



CITY COUNCIL

**Monday, September 23, 2019
5:30 PM**

Henry Baker Hall, Main Floor, City Hall



OFFICE OF THE CITY CLERK

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**Agenda
City Council
Monday, September 23, 2019**

CONFIRMATION OF AGENDA

DELEGATIONS AND RELATED REPORTS

DE19-123	Marilyn Degelman: Regulation of Massage Parlours
DE19-124	Ed Smith: Regulation of Massage Parlours
DE19-125	Fred Hill: Regulation of Massage Parlours
DE19-126	Nicole Pivovar: Regulation of Massage Parlours
DE19-127	Daria Frostad: Regulation of Massage Parlours
DE19-128	Lidija Spasic: Regulation of Massage Parlours
DE19-129	Jane Gattinger: Regulation of Massage Parlours
DE19-130	Bruce Ellergodt: Regulation of Massage Parlours
DE19-131	Arlene Stinson: Regulation of Massage Parlours
DE19-132	Devon Hill: Regulation of Massage Parlours
DE19-133	Lisa Miller, Regina Sexual Assault Centre: Regulation of Massage Parlours
DE19-134	Graham Beke: Regulation of Massage Parlours
DE19-135	Steve Selenski: Regulation of Massage Parlours



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CM19-13 Supplemental Report – Regulation of Massage Parlours

Recommendation

1. That this report be received and filed.
2. That item PPC19-7 be removed from the Priorities and Planning Committee's List of Outstanding Items.

CR19-78 Priorities and Planning Committee: Regulation of Massage Parlours

Recommendation

RECOMMENDATION OF THE PRIORITIES AND PLANNING COMMITTEE - JUNE 20, 2019

1. That an approach to massage parlours in Regina be adopted that regulates the industry as a business and that focuses on harm reduction for workers, operators and their clients.
2. That the City Solicitor be directed to prepare the necessary bylaw to amend the *Regina Zoning Bylaw No. 9250* and its successor which may be in force at the time of implementation (*The Regina Zoning Bylaw, 2019 No. 2019-19*) to:
 - (a) distinguish between massage parlours and therapeutic massage by:
 - (i) amending the definition of *Personal Service Establishment* to include *massage therapy*, defined as therapy provided by a Registered Massage Therapist within the context of the bylaws and ethics of the Massage Therapist Association of Saskatchewan, Inc. (MTAS) or the Natural Health Practitioners of Canada (NHPC); and
 - (ii) removing the term *Massage Parlour* and substituting *Body Rub Establishment* wherever it occurs; and
 - (b) allow massage parlours as a discretionary use in industrial and major arterial commercial zones (MAC or the equivalent in any new zoning bylaw). This amendment would:
 - (i) apply separation distances equal to the equivalent of one city block between massage parlours and:
 - schools;
 - churches;
 - daycares; and
 - other massage parlours; and



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- (ii) apply the separation distances in (i) to existing massage parlours as follows:
 - the separation distance between massage parlours and schools, churches and daycares would apply immediately. This will require some massage parlours to relocate or shut down as soon as the bylaw comes into force; and
 - existing massage parlours that do not meet separation distances between massage parlours, but otherwise comply with zoning regulations, would be grandfathered until one of the establishments moves or shuts down.
- 3. That the plan to develop a licensing program for massage parlours as outlined in Option B of this report be approved. That plan requires massage parlours to:
 - (a) operate only within specified hours of operation;
 - (b) comply with health and safety standards;
 - (c) ensure workers are of legal age and legally able to work in Canada; and
 - (d) ensure that workers receive training in safe practices and community resources as determined by the City of Regina.
- 4. That the Administration return to City Council with details of the licensing program in accordance with the policy intentions outlined in Recommendation 3 by March 31, 2020 to allow the City Solicitor to prepare bylaw amendments and/or new bylaws by June 30, 2020.
- 5. That the implementation plan contained in Appendix A – High Level Implementation Plan be approved.

ADJOURNMENT

Concern RE Body Rub Parlors Increasing Spread of Sexually Transmitted Disease

My name is Marilyn Degelman I was a Registered Nurse, I worked 32 yrs full time 42 yrs in total. I will relay to you statistics and signs and symptyoms of STIs.

The statistics are from formers years but this is the lastest data available .

An alert was sent out to Saskatchewan Drs Jan.8,2017 from the Saskatchewan Ministry of Health regarding the increased rates of sexually transmitted diseases.

Saskatchewan's rates are high compared to the rest of Canada.

- Syphilis was 2.7%higher in 2016 from 2015 for the same period*
- Gonorrohea increased substansially in 2016 , 39% increase from 2015*
- 60 cases of syphilis up from 22 for the same time period 2015 to 2016*
- 1087 cases of gonorrhea up from 779 for the same time period 2015-2016*

The concern with gonorrhea is that now there is a resistant strain of gonorrhea in Saskatchewan. The gonorrhea rate nationally was 36.2/ 100,00 but in Saskatchewan was 93.6/100,000. Saskatchewan rates are also high compared to the rest of Canada.

In 2012 the Public Health Agency of Canada statistics were

- Chlamydia cases were 298.7 /100,000 but in Saskatchewan were 526/100,000. Between 1998 and 2015 chlamydia the most common sexually transmitted infection rose 39,372 to 116,499 annual cases.*

From the most recent Health Status Report chlamydia is most common STI transmitted orally, anal & vaginally frequently asymptomatic but causes pelvic inflammatory disease, ectopic pregnancy and infertility in females. At birth mother baby transmission may cause conjunctivitis and pneumonia in newborns. Another chlamydia infection lymphogranuloma venerum can be complex & severe, causing swollen lymph nodes, fever, muscular pain and general ill health.

- Gonorrhea rates increased 5,076 to 19,845. Every time a new antibiotic is introduced to treat gonorrhea it mutates and developes a resistance.*

Symptoms of gonorrhea are increase vaginal discharge, painful urination, vaginal bleeding between periods such as after intercourse, painful intercourse and abdominal or pelvic pain. Untreated gonorrhea can cause serious permanent health problems for both men and women, can spread to the uterus and fallopian tubes causing pelvic inflammatory disease and it can

also spread to the blood called Arthritis-Dermatitis Syndrome which can cause joint pain and/or skin lesions.

- *Syphilis cases rose from 501(late 90's) to 4551(2015) Syphilis is highly contagious*
Stage One: is a chancre – a painless ulcer which will go away

Not treated is Stage two:

- *#1 sore throat*
- *#2 fever*
- *#3 headaches*
- *#4 swollen glands*
- *#5 muscle aches*
- *#6 wart like patches around skin fold or genitals*
- *#7 loss of appetite*
- *#8 Extreme fatigue*

Stage Three: often irreversible –for full recovery is to catch it early

- *#1 difficulty coordinating muscle movements*
- *#2 paralysis*
- *#3 numbness*
- *#4 gradual blindness*
- *#5 dementia*

It is a legal obligation to disclose a sexually transmitted infection. There has been an increase among all age groups and the consequences of not getting tested can be significant – not all people are getting tested. Body rub parlors are another mode of transmitting sexually transmitted infections which brings embarrassment, shame, anger or depression that can ruin relationships and marriages.

CONCLUSION: *With this information, No body rub parlors in Regina.*

Regina City Council Presentation – September 23 2019

Thank you for this opportunity to address His Worship the Mayor and City Councillors regarding the issue of regulation of massage parlours in Regina.

I will begin by saying that I am opposed to allowing these establishments to operate in our city. To begin with, let's be clear that massage parlours sell sexual services. I want to give you some background as to why I want to see them banned in our city.

In 1990 my 17 year old daughter was lured into the sex trade and within a year of entering this destructive life style, she was brutally murdered. Since her death, my wife and I have determined to do all we can to help those trapped in the sex trade to get out and to warn young people of the dangers that lurk there. The truth is that much harm is done to both the suppliers of sexual services and the consumers of those services. The majority of those supplying the sexual service are women and the majority of the consumers are men.

Since my daughter's death, I have been a speaker at over 200 "john schools" in Saskatoon and Regina. I speak at the "john schools" to help the men understand the harm they are doing to the women they are using and to themselves and their families. The men attending the "john school" have been arrested for attempting to purchase sex and have opted to attend the "john school" so they can remain anonymous. They don't want anyone to know what they have done. They know their actions are wrong and readily admit that they are hurting themselves and their families. When asked how they think the women feel who provide the service, they say they try not to think about that.

At the "john schools" there are also women who speak to the men who have been arrested. These women are former sex workers who have been trafficked across western Canada and were involved in street prostitution, some worked out of hotels, some through escort agencies and some in massage parlours. They talk very bluntly about how being a provider of sexual services has left them feeling demolished. They feel worthless; they say they feel like a piece of trash, they feel used and empty. As a city, why would we allow a business to operate that causes so much harm to both the supplier of the service and the customer. The only person who benefits in this story is the owner who collects the money.

The city report on massage parlours talks about exit strategies for the sex workers, but by that time it is already too late. The damage has already been done. It seems like every day in the news we hear about another case of women and girls being abused by men who think only of their own selfish desires. We need to show our women and girls that we will do everything we can to protect them. If we think that regulations, licensing and bylaws will protect them we are deceiving ourselves.

I want to strongly encourage our city's elected leaders to take a courageous stand and let the citizens of Regina know that you really care about them by saying no to massage parlours in our city and banning them completely.

Thank you.

Ed Smith

City of Regina
2476 Victoria Avenue
Regina, SK S4P 3C8

for Council Meeting 2019 September 23

Re: Regulation of Massage Parlours

Let me state my position up front. I believe the City of Regina should choose to ban Body Rub Parlour operations within the city.

But let's back up:

The City of Regina recently enacted a bylaw change that reduced speeds in school zones to 30 kmh. As a driver I don't like it. It's an uncomfortable speed to drive at and it presumes that I cannot drive safely at higher speeds. But I abide by the new speed limit regardless of my personal opinion.

Why?

Because I trust that this council has done its due diligence, fairly investigated the research and appropriately concluded that this new speed limit does what our bylaws are meant to do – regulate the behaviour of the citizens, regardless of their personal desires, where its necessary to improve the character of our community and to protect the weak and the vulnerable. Like our kids running to and from school.

In the case of Body Rub Parlour regulation. I personally believe that the City Administration, though well meaning, is failing to bring forward recommendations that will protect the most vulnerable in our society.

I have several concerns with the proposals recommendation to license the Body Rub Parlour businesses, instead of either a ban or instead of licensing the individual workers:

1. In the Administration's own report it indicates that most cities that regulate sex-work-related businesses require licensing of the individual workers – and yet this recommendation before council is to only license the business.
(Appendix A, Responses to Specific Issues, page 25, Question 22)
2. In the Administration's own report they received information from the City of Saskatoon that licensing the individual workers would reduce the instances of human trafficking – and yet this recommendation before council is to only license the business.
(Appendix A, Responses to Specific Issues, page 24, Question 21)
3. In the notes of the Administration's report on the consultation with the Regina Police Service Vice Squad; The feedback from the RPS indicated that, "It's always a different girl there, so you don't know who the owner truly is." Yet the recommendation before council is to regulate these businesses that we can't get a handle on.
(Appendix C – Summary of Engagement, Page 33)

Further – on support of a ban:

4. In the Administration's own report feedback from front-line workers, who are either in or have been successful at getting out of these operations, favoured a ban on these operations.

(Appendix A, Responses to Specific Issues, page 13, Question 7)

5. In the Administration's own report it indicated that there were three cities in Saskatchewan, Manitoba and Ontario that have existing bans in place for these facilities – but instead of fully answering the question of the impact of the ban on those people exiting the business, the Administration chose to reiterated how many cities allow these operations instead – side stepping the councils request for information.

(Appendix A, Responses to Specific Issues, page 16, Question 11)

Based on the Administration's own report: I see that it is not valid to just regulate the business; and the majority of voices, even those who were once on the front-line, would prefer a ban.

In my last appearance here, I urged council to consider a ban of these operations. My concern is for the safety of the workers and the users, but equally importantly is my concern is for the character of our neighborhoods and the interests of the general population over the interests of business owners who we struggle to adequately even identify.

So I continue to call on you to choose to ban these operations:

Please take into consideration:

- a. the voices of the citizens who were nearly unanimous in their call for a ban,
- b. the voices of the past front-line workers who preferred a ban
- c. the voice of the Regina Police Service who struggle to identify the true business owners, and
- d. the success of other cities who have sustained bans on these operations.

Don't protect our children from speeding cars, and then turn around and expose them to neighborhoods rife with the illegal purchase of a sex from businesses we as a community licensed.

Thank-you for this opportunity to share my personal opinion.

