legal Exploitation
CPC	Cameroon Penal Code
CSWs	Commercial sex workers
CSW	Commercial sex work
HIV	Human Immuno deficiencies syndrome
ID	Identity card
SAPS	Structural Adjustment Programs

List of International Human Rights Instruments cited

The Convention on the Elimination of All Forms of Discrimination against Women
Protocol to the African Charter on Human and People's Rights (The African Charter)
Universal Declaration of Human Rights

List of Domestic Laws cited

The Constitution of Cameroon
The Cameroon Penal Code
Law No. 90/042 of 19th Dec. 1990

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Executive Summary

Generally, Commercial sex work (CSW) is a subject that has provoked a complexity of issues over decades on end and yet no appropriate solution has been reached to curb sex work even in the most developed societies. For decades the most that has been achieved by governments is either criminalising or prohibiting the activities of sex workers. Due to advocacy by activists and other individuals and organisations working for the interests of sex workers, the voice of commercial sex workers has been increasingly heard. Consequently, there has been a significant shift in the balance, away from prohibition towards legalisation and decriminalisation¹. (West, 2000)

In spite of these recent developments, one can hardly say that CSW or the situation of commercial sex workers (CSWs) has reached a stage to call for a celebration; as there are many societies still struggling with laws on either criminalisation or prohibition of sex work and, if I may add, these laws have not improved the situation of CSWs. Rather they have caused sex workers to suffer much travail.

Thus this document seeks to establish or suggest that a holistic approach be adopted to address the prostitution dilemma. On this premise it will not only involve a legal or rights based approach, but equally combating the issue from the root causes of CSW by providing alternatives for sex workers; granted that most are involved because of financial constraints.

In Cameroon, information from data collected during this study indicates that due to dire financial constraints many women have resorted to various strategies of livelihood which have resulted in some putting their health and lives at risk - like indulging in commercial sex work. The study took into account the stories of women and girls in prostitution. Nineteen women were interviewed one to one, and two group interviews comprising of 15 and 11 women/girls were conducted. All the women said they were engaging in prostitution because they needed the money to take care of various needs - for example, single mothers said they needed to pay rent, provide food and send their children to school; others who are semi-skilled such as dress makers and hair dressers said that they needed the money to buy equipment to start work; there were yet others who said they needed the money to pay their fees. Despite the reality of the increasing number of women indulging in commercial sex work, not much, if anything, has been done not only to research why more and more women are involved in prostitution, but equally to combat the root causes of prostitution through other means, other than criminalisation, which in itself, has not alleviated the situation of prostitutes nor caused a decreased the levels of prostitution. Rather criminalisation has caused various other problems in which the sex worker emerges as the scapegoat; such as uncontrolled and illegal exploitation of commercial sex workers by some law enforcement agents and those benefiting from the activities of CSW, as well as miscarriages of justice generally; given that those sharing in the proceeds of CSWs are not harassed or penalised as required by the law.

¹ So far, there are currently only two countries, New South Wales (Australia) and New Zealand that have adopted decriminalisation; though there are still elements of legalisation in both jurisdictions. For instance, in New Zealand brothel operators require certification; and prohibition of street-based sexual related activities is still the order in New South Wales. (Mossman, E. 2007)

Another side of the issue is that prostitution is looked upon with “blind eyes” in Cameroon - prostitutes are hardly prosecuted because the cases do not reach the courts. Information from the sex workers reveal that when the police pick them up from the streets they are taken to the police station where they are demanded to pay some money, the amount is usually determined by the sex worker’s possession of an identity card (ID). Sometimes some police officers have demanded to have sex with women who do not have money as a way of paying for their release. The issue to note here is that apparently, the illegal act itself is not so much the problem as the ID and the paying of money; the latter on its own is unjust because it is bribery. From such police action it is obvious why cases on prostitution hardly reach the courts in Cameroon. The few cases that reach the courts are either released without charges because the magistrate is sympathetic, or if charged it is in connection to another crime and not prostitution per se.

Apparently not only the magistrates are sympathetic, but the society equally. Thus though everyone, seemingly, disapproves of women using their bodies for financial gains, information received from most of the judicial and police departments is that there has hardly been a complaint made against prostitutes or the activities of prostitution. It seems therefore that there must be a complainant before prosecution can effectively be implemented. Furthermore the nature of the crime and manner of implementation of the law against the offence of prostitution comes out in a way that sees the service provider (woman) more, and not the receiver of the service, usually the man. By indication the manner of implementation of the law is potentially gendered.

From the ensuing this document seeks to address the problems involved in CSW in Cameroon by formulating and adopting a holistic approach with a view to providing alternatives for women in sex work.

CHAPTER ONE

1.0 THE REALITY OF PROSTITUTION AS AN ECONOMIC ACTIVITY

1.1 Introduction

In spite of stigmatisation, rejection, degradation, criminalisation, molestation from various angles women continue to sell sex. The obvious question that comes to mind is why would women continue to use their bodies in this manner to make money whereas there are other options? One of the ultimate reasons for this is because of the monetary gains attached to sex work, money that is earned without putting in any skills, neither is capital required to commence.

In Africa it is believed, and has been demonstrated that most women engage in prostitution because of economic pressure. Using the examples of 20 countries in the Sub-Saharan regions with the highest poverty level it has been demonstrated that the cause of poverty in those regions is attributed to the hiv pandemic, causing people strive to get basic needs and mostly indulge into risky behaviours, such as commercial sex, which can bring basic survival resources. (Mbirimtengerenji, N.D., 2007)

In Mombasa and Malindi in Kenya, Rasna Warah comments that locals tolerate sexual exploitation because, *'as one put it ... "nothing gets a family out of poverty faster than a daughter who has a white boyfriend." In many cases, girls are encouraged by none other than their parents and relatives to look for older white men who will not only pay the girl for her services, but her family as well.'* (Warah, R. 2007)

Single mothers and young women with limited or no family support may view part-time or full-time sex work as an economically viable option when alternatives prove elusive or undesirable. It is therefore a sort of financial security for women, especially young girls, who do not have any other means of livelihood. (USAID, 2007)

To go further it is my opinion that women in Africa rarely indulge in sex work simply because they like it. This of course is as a result of culture and gender hierarchies that expect a woman to behave in a certain way as to preserve herself only for her husband. The

information obtained from this study indicates that the majority of women and girls in Cameroon get involve in prostitution because of financial constraints.

This chapter establishes the reality of prostitution as an economic activity by looking into what the issue/problem is, the reason or justification of the study, and assumptions and research questions. The geographical location of the study is also mentioned here and the reasons for conducting the study in the locations chosen.

1.2 Statement of the Problem

There are many problems involved in the situation of CSWs. However, in relation to CSWs and their activities in Cameroon some issues clearly stand out to throw light on “what is the problem?” question. In other words what is the problem in CSW (in Cameroon) that this study seeks to unearth? Before the research study one issue stood out as the paramount problem and that is the gendered manner in which the law was implemented. During the study more findings were uncovered. Below is a catalogue of the identified problems.

- * The majority of women and girls indulge in CSW in Cameroon because it is a strategy for livelihood to them - they are doing it to put food on the table, provide shelter, send children to school etc, etc. Otherwise based on their level, they cannot get a good paying job to take care of even their basic needs. The problem here is criminalisation has not solved the situation of CSWs; instead it has led to the perpetration of underground acts of illegality from the same department, the law enforcement department, which is supposed to apply the law. Therefore should there be continuous injustice against women who are doing an activity they do not enjoy doing in the first place, but are forced to because they have not been given a choice or an alternative?

- * The women do not enjoy what they are doing. They are only doing sex work because it is, per their reasoning and standard, the best they can offer to sustain themselves and their family or dependents. By indication if given an alternative they will quit sex work, especially those who are involved because of economic pressure.

- * Normally, the offence of prostitution is committed by two persons but the implementation of the law comes out in a way that penalises one offender, the woman; while the man goes scot-free most of the time. Thus the application of the law is potentially gendered and therefore inconsistent with the spirit of international human rights agreements encouraging equality and equal protection of all persons before the law.
- * The law also says those sharing in the proceeds of sex workers are guilty and should be punished (section 294 (1) of the Cameroon Penal Code - CPC). However owners of brothels are not punished, neither are their businesses shut down.

From the above there is clearly a problem and that is what this document seeks to bring out and then suggest possible solutions geared towards improving the status of women in prostitution in Cameroon through a recommended plan of action at the end of the work.

1.3 Justification of the Study

Prostitution is an issue that has existed for since time began. Despite efforts by nations to eradicate it the trade has not only survived but is steadily improving; more and more people are entering into it.

Three thousand years of history should teach us that prostitution will not go away by merely addressing the situation legally. Isn't it time to start initiating reforms and/ or policies that should address the root causes - the reason why women prostitute themselves?

“Prostitutes do suffer much travail. Arresting and incarcerating people described as victims do not help to alleviate these problems. In many cases incarceration is a perpetuation of this victimization. APLE² believes that locking someone up or fining them is an inappropriate and counterproductive way to assist them in dealing with their problems or improving the quality of their lives”.
(APLE, 2011)

² APLE (Arresting Prostitutes is Legal Exploitation) seeks to challenge the harm done by criminal prostitution laws through law reform campaigns in Hawaii, the United States of America. APLE is also concerned with the health and safety of individuals involved in prostitution.

Thus the purpose of the study was initiated in order to get the stories of the major stake holders and the CSWs; with the anticipation that the root causes of prostitution will be uncovered and so pave a way for possible intervention.

1.4 Research Objectives

Four main objectives underlining this study have been put forward and they equally constitute part of the research design:

1. To revisit the laws criminalising commercial sex work in Cameroon.
2. To understand the forces behind commercial sex work in Cameroon - who is involved in getting women into commercial sex work and who benefits from the earnings of commercial sex workers.
3. To analyse other issues (e.g. right and access to health care service by sex workers, methods of implementation of the law against sex workers by law enforcement officials) involved in commercial sex work in Cameroon and how to address these issues with a view to improving the status of women involved in sex work.
4. To provoke a process of redressing the law on commercial sex work within the context of human rights.

1.5 Research Assumptions

Defining and designing the research study constituted identifying research assumptions and questions which served guidelines to conduct the study.

1. Commercial sex work is an offence in the Cameroon Penal Code.

2. Commercial sex work is an economic activity for the majority of girls and women who indulge in sex work and that is why it has been difficult to curb sex work through criminalisation in Cameroon.
3. Some girls and women are not sex workers by choice but have been coerced into sex work.
4. The criminalisation of sex work is by implementation gendered because only the sex worker (woman), and not the buyer of sex (man), is practically penalised.
5. Commercial sex workers are exploited by the police and those living off the earnings of sex work.
6. Criminalisation of sex workers poses a high risk in the spread of HIV/AIDS and other STIs because being a criminal offence, there is no specific policy in Cameroon geared towards formulating education and sensitisation programs (on HIV/AIDS and other STIs) for sex workers.
7. Sex workers are stigmatised and marginalised by the public in view of keeping in conformity with the code of morals.
8. Sex work should be decriminalised because it is potentially gendered and biased for women and girls who are not sex workers by choice but have been coerced into sex work.

1.6 Research Questions

1. Is commercial sex working an offence in the Cameroon Penal Code?
2. Has commercial sex work been difficult to curb in Cameroon because the majority of women/girls who indulge in sex work do so for economic reasons?

3. Are some women/girls in Cameroon involved in sex work not by choice but by coercion?
4. Is the criminalisation of sex work in Cameroon gendered?
5. Are commercial sex workers in Cameroon exploited by the police and those living off the earnings of sex work?
6. Does the criminalisation of sex workers pose a high risk in the spread of HIV/AIDS and other STIs partly because there are no specific policies/programs to educate and sensitise sex workers on HIV/AIDS and other STIs in Cameroon?
7. Is the stigmatisation and marginalisation of sex workers in Cameroon a consequence of keeping in conformity with its moral code?
8. Should sex work be decriminalised in Cameroon because it is potentially gendered and biased against women/ girls who have been coerced into sex work?

1.7 Geographical Location of the Study

The research study was conducted in three towns in Cameroon namely Yaounde - Centre Region, Kumba - South West Region and Bamenda - North West Region; Yaounde being the principal location of the study. The choice of the locations was individually determined based on the justification of the study already discussed above. The selection of these towns was based on my knowledge of the towns and also for the appropriateness of disposition they presented for the study. For example, Yaounde being the capital of Cameroon is the place where administrative matters are best handled. It was also easy to locate parliamentarians because this is where they meet for their sessions, contrary to my initial plan stated in the research design to meet them in their constituencies.

Kumba is commonly referred to as the economic capital of the South West Region, thus strategic for a research study of this nature.

Bamenda is the headquarters of the North West Region, with a history of sex workers' association. The necessity of selecting these towns, far apart from each other, cannot be overlooked in terms of corroboration of information.

Most of the stories recounted by the CSWs were similar in all the three towns, thereby providing a unique picture or representation of the other towns, if I may add. It is common to find specific neighbourhoods in most towns in Cameroon which are known havens for commercial sex workers. Thus apart of locating sex workers in identified streets in the economically viable towns of Cameroon, they can also be located in some quarters. In Yaounde, there are many spots where sex workers can easily be located, among them include 'Mini Ferme', 'Carrefour Obili', 'Hotel de Ville' 'Mokolo Elobi amongst others'. In Kumba, the vicinities to easily locate sex workers used to be a neighbourhood called 'Fence' where sex workers operated from their homes. Today business does not thrive in this neighbourhood as it did some three to four decades ago because of the growth of brothels and cabarets. Clients prefer to meet their partners in the 'hot spots'.

Even the daughters of retired sex workers who have taken after their mothers take rooms in the brothels where they do business, I was informed.

