



# Juristat

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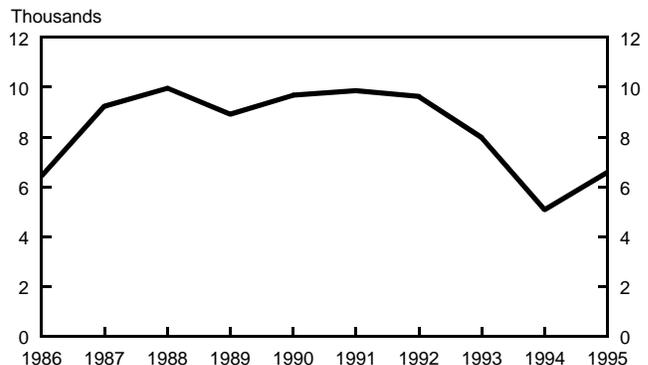
## STREET PROSTITUTION IN CANADA

by Doreen Duchesne

### Highlights

- In 1995, almost all of the 7,165 prostitution incidents reported by police nationally involved communicating to buy or sell the services of a prostitute (92%). The remaining incidents concerned procuring (5%) or bawdy-house (3%) offences.
- Annual fluctuations in the number of reported prostitution incidents within jurisdictions are common and usually reflect changes in the enforcement of the communicating law, rather than the volume of criminal activity (Chart A). For example, between 1994 and 1995, the total number of prostitution incidents in Canada rose 29%, largely due to a substantial rise in communicating offences in Vancouver. But this increase followed two years of steep declines, mainly traced to Toronto, Edmonton and Calgary (in 1994), and Vancouver (in 1993).
- The vast majority of persons accused of a prostitution-related offence in 1995 were adults aged 18 or older (97%). The relatively small proportion of youths (12 to 17 year-olds) charged may reflect their frequent diversion to social service agencies by police.
- Since December 1985, when the communicating law replaced the soliciting law, there has been a shift towards more males being charged. Between 1986 and 1995, almost half (47%) of all persons charged with communicating were male, compared with just over one-third (36%) of those charged with soliciting in the 1977 to 1985 period. This increase may reflect changes in enforcement practices, in that some police agencies are charging more men in an effort to hold customers more accountable for their participation in the sex trade; also, since 1985, the law in force has clearly applied to clients as well as prostitutes.
- Between 1991 and 1995, 63 known prostitutes were murdered. Almost all were female (60); seven of them were juveniles aged 15 to 17. Most deaths were related to the trade: 50 prostitutes were thought to have been killed by clients, and 8 by pimps or in a drug-related incident.
- In adult courts, women convicted of communicating tend to be sentenced more severely than men, perhaps because they are more likely to have had previous convictions, or cases involving multiple charges. For example, 39% of women convicted in 1993 or 1994 were imprisoned, compared with only 3% of men. Among the latter, the most severe penalty was usually a fine (in 56% of cases); in contrast, 32% of women received fines. (These proportions are based on a non-representative sample of court cases.)
- When prison sentences were imposed in adult courts for communicating, the median duration was the same for both sexes (30 days). However, when probation was the most severe penalty incurred, the median length of time was twice as long for women as for men (one year versus six months). In cases where a fine was administered, the median amount was \$200 for both sexes.

Chart A



Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics



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## INTRODUCTION

Many people do not realise that prostitution – the exchange of money for sex – is not illegal in Canada. However, it is unlawful to engage in peripheral activities, such as publicly communicating with another person for the purpose of buying or selling sexual services, or living on the avails of the prostitution of another individual.

Street prostitution is a controversial issue, with legal, social, health and economic implications. It is also closely linked to other criminal activities. Since the act of prostitution has traditionally been considered voluntary, it has often been perceived as a victimless crime. Yet the life of a street prostitute is frequently characterised by exploitation, violence, substance abuse and disease.

A different perspective is presented by ordinary citizens faced with street prostitution in their communities. Indeed, many of them feel that they are the victims, since the trade usually brings added traffic, loitering, noise and drugs. In some neighbourhoods, inhabitants are mistaken for prostitutes or clients, while children playing outside are exposed to discarded condoms and needles.

This *Juristat* deals with prostitution-related crime in Canada, that is, communicating, procuring and bawdy-house offences (see *Prostitution in the Criminal Code*). Incidents reported during the 1977-1995 period are examined, with a focus on recent years. A wide variety of data and other information sources dealing with street prostitution have been consulted to provide a multi-faceted look at these activities (see *Data Sources and Methodological Notes*).

### Recent Legislative Developments

Until the early 1970s, prostitution was treated as a “status” offence associated with vagrancy; that is, a prostitute found in a public place who could not provide a satisfactory reason for being there could be arrested.<sup>1</sup> In contrast, the soliciting law, introduced in 1972, focused on behaviour by prohibiting individuals from soliciting others in a public place for prostitution. Enforcement of this legislation was problematic, however. “Public place” was not adequately defined, many types of sexual activity were not covered, and it was not clear whether it also applied to male prostitutes and clients. Furthermore, solicitation had to be “pressing and persistent,” a condition of arrest that was open to various interpretations. The law remained ineffective, despite a 1983 amendment that noted its application to prostitutes of either sex and defined “public place.”

Because of these problems, the federal government established the “Fraser Committee” in the early 1980s to assess the adequacy of the laws related to prostitution and pornography (SPE 1985), and the “Badgley Committee” to report on the efficacy of the current legislation in protecting children from sexual abuse, including juvenile prostitution (COM 1984). Recommendations were set forth, including the decriminalization of adult solicitation, and the creation of new offences to protect children and deter procurers (i.e. pimps).

Following these consultations, the “communicating” law replaced the soliciting law in December 1985, and two years later additional legislation imposed strong penalties for persons living on the avails of juvenile prostitutes, or purchasing their services. The purpose of the communicating law, which remains in force today, is to maintain public order by making prostitution less visible, and therefore less of a nuisance, to the general public. Although the law does not make the act of prostitution itself a crime, it is illegal to communicate with another person in public to buy or sell sexual services. The legislation applies to both prostitutes and clients of either sex.

A number of criticisms have since been levelled at the communicating law. Although prostitution remains legal, there are no clear guidelines on where it can take place. As

<sup>1</sup> For more information on the history of prostitution-related legislation in Canada, consult *Prostitution in Canada (CAN 1984)*.