Sincerely,

Fred Hill

Monday September 23, 2019

Office of the City Clerk
City of Regina – City Hall
2476 Victoria Avenue
Regina, SK
S4P 3C8

**RE: INTERVENTION COMMENTS for September 23, 2019 City Council Meeting.
Support for Freedom Catalyst Regina's recommendation for massage parlours in the City of Regina.**

Honourable Mayor Michael Fougere, City Councillors, and Respected Committee Members:

My name is Nicole Pivovar. I am a member of Freedom Catalyst Regina. I am requesting permission to appear before City Council. My presentation and submission today is in support of Freedom Catalyst Regina's recommendation for massage parlours. A recommendation which allows for licensing bylaws that prevent and restrict massage parlours from operating in Regina completely.

In 2011 I served with a Regina community mission called Love Lives Here. The organization is run by local humanitarians who provide an all-night bus service to reach and meet the needs of street workers in our city. While serving on the bus, I met with a street worker who told her story. I will now share a poem I authored about the street worker I met from the bus. It was recently published in an anthology collection by Moose Jaw Night Writers. The poem is titled Fifth's Lady.¹

I am keeping this image of this woman I barely know;
locked up inside a box.
I remember her.
Gracing her with only one glance this woman I barely know;
a memory etched upon mindseye.
I remember her.
Trampled by many this woman I barely know;
tossed about like soiled laundry linens.
I remember her.
Standing bravely tall with iron will this woman I barely know;
facing the world authentically with each passing day.
I remember her.
I am keeping this image of this woman I barely know;
locked up inside a box.

Members of the City of Regina executive committee have prepared a recommendation for Regina which suggests regulating the massage parlour industry as a business-category will able harm reduction for workers. I support the beliefs of Freedom Catalyst Regina. When activities such as sexual exploitation are placed within any categorical environment criminal activity results. Massage parlour workers will remain at risk, and we do not want this to happen.

Will this government offer Regina a massage parlour solution which values a cause for abolition? Regina's future potential deserves a choice for licensing bylaws that prevent and restrict massage parlours from operating in Regina completely.

Sincerely,



Nicole Pivovar

I'm an abolitionist and I believe that prostitution is a form of slavery. Trafficking is the obvious crime that most people agree should not be allowed. But in reality, all prostitution is a form of exploitation against women.

Prostitution is what happens in the massage parlours. Some people think that there is a distinction between overtly coerced human trafficking, like kidnapping, and those who enter into it "by choice" quote on quote. But how much of a choice is there? The average age of entry into prostitution is ages 12-14 years old. Almost all prostituted women were sexually abused as children. Most of them turn to this because of extremely dire circumstances. When you hear about men and women working in sweatshops, under terrible conditions, and yet they work there "by choice" because of their dire circumstances does that really make it OK? Does that justify abuse? No, certainly not.

Some people believe that somehow body rubs make it safer for women who work there because it keeps them off the streets. This is not true. If regulated massage parlours are safe, then you would think that currently existing legal brothels would be safe too. Well, let's take a look at what happens in some of the legal brothels in Nevada. Julie Bindel is a writer, feminist, and co-founder of the group Justice for Women. She wrote an article for the New York Review about her research into legal brothels. Here is what she said:

"I interviewed some fifty women who had previously been involved in prostitution...Every one of my interviewees, many of whom were prostituted under legal or decriminalized systems...told me of endemic violence from brothel owners, feelings of stigma and shame, and a lack of services to support women leaving the sex trade...One told me that she felt men are encouraged to treat the women 'like candy in a store, and not like a human at all.'"

Last fall, during a trip to New York, I met with Annie, a woman who had worked in three separate legal brothels in Nevada...Annie was nervous and seemed traumatized by her experiences...(she said) 'The brothel owners are worse than any pimp,' she told me. 'They abuse and imprison women and are fully protected by the state.' It is widely known that the brothels are difficult to leave. End quote.

And that's in legal brothels in a first world country like the United States!

So basically, for women who work in these places, sexual harassment is a part of the job. Not having any rights to their own body is an expectation. Being treated like objects by men is the norm.

No, it's not a safe working environment. Women have reported in various sources about being abused, coerced, attacked, strangled, threatened, raped, and told that they can't leave...and even once they do leave, it is difficult for them to start a new life. What are they going to write on their resume?

So why would we want to allow it in our city? Because some men want that? How is this even a debate? In a #MeToo world, this is not Okay. It should never be acceptable.

Jewell Baraka, a trafficking survivor has said, "You can't dehumanize a girl in one part of your life and not have it affect the way you relate to every other female in your life."

If we as a city, as a society normalise the sex trade with all its dehumanising that it comes with, then we are normalising a model of manhood that goes directly against our values. In a #MeToo world, this is not Okay.

On a different note, I would like to point out that communicating to obtain sexual services is still against the law in Canada. Section 286.1 of the criminal code of Canada states that it is illegal to obtain sexual services for consideration, or communicate in any place for that purpose. It is. Illegal. So how can the city “allow” criminal activity? Again, how is this even a debate?

One last point: There is a lot of false information floating around on the pro-massage parlour side. There have been other times in history when people have offered “logical” arguments to protect institutionalised exploitation. Take pre-civil war America. Slave owners said arguments like this to make slavery sound acceptable:

They said:

- The sudden end to the slave economy would have a severe negative impact on the cotton and tobacco industry.
- If all the slaves were freed, there would be widespread unemployment and chaos. This would lead to uprisings, bloodshed, and anarchy.

Sound like logical arguments?

- Defenders of slavery argued that slavery had existed throughout history and was the natural state of mankind. (This one in particular reminds me of that argument that “prostitution is the oldest profession.”) You know what else has been around a long time? Slavery.
- Defenders of slavery argued that by comparison with the poor of Europe, that slaves were better cared for. They said that their owners would protect and assist them when they were sick and aged. This is like that argument that somehow women in massage parlours are safer than on the street. Like, “It’s helping them”.

Times are changing. Dear city of Regina, please vote on the right side of history.

Daria Frostad

1. Body rub parlours in Regina
September 2019

2. Ban or regulate?

According to the City of Regina, there are more than 20 body rub parlours in the city. Is there a cap on the number of body rub parlours allowed in the city? No!!!
The approach we currently have proliferates the parlours and the trafficking within their walls.

3. City of Regina

The Zoning Bylaw Recommendations

- To allow a discretionary use in major arterial zones, such as Victoria Avenue and Albert street – this is a disgrace for the city.
- One-block separation distance from schools, churches, daycares – a block away does not make a difference – what will our children and residents see on their way to school, daycare or church? Should these women be role models for our children? They sit outside their establishment in their robes (they are not appropriately dressed).
-

4. Zoning bylaws already in place that should be enforced

- The Zoning Bylaw No. 9250; Part 16B; 2.2(2) specifically says the following:
- No animation or illuminated sign shall be permitted in a residential zone other than the MX - Mixed Residential Business zone. [1992/9250]
- The property at 1338 Victoria Avenue is NOT MX, it is zoned 100% residential. Therefore, any use of such signs is not in compliance with the law and regulations in our neighborhood.
- In addition to the signs, there are several other things that fall under the bylaw:
- illegal activities (e.g., adult entertainment) conducted 24/7
- advertising-signs visible from outside significantly reduce the market value of our properties, attract shady people, and scare neighbors.
- noise, heavy traffic and possible safety hazards – there is a fire hydrant at the property line, and “clients” that come late at night park in front of it sometimes.

5. Zoning bylaws already in place that should be enforced

- The Zoning Bylaw No. 9250; Part 6A makes the following statements that this property violates:
- 6D.3 3.1 (a) - City recognizes that there is also a need to protect the integrity of residential areas from the adverse impacts of non-residential activities
- 3.8 SIGN - No advertising display sign shall be allowed where the

residential business is conducted. (this is mentioned in two different bylaws – in the Residential Zone Regulations and Sign Regulations).

- 3.14 (2) Prohibited residential businesses include, but are not limited to, the following: (k) Escort and dating services; (l) Adult entertainment uses (which we observe every day at 1338 Victoria Avenue).
- (3) A home-based business shall not be approved if, in the opinion of the Development Officer, the use would be more appropriately located in a commercial or industrial zone having regard for the overall compatibility of the use with the residential character of the area. [2006-14]

6. The request I make of City Council

- Safety for my children, my family and my neighbours
 - Children, seniors, people with disabilities, indigenous women
- Remove the signs that attract clientele any time day or night, and remove them right away since the sign bylaw is already in place
 - Noise and damage to property in the middle of the night
- Do not allow massage parlours as a discretionary use in major arterial commercial zones such as Victoria Avenue and Albert Street
- Do not allow massage parlours in residential neighbourhoods
- A right to live in a decent neighbourhood



Body rub parlours in Regina

September 2019



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- A right to live in a decent neighbourhood

I am here to express my grave concerns over the recommendations of the City of Regina council to approve sex-trade businesses: otherwise known as Body-rub establishments. Sex-trade work is harmful as revealed by:

68% of sex trade workers suffering from Post-Traumatic Stress Disorder (PTSD) resulting from their work

450% increased rate of suicide for youth/women compared to the general population

<https://sex-crimes.laws.com/prostitution/prostitution-statistics>

Eight of the reasons heard for recommending these parlours in our city are as follows:

1. Regina's growing demand for sexual services:

There is also an increased demand for crack cocaine which is still now allowed. There was also an increased demand for black slaves in the USA in past times, but demand can never justify more human exploitation

2. We need to "get with the times":

If the keeping up with the times includes exploiting human beings, then I suggest that human rights protections outweigh the value of "the times".

3. Prostitution is only a moral issue.

The moral aspect of the sex-trade, pales in comparison to the many other aspects of assaults and illegal human rights violations/trauma accompanying sex trade.

4. It's the oldest profession (since biblical times) and we'll never get rid of it.

This philosophy could then be used for assault or murder which are just as old; Or meth labs and heroin houses, since we don't expect to completely irradiate these. Sex-trade work is the oldest "Oppression" comparable to child slave labor. It preys upon desperate and vulnerable people.

5. Selling sex is legal.

Buying sex is not legal. Profiting from the proceeds of sex trafficking as a pimp or parlor owner is still a crime. Delivering paid sexual services cannot happen without participating in the illegal activity of the purchaser.

6. Other cities are doing it therefore it's inevitable.

Some communities do and some don't. I suggest that we don't. Let us be a leader and do what's best for our community.

7. The women will be safer.

a. Anti-human trafficking academics, groups and numerous x-parlor workers agree that body-rub establishments are not safe. The harms and human rights violations will in no way be diminished for those trafficked into body-rub establishments but will increase in volume as the industry expands in our city.

b. Parlour owners or organized crime cannot be trusted to self-regulate (indicated on pg 10 of your recommendations). Security guards are reported not to respond when vulnerable workers are crying out for help. Their purpose is not to protect the workers but to protect the owners, their profits and their paying customers .

c. Most sex-trade workers fear reporting their handler. While the majority has been harmed, police confirm that few have been willing to report or testify. Those that do, typically need relocation for reasons of safety. Let us not leave the fox in charge of the hen house.

8. If we don't allow it, then it will go underground and that would be worse.

Some parents tell their teens that they are welcome to have a sex and drug party at their home, so the harms can be reduced rather than just having them sneaking around behind their back. Either way, the teen is harmed or at risk.

Adding body-rub parlours to our community does nothing to protect the pre-existing street workers. It only introduces additional human trafficking; imported primarily from Asia.

I recommend that we take the six figure dollars needed to police these parlours and re-designate that to the exploited workers through protective services, housing, counselling and career training for all sex-trade workers interested.

While City council may fear litigation that could arise from banning, I wonder if consideration was given to potential for litigation that could arise from united citizens and/or businesses of Regina regarding the resulting harms. Problems are already occurring (with only a portion reported). Children are restricted from playing in their yards; or public playgrounds banned from playtime. As a steady flow of inebriated or dangerous men bring harm to the character and land value of residential neighbourhoods as risks of harm to businesses in commercial areas or MAC zones. What kind of community do we want to live in?

We need;

- Healthy tourism not criminal tourism.
- Safe neighbourhoods; not organized crime
- Improved land values not diminished
- Law abiding practices and protections
- Human rights and protections upheld for all of our residents
- Legal commerce attracted and fostered to build our economic base
- Hard earned tax dollars redirected away from policing crime associated with parlours, to instead protect our businesses and neighbourhoods (including those most desperate and vulnerable).

City council members, this is your moment in history. You have a rare opportunity to ban this human rights exploitation/violation/crime from our community now; both through existing bylaw enforcement and by adding additional restrictions.