In Bamenda, sex workers are known to live in a locality called 'Old Town' and more recently new spots are beginning to spring up like around Nkwen Park, Ghana Street.

CHAPTER TWO

2.0 METHODOLOGICAL FRAMEWORK

2.1 Introduction

This chapter presents the different methodologies and methods used in guiding me to conduct the study. The entire chapter discusses the different methodologies and methods used, the reasons for engaging them and the various challenges encountered.

In order to get a clear understanding of the issues to be researched in relation to CSW and the activities of sex workers, as well as the intervention of the various stake holders - the police, judiciary, government departments (that is, the ministries of Social Affairs and Women's Empowerment and the Family) and parliamentarians - a theoretical framework was developed to analyse, explain, describe and understand what was happening on the ground concerning the subject under study. The application of various theories was such as to complement each other. For the purpose of carrying out this research study and collect data effectively, I engaged the legal centralist approach (which for the purpose of this research involved looking into, and analysing the law on prostitution as provided in the CPC), women's law approach, grounded theory, a grounded approach to human rights and national laws - (Weis Bentzon et al 1989: 179-189), including, amongst others, some other methods of procuring data like group interviews, corroboration and triangulation of information, a debate, sampling.

2.2 Methodologies

The methodologies applied in this study were the different methods or ways used to interview and/or reach the respondents.

2.2.1 *Legal Centralist Approach*

Though the engagement of this method as my point of entry may have been the wrong approach to the issue in the sense that legal centralism is characteristically partial and/or one-sided and therefore encourages the perpetuation of injustice, nevertheless, it was instrumental because it was necessary to look into the law in order to, first of all, meet the requirement of the first objective of the research proposing a revisit of the law criminalising CSW in

Cameroon and secondly, to authenticate the first assumption which says that CSW is an offence in Cameroon.

Furthermore, another advantage of starting with this approach is that it opened an avenue to question and analyse the law against CSW and the manner of implementation in relation to gender equality. For instance concerning the fourth assumption, I had to rephrase it so that it connects with the actual situation or lived experiences of CSWs. The initial assumption stated that the 'criminalisation of commercial sex work is potentially gendered because only the sex worker (woman), and not the buyer of sex (man), is penalised'. On verifying the sections in the Penal Code punishing the offender, I soon discovered that the wording in the section penalises both the prostitute and her client that is, both men and women, and not only the woman as I assumed. My first and normal reaction was that the assumption has been challenged and therefore to change it. However I proceeded to open discussions with magistrates and there were serious debates - most of the magistrates I discussed with denied that the law was gendered, and therefore not discriminatory. Of course, they were correct because that is what is on paper; the gendered nature of the law against prostitution is perceived (due to the nature of the offence), essentially in the manner in which the law is implemented, like most laws in Cameroon. More so magistrates sit in their offices where the files meet them and they conduct their investigations, rarely going to the field except for matters that concern visits to the locus in quo and matters on prostitution are hardly in that category. Furthermore matters turning on prostitution rarely reach the courts. Thus magistrates have little or no knowledge of what happens between law enforcement agents and prostitutes in the streets and the brothels. It will take only interested individuals like researchers and those who are gender sensitive, for example, to detect the discriminatory nature of the law which is uncovered only in its implementation.

Because I was not convinced that the assumption has been challenged I refrained from ruling it out. I was further encouraged by the responses of some key informants from the Ministries of Women's Empowerment and the Family³ and that of Social Affairs who reiterated that the law against prostitutes was potentially gendered. The issue of the gendered nature of the law

³ The Ministry of Women's Empowerment and the Family has been involved with prostitutes over the years, providing them income generating activities - in the North West Region of the country especially and is planning to start a program specifically for women in prostitution in a bid to provide alternative opportunities for prostitutes.

was eventually grounded when discussions started with the prostitutes and the police - based on data collected from these two categories of respondents, I could predict the inconsistency between implementation of the law and what the law states, the difference between what the law prescribes and the lived realities of women, part of which has been illustrated already in the statement of the problem. Thus this paper ushers us into the next methodology of the study, women's law approach, which deals with just this - the difference between law and lived realities or women's experiences.

2.2.2 Women's Law Approach

Quoting Stang Dahl, *'The methodology in women's law is cross disciplinary and pluralist and calls for a rather free use of available material wherever it can be found.'* (Dahl, S. in Bentzon, 1989:52)

The approach leads to the inclusion of empirical data concerning women's experiences or lived realities: (Bentzon et al, 1998).

The women's law methodology was adopted in the research study due to its grounded nature of interrogating the law within a background of the experiences or lived realities of women. The approach looks at the mismatches between women's lived experiences or realities and the law. By applying this approach, women in prostitution, law enforcement agents, and brothel owners were interviewed. Based on the information collected, an interrogation and analysis of the law were easily enhanced because it was an issue of examining the law side-by-side the stories narrated by the women and the other respondents. By so doing it was easy to see where there was a mismatch between the law and lived realities of the women. For example for the purpose of determining the gendered nature of the law against prostitution and also to ensure that the fourth assumption on the gendered implementation of the law holds, I had to discuss with women in prostitution and the police so that from their stories I was able to analyse section 343 (1) and (2) of the CPC penalising both the sex worker and the person who solicits sex. From the information collected it was clear that most often it is the woman who suffers and therefore the intention of the law to pursue equality of all persons before the law is indeed in vain.

Another aspect which the use of the women's law approach brought out the mismatch between the law and lived realities is that which concerns the miscarriage of justice by the police from failing to prosecute brothel owners and other individuals who own businesses known to be havens for sex workers. The section in the penal code (section 294) penalises anybody who shares in the proceeds of prostitution. However for information got from the owners of such places as well as the CSWs they are never prosecuted let alone charged.

2.2.3 Grounded Theory or 'Dung Beetle Method'⁴

Within the broader framework of the women's law approach, grounded theory was used as a tool for data collection. Adopting the explanation in 'Pursuing Grounded Theory in Law', this approach involves an iterative process (i.e., constantly returning to the previous research carried out and reconsidering the direction and content of the future research to be undertaken) in which data and theory; lived realities and perceptions about norms are constantly engaged together with others and help the researcher to decide what data to collect and how to interpret it. The approach of grounded theory encourages the use of data collected to establish whether the law requires reform and if it does what kind of reform. (Bentzon et al *ibid* p. 18)

Thus the advantage of this approach is that the interaction between developing theories and methodology is constant as preliminary assumptions direct the data collected so that when analysed, it indicates new avenues/directions to explore and consequently, new sources for data collection.

By applying this approach various methods of grounded theory were used which enhanced rephrasing and or re-wording and evaluating assumptions and research questions based on

⁴ In the Northern Hemisphere grounded theory is often referred to as "the snow ball method", however in a region where there is little, if any snow, a new metaphor needed to be found. The metaphor...most apposite is that of the dung beetle. In the African "bush" dung beetles are constantly "compiling" balls of animal dung in which they lay their eggs. In comparison to this process of compiling dung (by the dung beetle), the 'dung beetle method' is a grounded research process in which the researcher collects data, sifts and analyses it, considers the implications of her findings, determines what to collect next to meet her needs, and continues the collection and analysis cycle. (Bentzon et al, *ibid*)

data collected. In discussing this approach, the different methods of grounded theory used will be discussed sporadically within the methodological framework.

2.2.3.1 *INTERVIEWS WITH RESPONDENTS*

The first method applied in the grounded theoretical approach was interviews with respondents. By analysing data collected from the interviews, I was able to adjust and rephrase some assumptions to build on the theoretical frame work. This was the case in the fourth assumption which I had to rephrase. The initial assumption stated that the ‘criminalisation of commercial sex work is potentially gendered because only the sex worker (woman), and not the buyer of sex (man), is penalised’. Considering that legal centralism adopted as the starting point of this research, I had to start by verifying the sections in the Penal Code penalising prostitution as already narrated above. However, because I applied the grounded theory approach of interviewing key respondents I soon discovered that the law is superficial and the gendered aspect is in the manner in which the law is implemented in that most often it is the CSW who either suffers from law enforcement agencies or is charged and prosecuted, if the case ever got to the court. From this point therefore it was clear that it was the manner of law implementation that rendered prostitution potentially gendered in Cameroon. Consequently the assumption was rephrased to this effect: ‘The criminalisation of sex work is by implementation gendered because only the sex worker (woman), and not the buyer of sex (man), is practically penalised.’

The grounded theoretical approach also proved useful in the second assumption which states that the majority of women and girls are involved in prostitution because they consider it as an economic activity. Based on data collected on this assumption I was able, through data analysis, to investigate, evaluate and so determine the next group(s) of individuals, apart from prostitutes, who gain from prostitution as an economic activity - these turned out to be brothel owners/managers, some police agents, liquor sellers, hawkers who sell at night goods desired by prostitutes and their clients, and the list may continue to include even the government.⁵

⁵ It is paradoxical and at the same time may appear to be misleading to assert that the government indirectly, if I may add, benefits from the sexual activities of prostitutes. However, from data collected, tax officials collect taxes from brothels and some drinking spots that operate mostly at night and are known to lodge prostitutes, on tenancy basis, in rooms that are kept for that purpose. Albeit, the excuse is that the owners of such places do not disclose in their business licences the fact that they operate brothels; nevertheless, the police has knowledge of the existence of such places because they do not only make their patrols in those

The investigation into the aforementioned assumption originated from data collected from the assumption that women/girls involve in prostitution as an economic activity - the guiding factor being the responses from the women (and even some male police officers) which revealed that they are constantly harassed by the police and taken to the police station where they are ordered to show their identity card. Failure to show always resulted to the women paying quite an exorbitant amount just for failing to show identity card. What is even more contradictory is the fact that even those who show their identity cards still pay, though a smaller amount of money compared to those who fail to show. Where the CSW fails to give money she pays by giving her body in exchange for the amount she had to pay, to some unscrupulous police officers.

Furthermore following the process of collecting and analysing data that is involved in this approach, the fifth assumption, on the issue of exploitation of prostitutes by the police and those living off the earnings of prostitutes, could be easily investigated, analysed and determined.⁶ Following this trend therefore, information that was received to the effect that some police agents demand money from the women for failing to show identity card confirmed the fifth assumption which points on police exploitation of prostitutes. Most often, when the women are picked up by the police, they are rarely told the reason why they are picked up, except that they are required to show identity card. Thus the illegality of their activity is rarely mentioned. This made me understand that most of the CSWs (I interviewed) did not know that prostitution is illegal because when caught nothing is mentioned about the fact that they are committing an offence by prostituting. So when I asked them if they know the reason for the constant harassment by the police their response was that it is because they fail to show identity card. This opened an avenue for me to educate some of them on the illegality of their activity, as well as their inalienable right to integrity as human beings, independent of the illegal nature of their activities, as defined by the Convention on the Universal Declaration of Human Rights - as it also turned out they were ignorant of the fact that law enforcement agents are not supposed to demand sex from them, irrespective of their illegal activity and their failure to show their identification documents.

places, but equally harass brothel prostitutes from time to time. The normal reaction would be that such places be shut down and the licences of the owners seized as a way of ensuring the strict application of the law.

⁶ I have deliberately refrained from explaining the issue of exploitation by law enforcement personnel and others who live off the earnings of prostitutes in this section, as it will be discussed at length under the heading, emerging issues.

I also observed that the deployment of these various methods always enhanced a development in the research study in that reliable information concerning key informants was usually obtained from interviews with respondents. Hence when it appeared that I had reached a dead end in my list of persons to be interviewed a new avenue of research always revealed itself during discussions with interviewees. This was the case when I visited the North West Regional Delegation of Women's Empowerment and the Family where I was reliably informed of the existence of a clinic owned by the Cameroon Baptist Convention that is patronising a group made up of essentially female prostitutes.⁷

2.2.3.2 INTERVIEW GUIDE

The use of interview guide was also well utilised as a method I deployed using the grounded theory approach. In stating the significance of this method, in *Pursuing Grounded Theory in Law* the authors explain that:

One of the most effective ways of collecting qualitative data from individuals or groups is by open ended interviews or discussions which are directed by an interview or discussion guide.

(Bentzon et al 1998, pg 162)

The use of interview guide was appropriate in this approach because I could easily, from the last research, pre-determine the questions and type of discussions to engage in for future research for each category of respondents.

2.2.3.3 CRITICAL OBSERVATIONS

My observations were important throughout the research study. At the initial stage of the research when I did not know how to start, I went early to the field and would take a seat in one of the cabarets so that I could monitor the coming and going of individuals, critically observing, so as to hook the right person to approach for assistance. On the first day I sought the assistance of someone who was roasting pork in a cabaret. He told me it was too early to get prostitutes and that they were still in their rooms. He advised me to wait till 9.00 p.m. At

⁷ This group has been given the name New Life Club.

exactly that time he left his business and showed me to the spot behind the cabaret where prostitutes were already lined up for work, waiting for their clients. Sometimes I would recognise some faces I met on a previous visit and approach them for assistance, telling them I was a researcher. Most often people like these were friendly with some of the ladies and so they would talk to them, explaining to them the purpose of my visit. I noticed eventually that they, prostitutes, always agreed to have discussions with me when I approached them through an intermediary person they knew. For example, on my first night out in Bamenda, I applied this method, having understood how it works in Yaounde where I began the research, and the young man I approached connected me to two new comers (in fact they had just been five days in the profession when I interviewed them) and explained to me that the best time to hold a discussion with the prostitutes is usually in the morning when they are less busy. He did not only end there, he further showed me to the manager of the cabaret whom I spoke with, and he asked me to come the next day in the morning as he was busy. When I got there the next day in the morning I had a group discussion with fourteen women. I also discussed with the cabaret manager, who is also the one controlling the brothels and was informed that tax officers visit his place of business. In other words he pays tax for doing the business, albeit his business license does not indicate that he is running a brothel, the tax officials and the police alike, are aware that this particular cabaret is a haven for prostitutes and also a brothel. Knowledge of this resulted essentially from personal critical observations.