## Prostitution in the Criminal Code

### Communicating offences

The communicating law, found in section 213 of the Criminal Code, states the following:

#### *Offence in relation to prostitution*

- (1) Every person who in a public place or in any place open to public view
  - (a) stops or attempts to stop any motor vehicle,
  - (b) impedes the free flow of pedestrian or vehicular traffic or ingress to or egress from premises adjacent to that place, or
  - (c) 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 summary conviction.
- (2) In this section, "public place" includes any place to which the public have access as of right or by invitation, express or implied, and any motor vehicle located in a public place or in any place open to public view.

In addition, section 197 has been interpreted such that "the 'practice of prostitution' does not require ... physical contact between the customer and the performer. Prostitution merely requires proof that the woman offered her body for lewdness or for the purposes of the commission of an unlawful act in return for payment."<sup>2</sup>

The maximum penalty for being convicted of this summary offence is a fine of \$2,000 and/or six months of imprisonment.

### Bawdy-house offences

*Keeping a common bawdy-house, or transporting a person to a bawdy-house (sections 210 and 211)*

In summary, a person keeping a common bawdy-house (i.e. a place kept, occupied or frequented for purposes of prostitution or indecent acts) may be imprisoned for up to two years. An individual occupying or found unlawfully in a bawdy-house, or taking someone there, or in control of such a place and allowing prostitution-related activities to occur, may be imprisoned up to six months and/or fined up to \$2,000.

### Procuring offences

*Procuring (section 212)*

This offence encompasses a variety of crimes. To summarize, a person may be imprisoned up to 10 years for the following activities: procuring or soliciting another to engage in prostitution; enticing a person who is not a prostitute to a place for prostitution; concealing someone in a bawdy-house; procuring a person to enter or leave Canada for prostitution; encouraging or forcing someone to prostitute for gain; enticing an individual to take drugs or alcohol (or administering such) to enable anyone to carry out sexual activities with that individual; or living on income earned through another's prostitution activities. If the person is living on the income of a prostitute under 18, the maximum prison sentence is 14 years.

A procuring violation is also committed when a client purchases or attempts to purchase the sexual services of a person under 18; the maximum penalty for this offence is five years in jail.

Convicted procurers may also be fined. There is no maximum amount specified in the Criminal Code.

a result, enforcement is difficult, costly and erratic.<sup>3</sup> An evaluation by the Department of Justice (1989) deemed the legislation ineffective in terms of reducing street prostitution and the aggravation experienced by members of the community.

Since early 1995 there have been ongoing consultations among the ministries responsible for justice at the federal, provincial and territorial levels and key stakeholders,<sup>4</sup> with a view towards further reform of the prostitution-related sections of the Criminal Code (FED 1995). Issues being reviewed include devising better strategies for dealing with juvenile prostitution; expanding social services aimed at prevention and intervention; imposing more severe penalties for pimps and clients; facilitating law enforcement; empowering municipalities to deal with the problem; licensing the sex trade; creating zones of tolerance; and adopting new measures to curb the activities of clients.

In partial response to these issues, Bill C-27 – which deals with child prostitution and child sex tourism, among other items – was tabled in the House of Commons in April 1996. The Bill proposes a mandatory minimum sentence of five years for a new offence of aggravated procuring, which is committed when a person living on the avails of a prostitute under the age of 18 uses violence against that prostitute and assists her (or him) to

carry on prostitution for profit.<sup>5</sup> It also modifies the current legislation to facilitate the arrest and prosecution of an individual obtaining or attempting to obtain the sexual services of a person under 18 years in Canada or elsewhere.

### Risk Factors Associated With Street Prostitution

Studies have shown that most adult prostitutes began their career in their teens. Being sexually active at an early age and a runaway are recognized risk factors.<sup>6</sup> The literature also suggests that a history of physical or sexual abuse compounds the risk, as does a family background involving drug or alcohol addiction. By the time such juveniles leave home, a number have already acquired a criminal record for offences such as theft, assault and possession of drugs.

The demand for young prostitutes is high, since many customers prefer the services of adolescents, who may be less threatening or perceived to be less likely to harbour sexually-transmitted diseases. Teenagers are often recruited into prostitution by friends who are already involved in the sex trade. Youths who have left broken or abusive homes are particularly susceptible to offers of material (e.g. food and shelter) or emotional support, which often precede an introduction to prostitution. Once implicated, many juveniles are coerced by pimps to continue working through the use of threats, outright violence or drugs.

<sup>2</sup> R. v. Tremblay (1991) in MAR (1996, 335). Presumably this interpretation applies to men and children as well.

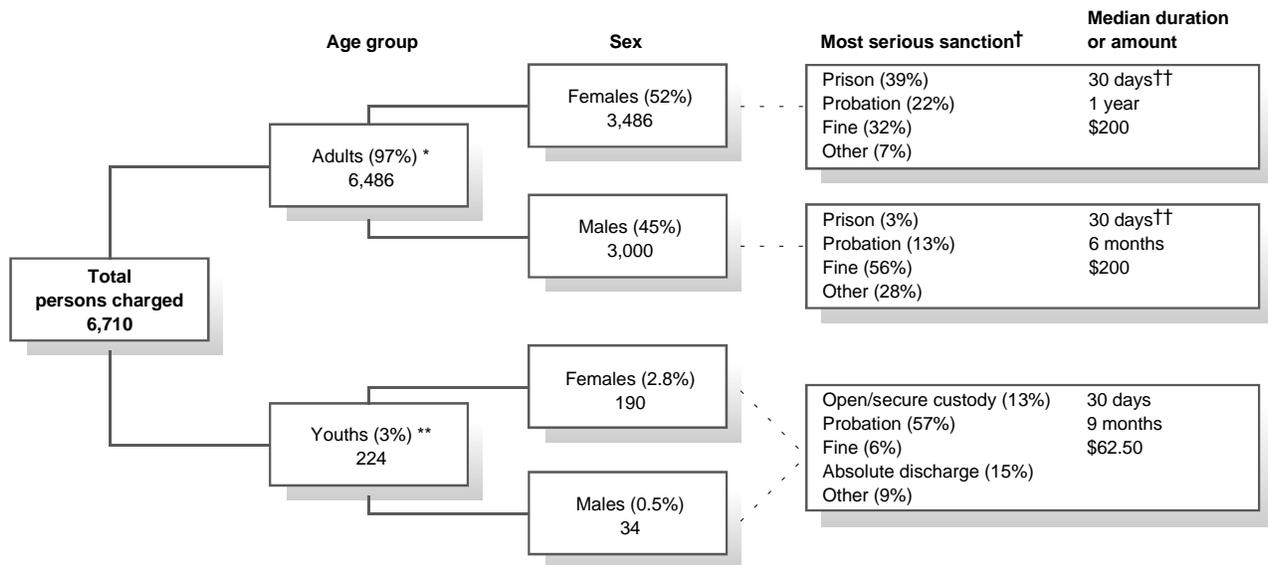
<sup>3</sup> In order to arrest a prostitute or a customer, it is usually necessary for a police officer to pose as one or the other. Enforcing procuring legislation is also problematic since many prostitutes fear testifying against their pimps.