Think about how this burdens or benefits our city both now and future.

This is a modern day form of slavery that we are looking at today. Many a soldier gave their lives so that we can all enjoy freedoms. Let's not willingly give that away.

Please do not turn a blind eye to our most vulnerable population but step out and take a risk to do right.

Be heroes in your community, and use the power that you have in this moment for good both for those trapped in the industry, but also for our city as a whole.

Please vote to ban body-rub parlours in our beautiful city.

Make Regina safe and proud again

Jane Gattinger

I am writing to request to appear before City Counsel on Sept. 23rd to make a presentation regarding the Massage Parlour bi-law proposal.
following is my presentation.

I am speaking against the regulating of this abusive industry and ask you to ban BRB.

*In this report there are several references to exiting the sex trade industry. Special funding, special programs, unique training for the police, training for bylaw officers, all to identify and help a vulnerable person do what others do all the time without help. ie. Quit their job and start a new job. Why is it that we need to set up exit strategies and resources for the girls to exit a legal & regulated industry? What other sanctioned industry has an exit strategy, and resources for the safety and well being of its workers at the hands of other human beings? What do most women how exit, the sex trade call themselves? Survivors. Survivors. My guess is 99% of the people in this room have never referred to themselves as a survivor in reference to quitting and starting a new job. Why survivor? A survivor is one who has endured. A sex trade survivor is one who has experienced and endured abuse and humiliation no one in this room can imagine or ever desire. Survivor, not a badge of honor in this industry. It makes more sense to enact *laws and programs that will educate and help girls **not** get into the sex trade in the first place, so we don't have so much damage to "fix" after.**

What other business do we legitimize and legalize and then set up regulations to protect the workers from their bosses (their handlers) and protect them from their clients (their abusers)? And then spend good taxpayers' money to help them exit their "high risk" workplace while offering them counseling for their PTSD. What other trade do we do that for? If this industry is so empowering, and so pro gender equality then why do the women need so much help to exit this occupation? Or let me rephrase that question: Why do the women need so much help to escape their oppressors?

Here's my business & job site safety manual, 119 pages. Here's the sex industries safety manual. (An Emergency button.) Press here. Once the owners and the girls have signed off on their safety manual will it be at the front counter for all the man to read and sign off on as well? Just like I do when I walk onto a high risk job site? Let's legalize domestic abuse and then tell all the women; "We will regulate and put into place safety measures to protect you from any excessive abuse." Let's empower domestic abuser unite and self regulate.

Let's revisit slavery. Come to think of it prostitution linked to human trafficking is slavery, modern day slavery. But let's take out the sex factor. Let's, for a minute, revisit slavery, legalize it, regulate it, police it and (hope like crazy our daughters, sisters, grand & great granddaughters don't get lured in.) and then, establish an exit plan for those who are tired of being slave. Because there are lows that are binding and enforced there will not be any abuse by owners or abuse from those who rent the slaves.

Self regulating. Self regulating. Who runs these brothels? Organized crime, oppressive owners and pimps. How did self regulation work in the tobacco industry back in the 1970's when they told us there was no proof that nicotine was addictive or cancer causing. How is the self regulation of the social media giants working out with Face Book and the Cambridge Analytica scandal?

Talking in good faith with brothel owners is like peace talks in good faith with the Taliban or the Mafia. If there ever was a business that lived by the adage "the customer is always right", it's this industry. "Hey boss, that last client hurt me, made me do something I didn't want to do, called me a B, he harassed me." "Listen b . . . , he paid and he get's what he wants and if you weren't such a b . . . he wouldn't call you a b . . . Now wipe away your tears, suck it up and get ready for the next one."

At one time we were ignorant of the harms of smoking, and we listened to the research of the tobacco industry, to our shame and the destruction of many people's health. At one time we were ignorant of the causes of climate change and our lifestyle impact on the environment. For the most part we are more educated, and we accept our role in this issue. So to, we must open our minds to the truth of this industry, the truth that women and girls are being exploited, abused, trafficked and outright robbed for their dignity, honour and dreams. Self regulation. The owners are laughing to the bank and back again. It feels like this report was written by them and for them with little regard for the abused and exploited victims.

This is a demand and supply issue. We know who creates the demand, the john's. But we get it wrong when we think the girls are the suppliers. They are not the suppliers. The suppliers are the pimps, body rub brothel owners and organized crime. The girls??? Well, the girls ... they are just the product, to be bought and sold at will through the supply and demand chain. Why do you think there are abductions, and human trafficking? The product, the commodity, (the girls) are not as willing or as numerous as we are told or assume, they are. So, the supply chain uses manipulation, drugs, intimidation and deception to "recruit" to feed the demand for sex slaves.

Back on January 25th 2017 you all showed courage and integrity when you voted down the strip club licence application. I'm sure you all slept peacefully that night knowing you had defended the freedoms and empowered the dreams for women here in Regina. And others that would have been trafficked from other places in Canada. In the same spirit I ask you, this evening, to rise above the norm, the average, even rise above 10s of 1,000 of years of acceptance and oppression and set a higher precedent in our country than any other city has done. Vote to ban these brothels in Regina and declare Regina a FREE ZONE without legalized abuse.

Bruce Ellergodt

Mayor Fougere and Regina City Council,

Thank you for the opportunity to speak to you about the issue of Body Rub Parlours.

I would like to see you support bylaws that would ban these establishments from within City limits. I would also encourage the City to provide budgetary dollars for a robust enforcement of these bylaws.

As is referenced numerous times in the report from Administration, the purchase of sexual services, or a “Happy Ending” is a part of these establishments. There is ample evidence that these types of establishments are places where human trafficking can occur. So, I would contend, like other establishments that include illegal activities, these add nothing to our city.

While the safety of the workers in these establishments is paramount, I think we can do better – I would like to think we could offer them a better living that one rife with exploitation. I would encourage you to view a video from August 2019 in which women who have or are currently working in Body Rub parlours talk about the issues they faced. It can be viewed on YouTube here:

<https://www.youtube.com/watch?v=B5rZon5hgwE&t=213s>

I would not recommend we pursue a “harm reduction” model, not because I don’t think there is harm, but, based on other jurisdictions where brothels have been legalized, there is evidence that a illegal, unsupervised and unregulated trade mushrooms, which I believe actually puts the workers at more risk.

I disagree with the assertion that if we ban these parlours in Regina, that the workers would move to higher-risk activities, such as street prostitution. Having had the opportunity to chat with workers in about a third of these establishments, this does not appear to be their modus operandi. Rather, I would agree, as the report asserts, that the workers would move to another city, possibly to another parlour. However, the workers in these establishments already move with regularity, so that would not be a change from the current situation; it would not be an added harm resulting from banning.

A concern I have is that licensing these establishments normalizes this activity in our city. It makes it appear that everything that happens there is “legal,” when in fact the law is being broken within the establishment. I would not want the City to be complicit in normalizing prostitution, even as a “Happy Ending.”

I would ask that you not support the Administration’s recommendation that would allow massage parlours as a discretionary use in industrial and major arterial commercial zones.

In conclusion, I want to thank you for your service to the citizens of Regina. I would ask that you support a bylaw structure that would not allow, or would ban, these establishments in Regina.

Arlene Stinson

Good evening. My name is Devon Hill, and I am with Freedom Catalyst Regina.

To start, I would like to talk about a survey I did of the Heritage Community. This is where many of the parlours exist on Victoria Ave. During the June Executive Committee meeting, a rep from the Heritage Community Association said “In a 2007 study...our community identified the sex trade as one of their primary concerns. In a recent update to that study, conducted in 2017/18, it was mentioned only once out of 91 interviews with residents. We suspect this is because, with sex work moving mostly indoors, it now has a much lower impact on most Heritage residents.”

I personally wondered if this low concern would occur if people were directly asked about prostitution in a formal way. So I did a door to door survey of the area. Every house and business was attempted to be engaged all the way from Broad to Arcola on Victoria. Other residential blocks in the area were also surveyed, along with two baseline or control group areas in random places in Regina.

Four questions were asked, namely:

Question #1: “Are you concerned about the body rub parlours in the Heritage Community?”

Question #2: “Are you concerned about prostitution in the Heritage Community?”

Question #3: “Are you concerned that the City is recommending removing the restrictions from being within 183 m of family residences and parks for body rub parlours?”

Question #4: “Are you concerned that the Heritage Community Association is advocating that body rub parlours should be allowed in your area (on the main strip of Victoria in MAC zones) and that they are saying citizens are not generally concerned about it?”

For the results, I sent a more detailed report to the City in Appendix A of this speech, so if anybody would like more details, the report is available. Here are some summarized results with only the Heritage Community data:

1. Are you concerned about body rub parlours: 67% said Yes and 17% said No.
2. Are you concerned about prostitution: 83% Yes and only 13% No.
3. Are you concerned about removing restrictions from family residences and parks: 89% Yes, and only 7% No.
4. Are you concerned about HCA (and by extension the City) advocating parlours to be in MAC zones: 67% Yes, 15% No.

The results speak for themselves. Prostitution and body rub parlours are a major concern to the Heritage Community, and based on the baseline/control group results, the entire City as well. People do not want them in MAC zones or near residences. The survey results are clear, along with the public consultation, and the majority of the letters and speeches at past meetings. And yet, many are finding it extremely frustrating that not a single recommendation can be pointed to that takes the public's desire into consideration.

When I was doing the survey, on only one side of one particular residential block, it took me 1.5 hours just to get through it. The reason was because everybody wanted to tell me their stories and voice their frustration on what is happening. Some of them felt immense frustration at what they perceive to be inactivity by the City and the Police to address the rampant problem. And yet, we see recommendations being made such as removing the restrictions from being near a family residence.

Shifting focus now to discuss the legal concerns that have been brought up on why body rub parlours cannot be banned. The main argument being used is the Bedford case. Pro-prostitution groups rejoiced at this ruling since they believed it would result in the decriminalization of prostitution. However Parliament was given the task to develop new prostitution laws. And the new laws they came up with, swung in the exact opposite direction of the Bedford case.

So if we have brand new laws, that by and large swing in the opposite direction of the Bedford case, why is the Bedford case being used as the legal argument why parlours cannot be banned? It just doesn't make any logical sense. We have new laws. Those are the ones that should be being assessed and interpreted in this case. And when doing so, this much is clear - parlours exist for only one purpose – and that is to bring illegal activity to the parlour, and for illegal activity to occur inside. Why is it that prostitution is the only illegal activity that gets a green light, and is allowed to be licensed? There is nothing legal about prostitution – illegal activity happens every single time it occurs. Are drug houses ever licensed? How about illegal gambling houses? Or any other illegal activity for that matter. No they aren't – and with good reason.

In closing, please City Councillors and Mayor Fougere, I implore you for the benefit of our vulnerable and exploited girls in our City, please do not approve the recommendations in this report. Like I've said before, please come at this from the perspective that your own daughter was working in one of these parlours, and how that would affect your decision. Because they are somebody's daughter. And we need to stand up for them. Thank you.

Appendix A:

Heritage Community Body Rub Parlour/Prostitution Survey –
Freedom Catalyst Regina

September 17, 2019

Purpose

During the June 12th Executive Committee meeting, a representative from the Heritage Community Association (Shayna Stock) spoke on the perceived current effects of prostitution in the Heritage Community. The speech (also found here:

<https://heritagecommunityassociation.com/2019/06/12/statement-on-regulation-of-body-rub-parlours/>) in part said the following:

“In a 2007 study done on our neighbourhood’s assets and needs, the community identified the sex trade as one of their primary concerns. In a recent update to that study, conducted in 2017/18, it was mentioned only once out of 91 interviews with residents. We suspect this is because, with sex work moving mostly indoors, it now has a much lower impact on most Heritage residents.”

As a result, one of the recommendations was the following:

“That body rub parlours *not* be relegated to industrial zones, as this is likely to have a negative impact on the safety of workers due to lower visibility and more isolation. In other words, we do not support the enforcement of existing Zoning Bylaws, as it would not prioritize the safety of workers.”

In other words, the Heritage Community Association is advocating that the body rub parlours be allowed to operate in Major Arterial Commercial (MAC) zones. This was further clarified during the Q&A session where it was said they support body rub parlours operating in the MAC zones on Victoria Ave between Arcola and Winnipeg (where many of them already currently operate).

