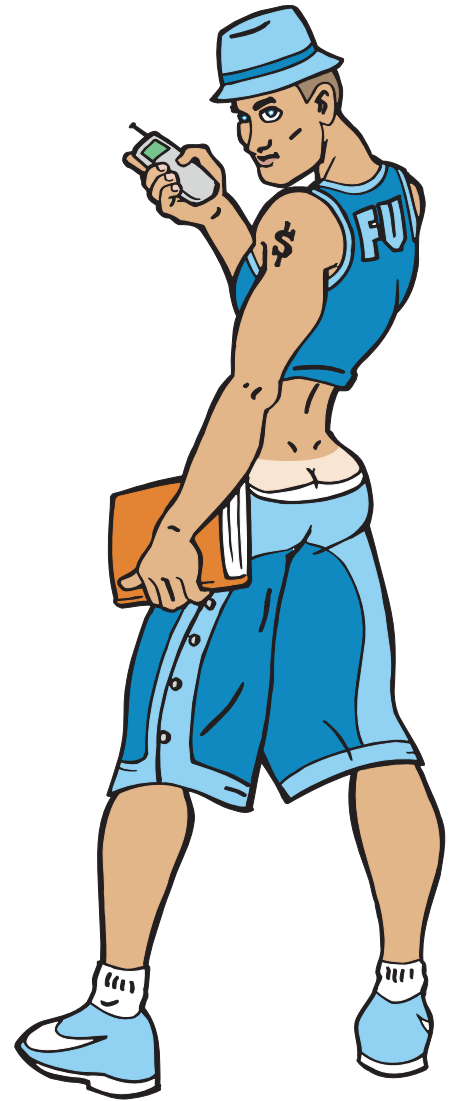


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Aspasia of Miletus (c. 470-410 B.C.)

Renowned for her beauty, genius, and political influence, this well-educated courtesan from Melitus (Asia Minor) was the consort of the Greek general Pericles. Because Aspasia was not Athenian, she enjoyed public life — extremely rare for women in Athens at the time. Highly respected within Athens's intellectual circles, she associated with Plato, Xenophon, Athenaeus, Plutarch, Anaxagoras, Sophocles and Phidias. Socrates once called her his rhetoric teacher. Cicero's chapter on argumentation was based on Aspasia's lesson on induction. Aspasia eventually opened her own courtesan salon, an academy for girls from wealthy families.

"100 Important Women in History," Shelby Ellery.
(<http://www.angelfire.com/anime2/100import/aspasia.html>)

The oldest profession

Defined as "promiscuous unchastity for gain," prostitution has always been distinguished from concubinage (an inferior state of marriage), adultery, and other sexual relations motivated by passion. Prostitution has existed in all civilized countries from the earliest times, and has always been subject to regulation, whether by law or by custom.

In Egypt, Phoenicia, Assyria, Chaldea, Canaan and Persia, the worship of Isis, Moloch, Baal, Astarte, Mylitta and other deities included extravagant temple orgies. In Babylon, prostitution was actually compulsory! All women were required to honour the goddess Mylitta in this way. The Old Testament refers extensively to prostitution in Palestine. (Prostitutes were forbidden to enter Jerusalem and places of worship and were required to wear distinctive dress.)

In Athens, Governor Solon (638-559 B.C.) established a state monopoly on brothels (*dicterades*), which were kept under police control and excluded from finer areas of the city. The Greek *hetaerae* were powerful, gifted, brilliant members of their class, who openly wielded great influence. At Corinth, a famous temple in honour of Aphrodite employed a huge staff of prostitutes to service sailors who came to port.

Prostitution was severely regulated in ancient Rome, with a system of police registration. Citizens were banned from marrying the descendants or relatives of prostitutes.

The early Christian church adopted a more charitable attitude toward prostitutes. Around 1200 A.D., Pope Innocent III praised the practice of marrying prostitutes. Bawdy-houses ("stews") near London Bridge were licensed by the bishops of Winchester. In France there were large-scale public brothels at Toulouse, Avignon and Montpellier. In Germany, anyone convicted of assaulting a prostitute was beheaded.

Due to outbreaks of venereal disease, brothels were abolished in London in the 1500s. In Paris, all prostitutes were once required to leave the city within 24 hours.



What did you call me?

Today, “sex worker” is the term most often used by rights groups, community agencies, labour organizers, governments and even the World Bank to conveniently describe all the people who earn their living in any of the variety of jobs that make up the modern sex industry. Street prostitutes, exotic dancers, phone sex workers, social escorts, adult film actors and massage parlour workers are all considered sex workers. Worldwide, however, prostitution is by far the most common form of sex work.

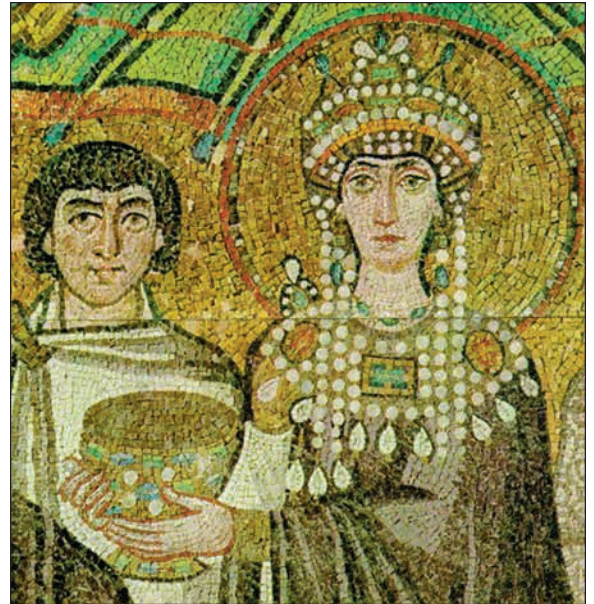
In Canada, prostitution usually takes place in private between consenting adults. Businesses that offer opportunities for sex work to occur — such as massage parlours, exotic dance clubs with private booths, and escort services — cannot explicitly offer sexual services. These are legal businesses, and many people who work for them do not appreciate the sex-worker label.

Throughout SWE@R!, the term “sex worker” refers specifically to anyone who a) regularly offers and provides sexual services in exchange for money or goods, and b) feels that she or he works in the sex industry.

E-01a: *If you worked in the sex industry, perhaps for a massage parlour, an exotic dance club, or an escort service — or on the street — how would you feel about being referred to as a sex worker?*

- ☐ I would happily call myself a sex worker
- ☐ I would prefer “sex worker” to other popular terms
- ☐ I would feel indifferent about being called a sex worker
- ☐ I would prefer not to be called a sex worker
- ☐ I would strongly oppose being called a sex worker
- ☐ don't know

E-01b: *If you would prefer not to be called a sex worker, what would you rather be called? (please specify)*



Empress Theodora (c. 497-548 A.D.)

An illegitimate child born in Syria, Theodora was raised in the Hippodrome in Constantinople, a huge circus stadium, where her parents worked as bear-trainers. A talented and lascivious mime, the circus actress/prostitute was famous for her animal acts, until she had an illegitimate child of her own. She was a penniless weaver when she first met Justinian. They fell in love and were married in 525.

Justinian was made Emperor in 527. He and his Empress ruled hand in hand. Theodora passed laws giving women property rights, divorce rights, and the right of guardianship over their children. She banned infanticide, the sale of daughters into prostitution, and the killing of adulterous wives. She imposed the death penalty for rape. Known for her patronage, Theodora commissioned churches, hospices and convents, and paid for the release of women from brothels. She inspired fear, as well as awe, for she cruelly punished those who offended her.

In 532, a revolt (the Nika Riots) swept Constantinople, threatening to dethrone Justinian. His generals were ready to flee to the ships when Theodora brandished a sword and declared to her Emperor, “I’d rather die in purple than yield the throne.” The generals defended the palace and defeated the revolt. Empress Theodora died of cancer at the age of 51.

Court historian Prokopios wrote all we know about the Empress in *Historia Arcana*. A perfect 6th-century mosaic of Theodora (shown above) exists in San Vitale, Ravenna.



Sex work reading list

Classic literature and other all-time favourites!

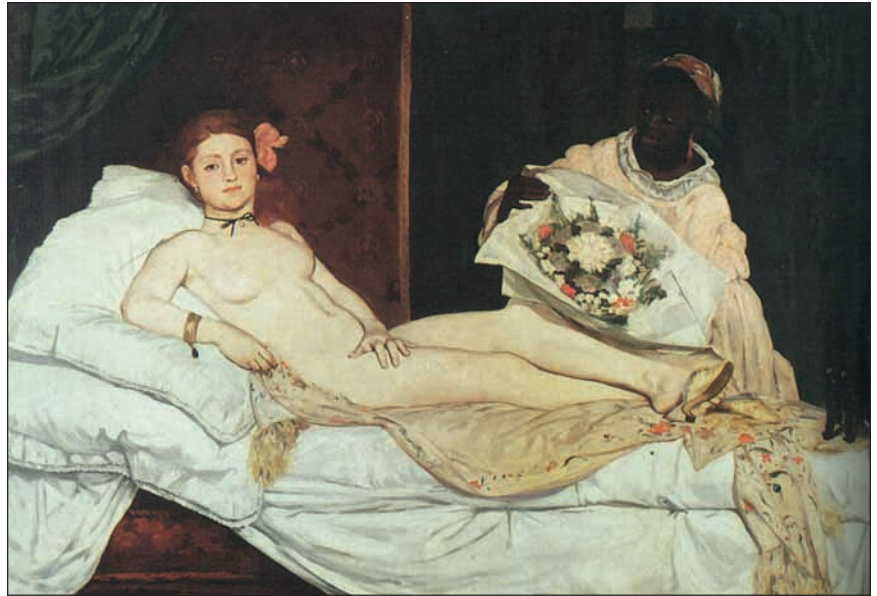
- *Moll Flanders*, by Daniel Defoe (1660-1731). One of the first novels to emerge in England. A good, funny read, it details the life of Moll and her struggles through poverty and sin in search of property and power. London: Penguin Books Ltd., 1994
- *Roxana: The Fortunate Mistress*, by Daniel Defoe. Roxana might be dubbed “The Unhappy Hooker”; this is an entirely different sort of tale. London: Everymans Library, 1999
- *Fanny Hill, Or Memoirs Of A Woman Of Pleasure*, by John Cleland (c. 1749). Earned its author a jail sentence for obscenity. Banned in the U.S.A. until 1966. This eighteenth-century tale about a naïve young prostitute in London who slowly rises to respectability was considered immoral and without literary merit. Today, the novel is important for its political parody and sexual philosophy. London: Penguin Books Ltd., 1986
- *Nana*, by Emile Zola. Published in French in 1880, this novel attempts to portray the reality behind the glamorous career of the high-class courtesan. London: Penguin Books Ltd., 1972
- *The Blackmailers*, a play by John Gray and Marc-André Raffalovich. A social melodrama published in 1894. At that time, blackmail was a major threat to homosexuals in search of respectability. Republished in *Lovesick: Modernist Plays of Same-Sex Love, 1894-1925*, Laurence Senelick. London: Routledge, 1999
- *Decline and Fall*, by Evelyn Waugh. 1928 novel about a prep school master — gigolo/husband to a millionairess — features prostitution and a convicted white-slaver. New York: Back Bay Books, 1999
- *The White Book (Le Livre Blanc)*, by Jean Cocteau. Anonymously published in French in 1928, this collection of *memoires* describes Cocteau’s encounters with sailors when he lived in the Vieux Porte dockside slums of Marseilles as a down-and-out adolescent on the make. Translated by Margaret Crosland; San Francisco: City Lights Books, 1989.
- *Murphy*, by Samuel Beckett. Published in 1938, Beckett’s first novel depicts Murphy’s inner struggle between his desire for his paid mistress and his craving for total escape into the darkness of his mind. New York: Grove Press, 1957
- *Flight Into Egypt: A Fantasy (La Fuite en Egypte)*, by Philippe Jullian. Translated from French. Describes an imaginary court in the Sahara Desert where a Grand Duchess and her crew of tranvestites supply drugs, boys and kinkiness to visiting millionaires. New York: Viking Press, 1970.