2.2.4 Human Rights Approach

The human rights approach was incorporated into the research to ensure, whether there is a balance between what the law says and lived realities or what actually happens in practice. Though there are no specific human rights laws relating to CSW under international law, it is a fundamental human right that “all persons are equal before the law and are entitled without discrimination to the equal protection of the law”. (Sex workers’ rights, 2005). From this background it was easy to assess that the provisions of the international rule of law on equality before the law and the entitlement of equal right to protection was not adhered to in relation to women who prostitute in Cameroon and so their rights are violated.

From a human rights perspective, data collected indicate that there is exploitation of women prostituting in Cameroon, thus within the framework of the research design which assumes in

the fifth assumption that CSWs are exploited by the police and those living off the earnings of commercial sex work. Further research was done from the desk and internet concerning the exploitation of commercial sex workers and the position of international human rights forum on the subject.

Suffice me to mention here that the issue of prostitution can hardly be completely discussed a far as Cameroon is concerned (like most, if not all, of the African regions) without making reference to trafficking of women and girls for the purpose of commercial sexual activities. The shadow report submitted to CEDAW indicates that:

“Trafficking, prostitution and sexual exploitation of women are gaining ground in recent years. This is due to poverty that continues to increase. Women and girls who are vulnerable have become targets for prostitution and trafficking nationally and internationally leading to all forms of abuses. Cameroon is not only a transit for traffic of infants but has also become a source and destination of children who are victims of trafficking.”

(WIRA et al 2007, pg 15)

Though the efforts of the State have been applauded for taking measures to combat human trafficking by the adoption of Law No. 2005/015 of December 2005 on child trafficking and slavery as well as the ratification of the United Nations Convention against Transnational Organized Crime and its two Optional Protocols, the State is yet to address the issue of the exploitation of prostitution of women. This was one of the issues on the agenda of the Concluding Observations of CEDAW Committee which called on the state of Cameroon to take measures to address the main causes of trafficking and the exploitation of prostitution of women in order to further curb these phenomena. In this regard, the Committee’s call upon the State party was geared towards educating women and girls on career options in order to eliminate prostitution as the only option (CEDAW Committee on Cameroon, January 2009). Knowledge of this statement by the committee was vital as it directed me on the type of questions and discussions to include in the interview guide to use in the field. From that position, based on data collected, I could determine that the obligation on the state of Cameroon by the committee has not been met so far as the situation of prostitutes is far from being addressed in the country.

2.2.5 Methods

Apart of the various methodologies discussed above, the study was also conducted using different methods which constitute the next discussion of this paper.

The research methods explain the different ways in which the research was conducted and also how data/information was collected. Given that the subject of the study is sensitive, controversial and at the same time of a personal and social problem my position is that there is no hard and fast method to be used neither is there an appropriately acceptable method. As a result I always resorted to the method that was most appropriate as each situation came up in the course of the study.

2.2.5.1 GROUP INTERVIEWS AND IN-DEPTH INTERVIEWS

I was able to conduct interviews with five separate groups of respondents. Below is a table indicating the respondents and their categories - in relation to activity or function and location.

Table 1: Showing Group Interviews with Respondents

Type/category and function of respondent	Location of respondent	Number of respondents
Judicial police officers	Mankon, Bamenda	4
Police station - in charge of national security	Nkolndongo, Yaounde	5
Magistrates	Court of First Instance, Ekounou Yaounde	2
CSW	Yaounde	12
CSW	Bamenda	10
Women: 1.) hair dressers' salon 2.) market women	Kumba Nkoloutong market, Nlongkack Yaounde	8 10
Hawkers	Central Post Office , Yaounde	8
Street youths	Calafatas bakery, Yaounde	9
Individuals in the community	Kumba market area	20
Total		88

According to Table 1 above there were ten group discussions comprising of 88 persons. The respondents were reached at their place of work - for example, I had discussions with women at the hair dresser's salon and market, hawkers and youths in the streets, the police and magistrates at their work places, and the general community in the offices, market, and other business points. The sex workers were reached in their place of work - the street sex workers in the streets and brothel sex workers in the brothels.

The method of group interviews was useful because individuals could freely give their opinion concerning the subject. This brings to mind the discussions I had with the street youths - they were willing to tell me even their personal experiences they had with prostitutes.

Considering that it was not possible to get all the information from the prostitutes, some data collected from group interviews was used to sample the opinion of sex workers and it turned out that most of the sampled information was confirmed. This method no doubt added to the body of information collected. Through group interviews I was sometimes given a lead as to where to get CSW; especially in Yaounde where there are many spots and havens for sex workers. In this connection the street youths who became my guide after I had discussions with them were helpful. Throughout the nights I visited the neighbourhood in which they squatted; they would accompany me in the night patrols and introduce me to the sex workers since they knew them. This made my work easy and it also gave me a feeling of security as I had to meet the prostitutes mostly late in the night.

Equally of importance were the in-depth interviews. These were mostly conducted with CSWs and key informants like magistrates, lawyers, some police officers, parliamentarians, individuals from government departments, health agents, social workers and pastors. Through this method of interview I was able to have well guarded interviews; where I perceived that the respondent was willing to give information I allowed them the floor and would only interrupt to probe more when the information was vital to the study. But for a few that went beyond a little over an hour, most of the interviews did not go beyond thirty minutes. This was especially the case with the social worker at the Baptist Health Centre in Mankon, Bamenda who is patronising the New Life Club for female prostitutes only. The interviews with CSWs were twenty or twenty five minutes since they were conscious of their work time and always said so when it was time.

2.2.5.2 TRIANGULATION AND CORROBORATION OF INFORMATION

For the purpose of triangulation the research had to include information collected from other sources - for example literature review on prostitution. During the study, I also had to conduct interviews with different respondents on the same issues; sometimes changing the manner of phrasing questions but the intention was always to base the discussions on the same issues so that I could corroborate the information. Normally when four to five people testified of the same or even similar events and stories it was enough to build conclusions based on what they say. This was so especially in the case of exploitation of CSWs by law

enforcement agents. Once I got the stories from the first few prostitutes, some individuals from the communities and the police I established my conclusion - a confirmation of the exploitation of CSWs. This was also triangulated from data from the desk/internet confirming the exploitation of female prostitutes. Generally violence against women everywhere includes CSWs. Thus sexual assaults inflicted on sex workers constitute violence which is considered a normal way of life and that is why violence against the vulnerable group, which constitutes women and children, is prevalent in Cameroon. As a result Cameroon has gained international recognition for its high rate of violence against women and children. A poster that was presented at the International Conference on Population in 2009 states that the "persistent high rate of violence" against women in Cameroon can be partly explained by the fact that such violence may be "ignored or even accepted by the society" (Takwa, J. 2009). Similarly, the shadow report submitted to CEDAW indicates that violence against women is;

"...prevalent but lacks recognition as a social problem due to the fact that it is sometimes invariably accepted as a way of life."

(WIRA et al. 2007, 46).

2.2.5.3 DEBATE

The idea for a debate arose during my work in the field. Given the controversial and sensitive nature of the topic under discussion, I witnessed heated debates among respondents, others were quite passionate about the issue and yet others spoke at length pouring out their thoughts with ambivalence. It is on this background that I resolved to organise a debate which was also broadcasted on two radio stations in Kumba - hopefully providing food for thought for those who will listen to the arguments on radio.

2.2.5.4 SAMPLING

Sampling was used to sample/model the opinion of prostitutes, the police, the individuals the community, the judiciary and lawyers. On interviewing a number of respondents on a particular subject and the same or similar responses were given it went to confirm the authenticity of the information. As time went on I discovered that there was no need to

continue asking some particular questions or engaging in the same discussions. This was the case, for example, with the second assumption which assumed that the majority of women and girls are involved in commercial sex work because they consider it as an economic activity.

2.2.5.5 *PUTTING TOGETHER A REPORT FOR EACH VISIT AT THE END OF EACH DAY*

This method proved efficient because it helped for data preservation throughout the study as I had to record the findings on a daily basis. It gave me the opportunity to analyse data collected from the previous research and then proceed to organise for future research. In this way I was able to determine the kind of information required for the next visit. It enhanced the process of compiling, sifting and analysing data - the dung beetle or grounded theoretical approach.

2.2.5.6 *DESK AND LIBRARY RESEARCH*

Given that no qualitative research is done without desk or library search, this method proved useful and efficient throughout - from defining and designing the research topic up to this stage of writing. It laid the foundation on what and how I was going to conduct the research study.

2.2.5.7 *EMERGING ISSUES*

There were many issues that emerged in the course of the study - some showing the gap in the law of prostitution. I will try as much as possible to incorporate these issues in this section of the paper. Some of the issues which emerged in the study will be discussed in line with the voices of the respondent.

To start with, prostitutes are in categories: there are brothel prostitutes, street prostitutes, call girls who leave their pictures and phone numbers to be called for service (these are mostly

university girls), and those who work from their homes, though this last group is not so common nowadays, I was informed.

The women hate what they are doing. They are only involved because sex work seems to be the only option to them. One 18 years old girl, though I suspected she was as old as that, said:

“I am doing this in order to help myself. My parents died when I was five years old and my grandmother who has been taking care of me is now weak, and cannot continue sending me to school.”

Another woman, 43 years old and having four children and two grand children, including a niece and a nephew to maintain said:

“I have children to feed and send to school, rents to be paid. The dying business I am doing cannot sustain me and my family. No woman doing this sort of work can be proud of it. That is why I must do all I can for my daughters to be well qualified so they don't end like me. I don't want my children to know this is what I do for us to survive. They know I am working in a hotel and a restaurant, so when I'm out at night they know I am working.”

One of the emerging issues is that of lack of knowledge of the law. In spite of the existence of a law against prostitution, coupled with constant police harassment of prostitutes, most of the respondents (prostitutes and some individuals in the community, including one parliamentarian) I interviewed attested to their lack of knowledge of the existence of the law against prostitution. When I asked them why they think the police were harassing them, the ignorant ones responded that:

‘It is because of identity cards.’

The other issue is that the reason for police harassment is most often not because of the illegality of the activities of prostitutes because as most respondents testified prostitution is looked upon in Cameroon with ‘blind eyes’ (or ‘Eyes Wide Shut’). One respondent testified that most often the police arbitrarily arrest prostitutes when an official ceremony is taking place in town, like the visit of a government official.

Another emerging issue is that matters on prostitution are rarely prosecuted on two bases - firstly, because the cases do not reach the courts and secondly because the magistrates are sympathetic.

To start with the first, the reason put forward for this is the attitude of law enforcement agents; prostitution in itself is simply not handled like a crime or like other crimes. What the police do is to use the anti-prostitution law as a tool for harassment, arresting prostitutes and holding them until they paid bribes but rarely prosecuting the cases in court. On the part of the judiciary, the few cases that have reached the courts are discharged on purely emotional tendencies - sympathy. One of the magistrates handling flagrant deli matters testified that for six years that she has been in that position she has not treated up to ten cases on prostitution and of the few she has handled only one of the cases went through and this was in connection with theft. The man complained that the lady had stolen her money and in the course of investigations it turned out that they were in a client and customer relationship - she being a sex worker and he a client. Both were charged and convicted of prostitution and the woman for theft. She further explained that she is sympathetic towards the women because she understands why they are involved in prostitution. I was also informed by this respondent that the women sometimes demand that a client who has failed to pay for services should be charged.

A State Counsel also testified that for eighteen years he has been in service he has never handled a case on prostitution, let alone prosecute a sex worker. A court registrar, confirming also, said he has been in service for 32 years and has never witnessed any matter on prostitution.

Apart of economic factor being a reason why it has been difficult to curb prostitution, as the second assumption assumes, information collected from the judiciary revealed that the issues of lack of complainant and element of proof were also factors that precluded the curbing of CSW. However, I have a dissenting view concerning these assertions.

To start with, the claim of lack of complainants can be easily ruled out on the grounds that the sections of the CPC condemning CSW do not say that there must first of all be a complainant for acts of prostitution to constitute an offence or for liability to be attached on

anyone benefiting from CSW. The words of the sections are clear and so the argument of lack of complainants is merely inferential and speculative. Furthermore, most of the persons who are eligible complainants are either benefiting from the proceeds of CSW or have an interest (by the time one reports one may be stepping on their own toes in that one could be reporting a sister, auntie, cousin, a boss, senior colleague or government official, and even mother) to protect - so who is reporting who?

Secondly, the assertion on the element of proof can also be easily squashed. This claim is based on the passing of the Criminal Procedure Code of 2005 which states that an accused person is presumed innocent until proven guilty. The argument here is that since it is difficult to prove prostitution, in that the offenders can hardly be caught in the act, charges cannot be made easily. However, before the promulgation of this law, the law against prostitution had been in existence, and just as it is difficult to curb sex work now so has it always been even before the coming into existence of the 2005 law. Therefore, I stand on the point that with or without the 2005 law CSW has always been difficult to curb. Besides the police when doing their patrols can easily identify sex workers.

From the stories of the CSWs the brothel owners indeed benefit from proceeds from prostitution; even more than the prostitutes themselves, so to speak. My reason for this assertion is explained through the table below.

The table shows amounts of money prostitutes pay for renting a room in a brothel. The rooms do not have toilet facilities. The towns shown on the table are the different locations where the research was conducted.