<sup>4</sup> For example, police organizations, the Federation of Canadian Municipalities, community associations, social service agencies and prostitutes.

<sup>5</sup> The current legislation does not impose a mandatory minimum sentence for procuring (see Prostitution in the Criminal Code).

<sup>6</sup> As many as three in four prostitutes may be former runaways (COM 1984).

## Overview of persons charged with communicating in 1995



Sources: Uniform Crime Reporting Survey, Sentencing Study database and Youth Court Survey, Canadian Centre for Justice Statistics

\* Persons aged 18 and over.

\*\* Persons aged 12 to 17. Many youths are diverted to social service agencies in lieu of being charged.

† Adult court cases: Adults convicted of this offence in 1993 and 1994 (1993/94 and 1994/95 fiscal years in Ontario). Excludes New Brunswick, Manitoba and British Columbia; coverage is incomplete for Newfoundland, Nova Scotia and Quebec. Youth court cases: Youths convicted in Canada in 1993/94 and 1994/95 fiscal years.

†† Based on cases where the sentence duration was known.

But regardless of age or sex, street prostitutes are exposed to a dangerous lifestyle, including other criminal activities. Unfortunately, it is very difficult to find other work that pays as well, since many prostitutes lack education and formal job skills, are drug dependent, and in possession of a criminal record. Some continue working the streets to avoid the retribution expected from a pimp should they choose to quit.

### Police Enforcement Practices Vary

In 1995, police in all provinces and territories reported 7,165 prostitution-related incidents (i.e. involving one or more communicating, procuring or bawdy-house violations).<sup>7</sup> Although the number of incidents that year was 29% higher than in 1994, this increase was preceded by steep declines between 1992 and 1994. Furthermore, the number of incidents in 1995 remained one-third lower than the peak recorded in 1988, the third year following the implementation of the communicating law (Table 1). Such fluctuations are common and usually reflect changes in the enforcement of the communicating law, rather than criminal prevalence; for example, public complaints or media coverage can lead to a few large crackdowns, which temporarily inflate statistics (see *Methodological Notes*).

Since the communicating law has been in force, the focus of arrests has been on street prostitutes and their clients (Chart B). For example, in 1995 the vast majority of prostitution incidents

involved communicating (92%), distantly followed by procuring (5%)<sup>8</sup> and bawdy-house incidents (3%). In contrast, only 22% of the incidents recorded in 1985 were for soliciting, while over half (58%) were related to bawdy-house activities, and 19% were for procuring.

Because most reported prostitution incidents involve communicating in public, and charges are often laid by police working undercover as prostitutes or clients, at least one person is usually charged. In 1995, 97% of communicating incidents resulted in someone being charged; in comparison, the charge rate in procuring incidents was 79%.

Most of the 7,646 persons charged<sup>9</sup> in a prostitution-related incident in 1995 were accused of communicating (6,710). Just over half (55%) of those charged with a communicating offence were female (Table 2). (Although the data do not indicate whether

<sup>7</sup> An incident refers to a criminal occurrence reported by police, which consists of one or more offences (i.e. crimes or violations) committed by one or more persons.

<sup>8</sup> Procuring incidents reported by police may include offences found in sections 170 (parent or guardian procuring sexual activity) or 171 (householder permitting sexual activity) of the Criminal Code.

<sup>9</sup> A person may be charged when there is sufficient evidence of culpability, even if that person has not been apprehended. An individual charged in more than one incident will be counted more than once; on the other hand, nobody may be charged in an incident. Thus the number of persons charged is *not* equal to the number of incidents, *nor* is it equal to the number of offences reported.

Table 1

Year	Prostitution incidents reported by police*									
	Total			Communicating or soliciting†		Bawdy-house		Procuring		
	Number	Rate **	%	Number	%	Number	%	Number	%	
1995	7,165	24	100	6,595	92	185	3	385	5	
1994	5,575	19	100	5,090	91	164	3	321	6	
1993	8,517	29	100	7,971	94	157	2	389	5	
1992	10,137	36	100	9,616	95	212	2	309	3	
1991	10,567	38	100	9,860	93	382	4	325	3	
1990	10,273	37	100	9,686	94	256	2	331	3	
1989	9,717	35	100	8,922	92	371	4	424	4	
1988	10,721	40	100	9,965	93	297	3	459	4	
1987	10,457	39	100	9,243	88	684	7	530	5	
1986 †	7,426	28	100	6,439	87	614	8	373	5	
1985	1,225	5	100	274	22	715	58	236	19	
1984	1,024	4	100	160	16	675	66	189	18	
1983	935	4	100	223	24	561	60	151	16	
1982	700	3	100	267	38	299	43	134	19	
1981	1,551	6	100	744	48	699	45	108	7	
1980	1,504	6	100	909	60	442	29	153	10	
1979	1,283	5	100	684	53	453	35	146	11	
1978	1,808	8	100	1,115	62	555	31	138	8	
1977	2,843	12	100	1,783	63	888	31	172	6	

