

About the Sex Workers Outreach Project

SWOP, at its most basic, is an anti-violence campaign. As a multi-state network of sex workers and advocates, we address locally and nationally the violence that sex workers experience because of their criminal status.

Operating in one of the most prominently violent societies today, sex workers in America experience this phenomenon pointedly in the context of their criminal status. Yet, sex workers are seldom afforded protection or recourse from violent acts committed against them because of the precarious, often graft-ridden relationship between sex work and law enforcement. Society tolerates violence against sex workers because of the stigma and myths that surround prostitution. Only until these falsehoods are corrected and sex workers are legitimized will we be able to effectively prevent and minimize the structural and occupational challenges of sex work.

SWOP works to educate policymakers and the public on the institutional harms committed against sex workers, and advocates for alternatives. SWOP promotes proven and effective social policy approaches to the sex industry. In order to reach its goals, SWOP adopts the principles and practices of nonviolent action in order to reduce violence and achieve dignity and rights for sex workers.

SWOP-USA

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Legal Resource Guide

July 2007



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Summer Edition

Prostitution in the US

Nationally there are a few laws about prostitution, which are outlined below:

- * Prostitution is not legal within reasonable distance of a military or naval establishment. Reasonable distance is to be defined by any of the Secretaries of the Navy, Army or Air Force.
- * You cannot distribute the proceeds of any illegal activity, promote, manage, establish, carry on or facilitate any of these things, or commit any violence to further prostitution. This includes intent, so just meaning to do any of those things is illegal.
- * You cannot knowingly transport someone (or coerce, persuade, etc) someone across state lines for the purpose of prostitution.
- * You can't knowingly come into (or go out of) this country to prostitute yourself, or to import or export someone for the purpose of prostitution.

Every State also makes their own laws about prostitution and all of them make it illegal, except some cities and counties in Nevada. To get more information about the penalties and specific definitions of prostitution in your state see www.swop-usa.org or contact us @ 877-776-2004.

General Practice Sex worker and GLBT-friendly

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\$100 consultation—only a fee if not hired, otherwise it counts towards total fee. Says he will offer a discount if clients are referred by SWOP

General Practice Sex worker and GLBT-friendly

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Working in Canada

Prostitution is not illegal in Canada but there are three main criminal laws that govern prostitution across the country:

1. Public solicitation is not allowed. This means that discussing business with potential clients in public places is not allowed. Technically this means cell phones used in public and pay phones too. To avoid a soliciting or Communication charge, you can use Email or a private phone line.
2. The law against "Keeping a common bawdy house" prevents workers from sharing or running legal in-call locations. It means that using or sharing an in-call space can be risky, though busts normally only happen after a lengthy investigation with multiple undercover police visits, (so chances are you won't be busted if you're only staying a short time) and enforcement varies. Doing outcalls to a client's home or to a hotel is the only legal way to work in Canada.
3. An agency or individual who takes a cut of your earnings can be charged with "living on the avails of prostitution".

Furthermore, street workers are sometimes harassed by police with fines unrelated to the Communication law; littering, loitering, jay walking.

Working in Vancouver, Victoria, Edmonton, Calgary, Winnipeg, Windsor

Most major cities require both dancers and massage/body rub providers to be licensed, but not escorts. However the municipalities above have decided, (attempted), to keep a record of all escorts and massage practitioners working there and they enforce annual licensing requirements. It involves a fee (between \$100- \$500), a police background check, plus registration of your legal and working name and a photograph. You'll need a license to work for a licensed agency or parlour.

Unlicensed Independents who advertise in newspapers as escorts in these cities may be targeted by cops, (particularly in Calgary and Windsor). One way around this is to advertise using any word OTHER than escort or companion (try courtesan, 'generous gentleman wanted' ect.) in the business personal section, for instance, instead of the escort or massage sections, or to avoid newspaper advertising altogether.

In order to collect licensing fees without themselves breaking Criminal Code laws, these municipalities do not openly admit that escorts and massage practitioners provide sexual services. Massage parlours and their owners can be charged under Criminal Law for being a Common Bawdy House if they are known to provide the services of prostitution

Entertainment/Sex Worker Specialty Practice

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EXOTIC DANCER STAGE FEE
PROSTITUTION AND
SOLICITATION CHARGES

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"Never lost a sex worker case"
15 year practitioner
Free consultation

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Urban Justice Center
123 William Street 16th floor
New York, NY 10038
(646) 602-5600
www.sexworkersproject.org
swp@urbanjustice.org
Focuses on the provision of legal services, legal training, documentation, and policy advocacy for sex workers.

General Legal Resources

Urban Justice Center in New York

(646) 602-5600

www.sexworkersproject.org

Gay Law Net

www.gaylawnet.com

Kink Aware Professionals

www.bannon.com/kap/index.htm

Just Cause Law Collective

www.lawcollective.org

405 14th St. Suite 1012 Oakland, CA

510-652-9937

Midnight Special Law Collective

www.midnightspecial.net

1709-A 19th Ave. Oakland, CA

510-261-4843

Anyone caught in the parlour, clients and workers, pay a fine as well. As long as any business is transacted behind closed doors at the massage parlour, there is no chance of the more serious Soliciting charge.

People licensed to work in massage parlours are not allowed to work as escorts outside the massage parlour on that license. They cannot do outcall on the basis of their massage license. They can license as an Independent or with an Agency to do escorting.

If you are caught breaking municipal laws, the charges are not as serious as breaking the big 3 criminal laws at the top. They are "misdemeanors" that carry sometimes serious fines. (In Edmonton, If you are caught working as an Escort without being licensed as an Independent or with an Agency, the fines are \$500 for advertising and \$2,500 for providing Escort Services x 2 = \$6,000 because you had neither the Independent or Agency license!)

Some organizations that can answer more questions for you include:

www.maggiestoronto.ca	www.spoc.ca
www.chezstella.org	www.surreygirlz.org

EXOTIC DANCER/STRIP CLUB LABOR ADVOCACY

Yes, it's TRUE! Stage Fees, mandatory tip outs, funny money tip outs, VIP fees, etc. are illegal! You are NOT an independent contractor! You have RIGHTS and precedents that have been set by other women who have fought for their minimum wage and stage fee re-compensation and WON. San Francisco Labor Commissioners Office in particular is very familiar with the labor rights of strippers in lap dance clubs there.

There are several resources available if you need help speaking out.

Workers Rights Clinic

415-864-8208
510-643-7954

David Michael Bigeleisen

415-957-1717

Volunteer advocacy is available thru SWOP

877-776-2004.

In New York:

Urban Justice Center
646-602-5617
www.urbanjusticecenter.org

Charged with Prostitution?

You do not have to talk to the police, FBI, INS or any other law enforcement agent or investigator. You cannot lawfully be arrested for refusing to identify yourself on the street, although this may make the police suspicious and police and other agents do not always follow the law. If you are driving a vehicle, you must show your license and registration. Otherwise you do not have to talk to anyone: on the street, at your home or office, if you've been arrested, or even if you're in jail. Only a judge has the authority to order you to answer questions.

There isn't a bad situation that can't be made worse by talking to the police! Whether or not you are under arrest, do not answer questions when interrogated by the police. Politely tell them, "I am going to remain silent. I want a lawyer." Many people invoke their Miranda Rights and then continue to talk. This is a very bad idea. Anything you say to a police officer can and often will be used against you or your friends.

Assert your rights. Better to say nothing than to give a false name. You have the right to remain silent under the Fifth Amendment (Miranda Rights). You have the right to an attorney.