Manet's *Olympia* (1863)

Inspired by a 16th-century painting by Titian, Édouard Manet's brazen portrait of prostitute Victorine Meurent as *Venus of Urbino* scandalized 19th-century French society. It wasn't that bourgeois men were offended by the portrayal of a prostitute, but rather that the painting was on public exhibit, where their virtuous wives could be exposed to its immoral influence. Meurent posed for several of Manet's famous paintings, including *Luncheon on the Grass* (1863).

Édouard Manet, 1863. Musée d'Orsay, Paris
(Carol Gerten's Fine Art: <http://cga.sunsite.dk>)



- *Rubyfruit Jungle: A Book About Being Different and Loving It*, by Rita Mae Brown. Penniless Molly Bolt goes to New York and sends women's hearts aflutter with her startling beauty and fierce wit. New York: Daughters, Inc., 1973
- *Storyville, New Orleans: Being an Authentic, Illustrated Account of the Notorious Red-Light District*, by Al Rose. Tuscaloosa: University of Alabama Press, 1974
- *Southern Discomfort*, by Rita Mae Brown. Historical novel about the grand bordellos in the southern USA. New York: Bantam Books, 1982
- *79 Park Ave. S.*, by Harold Robbins. Classic trash. Made him rich! New York: Pocket Books, 1985
- *A Particular Class of Women*, by Janet Feindel. A provocative play named after a Canadian court case in which a judge argued that an exotic dancer was raped because "she's from a particular class of women whose profession it is to promote lust." Women with a variety of experiences and social backgrounds tell their stories. Published in *Singular Voices* — an anthology of six one-person shows edited by Tony Hamill. Vancouver: Playwrights Canada Press, 1994 🍁
- *Pornographer's Poem*, by Michael Turner. Novel dealing with child pornography, bestiality, bisexuality and voyeurism. Toronto: Doubleday Canada, 1999 🍁
- *The Man Who Fell In Love With The Moon*, by Tom Spanbauer. A riveting 1880s tale about Shed, a half-breed bisexual native boy who is raised by the madam of a whorehouse after the murder of his mother. A beautifully written novel full of heartbreak, joy and mystery with a serious investigation of racism. New York: Atlantic Monthly Press, 2001.



Sex work reading list



La Goulue Arriving at the Moulin Rouge (1892)

Henri de Toulouse-Lautrec lived in the Montmartre quarter in Paris. With its racetracks, taverns, cabarets and brothels, this district was the centre of bohemian life. Here, Toulouse-Lautrec would often sit at a crowded nightclub table and drink while making quick sketches for his colourful paintings. Many brothel prostitutes have been memorialized in his masterpieces.

Henri de Toulouse-Lautrec, 1892. Museum of Modern Art, New York
(Mark Harden's Artchive: <http://www.artchive.com>)

- *Orientalia: Sex in Asia. Photographs by Reagan Louie.* For six years, Louie journeyed through Cambodia, China, Hong Kong, the Philippines, Vietnam, Tibet, Thailand and Japan, photographing the day-to-day lives of women who, either by choice or by necessity, sell their bodies for money. Alluring and unsettling, intimate and acute. "If you cannot see the humanity of prostitutes in these pictures, you might want to re-examine your own feeling about sex workers." Introduction by sex worker Tracy Quan. New York: PowerHouse Books, 2003
- *Wayward*, by Ali Riley. Début collection of poetry. "A haunting excursion into the dark, transcendent territory of the 'lost girls.'" Calgary: Frontenac House, 2003 🍁

From the horse's mouth

Many of these books by sex workers are available at Amazon.com

- *City of Night*, by John Rechy. Classic glimpse into the world of hustling. Ground-breaking for its time. New York: Grove Weidenfeld, 1963
- *The Happy Hooker: My Own Story*, by Xaviera Hollander. Hollander chronicles her life as a "high-class New York madam" in the 1970s. Frank discussions of lesbianism, bondage, voyeurism, and run-ins with lawyers and the FBI. New York: Dell Publishing, 1972
- *Mayflower Madam: The Secret Life of Sydney Biddle Barrows*, by Sydney Biddle Barrows. Autobiography telling the story of Cachet, a top call-girl agency in New York. New York: William Novak, 1986
- *The Front Line: Women in the Sex Industry Speak*, by Nickie Roberts. Interviews with sex workers in Britain. London: Grafton Books, 1986
- *Good Girls/Bad Girls: Feminists and Sex Trade Workers, Face to Face*, edited by Laurie Bell, Toronto: The Women's Press, 1987 🍁



- *Sex Work: Writings by Women in the Sex Industry*, edited by Frederique Delacoste and Priscilla Alexander. San Francisco: Cleis Press, 1987
- *Working: My Life as a Prostitute*, by Dolores French, with Linda Lee. New York: Dutton, 1988
- *Runaway: Diary of a Street Kid*, by Evelyn Lau. True story by a Vancouver teen, made into a CBC television movie. Toronto: HarperCollins, 1989 🍁
- *Mayflower Manners: Etiquette for Consenting Adults*, by Sydney Biddle Barrows. New York: Doubleday, 1990
- *Annie Sprinkle: Post Porn Modernist: My 25 years as a multimedia whore*, by Annie Sprinkle. Porn-star-turned-performance-artist Annie Sprinkle presents an illustrated history of her 25-year career. Great photos document Sprinkle's transformation from ugly duckling to prostitute, to porn queen, to sexual healer, activist, and educator. Amsterdam: Art Unlimited, 1991
- *Whores in History: Prostitution in Western Society*, by Nickie Roberts. "A veteran of the Soho sex trade," Roberts treats prostitutes as unsung heroines. London: HarperCollins, 1992
- *Cop to Call Girl: Why I Left the LAPD to Make an Honest Living as a Beverly Hills Prostitute*, by Norma Jean Almodovar. New York: Simon & Schuster, 1993
- *Whore Carnival*, by Shannon Bell. Interviews with Toronto sex workers and activists. Toronto: Autonomedia, 1996 🍁
- *Whores and Other Feminists*, edited by Jill Nagle. This collection of essays on the topic of feminism offers first-hand perspectives from such famous sex workers as Nina Hartley, Tracy Quan, and Annie Sprinkle. Frank, serious and insightful. New York: Routledge, 1997



Room in a Brothel (1879)

Edgar Degas (1834-1917) once said, "I want to look through the keyhole." Degas's models seem to be unaware of the artist's presence. His sometimes clinical portrayals of women provoked a debate in the art world that shifted the conventions for the ideal nude. Because prostitutes regularly had to bathe, many critics assumed that Degas's bathers were, in fact, prostitutes.

Edgar Degas, 1879. Stanford University Museum of Art, Stanford, California (Mark Harden's Artchive: <http://www.artchive.com>)



Sex work reading list

- *Real Live Nude Girl: Chronicles of Sex-Positive Culture*, by Carol Queen. A candid, intelligent collection of essays on such topics as gynecological exams, the pro-pornography lobby, performing in peep shows, and the erotic pleasures of being spanked. San Francisco: Cleis Press, Inc., 1997
- *Madam: Chronicles of a Nevada Cathouse*, by Lora Shaner. Poignant sketches of day-to-day life in a legal brothel strip, written by a former madam. Las Vegas: Huntington Press, 1999
- *Tricks and Treats: Sex Workers Write About Their Clients*, edited by Matt Bernstein Sycamore. Binghampton: Haworth Press, 2000
- *Turning Pro: A Guide to Sex Work for the Ambitious and the Intrigued*, by Magdalene Meretrix. Oakland: Greenery Press, 2001
- *Diary of a Manhattan Call Girl*, by Tracy Quan. Nancy Chan is a turn-of-the-millennium call girl who works in Manhattan's Upper East Side and frequently has to choose between making love and making money. A rollicking, X-rated soap opera. New York: Three Rivers Press, 2001

BIBLIOGRAPHIES ON THE WORLD-WIDE WEB

A variety of recommended reading about sex work. Includes sociology and criminology studies and other academic research

- **Sex Professional Madeleine Meretrix Books Section**
<http://www.realm-of-shade.com/meretrix/books>
- **HIV/AIDS Legal Network Top 25 Sex Work Resources**
<http://www.aidslaw.ca/Maincontent/issues/prostitution/e-info-0a1.htm>
- **HIV/AIDS Legal Network Complete Sex Work Resources**
<http://www.aidslaw.ca/Maincontent/otherdocs/biblio/c-21.htm>
- **Commercial Sex Information Service Bibliographies**
<http://www.walnet.org/csis/biblios>
- **Commercial Sex Information Service Papers**
<http://www.walnet.org/csis/papers>
- **Society for Human Sexuality: Bibliography by P. Alexander**
<http://www.sexuality.org/l/workers/sexwork.html>



Prostitutes in the movies

Film stars shine in these hooker classics

- *Belle de Jour* (1967), France. Director: Luis Buñuel. Starring: Catherine Deneuve, Jean Sorel, Michel Piccoli. Severine (Deneuve) is a beautiful young woman who cannot bring herself to make love with her husband because she is in love with him. She secretly starts working afternoons in a high-class Paris brothel but still remains chaste in her marriage. A strange, metaphoric and erotic masterpiece.
- *Butterfield 8* (1960), U.S.A. Director: Daniel Mann. Starring: Elizabeth Taylor, Laurence Harvey, Eddie Fisher. Gloria (Taylor) is a sophisticated New York call-girl searching for lasting love. She meets Weston (Harvey), a charming lawyer unhappily married into a wealthy family. Gloria is willing to change her life but, just when she needs him most, he turns on her. Taylor's first Academy Award. Based on a novel by John O'Hara.
- *Crimes of Passion* (1984), U.S.A. Director: Ken Russell. Starring: Kathleen Turner, John Laughlin, Anthony Perkins. Bobby Grady (Laughlin) is a private investigator hired to follow Joanna Crane (Turner), a sportswear designer suspected of stealing designs. Instead he discovers that she secretly works nights as the street hooker China Blue. Perkins plays a psycho priest out to free China Blue from her life of sin. A shocking and brutal erotic thriller. Turner's performance is outstanding.
- *Klute* (1971), U.S.A. Director: Alan Pakula. Starring: Jane Fonda, Donald Sutherland, Charles Cioffi. Klute (Sutherland) is a small-town private eye searching for his missing friend. His only lead points him to a Manhattan call girl named Bree Daniels (Fonda), who is being stalked by an obsessed john. Fonda's performance earned her an Academy Award for Best Actress. An intelligent and intriguing suspense thriller.

