

CLIENTS AND THE LAW

By and for sex workers
Living and working in safety
and dignity



This document should not be taken as legal advice. This is a tool offered to sex workers so that we may improve living and working conditions. This information is not intended to influence anyone to commit illegal acts.

March 2015

IMPACTS

When clients fear detection by police they may avoid visible areas where sex workers may prefer to work, and they may rush the initial communication. Because of this, sex workers :

- work in darker and less populated areas where sex workers are more vulnerable to violence.
- have less time to screen potential clients before going with them.
- work longer hours and more often to generate the same income.
- may provide services they would not otherwise be prepared to.

These impacts negatively affect sex workers' safety and increase possible tensions with fellow community members.



In all sectors of the sex industry, fear of criminalization may also prevent clients from sharing information that some sex workers want before meeting. This means that sex workers are less able to properly screen clients and to create safety measures.

REMEMBER

Under the old laws, clients were criminalized for:

- Communicating in public, or in public view, for the purpose of obtaining sexual services for consideration.
- Being found in an indoor location where sex work takes place ("common bawdy-house").

Note: "For consideration" means in exchange for something: money, drugs, goods, etc.

THE NEW LAW

Art. 286.1(1) criminalizes every client who, in any place and at any time:

- Communicates with anyone for the purpose of obtaining sexual services for consideration; and/or
- Obtains sexual services for consideration.



Note: "For consideration" means in exchange for something: money, drugs, goods, etc.

ENFORCEMENT OF THE LAW

The criminal laws related to prostitution are the same all across Canada. However, the prosecutor's powers depend on provincial authorities, while police guidelines and policies depend on municipal or regional authorities. Enforcement of prostitution laws can vary from one city or region to another.



WHAT ACTIONS ARE CRIMINALIZED?

- Clients who communicate with sex workers in public remain criminalized.
- Clients who communicate with sex workers in private are also criminalized.
- The act of purchasing a sexual service is a crime.
- The act of communicating to obtain a sexual service for consideration is a crime.

Note: Sentences related to clients are much more harsh than they were before.

POSSIBLE SENTENCE

Sentencing depends on the specific case and on many factors. For example, the accused's prior criminal record, their current situation, the context of the offence and of their arrest, if they are charged with a summary or indictable offence, and whether they have been previously charged for obtaining sexual services.

The sentence can be a fine or prison time:

A prison sentence can vary from 18 months to 5 years.

A fine can vary from \$500 to \$4,000. It is doubled if the client is arrested near a park, school ground, religious institution or any other place where minors "can reasonably be expected to be present."

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We accept collect calls from people who are detained or incarcerated.