The following survey was completed to better assess if it is true that only 1.1% (1 out of 91) consider prostitution and body rub parlours to be a concern. To better understand resident’s and business’ concerns, a four question survey was developed specifically on this topic

Overview

In July 2019, every house and business was knocked on or entered with the attempt of asking if they are willing to answer the survey questions. The areas that were surveyed include the following:

- Victoria Ave from Arcola to Broad (in the Heritage Community)

- 1800 & 1900 block Ottawa St. (i.e. the two blocks north of Victoria Ave. – in the Heritage Community)
- 2400 block Harvey St. and 600 block 17th Ave. E (Baseline #1)
- 100 block Woodward Ave. (Baseline #2)

The two baseline areas were used as control areas to assess the responses from a random area of Regina to determine differences in responses to the Heritage Community.

The survey results documented whether they were residents or a business, and whether they chose to remain anonymous (in terms of their address).

The questions asked were:

Question #1: “Are you concerned about the body rub parlours in your neighbourhood or the Heritage Community?”

Question #2: “Are you concerned about prostitution in your neighbourhood or the Heritage Community?”

Question #3: “Are you concerned that the City is removing the restrictions from being within 183 m of family residences and parks for body rub parlours?”

Question #4: “Are you concerned that the Heritage Community Association is advocating that body rub parlours should be allowed in your area (on the main strip of Victoria) and that they are saying citizens are not generally concerned about it?”

Also when surveying the baseline/control blocks, to obtain better and more relevant data, Questions #1 and #2 were slightly modified to:

Question #1: “Are you concerned about the body rub parlours in Regina?”

Question #2: “Are you concerned about prostitution in Regina?”

The survey respondents could select an answer from Yes, No, Indifferent, and Undecided. They then ranked all Yes or No questions from 1 to 10, with 1 being not strongly believe, and 10 being strongly believe.

Results

In total, 61 people answered the survey. An additional 57 people were asked if they wanted to respond to the survey, but they declined for various reasons.

Table 1 is a compilation of all of the data. Table 2 summarizes the data as the percentage that answered Yes, No, etc. for different areas/types, as well as providing an average of the rank data for each answer. Please take note of the “Colour Description” listed on each of these tables that provides a better ability to more easily determine the results (i.e. green is for Yes answers, red is for No answers, etc.)

Important Note: Tables 1 and 2 are embedded PDFs – to read them properly they have to be double clicked and opened in a PDF reader

Figure 1 through 4 show a graphical representation of the same data in Table 2.

Table 2 and Figure 1-4 have broken the data down into the following categories:

- All data
- MAC Zone – Victoria (i.e. from Arcola to Winnipeg)
- Non-Mac Zone – Victoria (i.e. from Broad to Winnipeg)
- Non-Mac Zone – Ottawa/Winnipeg (i.e. the two Ottawa blocks north of Victoria. Note: the “Winnipeg” reference is just for one individual that was surveyed that was walking on the street and he lives on Winnipeg St.)
- All residents
- All businesses
- Baseline #1 and #2

As can be seen in the Tables/Figures, the data shows significant and overwhelming concern (from all groups/areas) related to all four questions. The results are discussed further by each question below:

Question #1: “Are you concerned about the body rub parlours in your neighbourhood or the Heritage Community?”

Overall 74% of the respondents answered Yes to this question. The average ranking was 8.6. Only 13% answered No, with an average ranking of 7.3. The other areas/types had slight variability, but were generally fairly consistent, with the exception of the “Baseline” and “Non MAC Zone – Victoria”. They had 93% and 42% answer Yes, and 0% and 25% answer No respectively.

Question #2: “Are you concerned about prostitution in your neighbourhood or the Heritage Community?”

The results for Question #2 were even more overwhelmingly in favour of Yes answers than Question #1. Overall 84% answered Yes (ranking average of 9.0), and 10% answered No (ranking average 7.4). There is slight variability in the other areas/types, but generally they results were fairly consistent.

Question #3: “Are you concerned that the City is removing the restrictions from being within 183 m of family residences and parks for body rub parlours?”

Again the results for Question #3 were even more overwhelmingly in favour of Yes answers than both Question #1 and #2. Overall 92% answered Yes (ranking average 9.1), and 5% answered No (ranking average 9.0). There is slight variability in the other areas/types, but generally they results were fairly consistent, with the exception of “Non MAC Zone – Victoria”. The results for it were 67% Yes and 17% No.

Question #4: “Are you concerned that the Heritage Community Association is advocating that body rub parlours should be allowed in your area (on the main strip of Victoria) and that they are saying citizens are not generally concerned about it?”

The results for Question #4 were very similar to Question #1. 74% answered Yes (ranking average 8.9) and 12% answered No (ranking average 7.0). Higher Yes values were seen in “Non MAC Zone – Ottawa” and “Baseline” results (i.e. 91% and 93% respectively). Lower values were seen in “Non MAC Zone – Victoria” (i.e. 42% Yes and 25% No).

Overall Heritage Community Results

The baseline/control groups clearly indicated that there was significant concern with all four questions. Since the main goal of the survey was to determine response from the Heritage Community, the following results summarize all of the data, but with the baseline data removed:

Question #1: Yes 67%, No 17%, Yes Average Ranking 8.7, No Average Ranking 7.5

Question #2: Yes 83%, No 13%, Yes Average Ranking 8.8, No Average Ranking 7.4

Question #3: Yes 89%, No 7%, Yes Average Ranking 9.0, No Average Ranking 8.0

Question #4: Yes 67%, No 15%, Yes Average Ranking 8.7, No Average Ranking 7.0

Conclusion

The results show an overwhelming and high majority of Heritage Community residents and business owners are concerned about prostitution and the body rub parlours in their area. This not only applies to the locations directly on Victoria Ave, but also the surrounding blocks (i.e. Ottawa St. survey). The baseline data showed even more overwhelming concern about prostitution and body rub parlours. If this data is projected/interpreted to its natural conclusion, that would mean the high majority of Regina likely feels the same way.

While the Yes answers were very high for Questions 1, 2 and 4, Question 3 had the most consistent public concern. Namely that the City Administration is recommending removing the current restriction of body rub parlours being 183 m from family residences and parks (which exists in the City's current Adult Entertainment Zoning Bylaw). There has been not only consistent outcry about this at public consultation, but these survey results show that 92% of the respondents were significantly concerned about this recommendation (i.e. ranked high at 9.1). The public has clearly spoken on this issue, and yet the City Administration has not listened to these concerns in their recommendations.

The results from Question #4 also show an overwhelming support against having body rub parlours on MAC zones (at least on Victoria). These people have lived with these parlours in their community (with some as direct neighbours) for probably close to 6 years now. They are the prime candidates to be asking how body rub parlours affect their lives, families, neighbourhood and businesses. They clearly do not agree with the City Administration report that body rub parlours should be allowed to operate in MAC zones.

While it is unknown why the interview methods from the 2017 Heritage Community Association only brought forth 1 out of 91 responses related to prostitution, this further detailed investigation into the matter has revealed the following – Heritage Community residents (and Regina residents for that matter) are very concerned about prostitution, body rub parlours, removing restrictions from being near family residences/parks, and allowing body rub parlours to operate in MAC zones.

Further General Notes

1. During the survey, Freedom Catalyst's understanding at the time was that Victoria Ave. from Broad to Arcola was a MAC zone. As a result, that is what they were clarifying to survey respondents when asked about it. However, after the survey was completed, it

was determined we were wrong, and the MAC zone on Victoria only goes from Arcola to Winnipeg. We apologize for any confusion or misinformation that might have occurred from this.

2. The Victoria Club also expressed concern that the City Administration is recommending removing the restriction from being near 183 m from a club (as per the existing Adult Entertainment Zoning Bylaw). They ranked this as a 10.
3. Paragon Funeral Services also expressed concern that the City Administration is recommending removing the restriction from being near 183 m from a funeral parlour (as per the existing Adult Entertainment Zoning Bylaw). They ranked this as a 10.
4. One respondent was concerned about the wording of Question #3 and #4 and as a result answered “pass” for those answers. These are the results labelled “other” in Figures 1-4. Their concern was that they believe that the City is not “restricting”, but simply “changing” for Question #3. They passed on Question #4 because they believe the Heritage Community Association is not advocating/recommending this, but just following what the City is saying is recommended. The respondent requested that this clarification be added to this report to indicate why they answered “pass”.

Area	Address	Location Type	Ques. #1	Rank	Ques. #2	Rank	Ques. #3	Rank	Ques. #4	Rank
Baseline 1 - Harvey St./17th Ave E.	Anonymous	Resident	Yes	8	Yes	10	Yes	9	Yes	9
Baseline 1 - Harvey St./17th Ave E.	Anonymous	Resident	Indifferent	-	Yes	10	Yes	10	Yes	10
Baseline 1 - Harvey St./17th Ave E.	Anonymous	Resident	Yes	8	Yes	6	Yes	10	Yes	9
Baseline 1 - Harvey St./17th Ave E.	Anonymous	Resident	Yes	8	Yes	10	Yes	10	Yes	8
Baseline 1 - Harvey St./17th Ave E.	Anonymous	Resident	Yes	6	Undecided	-	Yes	Wasn't sure	Indifferent	-
Baseline 1 - Harvey St./17th Ave E.	Anonymous	Resident	Yes	7	Yes	8	Yes	8	Yes	8
Baseline 1 - Harvey St./17th Ave E.	Anonymous	Resident	Yes	7	Undecided	-	Yes	7	Yes	7
Baseline 1 - Harvey St./17th Ave E.	633 17th Ave. E.	Resident	Yes	10	Yes	9	Yes	8	Yes	9
Baseline 2 - Woodward Ave.	91 Woodward Ave.	Resident	Yes	10	Yes	10	Yes	10	Yes	10
Baseline 2 - Woodward Ave.	Anonymous	Resident	Yes	10	Yes	10	Yes	10	Yes	10
Baseline 2 - Woodward Ave.	Anonymous	Resident	Yes	10	Yes	10	Yes	10	Yes	10
Baseline 2 - Woodward Ave.	47 Woodward Ave.	Resident	Yes	7	Yes	10	Yes	10	Yes	10
Baseline 2 - Woodward Ave.	Anonymous	Resident	Yes	8	Yes	8	Yes	9	Yes	10
Baseline 2 - Woodward Ave.	83 Woodward Ave.	Resident	Yes	8	Yes	10	Yes	10	Yes	10
Baseline 2 - Woodward Ave.	Anonymous	Working at house	Yes	8	Yes	10	Yes	10	Yes	10
MAC Zone - Victoria Ave.	1 - 715 Victoria	Bus./Director	Yes	10	Yes	10	Yes	10	Yes	10
MAC Zone - Victoria Ave.	Anonymous	Bus./Director	Undecided	-	Yes	8	Yes	8	Yes	8
MAC Zone - Victoria Ave.	Anonymous	Bus./Employee	Yes	5	Yes	3	Yes	8	Yes	8
MAC Zone - Victoria Ave.	Anonymous	Bus./Employee	Yes	6	Yes	9	Yes	10	No	5
MAC Zone - Victoria Ave.	Anonymous	Bus./Employee	Yes	9	Yes	10	Yes	10	Yes	8
MAC Zone - Victoria Ave.	Anonymous	Bus./Employee	No	5	No	5	Yes	8	No	7
MAC Zone - Victoria Ave.	Anonymous	Bus./Employee	Yes	6	Yes	8	Yes	5	Yes	7
MAC Zone - Victoria Ave.	Anonymous	Bus./Employee	Yes	10	Yes	10	Yes	10	Undecided	-
MAC Zone - Victoria Ave.	532 Victoria Ave.	Bus./Manager	Yes	9.5	Yes	10	Yes	10	Yes	7
MAC Zone - Victoria Ave.	Anonymous	Bus./Manager	Yes	10	Yes	9	Yes	10	Yes	10
MAC Zone - Victoria Ave.	Anonymous	Bus./Manager	Yes	10	Yes	10	Yes	10	Undecided	-
MAC Zone - Victoria Ave.	Anonymous	Bus./Manager	No	5	Yes	9	Yes	9	No	2
MAC Zone - Victoria Ave.	2 - 715 Victoria	Bus./Manager	Yes	10	Yes	10	Yes	10	Yes	10
MAC Zone - Victoria Ave.	229 Victoria	Bus./Owner	Yes	10	Yes	10	Yes	10	Yes	10
MAC Zone - Victoria Ave.	Anonymous	Bus./Owner	No	8	No	7	No	8	No	6
MAC Zone - Victoria Ave.	521 Victoria	Bus./Owner	Yes	10	Yes	10	Yes	10	Yes	10
MAC Zone - Victoria Ave.	Anonymous	Business	Yes	7	Yes	7	Yes	9	Yes	10
MAC Zone - Victoria Ave.	Anonymous	Business	Yes	8	Yes	5	Yes	10	Yes	7
MAC Zone - Victoria Ave.	417 Victoria	Business	No	Forgot	No	Forgot	Yes	2	Yes	2
MAC Zone - Victoria Ave.	Anonymous	Business	Undecided	-	Yes	Forgot	Yes	10	Undecided	-
MAC Zone - Victoria Ave.	Anonymous	Resident	Yes	5	Yes	10	Yes	8	Yes	8
MAC Zone - Victoria Ave.	1136 Victoria	Resident	Yes	7	Yes	6	Yes	7	Yes	9
MAC Zone - Victoria Ave.	Anonymous	Resident	Yes	10	Yes	10	Yes	10	Indifferent	-
Non MAC Zone - Ottawa St.	Anonymous	Anonymous	Yes	10	Yes	10	Yes	10	Yes	9
Non MAC Zone - Ottawa St.	Anonymous	Resident	Yes	10	Yes	10	Yes	10	Yes	10
Non MAC Zone - Ottawa St.	2-1875 Ottawa St.	Resident	No	8	No	9	Yes	10	No	9
Non MAC Zone - Ottawa St.	111-1940 Ottawa St.	Resident	Yes	10	Yes	10	Yes	10	Yes	10
Non MAC Zone - Ottawa St.	110-1940 Ottawa St.	Resident	Yes	8	Yes	7	Yes	8	Yes	9
Non MAC Zone - Ottawa St.	109-1940 Ottawa St.	Resident	Yes	10	Yes	10	Yes	10	Yes	10
Non MAC Zone - Ottawa St.	Anonymous	Resident	Indifferent	-	Undecided	-	Yes	5	Yes	6
Non MAC Zone - Ottawa St.	1900 Ottawa St.	Resident	Yes	10	Yes	10	Yes	10	Yes	10
Non MAC Zone - Ottawa St.	1834 Ottawa St.	Resident	Yes	8	Yes	10	Yes	10	Yes	9
Non MAC Zone - Ottawa St.	Anonymous	Resident	Yes	10	Yes	10	Yes	10	Yes	10
Non MAC Zone - Winnipeg St.	2227 Winnipeg (walking on Victoria)	Resident	Yes	10	Yes	10	Yes	8	Yes	10
Non MAC Zone - Victoria Ave.	Anonymous	Bus./Employee	Yes	10	Yes	8	Yes	10	Yes	10
Non MAC Zone - Victoria Ave.	1300 Victoria	Bus./Employee	Yes	10	Yes	10	Yes	10	Yes	10
Non MAC Zone - Victoria Ave.	1640 Victoria	Bus./Employee	Undecided	-	Yes	10	Undecided	-	Yes	10
Non MAC Zone - Victoria Ave.	1603 Victoria	Bus./Owner	No	9	No	9	No	9	No	10
Non MAC Zone - Victoria Ave.	Anonymous	Bus./Owner	Yes	5	Yes	10	Yes	9	Yes	7
Non MAC Zone - Victoria Ave.	Anonymous	Bus./Owners	Undecided	-	Yes	5	Yes	10	Undecided	-
Non MAC Zone - Victoria Ave.	Anonymous	Resident	Undecided	-	Yes	7	Pass	-	Pass	-
Non MAC Zone - Victoria Ave.	Anonymous	Resident	No	6	No	7	Yes	8	No	5
Non MAC Zone - Victoria Ave.	1318 Victoria	Resident	Yes	7	Yes	10	Yes	10	Undecided	-
Non MAC Zone - Victoria Ave.	Victoria (forgot to write address)	Resident	No	10	Undecided	-	No	10	No	10
Non MAC Zone - Victoria Ave.	1411 Victoria	Resident	Yes	10	Yes	10	Yes	10	Yes	10
Non MAC Zone - Victoria Ave.	Anonymous	Resident	Indifferent	-	Yes	8	Yes	9	Indifferent	-