Table 2: Indicating the amount of money spent by sex workers to rent a room in a brothel

Duration	Yaounde		Kumba		Bamenda	
	Amount in CFA francs	Amount in US dollars	Amount in CFA francs	Amount in US dollars	Amount in CFA francs	Amount in US dollars
Daily	2.500/3.000 (amount varies)	5.00/6.00	2.000	4.00	3.000	6.00
Weekly	17.500/21.000	35.00/42.00	14.000	27.00	18.000	36.00
Monthly	70.000/84.000	140.00/168.00	56.000	112.00	72.000	144.00
Yearly	840.000/1.008.000	1.680.00/2.016.00	672.000	1.344.00	864.000	1.728.00

The amounts displayed may seem to be fair enough but when other issues are considered it will clearly show that prostitutes are exploited. For example most of the brothel prostitutes have rented apartments where their dependents live. The brothel rooms are rented only for the purpose of work, especially as they do not want their families to know what they do. The rented apartment, which usually comprise of a bedroom, a lounge, and an external kitchen, is not more than 10.000 FRS CFA; that is, 20.00 US dollars a month (for Bamenda and Kumba where housing is cheaper). In Yaounde those renting apartments pay rents ranging between 25.000 to 30.000 FRS CFA, an equivalence of 50.00 to 60.00 US dollars monthly. From these figures what the women pay for the brothels is exorbitant compared to the apartments. In Kumba I was told three women share a room and still pay the same amount of money; that is two thousand francs (4.00 US dollars) a night. In which case, the brothel owner receives \$ 4.00 from each of the women, giving a total of \$12 a night for a room. One cannot help wondering the amount the sex worker goes with at the end of the day, especially considering that she may not have client everyday during the low seasons of their work.

The last emerging issue is that the National Policy (National Strategic Plan for the Fight Against hiv and aids), to prevent the sexual transmission of the disease among the high risk group does not include CSWs, though they fall within the description of high risk group (Achieving Universal Access, 2008). The prostitutes said they buy their condoms themselves. They prefer using male condoms for their clients because they are less expensive than female condoms. Some of them testified never having seen female condoms and even wondered that they exist.

2.2.5.8 *EVALUATION OF METHODOLOGIES AND METHODS*

The procurement of statistics proved futile as it could not be gotten either from the police or the court. Because of the attitude of the police to apprehend CSWs and release them without prosecuting them, there is hardly any record of prostitution in most police departments. Another problem was getting the sex workers for interview was not easy - given that their working hours were at night, it was difficult to engage them since they had to work. Those I managed to have discussions with I gave them money for their time. There were occasions where I disbursed not less \$20.00 a night as payments to get them engage in a discussion. Some of them asked exorbitant amounts - one of them, a university student asked me to give her the equivalence of \$100.00 just to engage with her in a discussion. Working at late hours also was not the best.

At the initial stage of the study sitting and observing made me feel uneasy and especially when I had to approach them. From the looks on the faces of some of them I felt like an alien. Indeed some took me for a journalist and so refused to talk.

CHAPTER THREE

3.0 WORKING FOR HUNGER: SHOULD PROSTITUTION BE PENALISED?

3.1 Introduction

This chapter expounds on the issue of sex work as an economic activity in Cameroon for those who indulge in it.

The title of the chapter, *Working for Hunger*, has been determined following the interpretation of the meaning of prostitution in the ethnic language of one of the tribes in Cameroon, the Bassosi tribe from the South West region of the country. The rhetorical question therefore is: “*If women who indulge in prostitution do so because they are ‘working for hunger’ should prostitution be penalised?*”

The increasing number of economically marginalised women and girls getting into the sex trade as the residual option is an indication that CSW should, and can only be examined critically from a perspective of economic and ideological base on which it is founded. This state of affairs can possibly be attributed to global impoverishment, itself largely stemming from development strategies that have incidentally, if I might add, taken their toll more on women and children in the so called third world countries.

Mojúbàolú Olúfúnké Okome argues that programs activated by multilateral organizations such as the World Bank and IMF (International Monetary Fund) have in recent times had serious adverse effects on both the economy and autonomy of African states. The Structural Adjustment Programs (SAPs) have introduced policies that complicate the livelihood struggles of people in most African countries. She further points out that the vulnerability of African countries to the unpredictable changes of “*international market forces made them susceptible to the exercise of leverage by the IMF and World Bank in forcing the SAPs through. Many studies have documented the deleterious impact of these programs on African women.*” (Okome, M.O. 2005)

In line with the above argument, Filomina Chioma Steady (2005) also argues that the SAPs resulted in more poverty for women as the conditionalities involved required the reduction of

public sector jobs that tended to employ women, devaluation of local currencies and a reduction in subsidies of food and fuel and cut back in expenditures for social services, particularly health and education. (Chepyator-Thomson Ed, 2005, p.23).

Based on the above premise, therefore, women who prostitute themselves ought not to be criminalised, given that the abject poverty experienced by most women is not due to any fault of their own. While a lot of people I spoke with in the community blamed sex workers for indulging in such ‘morally degrading’ activity whereas other women are struggling to do more decent economic activities, the bottom line is that not all women are the same. The stories recounted by some of the women interviewed presented a picture of the kind of situation nobody can feel psychologically or emotionally balanced to be part of; and so they ended up involving themselves in commercial sex activities as a last resort.

The chapter will further look at the research findings (with the incorporated voices of respondents) within a framework of feminist theoretical paradigms, literature review, an analysis of the law as it is in the Penal Code, the difference between decriminalisation and legalisation and finally a human rights perspective of commercial sex work.

3.2 Engaging with the Theoretical Framework (Different Theories on Prostitution)

In relation to prostitution many theories have been put forward that can be used to explain the situation of this group of persons. Thus apart from the issue of gender analysis there are other interlocking issues and/or oppressive influences that have been brought to bear on the lives of women to the point that they have left some women with no choice other than to prostitute themselves for a livelihood. These aspects also illuminate the issues that are being addressed in prostitution.

To start from an angle of gender analysis, there is the theory of cultural feminism, often traced to Carol Gilligan’s book (1982). Mary Becker points out that cultural feminist theory generally means:

“- across academic disciplines- a feminism celebrating the value of traditionally feminine qualities and activities, including in particular caring for others and valuing relationships.”

(Becker, M 2007)

In her recent book, Robin West (1997) issues a call for 'justice of care' in correlation with relational feminism. West argues that most often women do not look into their personal interest or out to satisfy their own pleasures and desires as expected by the liberal or radical feminists - it is about the 'giving self' as opposed to the 'liberal self' - and this is as a result of the woman's biological adaptations coupled with her traditional and/or gendered trained role as a care giver. I could connect this theory to some of the women's stories as it gives an appropriate clarification of some of the reasons why the women who were interviewed are engaged in sex work as well as confirming the notion that women are not autonomous, they always think in relation to others.

From the stories of the women (CSWs), most of them are not doing sex work just for their own upkeep. It is always in relation with taking care of children, siblings, mother or extended family. Thus one of the women had this to say:

"I am the first child in my family. My father is dead. I have a junior brother and sister whom I am sponsoring. Right now I am living with my junior sister who stays at home with my son when I am out working at night. I have to do this work in order to take care of my junior ones and my mother whom I send money from time to time."

The issue of male dominance over female has also been used to subordinate women. Quoting Connell,

Gender is a concept of power and that 'being a man conferred power' which has been used to subordinate women. (Connell, 1987) Individual men each enjoyed the patriarchal dividend, the advantage men in general gain from the overall subordination of women. (Connell, 1995: 79)

The experiences of the women with law enforcement agents come out to demonstrate this dominance theory. I will not limit the display of power by some police men just to bear on the point that the men (police) spoken about are acting in their capacity or authority as officers and that is why they can display the same authority on persons; for it would be too simplistic - their authority as police men apart, they use their conferred gender power (as men) to subordinate vulnerable women. To take this further for better clarification the kind of power politics or dominance spoken about is not the kind ascribed to the police by virtue of

their office because ethics or moral principles challenge such behaviours from the police in the first place. That is why it is not irregular or a camouflage for the women to specify in their stories that such acts of indiscipline are usually perpetrated in the absence of the boss. Furthermore, it was usually male police officers who displayed their authority on the sex workers; all the sex workers who were interviewed did not make mention of female police officers. I could relate the situation to that of ordinary male counterparts who use their power to rape the opposite sex.

This issue of male dominance was the situation presented by the women in one of the group interviews:

“Sometimes when the police people catch us they take us to their station. They ask us for money and if you do not have money they ask to sleep with you and then release you without paying.”

As mentioned above there are interlocking forms of oppression that also add up to bear on women. From the stories of these women they come from diverse background - most were not opportune to get quality education for various reasons - like poor parental upbringing, poverty, loss of parents and so on. Some were battered and abandoned wives who took to the street because there was no other means to provide for their children. Others were young girls who had come from the rural areas in search of job and on arriving the city had nowhere to go and so ended up in the streets. Yet others were university students who are prostituting in order to sponsor themselves. The quest here is the search for a livelihood in an environment that is coercive.

3.3 Literature Review

3.3.1 Different Definitions/Meanings given to Prostitution

The term prostitution has no definite meaning. It describes [sexual intercourse](#) in exchange for remuneration. (New World Encyclopaedia: last modified Nov. 2011) It can also refer to

consensual⁸ sexual activity between adults where money or any other material compensation is involved.

Yet still, the word prostitute refers to anyone who by choice, either because s/he likes it, likes the money or chooses it as a means to feed their family, offers consensual sex activity for money or any other consideration. The payment for sex is what generally translates in the business of prostitution.

The word prostitution has been given a wider meaning, and as was concluded by the San Francisco Task Force on Prostitution, prostitution is not a monolithic institution, rather it encompasses people working in the pornographic media industry, live theatre, massage parlours, bordellos/brothels, print advertising, as well as the street workers who are often commonly envisioned when the word prostitute is mentioned. (San Francisco Task Force on Prostitution, 1996)

3.3.2 Historical Trends in Prostitution

The history of prostitution dates back as far as the world began and even then prostitution was considered a morally degrading activity; its legal status varying from country to country, and from death penalty in certain societies to complete legality in others. Being an activity that has stood the test of time, prostitution has often been described as "the world's oldest profession." There is evidence of prostitution occurring in all societies throughout history.

In societies like Ancient India for example, sex and sexuality were not considered taboo subjects as they are today. Evidence of this is seen in the explicit portrayal of sexual intercourse on the walls of some Hindu temples. Sex workers were held in high esteem; their roles as entertainers and relaxation artists were well recognized and accepted. This was reflected in the epics of Ramayana and Mahabharata, portraying the status and dignity they had in those days. (Zaidi, Z, 2007). The early forms of prostitution involved sacred

⁸ In differentiation non-consensual sexual acts, which are perpetrated by fraud, force or threat of force as well as any sex acts perpetrated against minors; do not fall under the category of prostitution. Rather they are referred to as criminal sexual acts.

prostitution, whereby the sexual act was performed purely for religious purpose and not with one's spouse. One of these cases is the *Devadasi*⁹ system in India.

The Victorian morality introduced by the British portrayed sex work as a sin and relegated sex and sexuality to the darkness of the bedroom. After independence, the British law was adopted without much modification and subsequent laws; including the Immoral Trafficking Prevention Act (ITPA) of 1956 and section 377 of the Indian Code of Criminal Procedure which outlawed homosexual behaviour and regulated prostitution.¹⁰

Religions have also consistently condemned other forms of prostitution in which the activity is purely for personal pleasure, and severe penalties have been imposed on the prostitutes, although usually not on their clients.

Other societies where sacred prostitution was practised were among the Sumerians¹¹ and the Babylonians. In [Babylon](#), every woman in their life time had to reach the sanctuary of [Aphrodite](#)¹² where they would have sex with any foreigner for a symbolic price as a sign of hospitality.

⁹ The Devadasi was, and still is, an institutionalised form of exploitation of Dalits, the lower class of untouchables, as a form of religious sanction for the prostitution of women who are helpless, and economically and socially deprived. Devadasi in literal understanding means God's (Dev) female servant (Dasi). According to ancient Indian practice, young girls of pre-puberty age are given away in matrimony to a god or a local religious deity of the temple or 'men of money and power' in the town and village. They are not allowed to marry, as they were supposedly married to the temple. They 'serve' the priests and inmates of the temple, and the local land lords (Zamindars). The 'service' given to these men is likened to service given to God. The young girl is dedicated to the service of the temple deity for life and she cannot escape - even if she does, the society will not accept her. Zoya Zaidi points out that it is the 'glorification of' the 'humiliation of women' which is portrayed here and that inherent in this system is the (fascistic) belief that a certain section of human population, the lower caste, is meant to serve the 'higher caste's superior men'. This system is still practised in some parts of India; especially in the South and specifically in the states of Maharashtra, Andhra Pradesh, Tamil Nadu and Karnataka. (Zaidi, Z, May 2007)

¹⁰ A Compendium on Best Practices On Anti Human Trafficking by Law Enforcement Agencies is also presently applicable to India and the rest of South Asia in regulating human trafficking ; though the opinions expressed in the document do not necessarily represent the official policy of the United Nations Office on Drugs and Crime. (UN: Office on Drugs and Crimes, 2007)

¹¹ Considered as one of the early civilisations of the Ancient Near East, Sumer (or Šumer), located in the southern part of Mesopotamia (now south-eastern Iraq) from the time of the earliest records in the mid-fourth millennium B.C.E. until the rise of Babylonia in the late third millennium B.C.E. The term "Sumerian" applies to all speakers of the Sumerian language. (New World Encyclopaedia ibid)

¹² Aphrodite - believed to be the ancient Greek goddess of love, beauty, and sexuality.

Generally, the issues around prostitution in terms of incarceration, stigmatisation, including economy and the pleasure derived from sexual activity - as push factors - have not changed over the centuries, except that these issues have been toppled by activism from organisations fighting for the human rights of persons in the sex industry - thus bringing us to the modern trends in prostitution.