FROM THE TOP: Catherine Deneuve in *Belle de Jour*, Elizabeth Taylor in *Butterfield 8*, Elisabeth Shue in *Leaving Las Vegas*, Kathleen Turner in *Crimes of Passion*



Prostitutes in the movies

- *Leaving Las Vegas* (1995), U.S.A. Director: Mike Figgis. Starring: Nicholas Cage, Elizabeth Shue, Julian Sands. Ben (Cage), is an alcoholic who plans to drink himself to death after being fired from his job. In Las Vegas Ben meets Sera (Shue), a street-wise hooker with a heart of gold. Overlooking each other's faults, the two unexpectedly fall in love. An emotional and spectacular portrayal of some of the realities of prostitution. Cage won an Academy Award for his performance.
- *Never on a Sunday* (1960), Greece. Director: Jules Dassin. Starring: Melina Mercouri, Jules Dassin, George Foundas. Ilya (Mercouri) is a very honest, happy, and selective prostitute. Homer (Dassin), a romantic and naive American tourist, tries to show her "the error of her ways." The local crime boss would like Ilya to be less independent — and under his control, like the rest of the town's prostitutes. Ilya, however, likes her life as it is, and resists. This charming and joyous comedy provides a delightful lesson in humanity. Mercouri eventually became a Minister in the Greek government.
- *Nuts* (1987), U.S.A. Director: Martin Ritt. Starring: Barbara Streisand, Richard Dreyfus, Maureen Stapleton. Claudia (Streisand), a high-class prostitute, is charged with manslaughter for killing a client in self-defence. In an effort to avoid a public trial, her parents try to make her plead guilty by reason of insanity and have her committed. But the strong-willed Claudia resists, so that the truth may surface during the trial. Startling new evidence is revealed about her parents, her psychiatrist, and the public defender assigned to her. Streisand delivers a touching performance in this courtroom thriller, adapted from a 1980 Broadway production.
- *Pretty Baby* (1978), U.S.A. Director: Louis Malle. Starring: Brooke Shields, Keith Carradine, Susan Sarandon. This film — whose release scandalized the respectable — is set in a Storyville, New Orleans bordello in 1917. Raised in a brothel, Violet (Shields) is 12 years old when her virginity is auctioned off. Violet's painful transition from childhood innocence to adult sexuality becomes clearest when she marries the photographer with whom she has been infatuated. An incredibly artful, beautiful and slow film. Both Shields and Sarandon are superb.
- *The Best Little Whorehouse in Texas* (1982), U.S.A. Director: Colin Higgins. Starring Dolly Parton, Burt Reynolds, Dom DeLuise. Miss Mona (Parton) is the madam of the Chicken Ranch, a 100-year-old Texas brothel that subsidizes the town's hospital and Little League team. Through her innate charm and goodness, Miss Mona makes her profession look like a respectable community service. The local sheriff, Ed (Reynolds), who is romantically involved with Miss Mona, is pressured to shut her house down. This raucous and silly musical comedy was adapted from a popular 1978 Broadway production. Based on a true story by Larry Hill about the 1973 closing of a real-life bordello in LaGrange, Texas, published in *Playboy*.



- *Yesterday, Today and Tomorrow* (1964), Italy. Dubbed in English. Director: Vittorio De Sica. Starring: Sophia Loren, Marcello Mastroianni. Loren plays a different character in each of three short, unrelated tales, always using sex to get what she wants. In the final vignette, she portrays a beautiful high-class prostitute, and performs a breathtaking striptease. Bothered by her conscience when a young seminary student falls in love with her, she is determined to set the young man back on the road to God. Won the Academy Award for Best Foreign Film.

Film favourites featuring hustlers

- *Alexander: The Other Side of Dawn* (1977), U.S.A. Director: John Erman. Starring: Leigh J. McCloskey, Eve Plumb. Alexander (McCloskey) is an Oklahoma farm boy who takes to the streets of L.A., where he works as a prostitute. After falling in love with Dawn (Plumb), Alexander strives to escape his dead-end world and begin life anew. A made-for-TV movie devoted to the exploits of a teenaged boy, *Alexander* is a follow-up to *Dawn: Portrait of a Teenage Runaway* (1976), which focused on the sordid descent of a young girl into crime and prostitution.
- *My Own Private Idaho* (1991), U.S.A. Director: Gus Van Sant Jr. Starring: River Phoenix, Keanu Reeves, James Russo. The mayor's rebellious son Scott (Reeves) goes slumming with Mike (Phoenix), a down-and-out hustler whose narcoleptic attacks during times of stress keep him from holding down a job. At an early age Mike was separated from his prostitute mother when she was placed in a mental hospital. Whenever Mike falls unconscious he is transported to his childhood, where he has vague memories of a comforting mother. But each time when he wakes, he keeps finding himself on the same stretch of highway near his boyhood home in Idaho. Very loosely adapted from Shakespeare's *Henry IV*.

FROM THE TOP: River Phoenix in *My Own Private Idaho*, Tygh Runyan and Nick Stahl in *Twist*, Brendan Fehr and Andre Noble in *Sugar*, Dustin Hoffman and Jon Voight in *Midnight Cowboy*



Prostitutes in the movies

- *Midnight Cowboy* (1969), U.S.A. Director: John Schlesinger. Starring: Jon Voight, Dustin Hoffman, Sylvia Miles. Joe Buck (Voight) is a good looking Texas cowboy who naively believes he will make his fortune as a high-paid street gigolo in New York. But Buck never finds his well-to-do female clientele. Instead, he becomes a down-and-out drifter. He is befriended by Ratso Rizzo (Hoffman) — a sleazy, small-time con man with big dreams — and the two are bonded in a powerful friendship. The first and only X-rated film to win an Academy Award for Best Picture, it also won awards for Best Director and Best Adapted Screenplay. In addition, both Voight and Hoffman won Academy Awards for Best Actor, and Miles won one for Best Supporting Actress. A poignant and ultra-realistic tragic drama, adapted from a novel by James Herlihy.
- *Twist* (2003), Canada. Director: Jacob Tierney. Starring: Joshua Close, Nick Stahl, Gary Farmer. Dickens's classic *Oliver Twist* is retold by Dodge (Stahl), a veteran street hustler living in a dilapidated rooming house in Toronto. Upon meeting young Oliver (Close), the otherwise misanthropic Dodge takes pity on him and guides him through the underworld of male prostitution, recruiting the beautiful blond boy on the one hand and trying to protect him on the other. Haunted by his traumatic past, Dodge turns violent whenever anyone tries to show him affection, while Oliver is clearly falling for him. A rather grim, gloomy film. 🍁
- *Sugar* (2004), Canada. Director: John Palmer. Starring: Andre Noble, Brendan Fehr, Haylee Wanstall. Cliff (Noble) receives a bottle of booze and a joint for his 18th birthday from his 12-year-old sister (Wanstall), who tells him to go out and lose his virginity. He heads to downtown Toronto, where he finds Butch (Fehr), a sexy and sympathetic hustler. Cliff falls in love. But Butch turns out to be emotionally unstable and addicted to crack, and never loves Nick back. Nick discovers that life on the street is not as alluring as he thought. Noble delivers a heartbreaking performance in this bittersweet coming-of-age story. Adapted from a series of short stories by Bruce La Bruce. 🍁
- *Bad Education* (2004), Spain. Director: Pedro Almodóvar. Starring: Daniel Giménez Cacho, Fele Martínez, Gael García Bernal. Enrique (Martínez) is a successful filmmaker desperate for a story. A grade-school friend, Ignacio (Bernal), shows up with a manuscript recounting the story of their relationship and Ignacio's sexual abuse by Father Manolo (Cacho). Enrique is enthralled, seeing the scenes in his imagination. Ignacio demands to play the role of Zahara, a transsexual prostitute who poses as Ignacio's sister to blackmail Father Manolo with her brother's story. A sinister and ruthless example of *film noir*.



Canada's anti-prostitution laws: 1839-2005

1839

Lower Canada allows police to arrest prostitutes

In Lower Canada (now the province of Quebec) the police are authorized to arrest "all common prostitutes or night-walkers wandering in the fields, public streets or highways, not giving a satisfactory account of themselves." This law is aimed solely at women. No specific offensive act or behaviour is required in order for a woman to be detained. Persons in the habit of "frequenting houses of ill-fame" can also be arrested.

1851-1881

Cities pass by-laws to control prostitutes, clients

Many Canadian municipalities pass new by-laws to suppress houses of prostitution, prostitutes, inmates (brothel workers) and frequenters (brothel users).

1858

Lower Canada and Upper Canada are united. Legislation authorizing the arrest of inmates of bawdy houses is extended throughout this new Province of Canada.

1865

New law says detain diseased prostitutes

The *Contagious Diseases Act* is designed to protect military men from venereal diseases. The statute authorizes the detention of diseased prostitutes at certified hospitals for up to three months.

[This Act may never have been enforced, since no hospitals were ever certified to detain diseased prostitutes. It expired in 1870.]



Good-Time Girls of Dawson City (c.1890)

In 1997, Canada Post issued a series of stamps depicting Canada's gold rush. This one features a Dawson saloon and a "good-time girl." This stamp appears as a book illustration with the caption "Dawson, City of Gold! Meeting place of the Klondike. It supplied provisions and plenty of entertainment."

PHOTO: *The Klondike Official Guide*, William Ogilvie. Toronto: Hunter, 1898



Canada's anti-prostitution laws: 1839-2005

WOMEN OF THE WILD WEST

Books about the frontier's pioneers

- **Good Time Girls of the Alaska-Yukon Goldrush**
Lael Morgan. Vancouver: UBC Press, 1998
- **Wild West Women: Travellers, Adventurers and Rebels**
Rosemary Neering. Vancouver: Whitecap Books, 2000
- **Lilies & Fireweed: Frontier Women of British Columbia**
Stephen Hume. Vancouver: Raincoast Chronicles, 2004
- **Soiled Doves: Prostitution in the Early West**
Anne Seagraves. Hayden, Idaho: Wesanne Pub., Inc., 1994

1867

New federal laws target pimps, vagrants

The newly created federal government passes an act prohibiting "all persons from procuring the defilement of women under the age of 21..." The *Vagrancy Act* is also passed. It makes the following liable to arrest: "common prostitutes"; keepers of bawdy houses and houses of ill-fame; frequenters of such houses; and all persons who support themselves in whole or in part by the avails of prostitution.

1871

An act is passed requiring women convicted more than once under the *Vagrancy Act* to serve their sentences in the Quebec Female Reformatory. Minimum sentence is five years (in contrast to the maximum penalty under the *Vagrancy Act*: two months).

1874

The *Vagrancy Act* is amended to increase penalties to a maximum of six months of hard labour.

1880

Feds ban Native prostitutes

The federal government decides to regulate against the prostitution of Native women and *An Act to Amend and Consolidate the Laws Respecting Indians* is introduced. This Act prohibits the keepers of bawdy houses from allowing Native prostitutes on the premises.