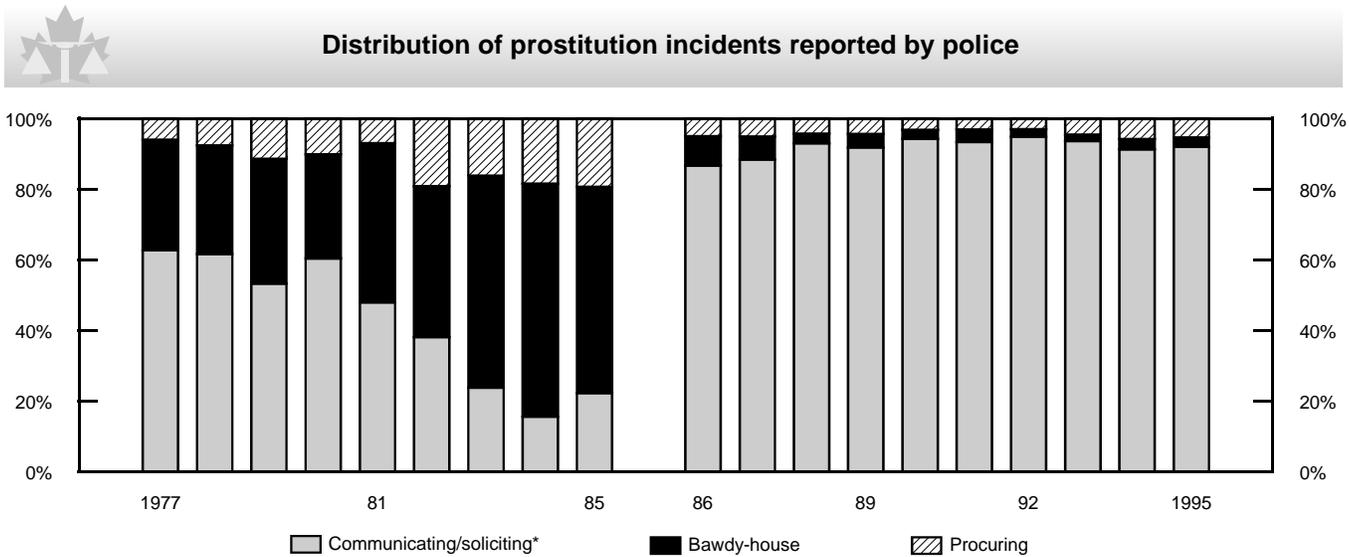
Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

\* Excludes incidents where prostitution was not the most serious offence.

\*\* Number of incidents per 100,000 population.

† The communicating law replaced the soliciting law in December 1985.

Chart B



Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

\* The communicating law replaced the soliciting law in December 1985.

Table 2



**Persons charged in prostitution incidents in 1995\***

	All offences		Communicating		Bawdy-house		Procuring	
	Number	%	Number	%	Number	%	Number	%
<b>Total</b>	<b>7,646</b>	<b>100</b>	<b>6,710</b>	<b>100</b>	<b>602</b>	<b>100</b>	<b>334</b>	<b>100</b>
Females	4,158	54	3,676	55	386	64	96	29
Males	3,488	46	3,034	45	216	36	238	71
<b>Adults**</b>	<b>7,391</b>	<b>100</b>	<b>6,486</b>	<b>100</b>	<b>588</b>	<b>100</b>	<b>317</b>	<b>100</b>
Females	3,945	53	3,486	54	373	63	86	27
Males	3,446	47	3,000	46	215	37	231	73
<b>Youths †</b>	<b>255</b>	<b>100</b>	<b>224</b>	<b>100</b>	<b>14</b>	<b>100</b>	<b>17</b>	<b>100</b>
Females	213	84	190	85	13	93	10	59
Males	42	16	34	15	1	7	7	41

Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

\* Excludes persons who were charged in an incident involving a more serious offence.

\*\* Persons aged 18 and over.

† Persons aged 12 to 17. Many youths are diverted to social service agencies in lieu of being charged.

the person charged was a prostitute or client, it is generally recognized that most prostitutes are female<sup>10</sup> and almost all clients are male.) Females also predominated among those accused of a bawdy-house offence (64%), while seven in ten persons charged with procuring were male.

The vast majority of persons accused of a prostitution-related offence in 1995 were adults aged 18 or older (97%). The relatively small proportion of youths (12 to 17 year-olds) charged may reflect their frequent diversion to social service agencies by police, and the use of other deterrence practices aimed at juveniles.

Females charged with communicating were somewhat younger, on average, than males charged with this offence: 28 years versus 35. Findings were similar among those charged with a bawdy-house offence. As for procurers, females tended to be older than their male counterparts (36 years, on average, compared with 24).<sup>11</sup>

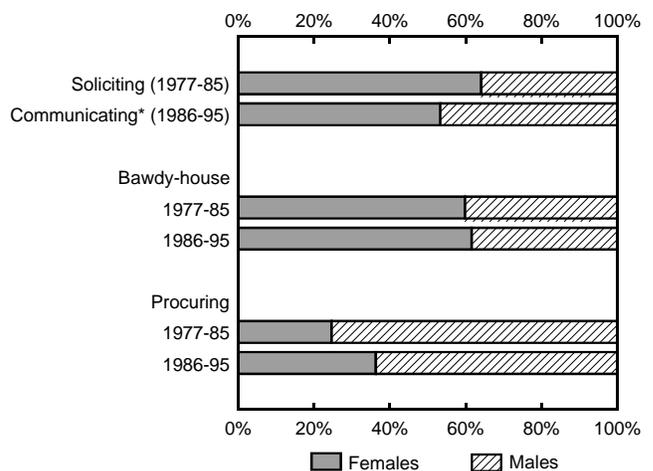
Since December 1985, when the communicating law replaced the soliciting law, there has been a shift towards more males being charged. Specifically, males accounted for just over one-third (36%) of all persons charged with soliciting between 1977 and 1985; in comparison, almost half (47%) of those charged with communicating during the 1986 to 1995 period were male (Chart C). This increase may reflect changes in enforcement practices, in that some police agencies are charging more men in an effort to hold customers more accountable for their

participation in the sex trade; also, since 1985, the law in force has clearly applied to clients as well as prostitutes.

In contrast, from 1986 onwards, a higher percentage of accused procurers have been female (36%), compared with 25% of procurers charged between 1977 and 1985. In both periods, 6 in 10 persons charged with a bawdy-house offence were female.

Chart C

**Distribution of the sex of the accused by type of offence**



Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

\* The communicating law replaced the soliciting law in December 1985.

<sup>10</sup> For example, in Vancouver over 80% of prostitutes are female (Lowman, Atchison and Fraser 1996).

<sup>11</sup> These observations are based on the Revised UCR and include only those incidents involving a single offence.

**Data Sources and Methodological Notes**

Data Sources

**Uniform Crime Reporting Survey (UCR and Revised UCR):** The UCR provides basic police-reported information (dating back to 1977 in this report) on violent, property and other crime, for youths and adults and by sex. Only the most serious offence in an incident is recorded. This means that crimes, particularly those which are considered less serious, are undercounted. Virtually all police forces in Canada provide these data.

