

LS 101 — Chapter 12: Laws and Social Policy Related to Prostitution — Legislation of Morality

1 Prostitution Related Offences

- Prostitution is not an offence in Canada, though there are many related behaviours found in the Criminal Code.
- There are 3 main issues:
 1. Communicating in a public place for the purposes of selling/buying sexual services.
 2. Bawdy house offences.
 3. Procuring and living off of the avails of prostitution.
- These laws mainly attempt to regulate some of the public and nuisance behaviours associated with street prostitution — these don't really affect higher level prostitutes.

1.1 Communication

- Section 213 makes it an offence for a prostitute and/or the client to communicate for the purposes of prostitution.
- The police may attempt to enforce this by impersonating as either a prostitute or a "John" and arrest people if they attempt to communicate for the purposes of prostitution.
- This is legally not entrapment if the police act on reasonable suspicion and do not actively try to lead suspects in.
- Studies have shown typically more women are arrested rather than male clients.

1.2 Bawdy-houses

- Anyone keeping a common bawdy-house is guilty of an indictable offence and liable to being imprisoned for up to two years.

1.3 Procuring

- Anyone who:
 1. Procures, attempts to procure, or solicits a person to have illicit sexual intercourse with another person, whether in/out of Canada,
 2. Entices a person who is not a prostitute to a common bawdy-house for the purpose of illicit sexual intercourse,
 3. Knowingly conceals a person in a common bawdy-house,
 4. Procures/attempts to procure a person a prostitute,
 5. Procures or attempts to procure a person to leave the usual place of abode of that person in Canada, with the intent that that person may live in or frequent a common bawdy-house,
 6. Lives wholly or in part on the avails of prostitution of another person,is guilty of an indictable offence and up to 10 years of prison.