Colour Description:	
Yes	Green
Yes Rank - 8 or Higher	Light Green
No	Red
No Rank - 8 or Higher	Light Red
Indifferent	Yellow
Undecided	Blue

Table 1 – All Data – Heritage Community Body Rub Parlour Survey

Note: Table 1 is an embedded PDF – to read it properly it has to be double clicked and opened in a PDF reader

		Question 1 (% or rank)	Question 2 (% or rank)	Question 3 (% or rank)	Question 4 (% or rank)
All	Yes	73.8	83.6	91.8	73.8
	Rank Avg.	8.6	9.0	9.1	8.9
	No	13.1	9.8	4.9	11.5
	Rank Avg.	7.3	7.4	9.0	7.0
	Indifferent	4.9	0	0	4.9
	Undecided	8.2	6.6	1.6	8.2
	Other	-	-	1.6	1.6
MAC Zone - Victoria	Yes	73.9	87.0	95.7	69.6
	Rank Avg.	8.4	8.6	8.8	8.1
	No	17.4	13.0	4.3	13.0
	Rank Avg.	6.0	6.0	8.0	5.0
	Indifferent	0	0	0	4.3
	Undecided	8.7	0	0	13.0
	Other	-	-	-	-
Non MAC Zone - Victoria	Yes	41.7	75.0	66.7	41.7
	Rank Avg.	8.4	8.4	9.5	9.4
	No	25.0	16.7	16.7	25.0
	Rank Avg.	8.3	8.0	9.5	8.3
	Indifferent	8.3	0	0	8.3
	Undecided	25.0	8.3	8.3	16.7
	Other	-	-	8.3	8.3
Non MAC Zone - Ottawa/ Winnipeg	Yes	81.8	81.8	100.0	90.9
	Rank Avg.	9.6	9.7	9.2	9.3
	No	9.1	9.1	0	9.1
	Rank Avg.	8.0	9.0	-	9.0
	Indifferent	9.1	0	0	0
	Undecided	0	9.1	0	0
	Other	-	-	-	-
All Residents	Yes	79.4	82.4	94.1	76.5
	Rank Avg.	8.5	9.2	9.2	9.3
	No	8.8	5.9	2.9	8.8
	Rank Avg.	8.0	8.0	10.0	8.0
	Indifferent	8.8	0	0	8.8
	Undecided	2.9	11.8	0	2.9
	Other	-	-	2.9	2.9
All Business	Yes	65.4	84.6	88.5	69.2
	Rank Avg.	8.6	8.6	9.0	8.3
	No	19.2	15.4	7.7	15.4
	Rank Avg.	6.8	7.0	8.5	6.3
	Indifferent	0	0	0	0
	Undecided	15.4	0	3.8	15.4
	Other	-	-	-	-
Baseline 1&2	Yes	93.3	86.7	100.0	93.3
	Rank Avg.	8.2	9.3	9.4	9.3
	No	0	0	0	0
	Rank Avg.	-	-	-	-
	Indifferent	6.7	0	0	6.7
	Undecided	0.0	13.3	0	3.0
	Other	-	-	-	-

Colour Description:
70-80% or 7-8 (rank)
80-90% or 8-9 (rank)
90-100% or 9-10 (rank)

Table 2 – Percentage and Average Rank Data - Heritage Community Body Rub Parlour Survey

Note: Table 2 is an embedded PDF – to read it properly it has to be double clicked and opened in a PDF reader

Question 1: "Are you concerned about body rub parlours in your neighbourhood or the Heritage Community?"