3.3.3 Current Issues involving Prostitution

In modern times, prostitutes have resorted to using the Internet in search of clients. A prostitute may use adult boards or create a website of their own with contact details, such as email addresses. An example is the United Kingdom. (Thompson, 2005)

The current issues evolving around the prostitution debate are mostly in the area of legalisation, though at one end of the legal spectrum, the death penalty is the outcome of prostitution; especially some Muslim countries. In Khartoum for example, four women were sentenced to death in 1997 by an Islamic Sharia Court for the offence of prostitution and were given only fifteen days to appeal. Report from the official news paper said the women had been arrested several times and had ignored warnings to give up the trade that is so detested by Islam. The women were thus found guilty under the Sudanese Criminal Act of 1983, providing for the death of third-time offenders¹³. The outcome and manner of implementation of most laws on prostitution show the double standards or hypocrisy of society - obviously, the women did not prostitute by themselves. Nothing is heard about their male clients. Also with legalisation is the payment of tax by sex workers in those countries where prostitution has been legalised - like The Netherlands, and similar situations in Germany, Switzerland and New Zealand. In other countries like Canada, and Bulgaria as well as Senegal in Africa prostitution is legal but the activities around it are illegal (i.e. for Canada and Bulgaria) and

¹³ The newspaper, reliably informed by an Islamic scholar, further reported that normally sentencing prostitutes to death under Sharia depends largely on the nature of the offence, and that it be wrong if the sentences were made on poor women indulging in prostitution simply to earn a living, because Sharia does not object to illegal practices if they are meant as a way of survival. It would seem prostitution becomes a crime under the Sharia only when those engaged in it are well off. The newspaper pointed out that a similar view was held by one Sadiq al Mahdi, a former Prime Minister who was jailed for opposing the application of the laws; who said it was necessary for the government to first of all establish a welfare state to ensure the satisfaction of persons before introducing the Sharia. (Bol, N, November, 1997)

regulated for Senegal. In the United States it is legal only in the state of Nevada. The countries in the South are still in the process of either decriminalising or legalising prostitution - in South Africa prostitution is illegal but there are organisations working for the interest of sex workers.¹⁴ Apart of the South African case, there are not many sex workers' collectives in Africa, and African women's rights organisations tend to shun issues on sex workers' rights.

There is so far, no African country in which prostitution has been decriminalised; Senegal embraces a regime of legalisation and regulation, not decriminalisation. These aspects actually make sex workers more susceptible to abuse.

As far as the economic factor is concerned in the case of Africa, Cameroon inclusive, most sex workers engage in prostitution because of economic pressures. Single mothers and young women with limited or no family support may view part-time or full-time sex work as an economically viable option when alternatives prove elusive or undesirable. Thus sex work is a sort of financial security for women who indulge in it, especially young girls, who do not have any other means of livelihood, as will be revealed in this report. This assertion notwithstanding, some sex workers simply like what they do and believe that they are beneficial to the society in that they provide comfort to many.

3.3.4 Human Trafficking and Sexual Slavery

'Sexual slavery, whether it is carried out by international gangs, or individual pimps, is a highly criminal and clandestine activity ... Wherever it is located; it brings both monetary gain and personal satisfaction to its perpetrators'.

(Barry, K, 1979)

[Trafficking](#) is yet another popular trend of commercial sex work that constitutes sexual slavery of women and underage girls, and which also is tantamount to sexual violence and rape. As Kathleen Barry rightly points out, *'if one is not free to consent or reject, one is*

¹⁴ Sex Worker Education and Advocacy Taskforce (SWEAT) is a group that is working for the rights of prostitutes in South Africa. They have produced a handbook on sex workers rights, health and safety in South Africa entitled *Work Wise*.

forced, and forced sexual intercourse, whether brutal or seductively subtle, is rape'.(Barry, K, *ibid*) The men who normally pay to have sex with foreign women and under age girls create the market which the traffickers supply. As a result of the illegal and underground nature of sex trafficking, the exact numbers of women and children forced into prostitution is unknown. However it is estimated that at least 2.4 million people have been trafficked. (ILO, 2005)

Without an iota of doubt, a lot of research has been conducted and consequently scholarly materials written on the subject of commercial sex work and equally, no doubt also that such scholarly write-ups have illuminated the diverse complexities of sex work encompassing the different societies all over the world. However, notwithstanding this rich flow of literature concerning sex work the issue has remained controversial, the situation of sex workers, especially female sex workers, has not changed - the attitude of some officials responsible for enforcing the law is detrimental to the wellbeing of sex workers as they are constantly harassed and their human rights violated. To make matters worse it seems most governments are having a tough time not only in attempting to curb the activities of commercial sex workers, but also are equally faced with the problem of controlling the undisciplined and unethical behaviour of law enforcement agents towards vulnerable groups especially. Chris Ryan in *Sex Tourism in Africa* states that:

“Within any given context, at a given time, individuals involved in sex tourism, and those responsible for the provisions of aid to sex workers and the enforcement of legal requirement - all make their own decisions - some do so to mitigate problems and provide support, and others in ways that degrade, criminalise and abuse the sex workers and his or her clients.”

(Kibicho, W, 2009, *xvi*)

As already revealed, the body of literature on sex work essentially points to the issues of economy and the pleasure of engaging in sexual activity as being the motivating factors in sex work, including all facets of the trade - trafficking of women and girls, sex tourism, pimping. Even though Wanjohi Kibicho points out that not all clients hire CSWs for sex per se since some people hire the service of a sex worker for the purpose of having a chat only (Kibicho, W. pg. 25 *ibid*).

However, money as a push factor is not ruled out because that is the very essence of their engagement in sex work in the first place - for example during the study I had to give remuneration to the women I spoke with, to compensate for the time they would have received clients.

My point of contention is based on the “woman question”, agreeing with Sharon Smith when she questioned:

“How can we end women’s oppression?” and before responding to the latter, she asks again, “Why are women oppressed?”...unless we determine the source of women’s oppression, we do not know who or what needs change”.

(Smith, S. 1997)

While governments and other bodies are involved in attempting to ensure either the eradication of prostitution (which has so far proven futile), or assisting to mitigate the situation of those involved in commercial sex work, the one vital element has always been overlooked or not handled tactfully, so to speak, and that is looking into the root causes of prostitution and then, adopting a holistic approach - which may involve checking imbalances and at the same time providing the necessary assistance. It may also involve effectively putting a mechanism in place to educate women and girls on career options in order to eliminate prostitution as the only option. (CEDAW, 2009)

The above foundation is the core and purpose of this study - essentially to re-investigate the law on prostitution in Cameroon and strategise for a better option for women in prostitution in accordance with human rights instruments the country has already ratified. In this regard the document will not divert from the objectives of the study, which have been outlined above. The experiences of the women/respondents will form the framework for the recommendations that will come at the end.

3.4 Analysing the Law as it is in the Penal Code

The Cameroon Penal Code penalises prostitution in the following sections:

Section 294 (1) and (2):

- (1) *Whoever procures, aids, or facilitates another person's prostitution, or shares in the proceeds of prostitution whether habitually or otherwise, who is subsidised by any person engaging in prostitution shall be punished with imprisonment from 6 months to 5 years and with a fine of from 20.000 thousand to 1.000.000 million francs, CFA.*
- (2) *Whoever lives with a person engaging in prostitution shall be presumed to be subsidised by her, unless he shows that his own resources are sufficient to enable him to support himself.*

S. 343 (1) and (2):

- (1) *Any person of either sex who engages habitually, against remuneration, in sexual acts with another person, shall be punished with imprisonment of from 6 months to 5 years and with a fine of from 20.000 to 50.0000 thousand francs, CFA.*
- (2) *Whoever by gesture, word, writing or any other means publicly solicits for prostitution or immorality, any person of either sex, shall be punished with the same penalties.*

As a step towards fulfilling one of the objectives of the study, which is that of revisiting the laws criminalising commercial prostitution, a close scrutiny of the law will unearth the inconsistency of the law in relation to the manner of implementation. The presence of this gap in the law on prostitution is contrary to the spirit of international human rights agreements signed by Cameroon that encourages ‘*equality of all persons before the law*’ (Article 3 (1) of the African Charter and Article 7 of the Universal Declaration of Human Rights), as well as condemning all forms of discrimination against women - (Article 2 and 2(1) of the CEDAW).

Firstly, Section 343 (1) of the CPC talks of any person of either sex who engages in sexual acts with another person for the purpose of remuneration shall be punished with imprisonment (paraphrased). The section of the PC by subtly adopting a code of morality seems to target the business part of prostitution, that is, the act of receiving money for sex and not the act of sexual activity per se. This act of receiving money is what the society and law consider immoral and not the act of sexual activity. By implication, sexual activity between two consenting parties in private is not an offence; though, as one of the magistrate respondents pointed out, our laws originated from the Bible and therefore laws should be respected in accordance with principles of the Bible; taking cognizance of the fact that the Bible approves sexual intercourse only between married persons, thereby condemning

fornication.¹⁵ By indication therefore, any sexual activity between two consenting parties is a sin and by law an offence equally, since our laws take their root from the Bible. A respondent from one of the NGOs in reacting to the correlation between law and morality said:

“The morals in Cameroon is spoken and documented, even at the level of the church, but hardly practised; that is why prostitution is still vibrant in Cameroon.”

To take this further, more than three quarters of the respondents interviewed agreed that the law be maintained for the purpose of keeping the moral code in place. One is left wondering which is more immoral - is it the programs that are permanently broadcast on the television to the full view of everyone who decides to watch (including young children), or the woman on the street at night who will not be seen unless you walk those same streets?

Furthermore the section is not explicit in the definition of a prostitute - whereas the French version of the same document out rightly engages the term ‘prostitution’, the English version on the other hand talks of ‘immoral earnings’ which in my opinion is vague and misleading. The question then is how can one identify a prostitute? Most often a person is merely presumed to be a prostitute by reason of their dressing, and that alone is not conclusive because many women and girls are in the habit of dressing indecently but they are not prostitutes within the meaning of the sections penalising the offence of prostitute. This flaw in the law is one of the reasons put forward by a commissioner of the judicial police to explain why it will be so difficult to eradicate prostitution Cameroon.

Section 294 (1) of the CPC talks of punishing “*whoever procures, aids, or facilitates another person’s prostitution, or shares in the proceeds of prostitution whether habitually or otherwise, who is subsidised by anyone engaged in prostitution shall be punished with imprisonment...*” What I discovered in the study is a miscarriage of justice in relation to the law in that brothel owners are not penalised even though they fall within category of persons mentioned in the provision of the section - that is, ‘*shares in the proceeds of prostitution*’.

¹⁵ The Bible quotation is from 1 Corinthians, Chapter 6, verse 9.

To go deeper, even the police ought to be penalised for sharing in the proceeds of prostitution by taking bribes from prostitutes - because the money they receive from prostitutes is obviously from the proceeds of prostitution.

Furthermore if the law were to be analysed and applied strictly, one cannot help but question whether the government itself does not emerge as the chief offender in that it actively collects taxes from brothels - given that the owners/managers of some of the cabarets testified to paying tax to the government. As mentioned above, though the owners or managers do not disclose or include the brothels in their business licence, they (the brothels) are not hidden from the public, especially as law enforcement officials go to brothels to harass prostitutes. In view of their open flouting of the law, one would have expected the government to close down such businesses and seize their owners' licenses.

3.5 Differentiating between: Decriminalisation and Legalisation (Prostitution and Commercial Sex Work)

This part of the document will look at the difference in terminology of the key words in the study; as such differentiation will help to determine the outcome of the study in relation to the recommendations suggested at the end of the work.

3.5.1 Decriminalisation and Legalisation

The term '*decriminalisation*' refers to the elimination of all laws and prohibits the state and law enforcement officials from intervening in any prostitution-related activities or transactions, unless other laws apply. On the other hand, '*legalisation*' refers to the regulation of prostitution with laws regarding where, when and how prostitution could take place. (Hughes, M. D., 2004)

Decriminalisation has to do with the removal or the silencing of laws against prostitution. It also means repealing the existing law criminalising or penalising the offence.

Having done this study, I can say that women suffer from violence as a result of anti-prostitution laws and that law enforcement agents use the anti-prostitution laws as a tool to harass prostitutes.

The reasons most often put forward in support of the decriminalisation of prostitution are that:

- * Decriminalisation will eliminate further abuse by law enforcement agents;
- * It will cause prostitutes most likely to turn to the police and other groups in the society when the need arises. (APLE, 2011)

Legalisation has to do with allowing prostitution or making it lawful, however, subject to the government's control and regulation. It refers to a fully legal, regulated and organised sex industry. In this regard prostitutes have prescribed places to work - where, when and how to do their activities. With legalisation prostitutes are protected by a union, they pay tax just like any other professional¹⁶ - in The Netherlands for example where prostitution is legalised, prostitutes are allowed to operate in 'red light districts'. With legalisation prostitutes are registered and have professional cards. They do periodic control of blood testing at the direction of the government. Some reasons why advocates for the rights of prostitutes object to legalisation of prostitution is because it limits the activities of prostitutes, given that they have to work within defined zones and also that pimps still do have a hand in the affairs of sex workers.

3.5.2 Prostitution and Commercial Sex Work

Having defined prostitution above there is no need to dwell on that here. The terms prostitution and commercial sex work actually refer to the sale of sex for money or other benefits. However, the word prostitute is an older term whereas commercial sex work is a phrase that was coined in the late nineties as an alternative to "whore" or "prostitute". (Sex Workers' Rights, 1990s)

¹⁶ The World Charter for Prostitutes' Rights adopted in 1985 called on prostitutes to pay regular taxes, just like 'independent contractors and employees', and also to receive resulting benefits for their taxes just like every other person.