1879-1899

New provincial institutions for girls "at risk"

Legislators begin to enact a rash of provincial statutes to remove young girls from the custody of parents who live in a socially unacceptable manner and to transfer them to newly established provincial institutions for girls.



1882

An Ontario Grand Jury recommends that imprisonment, as well as a fine, should be inflicted on keepers of bawdy houses; that present laws should be strictly enforced; and that "every publicity be given to those who frequent brothels."

1884

Bawdy-house ban now includes "tents, wigwams"

To ensure that Native Canadians can be convicted of being brothel keepers, the *Indian Act* (see 1880) is amended to state specifically that keepers of "tents and wigwams," as well as houses, fall within the bawdy-house provisions.

1886

An amendment to the *Indian Act* provides that every Indian who frequents a "disorderly house" — or tent or wigwam used for the purpose of prostitution — is liable. [*The federal government repeals this provision in 1887 and adds a new one meant to apply only to native women prostituting themselves.*]

An *Act Respecting Offences Against Public Morals and Public Convenience* is created, making it an offence to entice a woman into a brothel, or to knowingly conceal her. This Act also forbids men to seduce or have illicit connections with any woman of previously chaste character. Bawdy-house provisions are re-enacted, with additional prohibitions against being an inmate.

1892

New *Criminal Code* adds laws against "procuring"

The *Criminal Code of Canada* is enacted. The federal government adopts a statute against "procuring women for unlawful carnal connection" and makes it unlawful for parents or guardians to encourage the "defilement" of their daughters or wards. "Conspiracy to defile" is also prohibited. Provisions under the *Indian Act* are inserted into the *Criminal Code*, but restricted to unenfranchised Native women.



"Soiled Doves," 19th-Century American West

"Soiled doves," "sporting girls," "painted and bedizened women" and "women of the unfortunate class" were some of the terms used to refer to prostitutes. Brothels were known as "finishing schools," "sporting houses," or "houses of uneasy virtue," and were located on the outskirts of town.

Making Sex Work Safe, Paulo Longo, Cheryl Overs. Rio de Janeiro: Network of Sex Work Projects, 1997 (<http://www.nswp.org/safety/msws>)
PHOTO: Timothy Gordon Collection, Montana



Canada's anti-prostitution laws: 1839-2005



Mata Hari (1876-1917)

Born Margaretha Geertruida Zelle in Holland, Mata Hari (Malayan for "Dawn") claimed she was raised in Java by temple priests and taught to dance naked before being rescued by an English officer. Mata Hari's dancing (described as "hypnotic" and "charming") earned her rave reviews as she delighted audiences across Europe — including German officers during WWI.

Without a shred of evidence, the infamous courtesan was convicted of spying in France. Dressed in a long, grey dress and gloves, Mata Hari refused to be bound and blindfolded before being executed at dawn by firing squad.

An Underground Education, Richard Zacks. New York: Doubleday, 1997

1907

Bawdy-house ban expands definition

The definition of a bawdy house is amended to include "a house, set of rooms or place of any kind kept for the purposes of prostitution or occupied or resorted to by one or more persons for such purpose."

1909

'Procuring' laws expand, penalty increases

The maximum penalty for procuring women increases from two to five years.

1913

The procuring provisions are extended to include everyone who "on the arrival of any woman or girl in Canada, directs her to any common bawdy house," or who, "for the purposes of gain, exercises control, direction or influence over the movements of any woman or girl in such a manner as to show that he is aiding, abetting or compelling her prostitution with any person or generally." The procuring penalty is increased to include whipping on second and subsequent convictions.

A man who lives off the avails of the prostitution of another person is subjected to a reverse-onus clause: "Where a male person is proved to live with or to be habitually in the company of a prostitute . . . and has no visible means of support, or to live in a house of prostitution, he shall, unless he can satisfy the court to the contrary, be deemed to be living on the earnings of prostitution."

"Everyone found in any disorderly house" is now subject to conviction. Proof is no longer required that the accused has "habitually frequented" a bawdy house.



1915

The maximum penalty for being an inmate of a common bawdy house is increased from six months to a year; keepers and inmates of bawdy houses convicted three or more times are required to serve a term of three months to two years.

1918

New law makes "corrupting children" a crime

The *Criminal Code* is amended to create a new federal offence of "corrupting children through such behaviour as indulging in 'sexual immorality' in the home."

1920

"Procuring" penalty increases

Penalty for procuring is increased to a maximum of ten years.

1931

Canada's laws now independent of U.K.

The *Statute of Westminster* gives Canada the power to enact its own laws, independent of Britain. The laws of Britain no longer apply to Canada unless adopted by Canada's Parliament.

1939

Homes can be bawdy houses

The Supreme Court of Canada (*The King v. Betty Cohen*) finds that the habitual use by one woman of her own premises for prostitution is sufficient grounds to convict for the offence of keeping a common bawdy house.

1947

New law bans "transporting"

The maximum sentence for keepers and inmates of bawdy houses is increased to three years. Another offence is added: "Everyone who knowingly takes or transports ... any other person to any common bawdy house is guilty of an offence and liable on summary conviction."



Prostitutes Perform at Paris Brothel (c. 1930)

Born Gyula Halász in Hungary in 1899, Brassai was once called the "Eye of Paris." Capturing Parisian night life with his photographs, he led the modern school of photography in France. Never before seen, Brassai's "secret photographs" were finally published in 1976. Over 150 photographs show the brothels, madams, pimps and opium dens where high society of the 1930s mingled with the underworld. The photos are accompanied by Brassai's own descriptions of the often extraordinary circumstances under which he took his photographs. (*Brassai, The Secret Paris of the Thirties*, Pantheon Books, 1976) He died in 1984.

Gentlemen's Quarterly, October 1976



Canada's anti-prostitution laws: 1839-2005



Gerda Munsinger (1926-1998)

A sensational sex-and-spy scandal broke in 1966, when it was revealed that several cabinet ministers had had affairs with Gerda Munsinger, an East German prostitute whom U.S. sources claimed was a spy. The scandal escalated when Munsinger was found alive in Germany, after the government had said she died of leukemia years before.

To draw attention away from the scandal, Prime Minister Pearson opened a debate on capital punishment while two terrorist bombers — members of the Québec Liberation Front — waited on death row. After riotous debate an initial vote retained the death penalty. However, the ensuing national debate led the government to abolish capital punishment in 1967.

PHOTO: *Vancouver Sun*, February 28, 1997

1968

The Supreme Court of Canada (*Patterson v. the Queen*) rules that isolated instances of prostitution do not make a place a common bawdy house. There must be evidence of habitual use.

1972

New law makes “soliciting” a crime

In force since 1867, “Vag-C” — the *Criminal Code* section used to arrest a “prostitute or night-walker who ... fails to give a good account of herself” — is repealed. It is replaced by a law stating that “Every person who solicits any person in a public place for the purpose of prostitution is guilty of an offence punishable on summary conviction.”

An Ontario County Court (*R. v. Patterson*) rules that only females can be prostitutes.

1973

The B.C. Supreme Court (*R. v. Obey*) rules that males can be prostitutes after all.

1978

Supreme Court ruling defines “soliciting”

The Supreme Court of Canada (*R. v. Hutt*) rules that the term “soliciting” refers to “pressing or persistent” conduct. Furthermore, a car is deemed not to be a public place. However, this is not binding, because it was not one of the grounds of the appeal brought before the court.

The B.C. Court of Appeal (*R. v. Dudak*) rules that a customer cannot be convicted of soliciting, and gives approval to the earlier Obey decision (1973) that a prostitute can be either female or male. The Ontario Court of Appeal (*R. v. DiPaola* and *R. v. Palatics*) rules that both customer and prostitute can be convicted of soliciting for the purpose of prostitution.



Regarding the use of premises, the Ontario Court of Appeal (*R. v. Ikeda and Widjaja*) rules that use of the same room twice in one night for the purpose of prostitution is not sufficient to brand a place as a common bawdy house.

1980-1982

Cities pass by-laws banning prostitution

Montreal, Calgary, Vancouver, Niagara Falls and Halifax enact by-laws dealing with street prostitution. The content of all five by-laws is quite similar. The first, enacted in the City of Montreal in 1980, forbids remaining in a public place (any place to which the public has access, by right or explicit or implicit invitation) for the purpose of prostitution, or approaching others for the same purpose in such a place. The Calgary by-law enacted in 1981 forbids being, remaining or approaching another on a street for the purpose of prostitution. Punishment consists of substantial fines, increased for subsequent offences. This by-law becomes the model for subsequent ones. Vancouver, Niagara Falls and Halifax enact their by-laws in the spring of 1982.

1981

The Montreal by-law is declared "*ultra vires*" — beyond {Montreal's} jurisdiction — by the Superior Court of Québec. The Supreme Court of Canada rules in *R. v. Whitter* and *R. v. Galjot* that the term "pressing or persistent" refers to the practice of repeatedly soliciting the same person.

1982

The B.C. County Court of Cariboo (*R. v. Wise*) finds a motor vehicle to be a public place. The Alberta Court of Appeal (*R. v. Cline*) holds that a person who is already a prostitute cannot be procured (lured into prostitution). The Ontario Court of Appeal (*R. v. Pierce and Gollaher*) holds that a parking space habitually resorted to by a prostitute in various motor vehicles belonging to her customers can be deemed a bawdy house.



The Penthouse Dinner Club (1941)

Formerly the home of Diamond Cabs (1019 Seymour St.), Joe Philliponi opened a club to teach boys how to box — the Eagle Time Athletics Club — in 1945. Upstairs they opened a dinner club, where customers could drink and enjoy burlesque entertainers and live music. Vancouver was famous for such nightclubs: The Cave, Isy's Supper Club, the Kobenhavn and the Zanzibar. Police raids in search of liquor and vice were so routine that clubs had buzzers to alert customers to hide their bottles.

In the 1950s and 1960s, The Penthouse featured such famous acts as Harry Belafonte, Ella Fitzgerald and Sammy Davis Jr. On any given night, as many as 100 hookers frequented the club, in search of clients.

In 1975, undercover police closed The Penthouse (and one other club), and charged the owners with keeping a bawdy house. All of the owners appealed, and their convictions were overturned. The Penthouse reopened in 1979 and still operates today, featuring exotic dancers.

PHOTO: Heritage Vancouver Society
(<http://www.vcn.bc.ca/hrtgvanc/social.htm>)



Canada's anti-prostitution laws: 1839-2005



Julia Soaemias Bassiana (180-222 A.D.)

In 218, Rome's Emperor Macriims was killed in a battle that delivered the throne to Julia's 13-year-old son, Elagabalus, in a victory engineered by Julia. Upon his first audience with the senate, the young emperor gave orders inviting his mother into the senate-chamber, where women had never been allowed. Elagabalus was wholly under his mother's control and Julia, a notorious harlot, became *de facto* ruler of Rome. She took a place in the senate, making herself president of a female parliament which regulated the morals, dress, and etiquette of matrons. Julia's lewd manner quickly made her unpopular. She and her son were killed by the Praetorian Guard, March 11, 222, and her body was thrown into a sewer. She was later declared a public enemy, and her name was erased from all records.