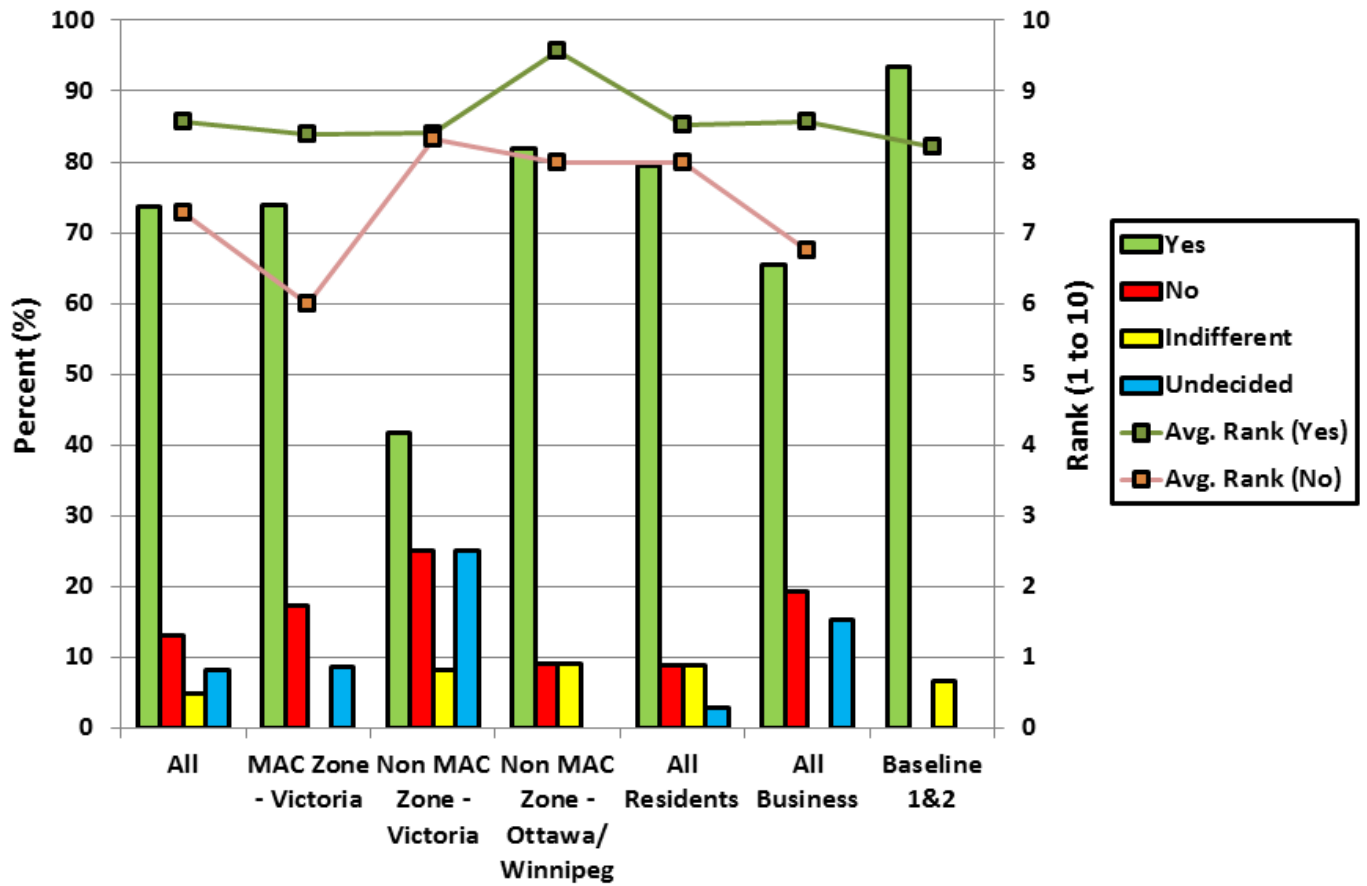


Figure 1 – Question #1 Results – Zone/Type Breakdown

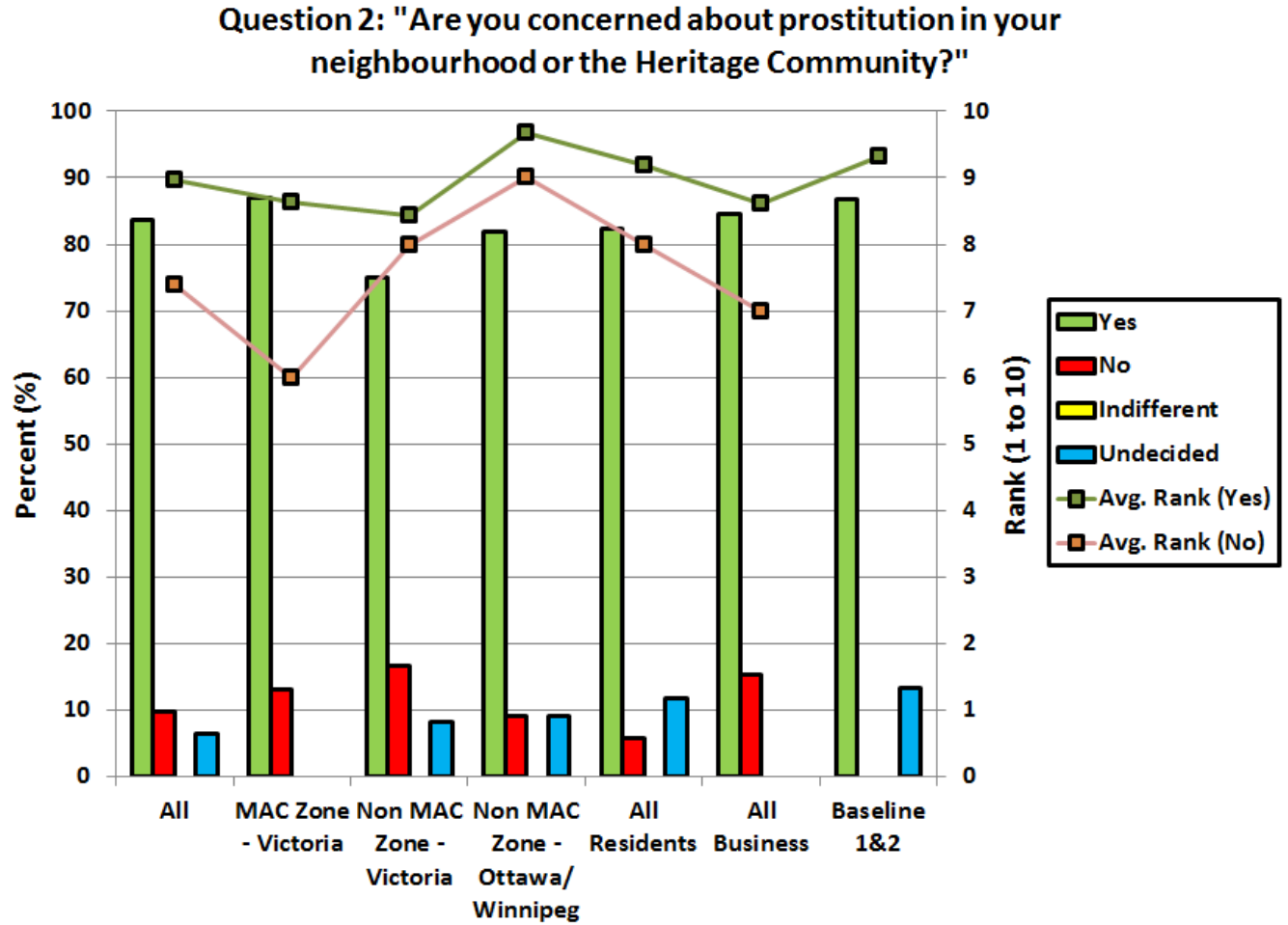


Figure 2 – Question #2 Results – Zone/Type Breakdown

Question 3: "Are you concerned that the City is removing the restrictions from being within 183 m of family residences and parks for body rub parlours?"

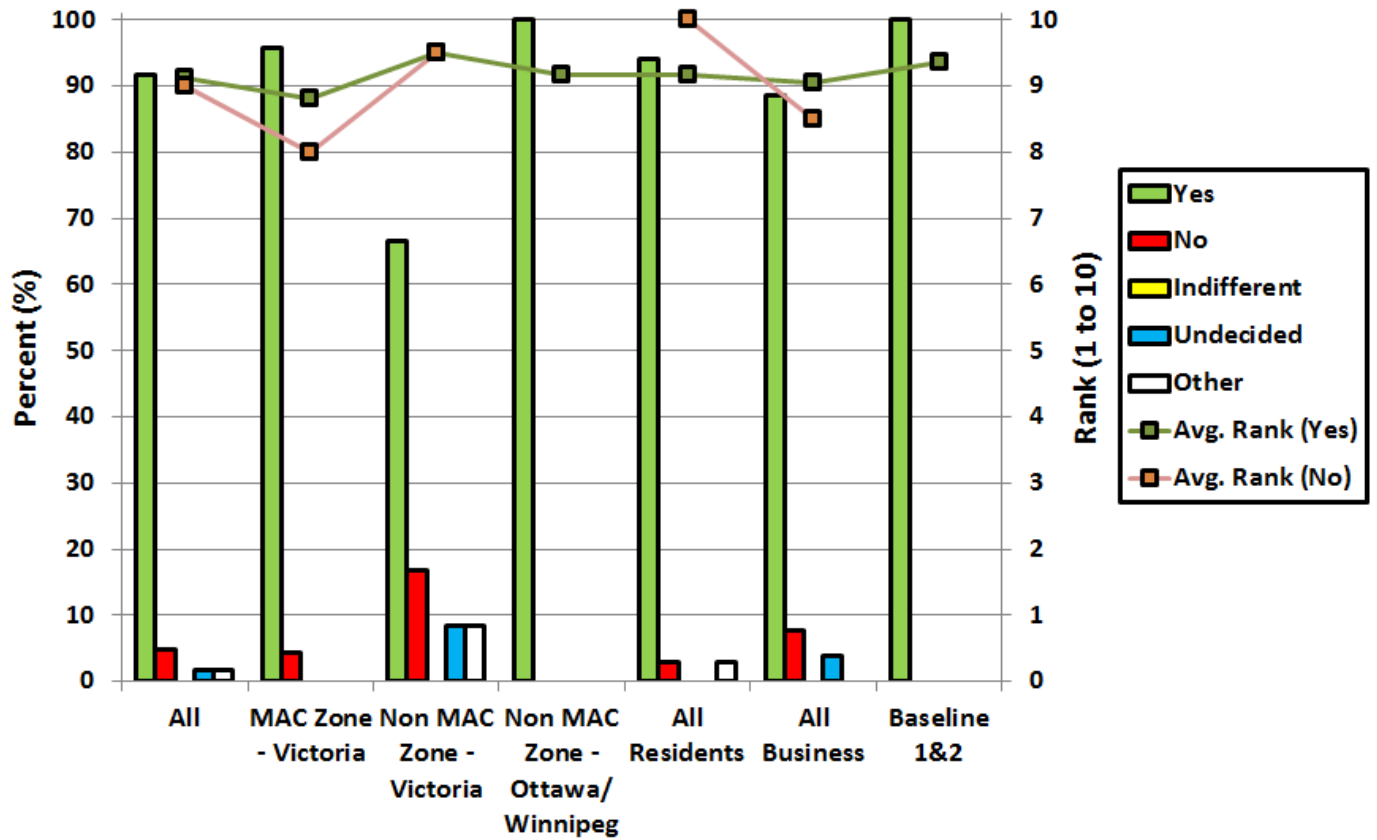


Figure 3 – Question #3 Results – Zone/Type Breakdown

Question 4: "Are you concerned that the Heritage Community Association is advocating that body rub parlours should be allowed in your area and that they are saying citizens are not generally concerned about it?"

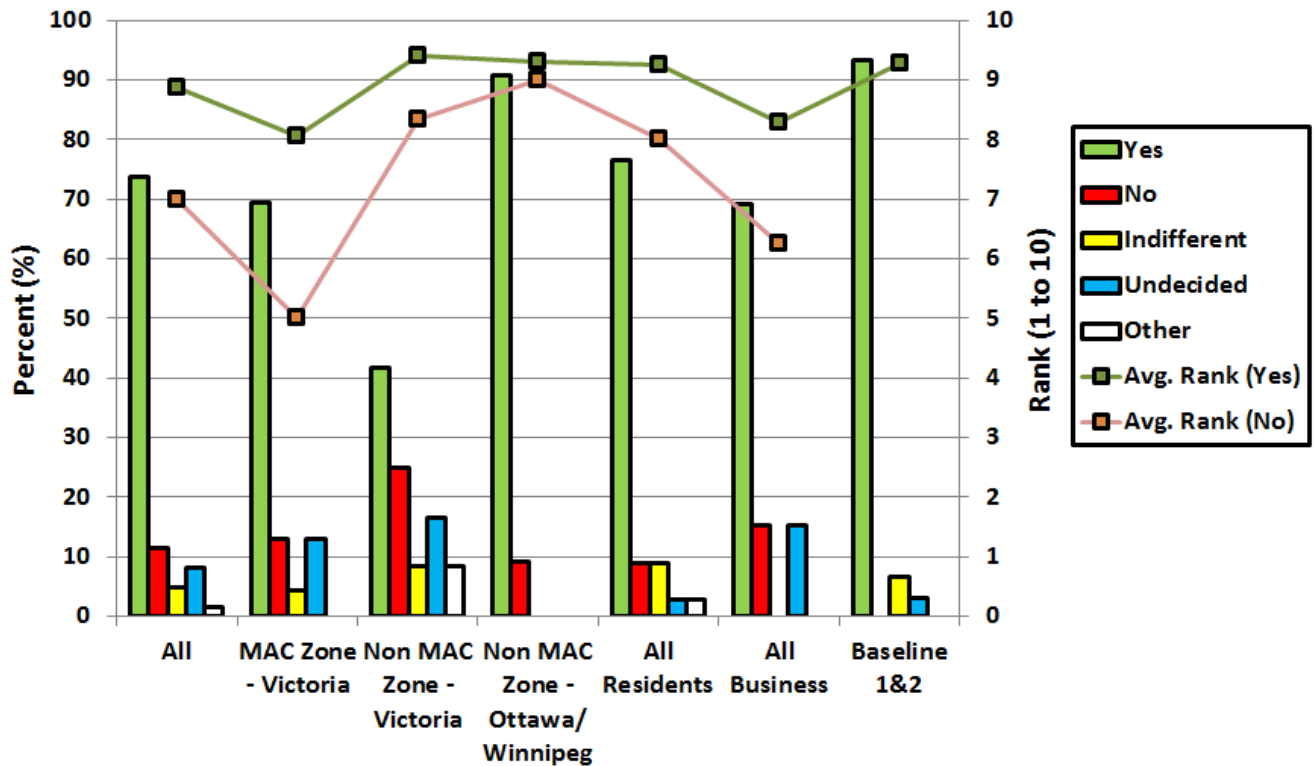


Figure 4 – Question #4 Results – Zone/Type Breakdown



August 9, 2019

We appreciate the opportunity to again address City Council regarding the matter of the body rub parlours in the city of Regina. It is an issue that we feel in many ways has a direct impact on the work we do and the safety and security of women and girls in our community. We have read the available information from the Executive Committee and wish to provide the following comments, many of which were articulated in our first presentation in December 2018.

The issue of sex work is complex and how and why individuals participate in sex work varies and is very much determined by sex, gender, trauma history, economics and ethno-cultural factors. Our Centre counsels individuals who are engaged in sex work and although they identify as making a choice to do this work, we firmly believe this choice is due to the above factors creating an environment which has reduced the (primarily) woman's opportunities for earning a living wage in other ways. We want to express in the strongest terms that we honour the resilience of these women to do what they need to take care of their most basic physical and emotional needs.

We are; however, of the opinion that sex work, regardless of autonomy of choice, perpetuates harmful attitudes and beliefs about (primarily) women and girls and that has a direct impact on the larger community and the work we do. There is research to indicate that zones where prostitution occurs has reduced overall sexual violence in a community for two years after the establishment of the zones, which is a broader community benefit; however, the benefits were short-lived and levels returned to pre-opening levels after the two-year mark and did nothing to disrupt unhealthy racist and sexist attitudes. Most troubling, a sex worker was quoted as saying that the incidents of sexual violence was decreased because **"Sex work can be real preventative of sexual abuse — clients can indulge their fantasies with us rather than with other women or children."** (see attached article)

Our agency undertook research and consulted together as staff to determine the best possible response to the issue before City Council. It is our opinion that neither choice, that of banning or regulating body rub parlours, are satisfactory options. It is clear from information we have received in our Centre, that many of the women are not working there willingly or independently.

Banning body rub parlours does little to nothing to decrease incidents of sex trafficking in our community. These parlours represent a mere tip of the iceberg in terms of total trafficking in our community. The fact that the City's attention has been directed to these businesses is solely due to their visibility and location, and banning the parlours merely makes the problem invisible -- it in no way helps the women who are working in them. If body rub parlours are banned, the work is done underground, or the women move to a more "friendly" city. Information from an interview conducted with Juno Mac, a current sex worker, noted that

citizens support prohibition of sex work because it targets people the voters do not want to see or hear from. Banning sex work increased the desire to have these people criminalized which then leads to the vicious cycle.

A beneficial aspect of banning is that it prevents organized crime from establishing a legitimized toe-hold in the community. Research has clearly linked brothels to organized crime, which in turn has been linked to increased drug crimes, money laundering and the movement of firearms.

Our organization is not here to support the regulation of body rub parlours, nor are we here to have them prohibited; however, we are interested in the protection of those engaged in this work, as well as the rest of the community we serve.