The word prostitution in the opinion of proponents of sex workers' rights is a word that carries pejorative connotations and so adds to the degradation and rejection of prostitutes. Thus the term '*sex worker*', created by those promoting prostitutes' rights movement, is a self-defining term which does not only refer to all prostitutes but also includes people whose work involves sexual entertainment, art, or education that is not within the ambit of the laws against prostitution, even though it might have been in the past. (The San Francisco Task Force, 1996, *ibid*).

From the sections in the Cameroon Penal Code dealing with prostitution, the word '*prostitution*' (in the French version), while the phrase '*immoral earnings*' (in the English version) has been used as the translation, and not commercial sex work or commercial sex workers, so to speak. The use of prostitution and not sex worker indicates that prostitution is not considered "work" in Cameroon and so, has not been included within the meaning of work defined in the Cameroon Labour Code.

Though I have, so far, been engaging the use of these words in this work, for the purpose of this document I will prefer to use commercial sex workers or commercial sex work interchangeably as referring to prostitutes or prostitution.

3.6 A Human Rights Perspective of Commercial Sex Work

There are no specific international human rights laws for sex workers per se. Arguments in support of, and/ or advocacy for the rights of prostitutes put forward by organisations and individuals are usually founded on the general rights for all persons.

From a European context, the Declaration of the Rights of Sex Workers in Europe in 2005 was finalised on the basis of international human rights instruments. Equally also, the World's Charter for Prostitutes' Rights adopted in 1985 by the International Committee for Prostitutes' Rights (ICPR) established a human rights-based approach. To this end also, Recommendation 19 of the CEDAW Committee has addressed the issue of sex workers' rights.

Among other international instruments signed and ratified by Cameroon, the Universal Declaration of Human Rights and the African (Banjul) Charter on Human and People's Rights have been proclaimed by the National Assembly and incorporated into the Constitution of 1996 that amended the 1972 Constitution, and so they now form part and parcel of the Constitution of Cameroon. Below is a catalogue of those rights that relate to the violation of the human rights of women in commercial sex work.

Art. 22 of the Universal Declaration of Human Rights (UDHR):

Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each state, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Art. 23 (1):

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

Art. 25 (1):

Everyone has a right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness ... or other lack of livelihood in circumstances beyond his control.

Art. 9:

No one shall be subject to arbitrary arrest, detention or exile.

The Protocol to the African Charter on Human and Peoples' Rights (The African Charter)

Article 3:

(1) *Every individual shall be equal before the law.*

(2) *Every individual shall be entitled to equal protection of the law.*

Art. 4

Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one shall be arbitrarily deprived of this right.

3.7 Engaging with the Arguments on the Human/Labour Rights of Sex Workers

As mentioned above, the authority advocates and activists of sex workers' rights rely upon to support their arguments is grounded in existing international human rights laws. Rules against trafficking are mainly barriers to put an end to prostitution: for example, the Concluding Observations of the CEDAW Committee on Cameroon in January 2009 on the issue of Trafficking and Exploitation of Prostitution is no doubt aimed at prohibiting prostitution in Cameroon. (Rule 30, 2009)

Equally true are the measures taken by the State of Cameroon to combat human trafficking - i.e. the adoption of Law No. 2005/015 of December 2005 on child trafficking and slavery and the ratification of the United Nations Convention against Transnational Organized Crime and its two Optional Protocols.

The human rights based approach of international rights rules is geared towards achieving one result and that is the realisation of the human rights of all persons, the inalienable rights of all persons by virtue of the fact that they are human beings. My argument is that prostitutes should be considered as human beings first, irrespective of what they are involved in, and as human beings, they have rights that are to be protected and not violated, just like any other person. Fair enough, Cameroon has ratified and even incorporated the UDHR as well as the African Charter into the national Constitution; however these agreements are of no effect if they are not implemented. Article 9 of the UDHR is to the effect that no one shall be subject to arbitrary arrest, detention or exile. But from the experiences of women this is exactly what they suffer because they are CSWs. **All the international agreements (i.e., CEDAW, African Charter, UDHR) that Cameroon has adopted are founded upon the fundamental rights of 'equality for all persons' as well as the 'respect of the life and integrity of persons', and yet discrimination and inequality are rampant, if not within the letter of the law itself, in the manner of its implementation.** The evidence of this is so

strong that one cannot help but wonder if it was not in the mind of the lawmaker to ensure that the (mis)application of the (inadequate) laws would bring about the very oppressive reality in which CSW find themselves(!). Apart of the fact that these laws are not kept, I rather find some to be unrealistic. The clause in Article 23(1) of the UDHR for example, which says, “everyone has the right to work... and to *protection against unemployment*” is, according to my understanding, a reference to the right of the unemployed to receive social benefits. The main reason why there is massive unemployment in Cameroon is because ‘apparently’ there are no funds; so where are the funds to support the unemployed going to come from? Whereas such ventures are easily applicable in developed societies with seemingly well organised budgetary systems, in developing countries they are clearly unrealistic and justify, at least partly, why they are not implemented. On the other hand, notwithstanding the impracticability of that clause, the state has failed in its obligation to provide alternatives to the less fortunate and vulnerable group who also need a livelihood; this is just one of the reasons why women, who are the most affected by poverty, are driven to consider putting their very survival at risk by engaging in prostitution just to earn a living for themselves and their families/dependents. The experiences recounted by the women were such that at the end of the day I asked myself the question, “*If I had been the one what would I have done?*”

3.8 Conclusion

Using Commercial sex work as a strategy for a livelihood is a reality. The majority of women and girls involved in sex trade in Cameroon are working for hunger, working for a livelihood. Equally true is the case for most sex workers in other societies.

A recent research indicates that over one million women in the United States earn their living by full-time prostitution. (Armentano, P, Dec. 1993)

CHAPTER FOUR

4.0 SEX WORK AS A FEMINIST ISSUE

4.1 Introduction

This chapter looks at the issue of commercial sex work in relation to the various feminists' thoughts. It considers the theories within a framework of the lived experiences of commercial sex workers. The expected result is to be able to grasp the significance of the theories in relation to the situation of sex workers. There are different types of feminism. However I will limit the discussion only to those feminist ideas that relate to this study.

4.2 Feminists' Arguments concerning Sex Work

The influence of feminists' thoughts in women's situation can hardly be overlooked. Sarah Bromberg notes that *"in all cases one thing is certain: feminism is about promoting a world in which women enjoy an equal share of the rights and power."* (Bromberg S. 199)

Generally, women believe that they have been victims, and still are, of male oppression. Thus from radical feminists' position, the practice of CSW is a way of reinforcing and perpetuating oppression and that prostitution is degrading to women. (Bromberg, S. 1997 pg. 1)

While submitting a report on trafficking and exploitation of prostitutes to the Economic and Social Council, Jean Ferdinand-Laurent (Special Rapporteur) adopted the radical feminist position which establishes that all sex work is a form of slavery and that sex work is never freely chosen because coercion is always present. (Ferdinand-Laurent, 1983)

Colvin also argues that individuals exposed to coercive environments develop social-psychological deficits that enhance their probability of engaging in criminal behaviour. (Colvin, M. 2004 41: 244-268)

Based on the experiences of the sex workers I will agree with the arguments by Colvin and Ferdinand-Laurent, namely that sex work is never freely chosen because coercion is present.

Of all the sex workers I spoke to none of them liked what they did for a living. They went into sex work because they found themselves in a coercive environment that has not given them much choice in life.

Another feminist theory that can possibly be related to the experiences of the respondents is that of the radical feminists. Radical feminism focuses on men as oppressors of women and so prostitution, they believe, “*reinforces and perpetuates the objectification, subordination and exploitation of women*” by men. (Bromberg, S. pg. 1 *ibid*)

Taking the stand of radical feminism it is obvious that the power politics of men is more obtrusive especially in situations where women are vulnerable as in cases of sex work where law enforcement officers, pimps and others take advantage of the anti-prostitution law exploiting women in CSW. In relation to the experiences of the women in this study, the issues of oppression and exploitation were revealed through the police and brothel owners, who get money from the sex workers through exploitative means - for example the police get bribes from CSWs and those who cannot afford paying in cash had to pay by offering their bodies for sex.

The brothel owners on the other hand get exorbitant amounts of money from sex workers for renting a small room with no toilet facility. It should be noted that brothel owners here include women and in this connection I will make reference to Sarah Bromberg’s argument (1997, pg. 1 of 7) which highlights the issue of female dominance over other females; “*radical feminism focuses on men as oppressors, yet says little about the possibility of the woman being an oppressor of other women or of men.*” She further points out that:

“Women are also exploiters of other women, human passions and greed are not endemic to one sex or the other. If a woman of questionable morality wants something badly enough, she is likely to exploit any easy source that can satisfy her desire, whether it is a man or woman.”

(Bromberg, S. 1997, pg. 5 of 7)

Information procured from the study revealed just this situation - even the women who own brothels exploited their fellow women without sympathy by demanding the same amount of rents under similar conditions as their male business colleagues. When I enquired from one of

the interviewees if I could have a discussion with her land lady she objected strenuously saying that the land lady would accuse her of calling the media to sabotage her business.

From stories recounted by sex workers the feminists' theory that men (though I prefer saying some men) treat women as sex objects was demonstrated. The story of one of the ladies (21 years old at the time of the study) is illustrative:

“I started this work at the age of 18. I am a seamstress by profession. I lived with my uncle when I was training. One night my uncle raped me. I ran from his house and I told my father (parents are living in a different town) that I will no longer live with my uncle. My father told me to look for a room and he was paying my rents. When my father died it was very difficult to pay rents and feed. I could not go to my mother because she did not have money. I decided to stay in this town because it was better for me as a seamstress. The land lord told me to live the room. One night I began walking in the streets crying, not knowing where I was going. A man stopped me and asked me why I was crying and I told him my problems. He said it was dangerous for a young girl to walk alone at night and he asked me to go with him to his house. I followed him and when we reached his house, he asked me to sleep with him. In the morning he gave me money (the amount was the equivalence of 10 U.S. dollars). I was surprised. That is how I knew that someone can sleep with men and have money. The next day I went out again in the night and another man took me to his house and slept with me. In the morning he gave me money.”

To cut a long story short that is how this young girl was hooked into sex work. Initially she was ignorant that a woman can use her body to have money - a man introduced her to it.

On the contrary I disagree with the position of radical feminists claiming that prostitution is degrading to all women because, to start with, not all women are involved in prostitution. When one comes face to face with abject poverty and hunger codes of morals can be easily disregarded. What we should be bothered about is improvising positive actions geared towards helping women who are involved in sex work because of financial constraints, rather than using words which affirm stigmatisation even more. Radical feminism started in societies where its advocates have not experienced what it means to go without food, or not have money to pay for shelter to avoid being ejected from the house. Sex work may be degrading and morally revolting, as we all claim, but it is the last best available means of livelihood for some women who have been provided with no choice in life. The women I

interviewed testified that from the money they got from sex work they are able to put food on the table, send children to school, pay their rents and even assisted their mothers and siblings to establish a business.

Sex work is not the only trait that is degrading; there are other degenerative activities people indulge in that are degrading like bribery, corruption and other fraudulent means to get wealth that we do not hear of and that is not much talked about. As for the 'sleeping with the enemy' theory put forward by the radical feminists, as well as categorising all men as being responsible for women's suffering (Tong, R.M. 1994: 5), I will say that not all men are the same and not all men are in that category of suffering women. These do not seem to be worthy solutions we should be putting forward to change the story of women who do sex work, if we are actually convinced that they need assistance.

The Marxist feminists' standpoint of relating sex work to the situation of the proletariats who worked hard for low wages and that of the socialist feminists who see sex workers as victims of the corruption of society may also be identified with the situation of the women interviewed. For instance, the brothels collect quite a large amount of the money earned by the women as seen from Table 2 above. One interviewee had this to say:

“I pay rents for the room I'm occupying daily. Some days I have no customers but I still have to pay the rents so that my things are not thrown out. Sometimes I do not have money to buy food but the money for rents must be available, even if it means borrowing from my mates.”

4.3 The Gender Imbalance of the Criminalisation of Sex Workers (in which the Sex Worker, often the Woman, is the Scapegoat)

Sex work is a gender issue and this was revealed in the research study. The manner of enforcement of the law against sex work comes out in a way that implicates the service provider (woman) more than the man who receives the service. From data collected both from the police and sex workers it was always the same story - the woman is often the culprit, even in the brothels where men can be easily located. The law penalising the offence is not discriminatory, rather it is the implementation of the law that is discriminatory as already indicated above.

4.4 Sex Work and the HIV and AIDS Debate

There is an ongoing international debate concerning the spread of HIV and AIDS among sex workers. It is generally believed that sex workers fall into the group of major transmitters of HIV and AIDS and so they constitute a high risk in the spread of HIV and AIDS. (Achieving Universal Access, 2008)

In other quarters the opinion is that because the very essence of their job is to indulge in sexual activities which stand out as one of the sources of the disease, they will take precautions to ensure that they do not contract the disease.

Yet others argue that they are in a better position to negotiate safe sex, even more than married women and single partnered relationships. However, Henry Trotter, undertaking a research study in the world of dockside prostitution in South Africa notes that:

“Because of the nature of their work, prostitutes place themselves at great risk of contracting sexually transmitted diseases. In South Africa where the hiv-infection rate has reached alarming proportions in the general population, the risk is even more troubling.”

(Trotter, 2008)

Paul Armentano comments that it is even more alarming to know that engaging in sex with a prostitute is now among the commonest ways of contracting the aids virus. In the light of the rising threats of aids and other STIs perhaps the most compelling arguments would be that commercial sex work be finally legalised. It has been estimated that about half of the street prostitutes in Washington, D.C., and New York City are hiv-positive. In Newark, New Jersey, the estimate is that close to 60% of all prostitutes carry the AIDS virus. Yet, in the relatively "free market" of Nevada, where prostitution is legal, not one (as of 1989) of the state-licensed prostitutes has ever tested positive for AIDS. (Armentano, P. *ibid*)

I wonder how many sex workers can resist a tempting offer proposed by a client just to have unprotected sex; given that the very essence of their activity is for monetary gain. Most of the respondents testified to condom usage. When asked if they would ever agree to unprotected

sex if offered a lot of money by a client, some of them replied that they are usually suspicious of such clients and would not accept. Yet others replied that they have never been offered money for unprotected sex and refrained from saying anything further on the issue.