The Revised UCR, introduced in 1988, collects detailed information on up to four separate violations committed during an incident, including the characteristics of the accused, the victims and the offences committed. Coverage, which is rising every year, was about 46% of the volume of all reported crime in 1995. Although survey respondents do not provide a representative sample of criminal incidents nationally, there is good coverage of urban crime.

**Homicide Survey:** This data source provides police-reported information on the characteristics of homicide victims and those accused of homicide. The count for a particular year represents all homicides reported that year, regardless of when the death actually occurred. Extensive revisions to the survey were carried out in 1991, allowing for more comprehensive analysis of prostitution-related homicide.

**Sentencing Study database:** The database created for this study (Birkenmayer and Roberts 1997) contains information on sentences imposed on convicted offenders in adult Provincial Court cases over a two-year period (1993 and 1994 calendar

years, except for Ontario, which covers the 1993/94 and 1994/95 fiscal years). Most of the data were derived from the Adult Criminal Court Survey (ACCS).<sup>12</sup> Information is available from a limited number of jurisdictions only, that is, all courts in Prince Edward Island, Ontario, Saskatchewan, Alberta, Yukon and the Northwest Territories, and some courts in Newfoundland, Nova Scotia and Quebec. All courts in New Brunswick, Manitoba and British Columbia are excluded.

**Youth Court Survey (YCS):** The YCS provides information from all provinces and territories on persons aged 12 to 17 charged with federal statute violations. Data covering the 1993/94 and 1994/95 fiscal years are examined in this study.

Methodological Notes

The real extent of prostitution-related crime is not reflected in official statistics. Much of it goes undetected or unreported. For example, youths are often encouraged to take advantage of social services in lieu of being charged. And since charges are often laid by police officers working undercover as clients or prostitutes, the number of reported incidents can vary greatly within jurisdictions over time, depending on crime issues targeted by local police forces. Comparisons across jurisdictions may also be problematic because of different enforcement practices.

Other factors affecting the volume of crime reported include variations in conviction and sentencing practices, legislative changes, and the level of tolerance exhibited for prostitution in the community.

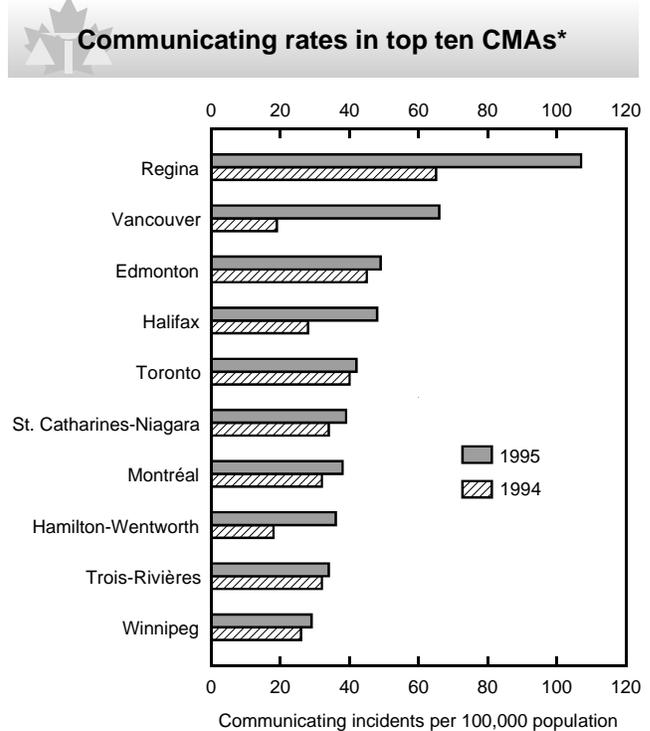
Arrests for street prostitution tend to occur in large cities

In 1995, almost two in three reported incidents of prostitution originated from the Toronto, Montréal or Vancouver CMAs (Census Metropolitan Areas<sup>13</sup>). Only 4% of incidents were reported from areas outside CMAs (Table 3).

Over half (55%) of the 1994-1995 increase in prostitution incidents noted earlier can be traced to a substantial rise in the number of communicating incidents reported from the Vancouver CMA (from 341 to 1,211). As a result of this "crackdown," Vancouver accounted for 17% of all prostitution-related incidents reported nationally in 1995, compared with only 7% the previous year. But, as previously mentioned, year-to-year fluctuations are common. For example, the total number of prostitution incidents in Canada dropped sharply in 1993, largely due to fewer communicating incidents in Vancouver; an even steeper decline occurred in 1994, mostly in Toronto, Edmonton and Calgary.

Although incident counts reflect the volume of enforcement activity taking place in a specific region, incident rates<sup>14</sup> are more appropriate when comparing geographical areas with different population sizes. For example, communicating incident rates in 1995 were highest in Regina (107 incidents per 100,000 population), followed by Vancouver (66), Edmonton (49) and Halifax (48). Rates in the nation's two largest CMAs were somewhat lower: 42 in Toronto and 38 in Montréal (Chart D).

Chart D



Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

\* Census Metropolitan Areas with the highest 1995 rates.

<sup>12</sup> Alberta does not participate in the ACCS, but provided data for this study.

<sup>13</sup> A CMA is an urbanized core with a total population of at least 100,000, together with its main labour market area (determined by commuting patterns).

<sup>14</sup> Incident rates represent the number of reported incidents per 100,000 population for a specific region and time frame (e.g. Toronto in 1995). They are calculated as follows: (number of incidents reported in the region during the period / population in the region in that period) x 100,000.

