

Part III: KEY FINDINGS

FINDINGS ON THE BAWDY-HOUSE LAW

With one exception, all affiants who addressed the bawdy-house law demanded it be repealed.²¹

Some affiants also discussed how they would like bawdy-houses to be structured and managed, providing various opinions on this point. Some affiants advocated community-based, peer-run facilities, whereas others spoke of greater state involvement and regulation.

Build a house for us, so the girls can go to [sic]. Where the John's get screened. That's all I can say. That's my statement. Build a house. Build a house. [Affidavit 062 at para. 17]

In my opinion, the ability to work indoors is much needed in this community. If women could work indoors with each others' support, in a clean and organized environment, where johns are screened, the health and safety benefits would [be] great. It seems that the government does not want the sex trade to be visible, and does not want to pay attention to the needs of workers. [Affidavit 032 at para. 7]

I think that the bawdy-house law is bad. I have three regulars that come to my place and that is illegal but it shouldn't be. Working indoors is better than standing on the street. I have felt that my life was in danger three times in the past year. Each time that happened, I was standing on the street. I have never felt that my life was in danger when I have had dates in my own residence. [Affidavit 002 at paras. 7-8]

²¹ Affidavit 87 at para. 6. This affiant spoke about the laws generally, not the bawdy-house law in particular.

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They should make a place for working girls to go. I would like it to be clean, with clean bed sheets in each room after each person used it. A place to clean up after. A place to dispose of stuff. And a room that was totally private where you could do whatever you wanted and nobody bothered you. A place where you could spend as long as you needed. It would be important to not have cameras and that kind of heavy security. It would be good to have a front desk person or two people to watch out in case something happened. There could be a panic button in each room. A button that only the girls knew about and the johns didn't so that they could press it and tell someone if something had gone wrong. In this kind of hotel, I don't think you need a lot of other kinds of services, like health services and stuff, it would not feel the same. Your johns wouldn't want to go there because it would not be private. It would be better if it were like a hotel, you could check in and pay for your room time. It would be important that it was not too expensive because if it were, girls and johns could not afford to go there. [Affidavit 066 at paras. 8-10]

I think that the government should open legal brothels like in some European countries. If there were legal brothels health officials could keep track of girls who are working. I think that sex workers would be safer and healthier if they could work inside. [Affidavit 028 at para. 3]

FINDINGS ON THE PROCURING LAW

The affiants who addressed this issue made two main points. They noted it was important to protect sex workers from exploitation, violence, and extortion by pimps. On the other hand, many also observed that certain activities captured by the law, such as providing referrals, spotting, and providing a space for others to bring dates, should not be criminal. Affiants felt these parts of the procuring law limit their ability to create safer working conditions. They also acknowledged that, if the bawdy-house law were repealed, the procuring law would have to be amended since under s. 212 anyone who runs a bawdy-house can be arrested for procuring and living off the avails.

Procuring is okay as long as it's done by a woman - chicks before dicks.

Sometimes I act as a pimp in my hotel. Men will ask for four blonds for example, and I'll set it up for them for money. I organized a girl for one man one night and a different girl for the next night...Other women and I watch and protect each other with payments of money and drugs. Many girls come to my room crying, I clean them up and give them medicine. Pimping should be done by women — a woman should run the show. I would take a percentage to look after their health (needles, band aids, etc.) and to provide condoms and lubricants. A percentage of the money should go into a health 'fund' — it should go back into the brothel.

[Affidavit 006 at para. 4]

I have a hard time saying whether or not the laws against procuring and living off the avails are wrong. Some guys are there to protect the working women, and some abuse them. I think that no one should be charged with living off the avails unless they are also abusing or assaulting the prostitute. I think that procuring should still be illegal. There has to be a way to punish the people who exploit women in the sex trade. [Affidavit 010 at para. 6]

I believe that the procuring law is protective of sex workers. I think that in the case where a pimp takes 100% of the proceeds and then divides it up as he sees fit, it should be illegal. But in the case where it is a friend who helps you by providing a referral or letting you use their place, and in return you give \$20 to the friend when you made \$100, that would be ok. I have also met pimps who are really violent and take 100% of the proceeds of girls' work and that is wrong. The law should be worded so that it captures that aspect of pimping, the violent and exploitive kind of pimping. The law should not criminalize those people who are taking a small proportion of the proceeds for providing a service, like letting her use their house or providing a referral. [Affidavit 078 at para. 19, 20]