With a view to halting the spread of HIV and AIDS in 2008, the United Kingdom government launched its strategy to halt the spread of the disease in the developing world, sex workers and prisoners; the last two were identified as the high risk groups in the spread of the disease. (Achieving Universal Access, 2008)

In July 2006, UNAIDS made a global consultation on sex work and HIV and AIDS prevention and treatment. At this meeting commercial sex workers and experts on health requested for better conditions for sex workers (UNAIDS, 2006). Among the issues on discussion was a highlight on the impact criminalisation, violence and police repression in general have on the efforts made to prevent HIV and AIDS. The stand point for most of the participants at this forum was a rights based approach to HIV and AIDS though there were dissenting views from other participants like the US and Sweden, who preferred a model in combating the sex industry rather than the prevention of the disease.

At the International Aids Conference in Toronto in 2006, the UNFPA favoured and promoted a rights-based approach in a document on HIV for commercial sex work. The document (which was entitled, 'UNFPA Briefing Note on HIV and Sex Work'), stated that in 2006 the UNAIDS Committee of Co-sponsoring Organisations Executive Heads had agreed to a *'holistic, global approach to sex work; "one that went well beyond providing condoms, to including a package of health and social service, sustainable livelihoods, respect for human rights and addressing gender concerns"'*.(UNFPA, 2006) The document further stated that UN system-wide approach HIV and commercial sex work would be rights-based and that the UNFPA and the UNAIDS Co-Sponsors do not have a position for legalising sex work because it was a matter to be decided by each individual UN member state. Nevertheless, the document stated that all UNAIDS Co-Sponsors support the human rights of sex workers as well as the right to access services free of stigma and discrimination as well as the right to protection against violence. However, the UNAIDS Guidance Note: HIV and Sex Work published in 2007 did not feature the rights-based approach.

4.5 Sex Work, Morality and Law

“Feminists seek to be supportive of sex workers while deploring the work itself as inherently wrong. While they do not admit to taking an ethical position in contemporary moral terms, radical feminists are in fact making a moral statement. Once their arguments are evaluated in an ethical light they tend to break down logically.”

(Bromberg, S. 1997)

The correlation between sex work, morality and the law is one in which it is difficult to draw a line. It is unclear whether the immorality referred to in commercial sex work is the fact of exchanging sex for money or sleeping with several men/and or women. The section in the Cameroon Penal Code dealing with prostitution targets the receiving of money as the immoral aspect and not because the woman/man is sleeping with multiple partners.

Thus it becomes even more difficult to define morality or immorality. However, it is believed in several quarters that morality is so closely linked with divine law, such that what is immoral is a conduct that goes contrary to morality and therefore against divine law.

One of the respondents, a state counsel, in alluding to this relation between law and morality pointed out that the reason why the law criminalises commercial sex workers is because our laws take their origin from the Bible and that sex work is a morally revolting commercial activity that is why it is a sin in the Bible and an offence in the Penal Code.

The respondent went on to refer to the incident that occurred in the Bible between JESUS and the people who accused a woman of committing adultery. JESUS asked them that anyone who is not guilty of sin should throw the first stone at the lady (people who committed adultery were stoned to death in those days). None of the woman’s accusers threw a stone because they were guilty of sin themselves and they all left. JESUS told the woman because they did not stone you to death I also set you free.¹⁷

¹⁷ The corresponding quotation from the Bible is John, Chapter 8, verses 1 to 11.

What I find remarkable is that there is a climate of immorality everywhere in our societies that is obviously visible not only in the lives of prostitutes. The woman in the Bible was accused of adultery alone; definitely, she did not commit the act all by herself - we hear nothing of the man.

CHAPTER FIVE

5.0 WHAT ALTERNATIVES FOR SEX WORKERS?

5.1 Introduction

As one reflects on the various aspects that have been unearthed in this document in relation to the subject of CSW, one can equally be driven to consider and mull over the possible options or alternatives that may be pushed through to improve the situation of women in prostitution. In my opinion, and for the purpose of this study, anything short of this is like struggling to drain the ocean of its water! At this stage (where a lot has already been said and done concerning sex work), what should be adopted (that has not been experimented) as a feasible approach to improve the situation of sex workers in our societies is what individuals and organisations interested in protecting sex workers' human rights ought to be addressing.

Definitely, providing good quality healthcare treatment that is not discriminatory or stigmatising is all well and good. However, it is essential that such services are received by a large cross-section of sex workers otherwise, it becomes futile and a waste of time.

The UNAIDS or UNFPA may promote a right-based approach and call for all member states to ensure the free distribution of condoms to sex workers but the truth is that a lot of the condoms do not reach the targeted group(s) - the sex workers I spoke with testified that they buy their own condoms all the time.

Moreover most of the CSWs revealed intentions of giving up prostitution but cannot afford to do so because of their fear of not having an alternative means of earning a living. Is it not time our societies start considering doing something more permanently beneficial for CSWs; especially for those who are involved in it as a result of financial constraints and genuinely want to give it up?

Therefore, this chapter seeks to establish what other alternatives may be available for sex workers. This will be determined from the expectations of the society at large, including the sex workers themselves. One is likely to question that the opinions of the group I had discussions with during the study is too small to represent a much bigger society. However

this group provides a representation of most groups of people, considering that I spoke with magistrates, parliamentarians, lawyers, law enforcement officials, religious representatives, health and social workers, and individuals in the communities which included market women, hawkers, youths, etc.

5.2 The Way in which Prosecutors and Law Enforcement Agents view Sex Work

In this category, I discussed the issue with magistrates and police officers. The general opinion of this group of persons was that commercial sex work should continue to be penalised even though they expressed concern for the women, most of them pointed out that most women are involved in sex work in Cameroon because they have not been provided with alternatives. One of them, a President of the Court of First Instance, however expressed a contrary view, saying that sex work should be legalised because women are suffering, there is no employment, which is why the women are involved in sex work. He went on to say that if he had to choose between prosecuting a sex worker and a thief, he would let the sex worker go and may even condemn the thief to death because as far as he is concerned they, i.e., the thieves, are the criminals and not sex workers, whom he considers are not criminals.

5.3 The Response of Lawyers to Sex Work

This group of respondents agreed that sex work by women in Cameroon is mostly motivated by financial constraints. Therefore, if the women were provided with alternatives they will stop sex work. As a result they opted for policies geared towards encouraging free education for the girl child especially. They also proposed counselling programs to be organised for sex workers for the purpose of counselling them about other respectable forms of economic activity. Another proposition put forward was the creation of more employment opportunities for women as well as centres for training school drop-outs. In terms of the position the law should adopt, some opted for decriminalisation while others said if the law were to be repealed individuals would think sex work is legal; therefore, they supported its continued criminalisation.

5.4 The Opinions of NGOs, Religious Bodies and Individuals in the Community

Some of the representatives of the NGOs were passionate in their discussions concerning the criminalisation of sex workers on the basis of morals. Some expressed their reasons for not including sex workers on their agenda - there is still so much silence on the subject in Cameroon, even from the sex workers themselves. Sex workers are not prepared to disclose their status for fear of being estranged from their families. However, a couple of them were ready to do advocacy work for sex workers if called upon to do so because it is an issue that fits on the curriculum of most of the NGOs I spoke with. Suggestions from NGOs to improve sex workers situation included the following -

- * A couple of them suggested decriminalisation of commercial sex work;
- * Counselling programs to counsel sex workers on options other than sex work;
- * Providing lucrative income generating activities and lending capital to start and maintain businesses.

For the representatives of religious bodies the views shared were mostly that sex workers constitute a group of persons who have been socially abandoned. Hence their suggestions were based upon helping to rebuild the confidence of sex workers by using the word of GOD and prayers.

As concerns individuals in the community some expressed thoughts that women who engage in sex work are just being lazy because there are many economic activities women can do to earn a better living than sex working. Others expressed their thoughts on the subject in the form of awareness mentality - women do sex work because of financial hardship. A good number I spoke with opted for decriminalisation. Others did not know that commercial sex work is a criminal offence under the Penal Code.

5.5 The Position of Parliamentarians

All the parliamentarians I spoke with were aware that most women and girls who indulge in prostitution are involved because of economic hardship. One expressed the opinion that condemning commercial sex workers would mean condemning the entire society because

everyone - from the parents, the government, to the society have all failed in one way or the other in the performance of duties of responsibilities towards persons who find themselves in sub-standard levels, doing something the whole society finds repulsive, like sex work.

As legislators some said they would not propose a repeal of the law. Others said the law should be re-oriented, in other words, reformed.

Yet others expressed the view that the State is not playing the role of good governance because of its inaction concerning the harassment of sex workers. They expressed the view that in order to combat sex work, alternatives should be provided for women who are doing sex work, and then there would be a good reason for harassing them if they continued to engage in it.

One parliamentarian expressed his opinion that if given the opportunity to implement development programs, even though he acknowledges that funds from commercial sex work has helped many who are presently responsible individuals in the country, he will not promote specific programs for sex workers, he would rather do a program for women as a whole.

5.6 The Development of a Rights Based Approach to Commercial Sex Work

As already discussed above, developing a rights-based approach for commercial sex work is the recent trend adopted by UN international organisations - UNAIDS and UNFPA. To this end, the International Committee for Prostitutes' Rights (ICPR) adopted the World Charter for Prostitute's Rights in 1985 for the protection of prostitutes' rights globally. (Ditmore, M. H. 2006)

The World Charter itself was the brain child of the prostitutes' rights movement formed through the two 1985 and 1986 Whores Congresses that were held in Amsterdam and Brussels respectively, representing a global prostitutes' movement and politics. ("[World Notes Belgium](#)", 2006 - 10-13) A human rights based approach formulated by the World Charter has been further developed by the prostitutes' rights movement. It also calls for the decriminalisation of all aspects of adult prostitution consequential from an individual's

choice. (Kamala, K.; Doezema, J. 1998) Other rights issues like guaranteeing all human rights and civil liberties to prostitutes were also projected by the World Charter for Prostitutes' Rights. (Sex workers' rights, 1985)

5.7 Sex Workers' Rights Movement and its Outcome/Impact on the International Scene

The sex workers' rights movement constitutes the activities of individuals and organisations which advocate for the rights of sex workers. On the other hand, sex workers' rights encompass the different aims that are being pursued world-wide by organisations and individuals which involve, specifically, the human and labour rights of commercial sex workers.

The argument put forward by the rights' activists and advocates is that sex workers be granted the same basic rights - i.e. human and labour rights - as other professionals.

This movement is known to have started in the mid-1970s as the prostitutes' rights' movement. The leading issues on the scene in Lyons, France in 1975 precipitated the birth of the movement. In that year, a number of prostitutes - 150 - took over the church in Lyons and began protesting about the unresolved murders of some prostitutes in that locality and also against exorbitant fines and constant arrests by police officers. The movement gained ground in other parts of France as other prostitutes joined the protests, taking over the various churches; meanwhile in Paris prostitutes went out in the streets demanding their full rights as citizens, with a call for a non-punitive tax system to be introduced so they could have access to pension and welfare benefits like all other French women. They expressed their strong views about their profession, emphasising that commercial sex work is a job that is determined by the sexual needs of one part of the society - the client who always escapes criminal punishment. Though the strike ended after seven days by the police's invasion of the churches, it had called worldwide attention to the working conditions of sex workers in France and this provoked the creation of the French Collective of Prostitutes and the Sex Workers' Rights movement in France. Following the footsteps of their French counterparts, similar groups sprang up in many parts of the world - Latin America, and India then England,

Australia, Germany, Italy, Denmark Canada and in the major states of America. (Agustín, L. 2010)

In the US the movement adopted the popular slogan '*outlaw poverty not prostitution*'; thereby highlighting the basic truth of economic hardship being the reason why women all over the world sell sex. (Cabezos, A. 1999)

In the UK another group referred to the laws which criminalise sex work as '*laws which punish women for refusing poverty.*'

Besides the sex workers' unions, many international consultations and platforms were organised, among them the International Congress of Whores in Amsterdam and Brussels in 1985 and 1986 respectively.

From the time when the sex workers' rights movement started in the mid-70s, the movement has made various proposals among which include the decriminalisation of prostitution, equal protection under the law and the right to receive social benefits such as pensions. With a view to widening its scope in the 1990s, the sex workers' rights movement has come to include transgender, lesbian, gay, bisexuals, heterosexual, migrants, men and women sex workers. The movement has continued to spread to Africa, Latin America and Asia. In Paraguay the national union of workers has recognised sex workers as legitimate workers; by implication they can retire and receive full benefits. (Sex Workers' Rights, 1985)

5.8 Which is the Preferred Position - Legalisation or Decriminalisation?

On the basis of the ensuing discussion explaining the different implications and definitions that have put forward to explain the terms legalisation and decriminalisation, having presented, analysed and evaluated the existing dynamics on the subject of sex work in Cameroon, this part of the discussion will suggest a possible position to be adopted in view of improving the situation of CSWs. The reason for adopting a particular position has been determined by considering a number of precedents.