Given the choice, we support regulation, with conditions, as follows:

1. That the City of Regina strongly consider the implementation of mechanisms to keep lines of communication open with workers, including collaborative and cooperative committees of community agencies and police, akin to a hub model.
2. That there exist criminal record and background checks for business owners, funders and managers.
3. That background checks for workers do not create a barrier for criminalized individuals to support themselves.
4. The creation of a licensing system that will enhance worker safety, including workplace safety sessions and contact with supportive community agencies, while protecting the privacy and confidentiality of workers.
5. That the City consider ways to support women who are exiting or escaping the sector and consider ways to support ongoing public education that promotes gender equality and non-violence.

For a broader perspective on sex work and which can be considered in the context of the body rub parlours, Juno Mac says this: "There is a distinction between legalization and decriminalization. We want a collective working space, accountable bosses, the power of choice and labour rights."

Thank you for allowing us the opportunity to provide feedback on this issue.

Regina Sexual Assault Centre

**Your Worship Mayor Michael Fougierre, honourable
Council Persons, City Management, and Fellow citizens**

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My name is Graham Beke, I work for a faith based Charity operating under the business name: International Student Assistance Association of Regina which provides English tutoring to International students and immigrants. Over the last seven years, more than a thousand students at U of R have received our assistance in some form. As a lawyer I also provide legal services to needy immigrants under a pro bono licence program with the Law Society of Saskatchewan.

I would just like to say that on behalf of our Charity and Citizens of Canada's greatest City, we appreciate both the seriousness and the difficulty of the choices which you have to make. We respect your work. I believe that you as councillors and City employees are committed to doing what is right and what is in the best interests of the citizens of Regina.

In my previous submission to Regina Executive Committee of Regina City Council on June 12th, 2019 I made the following points:

1. United Nations General Assembly resolution 61/144 calls on all governments to eliminate demand for trafficked women and girls.¹
2. Demand for sexual services has been identified as the root cause of trafficking in women and girls.²

¹http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_61_144.pdf

² *ibid*

3. The decriminalization and legalization of prostitution leads to increased demand for sexual services.³

4. This makes sense as when we legitimize prostitution by attaching it to a licensed business we naturally increase demand for services. Business's are created for profit and demand for increased profits necessitates increased demand for sexual services (more profit demands more business).

5. Increased demand for sexual services directly correlates with an increased demand for trafficking in women and girls.⁴

6. Bill C-36, the Protection of Communities and Exploited Persons Act - does not legalize prostitution nor does it allow City councils to decriminalize or legitimize prostitution. Quoting from the Technical Paper on Bill C-36 Protection of Communities and Exploited Persons Act on the Justice Website:

Bill C-36 seeks to denounce and prohibit the demand for prostitution and to continue to denounce and prohibit the exploitation of the prostitution of others by third parties, the development of economic interests in the exploitation of the prostitution of others and the institutionalization of prostitution through commercial enterprises, such as strip clubs, massage parlours and escort agencies in which prostitution takes place. It also seeks to encourage those who sell their own sexual services to report incidents of violence and leave prostitution.

³Seo-Young Cho, Axel Dreher and Eric Neumayer, "Does legalized prostitution increase human trafficking?" World Development, January 2013, pp 67-82. <https://www.sciencedirect.com/science/article/pii/S0305750X12001453>

Niklas Jakobsson and Andreas Kotsadam, "The law and economics of international sex slavery: prostitution laws and trafficking for sexual exploitation," European Journal of Law and Economics, February 2013, pp 87-107. <https://link.springer.com/article/%2010.1007%2Fs10657-011-9232-0>

⁴https://justice.gc.ca/eng/rp-pr/other-autre/c36fs_fi/

Bill C-36 maintains that the best way to avoid prostitution's harms is to bring an end to its practice.⁵

7. The criminal code has been revised not to make prostitution legal but instead to make the purchaser criminally liable and evidence suggests that the criminalization of the purchase of sexual services has helped to combat prostitution and human trafficking for sexual purposes.

I would like to focus my submission today on point no. 3 which reads: "The decriminalization and legalization of prostitution leads to increased demand for sexual services."⁶

I reviewed the article by Cho, Dreher and Neumayer: "Does legalized prostitution increase human trafficking?"

I have attached a copy of the study and would like to draw your attention to the conclusions from this study.

"The scale effect of legalizing prostitution leads to an expansion of the prostitution market and thus an increase in human trafficking, while the substitution effect reduces demand for trafficked prostitutes by favoring prostitutes who have legal residence in a country. Our quantitative empirical analysis for a cross-section of up to 150 countries shows that the scale effect dominates the substitution effect. On average, countries with legalized

⁵<https://justice.gc.ca/eng/rp-pr/other-autre/protect/p1.html>

⁶Seo-Young Cho, Axel Dreher and Eric Neumayer, "Does legalized prostitution increase human trafficking?" *World Development*, January 2013, pp 67-82. <https://www.sciencedirect.com/science/article/pii/S0305750X12001453>

Niklas Jakobsson and Andreas Kotsadam, "The law and economics of international sex slavery: prostitution laws and trafficking for sexual exploitation," *European Journal of Law and Economics*, February 2013, pp 87-107. <https://link.springer.com/article/%2010.1007%2Fs10657-011-9232-0>

prostitution experience a larger degree of reported human trafficking inflows.”

Here we see that the legalization of prostitution as increasing human trafficking. At the same time it operates to favour prostitutes who have legal residence in a country. The scale effect is one effect and the substitution effect is the other. The study concludes that the scale effect dominates the substitution effect and thus “ countries with legalized prostitution experience a larger degree of reported human trafficking inflows.”

I would humbly submit that

City Council must	a) decrease demand for sexual services
	b) decrease demand for trafficked women
	c) must not legitimize or in a sense legalize prostitution through issuing business licences and regulating this business as a legitimate business

Allowing the legalization of prostitution as a legitimate business will increase human trafficking of vulnerable girls and women. This is a fact and the scale effect of such decision will always dominate the substitution effect and any harm reduction efforts.

I would humbly submit that City council must ban these types of businesses and must in a separate act work with the community to establish several safe houses in the City to reduce harm to prostitutes. This is the only real harm reduction strategy.

Bill C-36 maintains that the best way to avoid prostitution’s harms is to bring an end to its practice.⁷

Thank you very much

⁷<https://justice.gc.ca/eng/rp-pr/other-autre/protect/p1.html>

Does Legalized Prostitution Increase Human Trafficking?

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Summary. — This paper investigates the impact of legalized prostitution on human trafficking inflows. According to economic theory, there are two opposing effects of unknown magnitude. The scale effect of legalized prostitution leads to an expansion of the prostitution market, increasing human trafficking, while the substitution effect reduces demand for trafficked women as legal prostitutes are favored over trafficked ones. Our empirical analysis for a cross-section of up to 150 countries shows that the scale effect dominates the substitution effect. On average, countries where prostitution is legal experience larger reported human trafficking inflows.
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Key words — human trafficking, prostitution, crime, scale effect, substitution effect, global

1. INTRODUCTION

Much recent scholarly attention has focused on the effect of globalization on human rights (Bjørnskov, 2008; de Soysa & Vadlamannati, 2011) and women's rights in particular (Cho, *in press*; Potrafke & Ursprung, 2012). Yet, one important, and largely neglected, aspect of globalization with direct human rights implications is the increased trafficking of human beings (Cho & Vadlamannati, 2012; Potrafke, 2011), one of the dark sides of globalization. Similarly, globalization scholars with their emphasis on the apparent loss of national sovereignty often neglect the impact that domestic policies crafted at the country level can still exert on aspects of globalization. This article analyzes how one important domestic policy choice—the legal status of prostitution—affects the incidence of human trafficking inflows to countries.

Most victims of international human trafficking are women and girls. The vast majority end up being sexually exploited through prostitution (United Nations Office of Drugs and Crime (UNODC), 2006). Many authors therefore believe that trafficking is caused by prostitution and combating prostitution with the force of the law would reduce trafficking (Outshoorn, 2005). For example, Hughes (2000) maintains that “evidence seems to show that legalized sex industries actually result in increased trafficking to meet the demand for women to be used in the legal sex industries” (p. 651). Farley (2009) suggests that “wherever prostitution is legalized, trafficking to sex industry marketplaces in that region increases” (p. 313).¹ In its *Trafficking in Persons* report, the US State Department (2007) states as the official US Government position “that prostitution is inherently harmful and

dehumanizing and fuels trafficking in persons” (p. 27). The idea that combating human trafficking requires combating prostitution is, in fact, anything but new. As Outshoorn (2005, p. 142) points out, the UN International Convention for the Suppression of the Traffic in Persons from 1949 had already called on all states to suppress prostitution.² See Limoncelli (2010) for a comprehensive historical overview.

Others disagree. They argue that the legalization of prostitution will improve working and safety conditions for sex workers, allowing sex businesses to recruit among domestic women who choose prostitution as their free choice of occupation. This, in turn, makes resorting to trafficked women less attractive (Bureau of the Dutch National Rapporteur on Trafficking in Human Beings, 2005; Segrave, 2009). While those who call for combating prostitution with the force of the law typically subscribe to the belief that prostitution is almost always forced and rarely truly voluntary (Farley, 2009), the view that the legalization of prostitution may reduce trafficking is typically held by those who believe that the choice to sell one's sexual services for money need not always be forced, but can be a

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voluntary occupational choice. See [Limoncelli \(2009\)](#) who discusses both sides of this debate.

In this article, we argue that theoretically the legalization of prostitution has two contradictory effects on the incidence of trafficking, a substitution effect away from trafficking and a scale effect increasing trafficking. Which of these effects dominate in reality, and whether legalization is therefore likely to increase or decrease trafficking, is an empirical question. The extant qualitative literature contains many strongly held views and beliefs, sometimes based on anecdotal evidence, but little in terms of systematic and rigorous research. We know of only two quantitative studies which have tried to answer this empirical question.³ In their main estimations, [Akee, Bedi, Basu, and Chau \(2010\)](#) find that prostitution laws have no effect on whether there is any reported incidence of trafficking between two country pairs in a global cross-sectional dyad country sample. They do find a negative effect of legalized prostitution on human trafficking in two of their three sets of instrumental variable estimations (prostitution law is *not* the variable instrumented for), but this result is due to sample selection effects since the inclusion of settler mortality rates as an instrument leads to the loss of almost half of their observations, most likely in a non-random way. [Jakobsson and Kotsadam \(in press\)](#), on the other hand, find a positive effect of legalized prostitution on human trafficking in a cross-sectional monadic dataset of 31 European countries.

Our empirical analysis differs from these existing studies. [Jakobsson and Kotsadam's \(in press\)](#) study is similar to ours in that we also analyze human trafficking at the monadic country level. However, in contrast to their study, we use a global sample consisting of up to 150 countries. European countries are only a sub-sample of relevant destination countries for human trafficking. Not only are there other developed target countries such as the United States, Canada, Japan, Australia, and New Zealand, but also several non-OECD countries such as China, Pakistan, Turkey, Thailand, and some Arab countries, all of which are important destination countries as well. This begs the question whether [Jakobsson and Kotsadam's \(in press\)](#) finding can be generalized or is confined to Europe.

Despite our sample being global like [Akee, Bedi, et al.'s \(2010\)](#) study, we do not attempt to estimate the incidence of trafficking at the bilateral (dyadic) country level like they do. Dyadic studies only outperform monadic studies such as ours if the data quality at the dyadic level is sufficiently high. We contend that this does not hold for human trafficking. As will be explained further below, even at the monadic level the quality of data is relatively low. It is much worse at the bilateral level. With this in mind, one price that [Akee, Bedi, et al. \(2010\)](#) pay for moving to the dyadic level is the loss of all information on the intensity of trafficking—their dependent variable is a dichotomous one, i.e., whether trafficking between a country pair exists or not. This loss of information may well represent one reason why [Akee, Bedi, et al. \(2010\)](#) find no effect of prostitution laws on human trafficking in their main estimations.

The remainder of this article is structured as follows. In Section 2, we discuss what economic theory can tell us about the effects of legalizing prostitution on the incidence of human trafficking. Contrary to [Jakobsson and Kotsadam \(in press\)](#), who suggest an unambiguously positive effect, we show that the effect is theoretically indeterminate because the substitution effect and the scale effect work in opposite directions. Therefore, being an essentially empirical question, we are keen to construct a global dataset. We exploit a measure of the reported intensity of human trafficking flows into the country

under observation on a scale of 0–5. This measure and our research design are described in Section 3, while Section 4 presents the results. We find that countries with legalized prostitution have a statistically significantly larger reported incidence of human trafficking inflows. This holds true regardless of the model we use to estimate the equations and the variables we control for in the analysis. Also, the main finding is not dominated by trafficking to a particular region of the world.