ILLUSTRATION: Miniature showing Julia Soaemias murdered from an illuminated manuscript by Giovanni Boccaccio, 1313-1375.

(New York Public Library: <http://digitalgallery.nypl.org>)

1983

Men can be prostitutes under new law

Bill C-127, proclaimed January 4, 1983, makes several changes to the *Criminal Code*:

- "prostitute" now means "a person of either sex engaging in prostitution"
- any person (regardless of gender) who is not a common prostitute or a person of "known immoral character" is protected under the procuring section
- any person (regardless of gender) living on the avails of prostitution is liable
- a person can be convicted of procuring upon the evidence of only one witness

The Supreme Court of Canada (*Westendorp v. the Queen*) finds the Calgary by-law to be invalid and *ultra vires* of the power of the City of Calgary.

The Justice Minister tables in the House of Commons proposals to amend the soliciting section of the *Criminal Code*. The Proposed amendments would make prospective customers liable to soliciting charges, and would include within the definition of a "public place" a motor vehicle "in or on a public place." The Minister also announces the creation of a special committee to make further recommendations on both prostitution and pornography. The committee is to report its findings no later than December 31, 1984.

1984

B.C. Justice McEachern grants the city a "Quiet Zone" injunction, to prohibit prostitution in Vancouver's West End, in response to complaints about nuisance and traffic congestion (*A.G.B.C. v. Couillard*).



1985

New law makes “communicating” a crime

Bill C-49 (see Page 29) replaces Section 195.1 of the *Code*. C-49 states that “Every person who, in a public place or open to public view, stops or attempts to stop any motor vehicle, blocks any pedestrian traffic going into or out of any building, stops or attempts to stop any person or in any manner communicates or attempts to communicate with any person for the purpose of engaging in prostitution or of obtaining the sexual services of a prostitute, is guilty of an offence punishable on a summary conviction.” “Public places” include any place to which the public has a right of access by invitation (such as clubs, hotels, apartment lobbies and motor vehicles).

1986-1988

Arrests spark national protests

On January 18, 1986, a nationwide street demonstration calling for the review and repeal of Bill C-49 brings out 100 prostitutes and their supporters in Vancouver, 50 in Toronto, 30 in Calgary, 60 in Montreal, and 25 in Ottawa. By February 19, 1986, 117 women and 57 men have been arrested in Vancouver; 180 women and 53 men in Toronto; and 22 women in Calgary. Several lower provincial courts rule that C-49 infringes on freedom of association and freedom of expression and therefore is of no force (because it violates the *Charter of Rights and Freedoms*). These rulings are later overturned at appeal. Decisions rule that any *Charter* infringements are “reasonable limits demonstrably justified in a free and democratic society.” *R. v. Cunningham* (1986) (Manitoba Provincial Court), *R. v. Skinner* (1987) (Nova Scotia Court of Appeal), *R. v. Jahelka*; *R. v. Stagnitta* (1987) (Alberta Court of Appeal), *R. v. Smith* (1988) (Ontario Provincial Court).

1989

New law targets “proceeds of crime”

Parliament enacts Bill C-61, the *Proceeds of Crime Act*. For the first time in Canada it is an offence for anyone, including bank officials, to participate or knowingly assist in the laundering of proceeds obtained from criminal activity.

1990

Supreme Court upholds new laws

The Supreme Court of Canada upholds the bawdy-house and communicating sections of the *Criminal Code*, overturning the Nova Scotia Court of Appeal decision in *R. v. Skinner*.



Canada's anti-prostitution laws: 1839-2005

1993

New law outlaws child porn

Parliament passes Bill C-128, a new child pornography law, which police immediately use to arrest and detain dozens of male sex workers in Toronto and London, Ontario — including youths under 18 years of age.

1997

Parliament passes Bill C-27, *An Act to Amend the Criminal Code (Child Prostitution, Child Sex Tourism, Criminal Harassment and Female Genital Mutilation)*.

1998

Manitoba amends its *Highway Traffic Act* to give police the power to seize the cars of drivers found communicating in known prostitution areas.

1999

"Secure care" law upheld by Alberta court

Alberta passes the *Protection of Children Involved in Prostitution Act*. An Alberta Provincial Court rules that the law violates the *Charter of Rights and Freedoms*. The case goes to appeal, and the Court of Queen's Bench of Alberta overturns the lower court ruling.

2000

Alberta passes a second act to amend the 1999 legislation. Ontario passes the *Protecting Children from Sexual Exploitation Act*, which gives police and child welfare workers the power to detain anyone under 18 considered to be at risk for prostitution. B.C. passes similar legislation: the *Secure Care Act*. Nova Scotia amends its *Motor Vehicles Act* to allow the seizure of vehicles used for prostitution-related offences. Saskatchewan and Nova Scotia each pass a *Protection of Children Involved in Prostitution Act*. Ontario passes the *Remedies for Organized Crime and Other Unlawful Activities Act*, giving courts the power to seize property deemed to be an instrument in, or proceeds of, unlawful activity.

2001

New anti-trafficking law complies with U.N. protocol

Parliament passes Bill C-11, the *Immigration and Refugee Protection Act*, which replaces the former *Immigration Act* and creates a new offence to deal with trafficking in persons (in compliance with the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*).



2002

Parliament passes Bill C-20, *An Act to Amend the Criminal Code (Protection of Children and Other Vulnerable Persons) and Canada Evidence Act*, which changes the rules for cross-examining under-age prostitutes and victims of child abuse, allowing for video testimony.

2004

Parliament introduces Bill C-42, *The Public Safety Act*, which includes a new offence — trafficking in persons — with very high maximum penalties (again, in keeping with the United Nations protocol).

2005

In April the first charges under the 2001 *Immigration and Refugee Protection Act* are laid — against the manager of King City Massage Parlour, southeast of Vancouver. Maximum penalties include life imprisonment and \$1 million in fines.

REFERENCE: *Pornography & Prostitution*, Canadian Advisory Council on the Status of Women, 1985

CANADIAN LEGAL RESOURCES ON-LINE

Including court rulings, trial transcripts and criminal laws.

→ **Canadian Legal Information Institute**

Published judgments from federal and provincial courts

<http://www.canlii.org>

→ **Department of Justice Canada**

Search all major federal laws, or access such educational booklets as

The Legislative Process, Canada's Court System, Canada's System of Justice
and *Guide to Making Federal Acts and Regulations*

<http://canada.justice.gc.ca>

→ **Supreme Court of Canada Reports of Published Judgments**

From 1983 up; provided by the University of Montreal

<http://www.lexum.umontreal.ca/csc-scc/en>

→ ***Trials of the Sex Trade: A Survival Guide to Canada's Legal Jungle***

Six easy-to-read booklets, fun illustrations; published in 1994

http://www.walnet.org/csis/legal_tips/trials



Simply put: some basic legal rights and freedoms in Canada

On April 17, 1982 Canada's *Constitution Act* was signed by Queen Elizabeth II and Prime Minister Pierre Trudeau and it became the highest law in the country. All government services, departments and agencies in Canada — whether federal, provincial, territorial, regional or municipal — must respect the rights and freedoms guaranteed in the Constitution's *Charter of Rights and Freedoms*. Under it, laws that are inconsistent with the *Charter* can be declared unconstitutional and struck down by a court of law.

In addition, each province and territory also has its own *Human Rights Code*, which guarantees that businesses providing services to the public, as well as employers and landlords, cannot discriminate against you. These are some of your guaranteed rights and freedoms:

Fundamental freedoms

- Everyone has the right to worship, or not, as she or he wishes, in the place of worship of her or his choice.
- Everyone has the right to have her or his own thoughts, beliefs and opinions, and the right to communicate, publish and broadcast them.
- Everyone has the right to gather in peaceful groups, and to associate with whom she or he chooses.

Democratic rights

- Every citizen of Canada has the right to vote and to be qualified to run in a federal election.

Mobility rights

- Every citizen of Canada has the right to enter, remain in, and leave Canada, and to live and seek work in any province.

Legal rights

- Everyone has the right not to have her or his life, freedom, or security taken from her or him — except in accordance to the principles of fundamental justice.

Search or seizure

- Everyone has the right not to be searched and not to have her or his property taken away without good reason.



Simply put: some basic legal rights and freedoms in Canada

Canada's New *Constitution Act* Becomes Law (April 17, 1982)

Her Majesty Queen Elizabeth II signs the official proclamation of the *Constitution Act* on Parliament Hill, together with then Prime Minister Pierre Trudeau. The official ceremony marked Canada's final step to full independence, when the *Constitution Act* replaced the *British North America Act* (passed by British Parliament in 1867) as the highest law in all of Canada. The new *Charter of Rights and Freedoms* replaced the old Canadian *Bill of Rights*, which had been enacted in 1960.

PHOTO: National Archives of Canada
(<http://www.canadianheritage.org>)



Detention or imprisonment

- Everyone has the right not to be arbitrarily detained or imprisoned.

Arrest or detention

If you are arrested, you have the following rights:

- to be promptly told why you have been arrested
- to contact a lawyer as soon as possible
- to have the validity of the detention determined by way of "*habeas corpus*" (you appear before a judge who decides whether the charges are lawful), and to be released if the detention is unlawful

Court

If you are charged, you have the following rights:

- to know the charge as soon as possible
- to be considered innocent until proven guilty
- not to be denied bail without just cause
- to have a public and impartial trial within a reasonable amount of time
- if finally acquitted of a criminal offence, or if finally found guilty and punished for a criminal offence, not to be tried for it again
- to have assistance from an interpreter during any court proceedings conducted in a language you don't understand or speak, or if you are deaf



Simply put: some basic legal rights and freedoms in Canada

Punishment/fair treatment

- Everyone has the right not to be punished, and not to be treated cruelly or unnaturally.

Self-incrimination

- Everyone has the right not to testify against her- or himself, as long as she or he doesn't give false or contradictory testimony.

Equality

- Everyone is equal under the law and has the right to equal protection under the law, free of discrimination based on race, ethnic origin or nationality, colour, religion, sex, age, or mental or physical disability.

Enforcement

- Anyone whose rights or freedoms are denied has the right to seek justice in court.
- Everyone has the right not to be detained illegally and to apply to have the legality of her or his detention reviewed by a judge.

Limits on rights and freedoms

- Any of the rights and freedoms guaranteed in Canada's *Charter* can be limited by laws, if the limitation is justified in a free and democratic society, as determined by the Supreme Court of Canada. For instance, the *Criminal Code* limits free speech in cases where opinions are considered to incite hatred.

MORE ON CANADA'S CHARTER OF RIGHTS & FREEDOMS

Resources about constitutional law and how it works in court

→ **See Canada's Official *Charter of Rights and Freedoms***

<http://www.walnet.org/csis/reports/charterrights.html>

→ ***Constitutional Law* (3rd Edition)**

By The Constitutional Law Group. Toronto: Edmond Montgomery Pub., 2003

<http://www.emp.on.ca/books/85-3.html>

→ **Canadian Civil Liberties Association**

<http://www.ccla.org>



Who's in charge of what?