Taking the law as my point of departure, legal centralism perpetrates and encourages unequal justice. This is because the sections of the Penal Code specifically dealing with commercial sex work, that is, sections 294 and 343 and their sub-sections, are applied in such a way that only the woman is ever branded the criminal, even though it takes both a man and a woman to commit the offence.¹⁸ Although the wording of those sections seem to encapsulate a spirit of equality, once analysed through a gender-corrected microscope together with the outcomes emanating from the manner in which they are implemented by law enforcement officials, aspects of inequality are revealed. It is on this evidential basis that the law against sex work in Cameroon needs to be revisited, reformulated or reformed. My point of reference from a legal point of view is Cameroon's very own Constitution into which the Government has incorporated fundamental international human rights agreements which it has ratified and these include the Universal Declaration of Human Rights (UDHR) and the African (Banjul) Charter on Human and People's Rights (African Charter). These international treaties, which form the core of Cameroon's supreme law, call for state parties to promote equality for all before the law as well as the entitlement of every individual to equal protection of the law.

The other international treaty in this regard is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which Cameroon has also ratified. Though not yet domesticated it is enforceable in terms of Article 45 of the Constitution which stipulates that:

“Duly approved or ratified treaties and international agreements shall, following their publication, override national laws, provided the other party implements the said treaty or agreement.”

(Cameroon Constitution, 1996 - amended)

CEDAW on its part encourages state parties to condemn '*discrimination in all its forms*' against women and to '*agree to pursue all appropriate means and without delay a policy of eliminating discrimination against women...*'

¹⁸ By indication I am delimiting my discussion to heterosexual relationships; this is not because homosexual sex work or male prostitution are not practised in Cameroon. My reason is because the experiences narrated in this study are essentially those of female sex workers. Also the research study was pre-determined with a focus on female sex workers engaged in heterosexual sex work.

Apart from the gendered nature of law enforcement, the section of the Penal Code, section 292 (1) is to the effect that '*whoever ...shares in the proceeds of prostitution...*' is guilty of the offence. However, here again the enforcement of the law is discriminatory and also inconsistent with the spirit of the human rights law in the UDHR and African Charter which speak of 'equality of all persons before the law'. This is because only the sex worker is criminalised and those who manage and own cabarets that are known to be havens for sex work activities, as well as brothel owners escape criminal punishment. Stories from respondents (as mentioned earlier) reveal that law enforcement officers sometimes carry out their patrols in those spots simply to harass sex workers and sex workers alone. One would expect the police, if they were properly enforcing these provisions of the law, to shut down such places and seize their owners' licences, which is what used to happen.

The third issue of contention is the lack of the law's effectiveness. My opinion is that any law that does not serve its purpose, whether by miscarriage in implementation or not, is of no use; given that the purpose of legislating laws is to correct, redress and deter. Apart from the law against prostitution, several other laws in Cameroon need to be revisited or reformed. Based on the above premise, I therefore propose that in the event of it being impossible to apply the law equally (so as to punish equally both female sex workers and their male exploiters), then it is only fair that prostitution should be decriminalised.

Fourthly, most of these women are sex working in order to put food on the table, provide shelter for themselves as well as several family members - both nuclear and extended family - and send their children to school. Is criminalisation the best option for persons who are working for hunger and taking care of their most urgent needs because, based on their reasoning their bodies are the best means of getting what they need as a matter of urgency. Human beings all reason differently because they do not have the same or equal opportunities.

The fifth aspect is the problem of exploitation, sexual violence and harassment by the police. It is common knowledge that police officers everywhere use anti-prostitution laws to inflict violence against sex workers.

5.9 Conclusions

The majority of women and girls involved in prostitution in Cameroon engage in it in order to earn a livelihood. The ability of the law to deter CSW has so far been ineffective, one of the reasons being that, although sex work is a crime under the CPC, it is not treated as a crime by law enforcement agents (who are themselves additional exploiters of CSWs who simply misuse the law for their own sexual or economic self-gratification). It is for this reason that incidents involving CSW do not reach the courts. The few that do so are rarely prosecuted, not only because prosecuting magistrates are usually sympathetic to CSWs, but also because the lack of temporary holding cells (to keep charged and convicted persons while other trials are going on before they are eventually taken to the main cell) on the court premises persuade them to discharge CSWs who are brought before them. Although the Cameroonian law regards prostitution a crime, the society itself does not regard it as an offence but rather a morally revolting commercial activity. This is the main reason why many people do not know it is defined as a crime in the country's Penal Code.

The method of implementation of the law which victimises one offender, leaving the others go scot free - in this case the client and persons benefitting from the activities of sex work is questionable. The anti-prostitution laws that are meant to deter CSW have rather caused much travail and suffering for sex workers as the police and others have used, and are still using them to exploit women in sex work. The manner of harassing CSWs by law enforcement agents, which most often is not on the basis of the offence, constitutes a violation of the human rights of the women provided by international agreements condemning arbitrary arrests of persons.

On the basis of the foregoing arguments, this document proposes the decriminalisation of CSW in Cameroon if measures are not taken to ensure equality and justice of all persons before the law as provided by rules of international treaties which have not only ratified by Cameroon, but which have been completely incorporated into its Constitution and which are wholly binding on the Government whose duty it is to realise and protect the rights of all CSWs.

5.10 Recommendations

For the purpose of this research study five recommendations have been put forward in pursuance of the spirit of equality in justice as provided by national and international human rights laws. They are as follows:

- * Counselling programs for sex workers - educating them about better options, other than sex work.
- * Provide alternatives for commercial sex workers - income generating activities.
- * Programs on rehabilitation to help erase the memories of their past life and prepare them for a new life with new and better opportunities.
- * Initiation of programs geared towards '*taking the law to the people*' to educate sex workers on their rights.
- * The effective implementation of a mechanism to discipline police officers where they act contrary to the law and/or police ethics.

The aforementioned recommendations have been given a wider explanation in **Table 3, below**. The first three namely, counselling programs for sex workers, the provision of alternatives for commercial sex workers for income generating activities and a rehabilitation program have been incorporated into one recommended plan of action for the purpose of enhancing a holistic approach to abate the situation of sex workers.

Table 3: A Recommended Action Plan Geared Towards Improving The Situation Of Commercial Sex Workers In Cameroon

No	Recommended plan of action and focus (target) group	Aims and Objectives of action plan	Methods of learning and Expected Results	Evaluation and follow-up
1	<p>Action Plans 1, 2, & 3: Counselling, rehabilitation and the provision of alternative programs for CSWs</p>	<p>Aim: To empower (socially, professionally, psychologically, financially or otherwise) women/girls involved in sex work with a purpose of providing them alternative means of livelihood.</p> <p>Objectives:</p> <ul style="list-style-type: none"> -Educate CSWs on career options thereby eliminating prostitution as the only option -Take CSWs through a process of unlearning (issues that have contributed to cause them involved in activities they do not enjoy doing) and relearning by helping them develop their 	<p>Method:</p> <ul style="list-style-type: none"> - Assessing the knowledge of participants in order to determine the point of entry - through open and group discussions -Examining the factors leading to their involvement in CSW activities -Background information/testimonies of other women who are in similar situations but have not chosen CSW as a last option -Formulating participants' activity and application form which comprises verbal strategies for saying NO -Assessing the skills and talents of each participant through a needs assessment questionnaire -Assessing their needs through practical participation and visual aids exercises -Training on developing managerial, book keeping and savings skills in order to encourage them to eventually manage their finances in any economic activity they choose to undertake <p>Results:</p>	<p>Evaluation:</p> <p>It is suggested that an evaluation should be based on how the participants/trainees found the training. As a proposal internal evaluation will be the most appropriate method. This can be achieved through the distribution (by instructors) of questionnaires to participants to fill with questions based on how effective the training was. The feedback will help facilitators to determine whether the objectives of the program were achieved.</p> <p>Follow-up:</p> <ul style="list-style-type: none"> - Continuous sensitisation, education and training with professionals and/ or

		<p>inherent skills and talents, thereby building a foundation to enable them become confident and to say NO to what they do not enjoy doing.</p>	<p>-Participants should be able to determine which alternative that is best suited to them and also to be able to say NO to what they do not enjoy doing.</p> <p>-Participants should be able to come out of guilt, shame, rejection and be able to participate in the development process in society like everyone else without being stigmatised, exploited or taken advantage of by reason of anti-prostitution laws.</p> <p>-Participants should be able to see the need to indulge effectively in another economic activity (other than sex work) of their choice and also stay in business by effectively applying the managerial and savings skills learned</p> <p>-Participants should be convicted enough to quit the streets, brothels or other areas where they sex work, particularly those who are involved because of economic reasons</p>	<p>specialised authorities - e.g. social workers, trainers on chosen skills and talents, education/academic specialists; depending on the career chosen.</p> <p>-Continuation of assessment by way of practical exercises and assignments through group discussions and presentations - this will help to build/rebuild their confidence</p> <p>-Sale of articles produced during practical training and the proceeds shared among participants</p> <p>-Regular visits to their residents as a way of encouraging and boosting their ego, thereby helping to erase stigmatisation, shame, lack of confidence, rejection etc, etc.</p> <p>-Periodic meetings with families - parents/guardians - to encourage dialogue between participants and family members as well</p>
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				as educating parents on the need to train and provide for both the girl and boy child on equal opportunities
2	Putting in place a program geared towards 'taking the law to the people' with CSWs as the focus group	<p>Aim:</p> <ul style="list-style-type: none"> -To cause participants be aware of the legal implications involved in sex work activities <p>Objectives:</p> <ul style="list-style-type: none"> - Educate the group on anti-prostitution laws and also the meaning and significance of decriminalisation and legalisation of CSW. - Educate group about the meaning of violation of their rights as human beings and how and where to seek help -Empower CSWs through a rights based approach to assert their rights as human beings and be able also to break the silence of sexual violence perpetrated on them in particular, 	<p>Method:</p> <ul style="list-style-type: none"> - Assessing the knowledge of participants in relation to human rights rules and national laws condemning sex work in order to determine the starting point - this can be achieved through open and group discussions -Distribution of international and national laws documents/pamphlets on human rights as well as national laws documents (against sex work) to participants in language best understood - Facilitate discussions among participants -Description of miscarriage of justice by law enforcement agents vis-a-vis CSW -Participants are taught the meaning of legalisation and decriminalisation and their legal implications. <p>Results:</p> <ul style="list-style-type: none"> - The group should be able to know the legal implications involved in CSW - The group should be able to know 	<p>Evaluation:</p> <p>An evaluation will constitute the responses of the trainees - first by internal evaluation - how they found the training. Such responses can be obtained through questionnaires</p> <p>Secondly by external evaluation which will be indicative from complaints made by CSWs against law enforcement agents for sexual violence and exploitation. Both methods will act as mechanism to indicate whether the program was a success.</p> <p>Follow-up:</p> <p>Meetings to be held periodically for briefings. The need for setting up an association that will be the voice of sex</p>

		and women in general.	<p>the different human rights instruments and also when their rights are being violated as human beings</p> <ul style="list-style-type: none"> - CSWs should be able to stand up to their rights and say NO to non-consensual sexual acts by law enforcement officers - CSWs should be able to know how, where and when to seek help and to do so effectively -Participants should be able to see the gendered and exploitative nature of sex work through education on human rights rules - both at the national and international level -Through shared experiences participants learn instances and reasons of police harassment and so be able to determine and to expect when they ought or ought not to be tracked down for illegal activities and also when to stand up for their rights 	workers.
3	A program formulated to re-educate law enforcement officers on the	<p>Aim:</p> <p>To deter unscrupulous police officers from indulging in acts of indiscipline and</p>	<p>Method:</p> <ul style="list-style-type: none"> - Involving officials of authority from the law enforcement department -Assuming that law officers already have knowledge of how to enforce 	<p>Evaluation:</p> <p>One method of evaluation here is through the use of evaluation forms to be</p>

<p>rules of national and international human rights laws for a more effective implementation of their duties</p>	<p>treachery</p> <p>Objectives: To abate unnecessary and arbitrary arrests of individuals and not just sex workers.</p> <p>To ensure a sure and effective implementation of justice by law enforcement officials</p> <p>To create a forum in which law enforcement officials are educated concerning the different international human rights laws, especially for those who are not conversant with international human rights conventions</p>	<p>laws, the key issue will be how to effectively apply that knowledge and to improve the skills already had, by functioning as law officers</p> <ul style="list-style-type: none"> - The knowledge of law officers concerning human rights instruments is thus assessed in open discussions -Background information/testimonies about individuals who have been victimised by the undisciplined acts of some law enforcement agents and the negative impact they have caused to the reputation of the department -Unlearning the archaic ideas and patterns participants have learned and adopted that are unethical to their profession - and relearning what ought to constitute their duties as law officers. This relearning process is intended to be achieved through: <ul style="list-style-type: none"> -human rights pamphlets and other materials that will be distributed to participants -group discussions, presentation of seminar papers and assignments. -Audio visual and practical exercises -Video clips and news articles touching on issues of human rights around the globe. -Comparison studies with other regions of the world in relation to applying international human rights 	<p>filled by participants.</p> <p>The responses from the forms will indicate whether or not, the program or its objectives were achieved.</p> <p>Another method of evaluation will be indicative of a visible change in the administration of duties by those who participated in the program.</p> <p>The testimonies of persons in the community will also act as a pointer for a visible change.</p> <p>Follow-up:</p> <ul style="list-style-type: none"> -Through continuance assessment within the law enforcement body itself by senior officials. -Refresher courses are organised for participants to keep them abreast of what they have learnt and also of new developments concerning their work
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			<p>laws, especially the successful cases and /or the unsuccessful stories and the different impact they created</p> <ul style="list-style-type: none"> -A space for suggestions, observations and sharing of experiences is granted to participants -Practical tests based on a demonstration of what participants have learned as a review (of what has been learned). <p>Result:</p> <ul style="list-style-type: none"> -Participants are able to show repentance and therefore show a determination to usher in positive changes. -Participants are able to develop new skills in the application of their functions as law enforcement officers. - Participants are able to have a mastery of the rules of international and national laws dealing with the human rights of persons. 	
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