Table 3



**Prostitution incidents by Census Metropolitan Area (CMA)**

CMA	All prostitution-related incidents*				Communicating incidents			
	1995		1994		1995		1994	
	Number	Rate**	Number	Rate**	Number	Rate**	Number	Rate**
<b>Canada</b>	<b>7,165</b>	<b>24</b>	<b>5,575</b>	<b>19</b>	<b>6,595</b>	<b>22</b>	<b>5,090</b>	<b>17</b>
CMA total	6,852	38	5,391	30	6,423	35	4,976	28
Toronto	1,892	44	1,793	42	1,804	42	1,705	40
Montréal	1,376	41	1,169	35	1,271	38	1,071	32
Vancouver	1,241	68	380	21	1,211	66	341	19
Edmonton	440	50	414	47	430	49	400	45
Hamilton-Wentworth	236	37	125	20	234	36	116	18
Regina	234	118	133	67	212	107	128	65
Winnipeg	202	30	187	28	196	29	178	26
Calgary	171	21	150	18	146	18	133	16
Halifax	170	50	98	29	164	48	96	28
St. Catharines-Niagara	163	39	140	34	163	39	140	34
Québec	153	22	187	27	149	21	176	26
Ottawa-Hull	132	13	160	16	119	12	149	15
Kitchener-Waterloo	112	27	60	15	50	12	40	10
London	83	20	86	21	77	19	77	19
Saskatoon	64	29	112	51	47	21	74	34
Windsor	58	20	63	22	57	20	63	22
Trois-Rivières	49	34	51	36	49	34	46	32
Other CMAs†	76	5	83	6	44	3	43	3
Non-CMA total	313	3	184	2	172	2	114	1

Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

\* Includes communicating, bawdy-house and procuring incidents.

\*\* Number of incidents per 100,000 population in the CMA (or other area) listed.

† Includes Thunder Bay, Sudbury, Oshawa, Victoria, Saint John, Chicoutimi-Jonquière, St. John's and Sherbrooke.

Only 2 incidents per 100,000 were reported by police forces in all non-CMA regions combined (small cities, towns and rural areas).

**Street Prostitution Is Dangerous**

A recent study confirms that physical and sexual assaults on street prostitutes are commonly carried out by clients, pimps and boyfriends.<sup>15</sup> Police reports in 1995 reveal that four in ten incidents encompassing procuring also involved at least one other criminal violation; in almost half of these incidents, a sexual and/or other assault was recorded.<sup>16</sup>

Sometimes assaults are serious enough to cause death. Indeed, 63 known prostitutes were found murdered between 1991 and 1995 (Table 4). Most (50) appeared to have been killed by customers. Eight were thought to have been killed by pimps or in a drug-related incident. The remaining deaths were at the hands of husbands, common-law spouses and boyfriends.

Almost all of the murdered prostitutes were female: 60 of the 63 who died between 1991 and 1995. Seven of the prostitutes killed were juveniles aged 15 to 17 – all females. During this period, known prostitutes accounted for 5% of all female homicides reported (1,118 deaths).

The private nature of a street prostitute's activities can make the identification of a killer very difficult – all the more so when that person is also a stranger. In fact, most prostitute homicides go unsolved. At the end of 1996, 34 incidents (54%) reported between 1991 and 1995 remained unsolved. In comparison, 20% of homicide incidents involving victims other than known prostitutes were unsolved.

Clients are also at risk

Although prostitutes often face danger while exercising their profession, clients, pimps and other people also put themselves at risk when dealing with prostitutes. It has been estimated that about 40% of street prostitutes in Vancouver carry a weapon when working.<sup>17</sup> Between 1991 and 1995, 18 prostitutes were

<sup>15</sup> In 1994 and 1995, surveys on violence against prostitutes were carried out on behalf of the Department of Justice in Halifax, Montréal, Toronto, Calgary, Winnipeg and Vancouver (Brannigan 1996; Fleischman 1996; la boîte à qu'on-se-voir 1996; Lowman and Fraser 1996).

<sup>16</sup> In contrast, the overwhelming majority (96%) of incidents involving a communicating offence consisted of that single criminal violation only, as did most (85%) incidents with a bawdy-house offence. These findings are based on the Revised UCR, which collects information on up to four violations in an incident.

<sup>17</sup> According to a survey carried out in 1994 (Lowman and Fraser 1996).

Table 4

Year	Prostitutes killed				Total
	By clients*	By pimps*	By persons involved in illegal drug activities*	By others**	
1995	9	-	1	2	12
1994	16	-	-	-	16 (2) †
1993	8	1	3	1	13 (1)
1992	3	2	1	2	8
1991	14	-	-	-	14 (4)
<b>Total</b>	<b>50</b>	<b>3</b>	<b>5</b>	<b>5</b>	<b>63 (7)</b>

Year	Persons killed by prostitutes			Total	Number of prostitutes charged
	Clients	Pimps	Others ††		
1995	2	1	-	3	3 (1)
1994	2	-	1	3	3
1993	3	-	-	3	3
1992	3	-	2	5	6
1991	-	-	2	2	3 (1)
<b>Total</b>	<b>10</b>	<b>1</b>	<b>5</b>	<b>16</b>	<b>18 (2)</b>

Source: Homicide Survey, Canadian Centre for Justice Statistics

\* Includes incidents where charges were laid, as well as incidents where no charges were laid but the killers were thought to have been clients or pimps, or involved in illegal drug activities.

\*\* Mainly husbands, common-law spouses and boyfriends. Because the survey codes only the closest relationship to the victim, some of these killers could also have been pimps. For example, a prostitute killed by her husband who was also her pimp will be assigned to this category.

† Bracketed numbers represent youth prostitutes.

†† Mainly acquaintances.

implicated in the deaths of 10 clients, 1 pimp and 5 others (Table 4).

All but one of the prostitutes charged with homicide had a previous criminal record, as did most (11) of the victims. Virtually all of the victims were male (15), while most (15) of the prostitutes charged with homicide were female.

### Provincial Court Statistics

Only cases<sup>18</sup> resulting in convictions are examined in this section of the report. In cases involving more than one charge or sanction, only the most serious charge/sanction is discussed. Most of the findings are presented in the form of percentages, since adult court information was unavailable for some jurisdictions (see Data Sources) and there were only a few prostitution-related cases reported from youth courts.

<sup>18</sup> A case represents an accused person facing one or more charges that are first presented together in the same court on the same date.