If sex businesses were legal in Canada, they would be subject to all the rules and regulations governing other businesses, as well as any additional specific laws that any level of government — within its powers — might pass to further regulate sex businesses. It's not always clear which legal areas fall under which government jurisdiction. Often there are layers of laws (such as labour codes and building codes) whereby national and provincial/territorial — and sometimes municipal — rules and standards that must be followed.

Federal and provincial/territorial powers are outlined in the *Constitution Act, 1867*. The federal government is empowered to deal with matters of national importance that transcend provincial/territorial borders, such as “peace, order and good government of Canada.” These matters include national defence, foreign affairs, immigration, banking and the national currency, international trade, intellectual property and criminal law. Provincial governments are empowered to deal with regional matters such as provincial taxation, natural resources, education, social programs (such as welfare and health care) and rights related to private property and commerce. There are also many areas of joint federal/provincial responsibility. For example, the federal government has jurisdiction over transportation matters that involve movement across provincial/territorial or national borders (aviation, marine transport, rail), but provinces control vehicle registration and licensing.

- **The Constitution Act, 1982** is the highest law in all of Canada. All government services, departments and agencies in Canada — whether federal, provincial/territorial, regional, or municipal — must respect the rights and freedoms guaranteed in the Constitution's *Charter of Rights and Freedoms*.
- **Canada's federal laws**, in force throughout the country, include the *Criminal Code of Canada*, the *Narcotics Control Act*, the *Food and Drugs Act*, the *Controlled Drugs and Substances Act*, the *Bankruptcy and Insolvency Act*, the *Competition Act*, the *Bank Act*, the *Patent Act* and the *Trademarks Act*.
- **Provincial laws** govern public health (Public Health Acts) and the administration of health care (such as hospital management), traffic and highways, (Motor Vehicles Acts), policing (Police Acts), primary and secondary education (Education Acts), social and family services, liquor control and licensing, and motion picture classification. Municipal powers allowing cities and towns to pass by-laws are also dictated by provincial laws (Municipalities Acts).
- **Municipal (city) by-laws** deal with such matters as business licences, business and building zoning, fire regulations, municipal land use, water use, property taxes, waste collection and disposal, and nuisances (i.e., dog and pet control, noise).



Law reform elsewhere

In Greece, Hungary and Turkey, state-licensed brothels are the only venues for legal prostitution. Since 2002, payment for legal brothel work in Germany's "eros centres" has included health insurance and a pension plan. For years, licensed brothels have been legal in several Australian states, as well as in Nevada, U.S.A. The Netherlands (in 2000) and New Zealand (in 2003) both changed their laws to permit the legal operation of sex businesses.

In 1999, Sweden changed its laws to make it a crime for customers to purchase sex. However, selling sexual services is not against the law. In September 2003, South Korea enacted and enforced new laws outlawing brothels (which were previously allowed in designated areas). In one month, police arrested a total of 4,365 people, including 660 sex workers, 849 managers and 2,352 clients.

Law reform in The Netherlands

Amsterdam has long been famous for its red-light district — streets lined with shop windows, a prostitute on display in every one — even though brothels were against the law. In October 2000, The Netherlands lifted its century-old ban on brothels and allowed sex businesses with official permits to operate legally. Under the new law, local authorities can limit the number of sex businesses in the municipality and dictate the hours of operation. They also enforce standards for safety, sanitation and bookkeeping. Sex businesses are forbidden to employ minors, to force workers to perform sexual acts to which they don't consent, and to employ sex workers who do not have work permits (so as to prevent illegal immigrants from working in the sex industry).

Law reform in New Zealand

In 2003 the British Commonwealth nation of New Zealand replaced all its old laws prohibiting prostitution with a single *Prostitution Reform Act*. Before, New Zealand — like Canada — did not outlaw prostitution, but instead outlawed actions associated with prostitution, such as soliciting, procuring and brothel-keeping. Now sex workers can request employment contracts and are protected by labour and health and safety laws. Each municipality must provide zoning for sex businesses. The *Prostitution Reform Act* allows sex workers to work without a licence, and requires employers be government-certified and ensure that sex workers and clients use condoms. The act permits "small owner-operated brothels" that employ no more than four sex workers. Workers must be at least 18 years, and each retains control over her or his individual earnings. As well, standards for safety, sanitation and bookkeeping must be met. Actively involved throughout the law reform process, the New Zealand Prostitutes' Collective now holds three of 11 seats on the Prostitution Law Review Committee. In 2008, the Committee will report on the law's effectiveness. For more information about New Zealand's *Prostitution Reform Act*, see: <http://www.legislation.govt.nz>.



Law reform in Canada

The *Charter of Rights and Freedoms*

In 1978, the Supreme Court of Canada determined that soliciting must be “pressing and persistent” to be illegal (*Hutt v. the Queen*). The Court’s narrow definition of soliciting made the law difficult to enforce. Major Canadian cities — including Vancouver, Calgary, Ottawa and Halifax — then passed their own municipal by-laws banning prostitutes from soliciting on the street. In 1983 the Supreme Court determined that such city by-laws were an unconstitutional invasion of federal authority in relation to the criminal law (*Westendorp v. the Queen*, 1983).

In 1985, the Special Committee on Pornography and Prostitution (the Fraser Committee) published a two-volume report listing 15 recommendations, including changes to the *Criminal Code*. However, few of the Committee’s recommendations have ever been implemented. For example, the report recommended that the bawdy-house section of the *Code* be amended to allow for “a prostitution establishment licensed and operated in accordance with a regulatory scheme established by the provincial or territorial legislature in that jurisdiction.” This, of course, never happened.

In December 1985, Canada enacted Bill C-49 (criminalizing “communicating for the purpose of prostitution”), following a campaign by police-led residents’ associations for a new, enforceable law. Several provincial courts ruled that the new law violated the *Charter*. But in 1990, the Supreme Court ruled that the law was warranted, because prostitution was a “social” or “public” nuisance. The two dissenting justices argued that disruption — even when it is more than an individual problem and has assumed the proportions of a “social” nuisance — is not necessarily a criminal harm. They said the law was “not a proportionate way of dealing with the public or social nuisance.” Ottawa Mayor Marion Dewar — the only mayor to oppose the law — argued before the court that “the results of street



Fiona Stewart (1962-1996)

Fiona Stewart’s troubles began when she was picked up off the street by an off-duty cop who — Sgt. Brian Whitehead — who coerced her into sex by threatening to arrest her. He then kept phoning her, demanding sex, until she reported him to police.

With Stewart’s cooperation, Internal Affairs set a trap in her home and arrested him. But he was released without criminal charges ever being filed. He pleaded guilty to *Police Act* charges, and was demoted. Stewart pursued the matter until, finally, she testified before the *Inquiry into Administration of Internal Investigations*, as “Jane Doe.”

Stewart was forced into the Witness Protection Program following a late-night beating, in a dark parking lot near her home, by two men claiming to be police officers. In court, “Jane Doe” faced personal attacks on her character. At home, she lived in constant fear.

Fiona Stewart was a respected housing activist who founded a non-profit housing project for battered women and served on a number non-profit boards of directors. She died at home, unexpectedly, at the age of 34.

PHOTO: Konnie Reich (http://www.walnet.org/jane_doe)



Law reform in Canada



Pattaya Nightclub District, Thailand (2003)

Brothel districts flourish in Thailand, even though prostitution has been illegal since 1928. In 2003, the Thai government proposed legalizing the profession, to stem corruption and create new revenues from collecting taxes. Because prostitution is illegal, brothel owners and sex workers don't pay taxes. However, they do pay staggering amounts in bribes to police and officials. It's estimated that massage parlour owners alone pay a whopping \$114 million (U.S.) in bribes annually.

National Post, November 28, 2003

PHOTO: Nik Wheeler/CORBIS

soliciting are of a nuisance nature and relate to the enjoyment of public streets and private property, which can be addressed by municipal regulation."

Canada's federal prostitution laws have changed little since 1990. Meanwhile, public debate over the effectiveness of anti-prostitution laws continues. There is growing concern about whether the enforcement tactics used by police result in more harm than good.

Who needs law reform?

Law reform means that a law (or group of laws) is (or are) examined and updated to reflect the reality and values of contemporary society. Laws can be repealed (removed completely from the *Criminal Code*) or amended (sections deleted and/or added), and new laws can be written.

E-02: Should Canada's prostitution laws be reformed?

- ☐ yes
 - ☐ no
 - ☐ don't know
-

You talkin' to me?

In Canada anyone in a public place or in public view who communicates or tries to communicate in order to have sex for money is breaking the law. Section 213 of the *Criminal Code* (the "communicating law") makes it a crime to impede traffic or stop pedestrians in order to offer or request sexual services. In order to enforce Section 213, police officers have little option but to dress as prostitutes or potential clients and attempt to entice people into communicating about sexual services. The communicating law makes it a crime to negotiate for sexual services in any public area, including the street, a car on a public road or parking lot, a bar, a hotel lobby or a restaurant.



Jumbo Club Dance Hall (c. 1905)

"Dance hall girls, all elegantly dressed, line up decorously for a picture outside their place of business in the boom mining town of Goldfield, Nevada. Gold was discovered near the town in 1902, creating a rush in 1903-1910."

"The Frontier's Fabulous Women," LIFE Magazine, May 11, 1959



In Sweden, selling sexual services is not against the law, however, laws passed in 1999 does make it a crime for customers to purchase sex. Canada's parliamentary Subcommittee on Solicitation Law Reform has been asked to consider this option when making its recommendations regarding possible changes to Section 213. However, such a discriminatory law could be a violation of the *Charter of Rights and Freedoms*.

In April 2005, Hungary announced it was considering special shopping malls where sex workers can pick up clients. In some Asian countries, such as Thailand, brothels and bars hire people to solicit customers on the streets and lead them inside. In Canada, many retail businesses (such as fast food outlets) solicit shoppers and hand out coupons. If the bawdy-house laws were repealed, legal sex businesses would still be prohibited from soliciting, even though other types of businesses can legally employ this form of public advertising.

E-03: *If you could change Section 213 of the Criminal Code (the communicating law), which one of the following options would you choose?*

- ☐ *repeal it (remove it from the Criminal Code)*
 - ☐ *keep it, but change the law so that aggressive soliciting and impeding traffic are prohibited for all types of businesses*
 - ☐ *change the law, so that only prospective customers can be charged (but sex workers cannot be charged)*
 - ☐ *leave it unchanged*
 - ☐ *none of the above*
 - ☐ *don't know*
-





Elizabeth Spedding (1915-1995)

Canada's most famous madam, Elizabeth Spedding, started work at the age of 17, with modelling gigs and "personal favours" for extra cash. Soon after, she moved from Regina to New York, to work as a high-class call girl. There, she met movie stars and even a U.S. president.

In 1951, Spedding married a Romanian Count and became "the Contessa." In 1979, the Contessa was busted and convicted in Toronto, for running a successful escort service. Well-liked by all her girls, she continued to work as a madam well into her 70s. Proud of her profession to the last, she died of cancer at the age of 80.

PHOTO: *Globe and Mail*, December 23, 1995

Off to work

Section 210 of the *Criminal Code* makes it illegal to own, operate, or be found in a "common bawdy-house."