In terms of the procuring law, it depends on what the person is doing. If a person was there and actually providing a service, for example a person who provides you with a clean room or a person who spots for you, then its ok for those types

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of people to get paid by sex workers. If that person was providing referrals and stuff, that could also be worth paying for. But if that person is just exploiting women and not actually doing anything to help the women, then I don't think that it is right for them to be getting any money off of the women who are doing the work. I did not have a pimp when I worked and I can't understand why anyone would. [Affidavit 066 at paras. 14-15]

I think that the procuring law can be good. I think that people who convince people to enter the sex trade or convince people to see a sex worker should be charged with procuring. I think that the aspect of the procuring law that says that a person cannot make a referral is not very helpful. I prefer to be able to make a referral to my friend if she is more a client's type than I am, and if I make a referral to a friend, she usually will give me a small cut of the money that she makes. Generally, I think that besides the referral aspect of the law, the procuring law is good. [Affidavit 051 at para. 9]

FINDINGS ON THE COMMUNICATING LAW

With one exception, affiants who addressed the communicating law demanded it be repealed.²²

They criticized the law in a number of ways, identifying both its ineffectiveness and the dangerous conditions created by its enforcement.

I think that the communicating law is wrong. The decision to communicate is a decision between two adults. It is my business and it is outrageous that the government thinks that they can stick their noses into my business. The communicating law needs to be axed, it needs to be eliminated from the Criminal Code. They use the communicating law whenever they want to get working girls out of an area. I have been arrested over 20 times and only convicted once. Most of those arrests were by undercover officers. [Affidavit 065 at paras. 21, 24]

I think that the communicating law is unfair. Girls have to make money and it puts girls at greater risk. Because of police, we end up moving to places that are darker and more secluded. It's more dangerous for girls. For example, we are forced to work in the industrial area at the foot of Victoria. It's really bad because it's so dark down there. [Affidavit 043 at para. 3]

The communicating law makes me worried because I do not have time to make sure that the car I get into is safe, and that the person is not dangerous. Three years ago I was working between Princess and the Raymur Projects. A car drove up to me and asked me if I was working, and I said, "Yes." He told me that he had the money to pay and I got into a car. He strangled me, threatened me, and sexually assaulted me, then left me on a corner close to the waterfront. If I had more time, I may not have gotten into the car with him. [Affidavit 025 at para. 3]

I think that the communicating law is wrong. I think that you should be able to negotiate prices and terms. In fact, I think that people should be able to discuss whatever they want whether they are in public or not as long as nobody's actually doing anything obscene in public. [Affidavit 077 at para. 3]

A number of affiants specifically stated that they did not want their clients to be subject to prosecution for communicating for the purpose of prostitution. While they expressed a need for a strong police response to men who abuse or exploit sex workers, affiants stated that safe clients ought not be criminalized for purchasing services from sex workers.

I don't think women who sell sex are criminals and they should not be treated as such. Johns, or men who buy sex, should not be treated as criminals either. I believe that what people do behind closed doors is their own business. [Affidavit 016 at paragraph 14]

²² Affidavit 87 at para. 6. This person spoke about the laws generally, not the communicating law in particular.

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If I could have changed anything over the 30 years of my work, I would have provided all the women with a safe place to work. That is the most important aspect. Also, I would not have laws to embarrass the Johns, they are human too and they and their families should not suffer for their indiscretions (as long as nobody got hurt). Men who are bad dates are of course a different story. These men should be charged with assault, rape or kidnapping. [Affidavit 004 at para. 7]

It is important for me to know that my clients feel safe and that they are not going to be arrested. Clients are also fearful for their families and the stigma of being arrested. They should not suffer consequences for wanting to enjoy the company of someone of the opposite sex for a little while. Why is it ok for a man to walk into a doctor's office and receive services but its not ok to go and have an intimate and positive experience with a girl? There is so much stigma attached which is wrong. [Affidavit 082 at para. 18]

I don't think that girls should be treated like criminals. Many of them are just doing it for survival. I don't think that johns should get treated like criminals either. [Affidavit 002 at para. 14]