### Adults convicted of communicating are most likely to be fined

According to the ACCS, which has more limited coverage than the Sentencing Study database, convictions were obtained in 87% of 1993-1994 adult court cases where communicating was the most serious charge,<sup>19</sup> 64% of bawdy-house cases, and 33% of procuring cases.<sup>20</sup>

Communicating was the most serious offence<sup>21</sup> in 7,062 reported adult court cases resulting in convictions in 1993 and 1994<sup>22</sup> (Table 5). The vast majority of all communicating cases (91%) involved one charge only. The most severe sanction imposed in

Table 5

### Most serious sanction imposed on adults convicted in 1993 and 1994\*

	Communicating	Bawdy-house	Procuring
<b>Total number of adult court cases resulting in convictions</b>	<b>7,062</b>	<b>493</b>	<b>96</b>
Most serious sanction imposed (%):	100	100	100
Prison sentence	19	3	56
Probation	17	34	36
Fine	45	47	6
Other**	19	16	1
<b>Number of adult court cases with one charge only</b>	<b>6,412</b>	<b>445</b>	<b>65</b>
Most serious sanction imposed (%):	100	100	100
Prison sentence	17	2	48
Probation	17	33	42
Fine	46	47	9
Other**	21	18	2
<b>Number of adult court cases with two or more charges</b>	<b>650</b>	<b>48</b>	<b>31</b>
Most serious sanction imposed (%):	100	100	100
Prison sentence	44	6	74
Probation	19	40	26
Fine	36	54	-
Other**	1	-	-

Source: Sentencing Study database, Canadian Centre for Justice Statistics

\* Excludes New Brunswick, Manitoba and British Columbia; coverage is incomplete for Newfoundland, Nova Scotia and Quebec. Ontario data are for the 1993/94 and 1994/95 fiscal years combined.

\*\* Includes restitution, compensation, absolute and conditional discharges, suspended sentence, payment of legal costs, and suspension of driver's licence.

<sup>19</sup> Conviction rates were similar for men and women.

<sup>20</sup> ACCS data reveal that 33% of procuring cases first appearing in Provincial Court in 1993 or 1994 were referred to Superior Court prior to disposition. Convictions resulting from these cases would not show up in the Sentencing Study database, which deals with cases heard in Provincial Court only.

<sup>21</sup> In other words, cases involving communicating and at least one more serious offence (e.g. theft, assault) are excluded.

<sup>22</sup> The Sentencing Study database combines provincial data for both years except for Ontario, which covers the 1993/94 and 1994/95 fiscal years.

46% of single-charge cases was a fine;<sup>23</sup> nevertheless, a conviction resulted in a prison sentence in 17% of cases. In marked contrast, convicted communicating offenders in multiple-charge cases<sup>24</sup> were much more likely to end up in prison (44%).

A bawdy-house violation was the most serious offence in 493 adult court cases covering the two-year period. Nine in ten bawdy-house cases consisted of one charge only. In almost half of single-charge cases, a fine was the strongest penalty imposed, while in a third, it was probation.

Only 96 cases dealt with procuring as the most serious offence. Compared with communicating and bawdy-house cases, a higher proportion of procuring cases involved multiple charges (9% and 10% versus 32%, respectively). Another significant difference observed in procuring cases was the high proportion of convicted offenders sent to jail (48% in single-charge cases and 74% in multiple-charge cases). Most of the remaining offenders were put on probation.

When prison sentences were imposed for any of the three types of prostitution offences, they tended to be longer in cases involving two or more charges than in those with a single charge (Table 6). Further, the median prison sentences observed were significantly longer for procuring than for other prostitution offences. Likewise, where probation was the most serious penalty administered, procurers generally faced longer periods of supervision. Median fines were relatively low for all three prostitution offences (in light of the maximum allowed in the Criminal Code).

<sup>23</sup> Convictions (i.e. guilty dispositions) in adult courts result in one or more of the following sanctions being imposed (ordered from most to least serious): prison; probation; fine; restitution or compensation; some other sanction (absolute discharge, conditional discharge, suspended sentence, payment of legal costs, suspension of driver's licence).

If more than one sanction was prescribed in a prostitution-related case, only the most serious is discussed here; for example, a convicted offender in a single-charge case who was both imprisoned and fined will be excluded from this measure (i.e. 46%), but included in the next one (i.e. 17%).

<sup>24</sup> The other charges may or may not have involved prostitution-related violations.

Table 6

**Median sanctions imposed on adults convicted in 1993 and 1994\***

	Communicating	Bawdy-house	Procuring
<b>Most serious sanction imposed:</b>			
Prison sentence (median duration)**			
Cases with one charge only	15 days	21 days	1 year
Cases with two or more charges	35 days	30 days	1.2 years
Probation (median duration)			
Cases with one charge only	1 year	1 year	1.5 years
Cases with two or more charges	1 year	1 year	2 years
Fine (median amount)			
Cases with one charge only	\$200	\$250	\$300
Cases with two or more charges	\$250	\$200	†

Source: Sentencing Study database, Canadian Centre for Justice Statistics

\* Excludes New Brunswick, Manitoba and British Columbia; coverage is incomplete for Newfoundland, Nova Scotia and Quebec. Ontario data are for the 1993/94 and 1994/95 fiscal years combined.

\*\* Based on cases where the duration was known.

† No cases in this category.

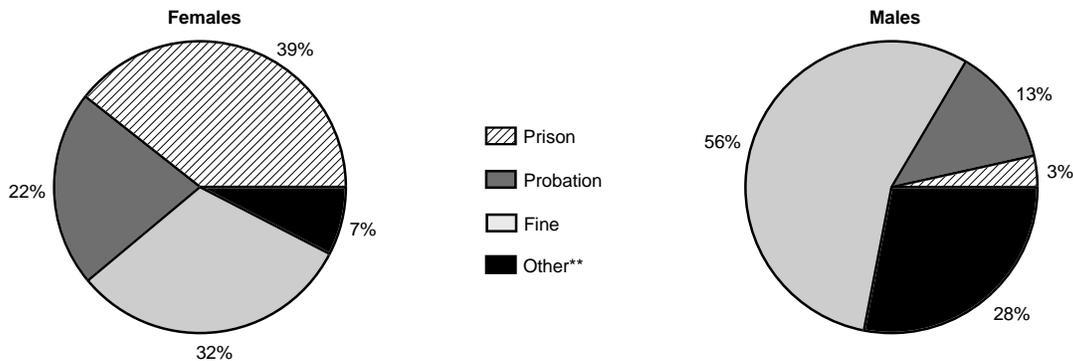
Women usually face more serious sanctions than men<sup>25</sup>

Men accounted for over half (56%) of convicted communicating offenders. Nevertheless, women convicted of this offence in the 1993-1994 period were generally dealt with more severely than men, perhaps because they were more likely to have had previous convictions, or cases involving multiple charges. The data show that 39% of women were imprisoned and 22% were put on probation (Chart E). In contrast, the majority (56%) of men were fined; only 3% were jailed and 13% were given probation (see *The John School*).

<sup>25</sup> Single and multiple charge cases have been combined in this section.