Section 211 makes it a crime to transport anyone to a "bawdy-house." A "bawdy-house" is any premises used regularly for the purpose of prostitution or indecent acts (such as group sex). For sex workers to have a legal place to work, the bawdy-house laws would have to be repealed or amended.

E-04: If you could change Sections 210 and 211 of the Criminal Code (the bawdy-house laws), which one of the following options would you choose?

- ☐ repeal them
 - ☐ keep them but alter them so as to permit some form of legal workplace for sex workers
 - ☐ strengthen them, so as to ensure that sex businesses are strictly prohibited in Canada
 - ☐ leave them unchanged
 - ☐ none of the above
 - ☐ don't know
-

Who's the boss?

In Canada, the management of a sex business that employs anyone but the worker her- or himself is against the law. Section 212 of the *Criminal Code* (the "procuring law") makes it a crime to enable, facilitate or employ someone to work as a prostitute. It's also illegal to be paid or accept money for assisting someone to work as a prostitute. As well, the procuring laws make it illegal to live with, or be "habitually in the company of" a prostitute — unless you can prove you gain no financial reward for doing so.

The procuring law outlaws managers (or madams) of sex businesses, as well as any business partnerships or co-operative ventures that involve the operation of a sex business. In order for someone to perform managerial



tasks for a sex business — such as placing advertising, answering phone calls, ordering supplies or specialized work gear, recruiting and hiring, or administering payroll — Section 212 would need to either be repealed or radically amended.

E-05: *If you could change Section 212 of the Criminal Code (the procuring law), which one of the following options would you choose?*

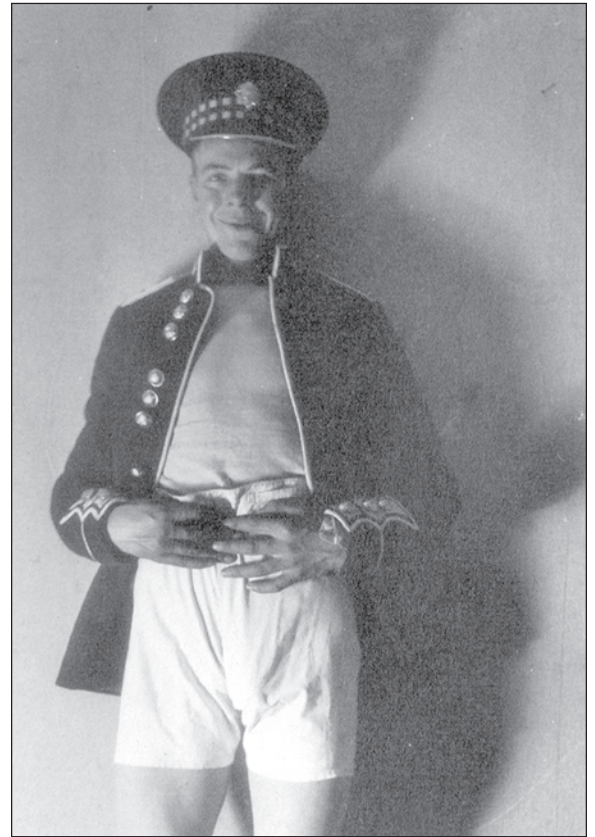
- ☐ *repeal it*
- ☐ *keep it, but alter it to permit some legal form of sex business management*
- ☐ *strengthen it, so as to ensure that no one in Canada can be forced or coerced into prostitution*
- ☐ *leave it unchanged*
- ☐ *none of the above*
- ☐ *don't know*

How old are you?

Section 212 also makes it a crime to pay someone under the age of 18 for sex. Other laws make it illegal to sell sexually explicit materials to anyone under the age of 18. In Canada, the age of consent for sex is 14. In most provinces, the legal working age is 15.

E-06: *Let's say the procuring law has been repealed. At what age should you be allowed to work as a sex worker?*

- | | |
|--|--|
| <input type="checkbox"/> <i>never</i> | <input type="checkbox"/> <i>18</i> |
| <input type="checkbox"/> <i>14</i> | <input type="checkbox"/> <i>19</i> |
| <input type="checkbox"/> <i>15</i> | <input type="checkbox"/> <i>20</i> |
| <input type="checkbox"/> <i>16</i> | <input type="checkbox"/> <i>21</i> |
| <input type="checkbox"/> <i>17</i> | <input type="checkbox"/> <i>don't know</i> |
| <input type="checkbox"/> <i>other (please specify)</i> | |



British Soldier Prostitute (c. 1930s)

"By the 19th century the tradition of the soldier prostitute had become widespread.... On any evening, the street corners, or the promenades of the Music Halls and cheap theatres of London and other cities, showed the fine flower of the British Soldier prostitute, dressed in his best uniform, clean shaven, well groomed and handsome... Soldiers were found to have been working along with Post Office messenger boys in the homosexual brothel in Cleveland Street, which became notorious when exposed in 1889."

A Class Apart: The Private Pictures of Montague Glover, James Gardiner.
London: Serpents Tail, 1992





Mug Shots of Victoria Prostitutes (1909)

"The four women in these photographs, smiling and well-dressed, were arrested in Victoria in the same week of June 1909, probably charged in a politically motivated clean-up. Interestingly, though one was charged with being an inmate of a house of prostitution, the keeper of the house was not arrested. From left, Nellie Anderson, age 30, was fined \$20; 20-year-old Mrs. Louis Cutter, a.k.a. Sadie Vernon or Sinclair, was fined \$25; 19-year-old Beatrice Ferguson was handed over to her mother; and 17-year-old Margaret Walker was sent home to New Westminster."

Wild West Women: Travellers, Adventurers and Rebels, Rosemary Neering.
Vancouver: Whitecap Books, 2000

PHOTO: Police Department Archives, City of Victoria

Other federal matters

What about criminal records?

Many sex workers end up with criminal records for prostitution-related offences at some point in their careers. In some Canadian cities, sex workers with criminal records are denied escort licences. As a result, sex workers with criminal records cannot work for licensed escort services or advertise in some daily newspapers.

E-07: *Let's say sex work has become a legal profession in Canada. Should sex workers with prostitution-related criminal records receive pardons for those records?*

- ☐ yes
 - ☐ no
 - ☐ don't know
-

Who pays income tax?

In Canada, it is against the law to fail to declare all of your total annual income for tax purposes, even if your earnings were from an illegal business. Some sex workers may not declare prostitution as their occupation to the government because they are afraid they will face criminal charges if they do.

E-08: *Let's say sex work has become a legal profession in Canada. Now that sex workers can declare their earnings without fear of prosecution, should they be immune from income tax audits for years prior to legalization?*

- ☐ yes
 - ☐ no
 - ☐ don't know
-



“Sin tax” on sex work?

Canada has “sin taxes” hidden in the retail prices of such controlled substances as alcohol and tobacco. Marketed as an economic deterrent for consumers, these extra taxes are also justified as a source of revenue needed to offset the additional costs of treating health problems attributed to these substances.

In Belgium, Germany and The Netherlands, sex workers are expected to charge a Value Added Tax, similar to Canada’s Goods and Services Tax (GST). In some cities in countries where sex work is legal, sex workers are required to pay special taxes in addition to regular income tax. For example, in Cologne, Germany, sex workers are taxed at a flat rate per month, regardless of how much or how little they actually make. Elsewhere in Germany, sex workers pay a higher rate than people working in other professions.

If sex work became legal in Canada, sex businesses — like all other businesses — would be required to charge and collect the GST. It could be argued that an additional special tax scheme for sex businesses is also necessary, to pay for badly needed services for workers and cover the costs associated with controlling and regulating the sex industry.

E-09: *Let’s say sex businesses are legal in Canada and that you are a sex worker. Should sex businesses be subject to a special tax scheme that covers the cost of regulating the sex industry and pays for special services and programs for sex workers?*

- ☐ *yes*
 - ☐ *no*
 - ☐ *don’t know*
-

Citizenship, immigration and work permits

Citizenship and Immigration Canada (CIC) and Human Resources Development Canada (HRDC) oversee the foreign workforce in Canada. Every year more than 90,000 foreign workers enter Canada and work temporarily. In almost all cases, you must have a valid work permit in order to work in Canada. An employer must first offer you a job. Then, the HRDC must confirm that a foreign national is allowed to fill the job, before you apply to CIC for a work permit. You cannot immigrate with a work permit. If you want to come and live in Canada as a permanent resident, you can see if you qualify for the Skilled Worker Program. There are 20 jobs exempt from the work permit requirement. Foreign workers do not need permits if they are visiting to do business, or if they are military personnel, performing artists, athletes, coaches, clergy persons, or news reporters. For more information about Citizenship and Immigration Canada, see <http://www.cic.gc.ca>.



In late 2003 the “StripperGate” scandal broke after it was revealed that strip club owners were using Ottawa’s temporary work visa program to bring in exotic dancers from impoverished countries, in order to fill the labour demand. The HRDC announced that it would scale back the program, and that employers would be required to prove the existence of a labour shortage. Six hundred and sixty-one strippers took advantage of the temporary work permit program during 2004, almost all of them from Romania.

Club owners threatened to launch a class action suit against the government for arbitrarily stopping the flow of international labour. “This is purely a political decision and not driven by economics. The market demand for exotic dancers is still there,” said Vancouver immigration lawyer Richard Kurland.

Two subsections of Section 212 of the *Criminal Code* (the procuring law) make it a crime to hire or assist someone from outside Canada to work in a sex business. Subsection “f” states that no one shall, on the arrival of a person in Canada, direct or take or cause that person to be taken to a common bawdy house. Subsection “g” prohibits anyone from procuring a person to enter or leave Canada for the purpose of prostitution.

Municipal by-laws

Got a licence for that?

In cities and most towns, any business is required to have a business licence permit. Municipalities have business by-laws regulating the operation of all businesses. These by-laws must abide by Canada’s *Charter of Rights and Freedoms*. They are used to determine hours of operation; where certain kinds of businesses can exist (zoning); and even the prohibition of specific businesses. A business must comply with all of a city’s by-laws in order to hold a licence. Business by-laws include zoning, building, fire, health, and business regulations. Many Canadian cities also have special licensing requirements for businesses involving sex or nudity, such as exotic dance clubs, massage parlours, porn and adult entertainment stores, and arcades.

Zoning restrictions

Cities license certain kinds of businesses to operate only in certain areas. In Vancouver for example, a particular street or neighbourhood may be zoned for office, retail and other commercial ventures. Before a new business licence is granted, the application must be approved for the particular location in question by the City’s Planning Department.

The City of Vancouver is divided into districts, each of which is subdivided into sections, areas and “sub-areas.” Vancouver’s zoning by-laws outline what kinds of land and building usage are permitted in each particular area of each district. Each district has an



official development plan. Districts have zoning for residential, commercial, industrial, and mixed land use. The downtown area has its own commercial development plan, which allows for body-rub parlours.

In order to approve a business application for zoning, the Planning Department looks to see how many businesses of a particular type already exist in an area, and how many businesses of that type the area can support. A particular area may have zoning rules that set distances between businesses of the same type. Areas can be zoned commercial, residential or mixed. All new business permits must conform to the Official Development Plan. Any zoning permit can be rejected at the discretion of the Development Permit Board.