Chart E

**Most serious sanction imposed on adults convicted of communicating in 1993 and 1994\***



Source: Sentencing Study database, Canadian Centre for Justice Statistics

\* Excludes New Brunswick, Manitoba and British Columbia; coverage is incomplete for Newfoundland, Nova Scotia and Quebec. Ontario data are for the 1993/94 and 1994/95 fiscal years combined.

\*\* Includes restitution, compensation, absolute and conditional discharges, suspended sentence, payment of legal costs, and suspension of driver's licence.

## The John School

In contrast to the numerous social studies carried out on prostitutes, relatively little research has focused on customers, who are the driving force behind the trade. A recent report, however, provides wide-ranging motives behind the market for commercial sex, gleaned from the literature and representing the observations of buyers, sellers, researchers, feminists and medical practitioners (Lowman, Atchison and Fraser 1996). Motives include social ineptitude (which precludes normal relationships); the desire to avoid the "hassle" of a relationship; the wish to assert dominance; the unavailability of the regular partner, or certain forms of sexual activity; curiosity; sexual addiction; and closet homosexuality.

Regardless of their motives, clients are being held increasingly responsible for their actions. This rising accountability lies behind the establishment of the "john school." Initially developed in San Francisco by a former prostitute and a police officer, the concept of the john school has recently been imported to Canada, where some police forces (e.g. in Toronto, Ottawa and Edmonton) have been carrying out pilot projects. When available, the option of attending a john school session may be offered to

clients (i.e. "johns") arrested for the first time. A communicating charge is stayed or dropped in exchange for spending a few hours in a classroom setting, where the men are informed about the legal, medical and social ramifications of their activities.

Although these programs are still in their infancy, officials in San Francisco have reported a low rate of recidivism. This rehabilitative approach is cost-effective, since many of the speakers are volunteers and court costs are avoided; in some cities, school attendees are required to pay a fee or are asked for donations. Finally, community members feel that something tangible is being done to address the problem.

Several criticisms have been directed at the john school, however. Since customers dealing with prostitutes in indoor venues are rarely arrested for communicating, those dealing with street prostitutes are the most likely to be steered towards the school; furthermore, this option is not available to every client arrested. Also, there is no equivalent program for prostitutes at this time, although other interventions or facilities (such as safe houses) exist in some cities.

When prison sentences were handed out for communicating, the median duration was the same for both sexes (30 days). Median fines were also the same (\$200). However, the median probationary period imposed on females was double that for males (one year versus six months).

Seven in ten persons convicted of a bawdy-house offence were female.<sup>26</sup> Sanctions were similar for both sexes: a third were put on probation and just over two in five were fined.

About 85% of convicted procurers were men. Six in ten of these men were sentenced to prison and a third were put on probation.

### Youths tend to be handled differently

The lack of maturity possessed by adolescent and child prostitutes adds to their victimization by procurers and clients, who are usually adults. Serious and lasting harm to these children, mental as well as physical, has been extensively documented. Social agencies and legislative measures have been focusing more on prevention, protection and redirection, through the creation and application of provincial child welfare legislation and municipal welfare programs.

Criminal legislation may also be applied to help redirect youths away from prostitution. For example, a juvenile may be arrested and offered the option of participating in an Alternative Measures program, whereby he or she admits responsibility for the offence committed and voluntarily engages in some form of remedial action, such as obtaining counselling or performing community service; in exchange, court proceedings and a possible criminal record are avoided. Youths who end up in court and are convicted may be given probation. Although more severe than a fine, probation can be used to keep youths off the street by requiring them to live in specified locations, avoid areas where they normally work, and report to probation officers on a regular basis.<sup>27</sup>

An examination of youth court cases resulting in a guilty finding during the 1993/94 and 1994/95 fiscal years shows

communicating to have been the most significant charge in only 324 cases nationally.<sup>28</sup> Seven in ten communicating cases involved a 16 or 17 year-old female. Just over one in five cases concerned 13 to 15 year-olds (both sexes). And in 8% of cases, the offender was a 16 or 17 year-old male.

In 57% of communicating cases involving youths, the most serious penalty incurred upon conviction was probation – in contrast, this outcome was found in only 17% of 1993-1994 adult cases. A fine was the most significant disposition in only 6% of youth cases (but 45% of adult cases), and 13% of cases ended with the accused ordered in custody (versus 19% of adult cases).

When secure or open custody was imposed for communicating, the median time assigned to a juvenile was 30 days. When probation was the most severe penalty, the median term was nine months; when it was a fine, the median amount was \$62.50.

An absolute discharge was granted in 15% of youth communicating cases, while a community service order or some other relatively minor penalty was given in 9% of cases.

### Concluding Remarks

Prostitution evokes strong and wide-ranging reactions and opinions. Some individuals abhor the exploitation and violence associated with the trade, while others resent the damage inflicted on their neighbourhoods. A number of these people want stronger laws enacted and less leniency shown by the courts.

<sup>26</sup> This observation is based on cases where the sex of the offender was known.

<sup>27</sup> Youths convicted of a prostitution offence can receive one or more of the following penalties (ranked from most to least severe): secure custody; detention for treatment; open custody (which may consist of a community residential centre, group home, wilderness camp, etc.); probation; fine; some other sentence (such as a community service order, restitution, prohibition, essay, apology, or counselling); or absolute discharge (found guilty but discharged).

<sup>28</sup> It is important to remember that youths are often diverted to social service agencies in lieu of being charged.

At the other end of the spectrum, there are those who feel that prostitutes have a right to exercise their profession freely. Other persons favour legalizing the trade to enable prostitutes to work at home or in brothels, subject to provincial regulation and municipal zoning and licensing.

In between lie suggestions to simply reduce the visibility of street prostitution through greater enforcement of the current law. Some proposals aim to contain the activity in clearly defined districts (e.g. outside residential neighbourhoods), through negotiation among sex trade workers, police officials, local politicians and affected citizens.

Other options target prevention or intervention through counselling, medical services, education and job training. Activities are also directed at hindering or deterring clients; for example, police in some cities have published the names of customers, impounded their automobiles, set up traffic barriers or introduced programs such as the john school.

The variety of approaches taken to deal with the problems associated with prostitution reflect the urgency felt by many stakeholders for solutions. Innovative strategies aimed at prevention as well as enforcement are being developed, and many affected communities are expending significant efforts grappling with these matters. Through such activities, an increasing number of Canadians are becoming aware of the issues involved and the need to address them.

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