Even if sex businesses were legalized, city governments would still have the power to set specific zoning restrictions banning them from operating in or near residential neighbourhoods, or within set distances from schools or religious institutions.

E-10: *Let's say sex businesses are legal in Canada and that you are a sex worker. Should there be special zoning restrictions for sex businesses?*

- ☐ yes
 - ☐ no
 - ☐ don't know
-

If the business application is approved by the Planning Department, the business licence department forwards it to various other departments for approval. Food-related business applications, for example, must be approved by the Environmental Health Department. The Building Department reviews the property to determine the legal use of the business space. Some businesses require Fire Department certificates. All require a criminal record check, conducted by the Police Department.



"Performance Boxes," Cologne (2002)

In Cologne, Germany, street prostitution has been moved from the downtown to an industrial zone about the size of a football field, ringed by a small, one-way street where the prostitutes stand. Clients drive through an iron gate and can cruise in their cars between 2 p.m. and 2 a.m. in search of sexual services before pulling into a "Verrichtungsbox" ("performance box").

These parking slots are equipped with safety features. For example, the box is so narrow that the driver's door can't be opened, but the passenger door can be, so that the prostitute may flee. There is also an emergency button that the woman can push to call for help. A social work group operates a small bus where some 100 prostitutes can get warm drinks, hygiene supplies, and personal consulting. Police officers are present and visible at the entry gate, and are stationed in plain clothes elsewhere in the facility. The facility is based on a similar model in the Dutch city of Utrecht.

Digital Journal, May 17, 2002 (Deutsche Press Agentur)
(<http://www.digitaljournal.com/news>)



Municipal by-laws



Storyville, New Orleans (c. 1900)

In 1897, the City Council of New Orleans passed an ordinance that confined and regulated prostitution within a specified district of the city. Storyville was one of the world's largest red-light districts, stretching over 38 blocks. Nicknamed after the alderman who proposed the idea — Sidney Story — it was home to "sporting houses," jazz clubs and gambling dens from 1898 until 1917, when it was finally shut down by the U.S. Navy.

Whores in History: Prostitution in Western Society, Nickie Roberts. London: HarperCollins, 1993

PHOTO: E.J. Bellocq (Courtesy of Lee Friedlander)

Residential areas often include some commercial zoning to allow for businesses such as convenience stores. Certain streets in residential areas can be designated "other commercial." This allows for such businesses as barber and beauty shops, photography and artist studios, and bakeries with retail sales on the premises. However, it does not allow for hotels, licensed restaurants, cabarets or public houses — businesses that might encourage unwanted noise, traffic or other nuisances to neighbourhood residents.

E-11: *Let's say sex businesses are legal in Canada and that you are a sex worker. Should small sex businesses be allowed in areas zoned for "other commercial," just like barber shops, beauty shops, and other neighbourhood services?*

- ☐ yes
 - ☐ no
 - ☐ don't know
-

What about "red-light" districts?

Since ancient times in Athens, many cities have confined sex businesses to specific neighbourhoods designated as sex districts. In Vancouver in 1906, city officials convinced the city's madams to move their "disorderly houses" — from Gore St., Water St., and Shanghai Alley — to a single, restricted district on Dupont St. (where Pender St. now is), between Main and Cambie. This new red-light district became the location of 41 brothels, employing 153 ladies.

Up until the 1940s, Montreal had a red-light district surrounding rue DeBullion, north and south of Dorchester, featuring rows of shabby, budget-priced "lunapars." Designated brothel or "red-light" districts still exist in such cities as Bangkok, Seoul, Bangladesh, Calcutta and Amsterdam.



Other businesses are subject to restrictive zoning — for example, “light industrial” — because they produce noise, odour, vibration, and/or traffic. However, most sex businesses today are discreet, and rarely cause public disturbance or noise.

E-12: *Let's say sex businesses are legal in Canada and that you are a sex worker. Should sex businesses only be allowed to operate within specially-designated areas?*

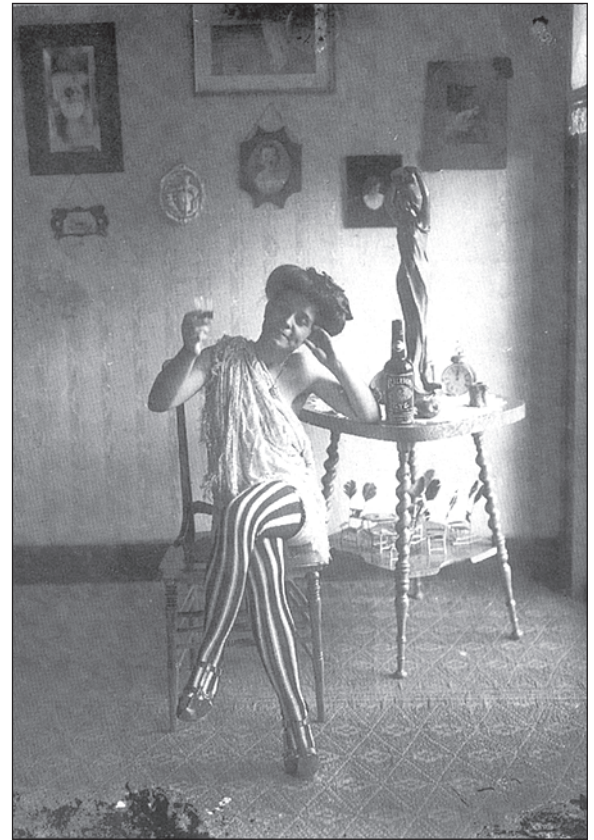
- ☐ yes
 - ☐ no
 - ☐ don't know
-

Additional licensing requirements

Vancouver's business by-law sets out specific requirements for businesses offering various forms of adult entertainment. For example, entertainment that involves a person stripping off all or most of her or his clothing is only permitted in premises licensed under B.C.'s *Liquor Control and Licensing Act*. And the business by-law prohibits physical contact between an entertainer and any person who is not an entertainer. All persons viewing the entertainment must be 19 years of age or older. Performances that involve animals, reptiles or birds are prohibited. In other Canadian cities, such as Toronto, exotic dancers are required to hold a municipal licence in order to work in a strip club.

Escort licences

“Social escort services” in Vancouver may only hire escorts who hold a Social Escort Licence. (In comparison, hairstylists are not required to have a city business licence in order to rent a chair and work in a salon, but may do so if they wish.) A “social escort” is a person who, for a fee, escorts or accompanies another person. The category does not include anyone providing assistance to another person based on age or disability. A Social Escort Licence application, along with a photo of the



“Fille Publique,” Paris (1921)

In France, “*fille publique*” (public girl) was a slang term for prostitute. Other expressions include “*fille de joie*” (girl of joy), “*fille de mauvaise vie*” (girl of bad life) and “*cocotte*” (hen).

Whores in History: Prostitution in Western Society, Nickie Roberts. London: HarperCollins, 1993

PHOTO: Eugene Atget, 1921. Abbott-Levy Collection, Museum of Modern Art, New York



Municipal by-laws

applicant, is submitted to the police department for approval. You don't have to have a criminal record to be denied a licence; any information police may have gathered about you that suggests involvement in prostitution-related activity is reason enough.

E-13: *Let's say sex businesses are legal in Canada and that you are a sex worker. Should you be required to provide your photo and obtain a special, individual licence from the city before you can work for a sex business?*

- ☐ yes
 - ☐ no
 - ☐ don't know
-

"Members-only" clubs

Gay bath houses (and sometimes swingers' clubs) operate as "members-only" clubs, so that their business premises are legally considered to be private. Private members' clubs in Vancouver require a licence in order to operate. Club managers are required to keep a register containing the name and address of every member, which must be made available to the Licence Inspector — or any police constable. Managers must also keep a record of every guest who enters the club that includes the name of the member who brought them. Managers are expected to maintain and preserve the law on club premises, and it is unlawful for a manager to knowingly permit a prostitute to enter or remain in the club. Club premises are to be open to inspection by the Licence Inspector, or any police constable, at all reasonable times. Clubs are required to provide each member with a membership card featuring her or his name and identity. Applications for a members-only club licence must be approved by the Chief of Police.

E-14: *Let's say sex businesses are legal in Canada and that you are a sex worker. Should a sex business be required to keep a register containing the name and address of every client?*

- ☐ yes
 - ☐ no
 - ☐ don't know
-

Residential businesses

In Vancouver, business by-laws govern "Residential Business Licences," which allow you to operate a business from home. Only one resident of a given home can be engaged in the business, and the residence may only be used as a mailing address, and/or a place to retain business records, and/or to place and receive telephone calls. Manufacturing is



restricted, and no products or materials can be sold from, or stored outside of, the residence. No signs are to be displayed on the residence or property. "No offensive noise, odour, vibration, smoke, heat or other objectional effect shall be produced."

In September 2003, Vancouver City Council passed a motion that allowed sex-based businesses to operate in "work/live" spaces downtown. "Work/live" zones were created to allow artists and craftspeople to live in loft workspaces and operate residential businesses. An amendment that would have allowed escort services and massage parlours in work/live zones was rescinded after a public outcry; City Councillors concluded that it was a matter for the *Criminal Code*. However, according to the *Code* and the provisions of the Vancouver by-law, you may legally operate an escort service from your home as long as clients don't come to the house and you are the sole worker.

E-15: Let's say sex businesses are legal in Canada and that you are a sex worker. Should you be allowed to operate a residential business, where you can provide services to clients in your home?

- ☐ *yes*
 - ☐ *no*
 - ☐ *don't know*
-

For Vancouver's business by-laws, see <http://www.city.vancouver.bc.ca/bylaws>. For Toronto information, see <http://www.city.toronto.on.ca/licensing>.

Provincial licensing

Some businesses need a special licence from the province, in addition to a municipal business licence, in order to operate. Liquor licensing (governed in B.C. by the *Liquor Control and Licensing Act*) is an obvious example of provincial licensing.

Provinces also regulate and license businesses involving the exhibition, distribution and retail sales of motion picture products (movies, videotapes, DVDs). Most provinces have film review and classification boards, which rate films and determine that certain ones may not be viewed by persons under 18 years of age, or must be banned from viewing altogether.

In May 2004, the Ontario Superior Court declared that Ontario's *Theatre Act* requirement for the approval of films by the Ontario Film Review Board violates a freedom of expression under the *Charter*. The Board had been in the business of censoring moving pictures since 1911. In Manitoba, films have been subject to classification — but not censorship — since 1972.



Provincial licensing

In B.C., adult motion picture products must be submitted to the B.C. Film Classification Office for classification, and must bear the "B.C. Approved" decal, before being distributed. The B.C. *Motion Picture Act* sets the requirements for the licensing, distribution and classification of films. Those involved with the distribution of adult products (including all sales personnel) must consent to criminal record checks. As with retailers, no person under the age of 18 is allowed on the premises of any distributor of adult materials. Vancouver has had a total of four adult film theatres holding provincial permits to operate. No new licences will be issued for adult film cinemas, as the existing businesses all will eventually close down.

E-16: *Let's say sex businesses are legal in Canada and that you are a sex worker. Should a sex business require a special licence from the province, in addition to a city business licence, in order to operate?*

- ☐ *yes*
 - ☐ *no*
 - ☐ *don't know*
-



This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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