2. THEORY

In this section, we discuss what economic theory suggests regarding the effect of the legalization of prostitution on trafficking. [Akee, Bedi, et al. \(2010\)](#) provide an excellent game-theoretic analysis on the effects of anti-trafficking law enforcement in source and destination countries between such country pairs. However, their analysis tells us nothing about the effect of the legalization of prostitution in itself. This is because contrary to [Akee, Bedi, et al.'s \(2010\)](#) implicit underlying assumption, the legalization of prostitution is not equal to laxer enforcement of anti-trafficking laws and, conversely, the fact that prostitution is illegal does not imply stricter anti-trafficking enforcement. Human trafficking always remains illegal even if prostitution becomes legal. Moreover, by erroneously equating the legal status of prostitution with different levels of law enforcement with respect to human trafficking, [Akee, Bedi, et al. \(2010\)](#) overlook other demand and supply effects that the legalization of prostitution may have on human trafficking. [Jakobsson and Kotsadam's \(in press\)](#) paper is closer to our theoretical analysis in this regard as they directly focus on the supply and demand effects of legalizing prostitution. However, they only take into account the scale effect, i.e., the expansion of prostitution markets after legalization. As we will show below, there is an opposing substitution effect replacing illegal, forced prostitution with voluntary, legal prostitution, making the overall effect indeterminate.

Our discussion is gender-neutral, referring to individuals, persons and prostitutes in general, rather than female prostitutes. This is because the theoretical arguments, in principle, equally apply to boys and, possibly, men, also trafficked into the sex industry. We are, of course, under no illusion that the overwhelming majority of individuals affected by trafficking are in fact girls and women.

A theoretical analysis of the effect of the legality of prostitution on international human trafficking is rendered complicated by the fact that, as [Edlund and Korn \(2002\)](#) point out, not all prostitution is the same. Street prostitution differs from prostitution in brothels, bars and clubs, which also differs from prostitution offered by call girls (and boys) and escort agencies. Differences include, but are not limited to, the types of services rendered, numbers of clients served, types of clients served, sizes of payments, and also the share of illegally trafficked prostitutes working in each market segment. For simplicity, we will avoid such complications by assuming that there is one single market for prostitution.

Let us assume a situation in which prostitution is entirely illegal in a country and those engaging in prostitution—i.e., sex workers, their pimps, and clients—are prosecuted, if caught. As with other illegal markets, e.g., the market for classified drugs or endangered species, illegality does not eradicate the market, given that there is strong demand from clients on the one hand, and the willingness to supply prostitution services on the other hand.⁴ The equilibrium quantity of prostitution will be a function of supply and demand, just as in any

other market. A commonly recognized stylized fact is that despite working conditions that many would regard as exploitative, wages earned by prostitutes tend to be high relative to their human capital endowments such as education and skills,⁵ and therefore relative to the wages they could earn outside prostitution.⁶ This has been explained by factors such as compensation for social stigma⁷ and exclusion, risky and unattractive working conditions, and forgone marriage benefits (Cameron, 2002; Edlund & Korn, 2002; Giusta, Di Tommaso, & Strøm, 2009). Another reason, we suggest, is the compensation for allowing random and often previously unknown clients to infiltrate private and intimate spheres. Importantly, there will be a wage premium, all other things being equal, if prostitution is illegal compared to a situation in which prostitution is legal, since sex workers (and their pimps) need to be additionally compensated for the risk of prosecution. This is similar to the price premium for banned goods like drugs (Miron, 2003; Miron & Zwiebel, 1991).

What will be the effect of legalizing prostitution on the demand, supply, and thus equilibrium quantity of prostitution? Starting with the demand effect, some clients will be deterred from consuming commercial sex services if prostitution is illegal and they expect that there is a reasonable probability of being prosecuted, as this raises the costs of engaging in such activities. Legalizing prostitution will therefore almost invariably increase demand for prostitution.⁸ Concerning supply, legalizing prostitution will induce some potential sex workers (or their pimps) to enter the market, namely those who were deterred from offering such services by the threat of prosecution and for whom the pay premium that arose from the illegality of prostitution represented insufficient compensation—i.e., the risk of prosecution creates costs that are not easily expressed in monetary terms and can therefore not be compensated for with a higher wage. One might conjecture that supply could also decrease given that the state will want to raise taxes from legalized prostitution, whereas illegal prostitution, by definition, does not entail payment of taxes. However, this is not the case. Those unwilling or unable to operate legally (including meeting the legal obligation to pay taxes), can continue to operate illegally. Before, their business was illegal because prostitution was illegal; now their business is illegal due to their tax evasion in the shadow economy. Supply could only decrease under the assumption that the state prosecutes tax evasion more vigorously than it prosecuted illegal prostitution before, which, we believe, will not be the case.⁹ As is the case with demand, supply will therefore increase as well. With demand and supply both increasing, the equilibrium quantity of prostitution will be higher in the legalized regime compared to the situation where prostitution is illegal.

If the scale of prostitution becomes larger once it is rendered legal, will the incidence of human trafficking also increase? The increased equilibrium quantity of prostitution will, for a constant share of trafficked prostitutes among all prostitutes, exert an increasing scale effect on the incidence of international trafficking for prostitution purposes.¹⁰ This is the effect Jakobsen and Kotsadam (in press) take into account. It is only part of the whole story, however. The full answer to the question depends on what happens to the composition of prostitutes and whether any substitution effect away from trafficked prostitutes (toward domestic prostitutes or foreign prostitutes legally residing and working in the country) is stronger than the scale effect. Under conditions of illegality, a certain share of prostitutes will consist of trafficked individuals, given the difficulties in recruiting individuals willing to voluntarily work in such an illegal market.¹¹ This share of trafficked prostitutes is likely to fall after legalization. Sex

businesses wishing to take advantage of the legality of prostitution (instead of remaining illegal) would want to recruit more national citizens or foreigners legally residing with a work permit in the country since employing trafficked foreign prostitutes (or, for that matter, illegally residing foreign prostitutes that were not trafficked) endangers their newly achieved legal status.¹²

However, the legalization of prostitution will not reduce the share of trafficked prostitutes to zero. First, there may be insufficient supply among domestic or legally residing foreign individuals, given the risky and unattractive nature of prostitution which persists even after legalization. Second, trafficked individuals are significantly more vulnerable and exposed to the demands of their pimps, which makes their continued employment attractive to some extent. For example, a greater portion of their earnings can be extracted, making their pimps' business more lucrative than operating with legal prostitutes. Third, clients might have preferences for "exotic" sex workers from geographically remote places whose nationals are unlikely to have legal rights to reside in the country.

There is consequently a substitution effect away from illegally trafficked prostitutes (as well as illegally residing non-trafficked prostitutes) to legally residing prostitutes, but just how strong this substitution effect is remains an empirical matter. In sum, the effect of legalization of prostitution on the international trafficking of human beings is theoretically indeterminate as the two effects, with unknown magnitudes, work in opposite directions. We therefore now turn to our empirical analysis to shed light on whether, on average, the substitution effect or the scale (quantity) effect dominates.

3. RESEARCH DESIGN

(a) *Data on human trafficking and prostitution laws*

One of the biggest challenges of doing research on human trafficking is the scarcity of reliable and comparable data. Human trafficking is a clandestine, criminal activity, with those being trafficked and involved in such activities being part of "hidden populations" (Tyldum & Brunovskis, 2005). Therefore, the true number of human trafficking victims is unknown (Belser, de Cock, & Mehran, 2005). Currently, existing data available across countries—although reflecting fragmented information only—can be divided into three categories: characteristics of victims, trafficking routes, and country reports (Kangaspunta, 2003). Extensive data on victims have been collected by the International Organization for Migration (IOM) and utilized for micro-analyses on the characteristics of human trafficking (Di Tommaso, Shima, Strøm, & Bettio, 2009; Mahmoud & Trebesch, 2010). The reports by the United Nations Office on Drugs and Crime (UNODC, 2006, 2009), the US Department of State (2001–2011) and the Protection Project (2002) provide information on trafficking routes; some of them being utilized in recent gravity analyses on human trafficking (Akee, Basu, Chau, & Khamis, 2010; Akee, Bedi, *et al.*, 2010).

Among the currently available sources, the aforementioned Report on Trafficking in Persons: Global Patterns (UNODC, 2006) has also collected and presented data on incidences of human trafficking at the country level; therefore the utilization of this report best serves the purpose of our study. The UNODC Report provides cross-country information on the reported incidence of human trafficking in 161 countries, measuring trafficking flows on a six-point scale. To the best of our knowledge, this report is the only source with compara-

ble data across countries and covering most countries in the world, which also differentiates between the intensity levels of human trafficking inflows. Our empirical analysis is based on the UNODC data given that we want to test the impact of prostitution laws on the *degree* of human trafficking.

Our dependent variable (*Trafficking*) captures the incidence of human trafficking into a country, taken from the Index on Incidence of Reporting of Destination Countries provided by the UNODC Report. The Index has ordinal scores ranging from 0 to 5; 0 indicates no reported inflow of human trafficking and 5 implies very high reported inflows (see [Appendix A](#) for more details). The Index was constructed based on the Global Programme against Trafficking in Human Beings (GPAT) Database, which includes reviews on publications by 113 institutions reporting incidences of human trafficking in 161 countries over the 1996–2003 period. Cases reported by these institutions were collected in the GPAT Trafficking Database and used to determine the scores on the incidence of human trafficking in countries of destination, origin, and transit, respectively. The 113 institutions represent major international sources on human trafficking and consist of international organizations (32%), governmental institutions (27%), research institutes (18%), NGOs (18%), and the media (5%) (UNODC, 2006, p. 112). The Index has some limitations. First, it uses cross-sectional aggregated information from the collection period of 1996–2003—therefore a panel analysis controlling for unobserved country and time effects is not possible. Second, the geographical distribution of the source institutions is biased toward Western Europe (29%) and North America (18%),¹³ suggesting that the data collected might lead to an overestimation of human trafficking incidences in these regions *relative to* other regions due to reporting biases. In absolute terms, such reporting biases are likely to underestimate the incidence of trafficking in countries outside Western Europe and North America. We try to reduce the problem by controlling for regional effects in our estimation. The countries in each category (score) of the index are listed in [Appendix B](#). The main limitation of the UNODC data however is that reporting will arguably depend on the quality of institutions, judicial and police effectiveness, in particular, but also on how aware the international community is about trafficking problems in a particular country. However, a fair share of the information the UNODC data covers comes from research institutes (18%), NGOs (18%), and the media (5%), mitigating the problem of using official sources—the problem that other existing data such as crime statistics confront more severely.

Our dependent variable thus does not reflect actual trafficking flows, and needs to be interpreted cautiously.¹⁴ Rather than being interested in actual absolute numbers, our analysis focuses on the effect of legal prostitution on trafficking flows. To the extent that—controlling for the substantial number of variables we employ below—the degree of distortions in reported trafficking intensities is not correlated with whether or not prostitution is legal, the low quality of data will not bias our coefficient estimates, but will only make it less likely the coefficients are statistically significant. While probably not sharply distinguishing between different degrees of the crime, the indicator is arguably positively correlated with actual cases of trafficking, so the index remains meaningful. To mitigate the problem that the ordered categories of our dependent variable may not capture true differences among destination countries, we also constructed a binary dependent variable which is one for medium, high, and very high inflows, and estimated the regression with probit rather than ordered probit. Our results are unchanged. Still, the results should be interpreted with caution.

Our main independent variable of interest is *Legalized Prostitution*, which indicates the legal status of prostitution. Following [Outshoorn's \(2004\)](#) typology on prostitution regimes, we construct two dummy variables indicating: (1) whether or not prostitution is legally allowed,¹⁵ being 1 in this case and 0 otherwise; (2) whether or not third-party involvement (such as brothel operation) is additionally legally allowed, being 1 in the case that brothels/pimping are legal and 0 otherwise.¹⁶ In our analysis, we focus on the effects of the former—legalized prostitution—while the latter is employed to test whether the additional legality of brothels creates an additional effect. The source data cover annual variations in prostitution legislation in each country from 1995¹⁷ to 2003, but there is very little change over time in most countries and variance in the *Legalized Prostitution* variable is dominated by cross-country variation. The coding is based on information from the Country Report on Human Rights Practice (US Department of State, 1999–2008) and country reports on progress in women's rights submitted to the Committee on the Elimination of Discrimination against Women (CEDAW Committee).¹⁸ [Figure C1](#) contained in [Appendix C](#) shows the distribution of the legal status of prostitution in the world.

(b) Estimation strategy

Our regressions are based on cross-section data, with reported inflows of human trafficking referring to the 1996–2003 period. We include as many countries as possible given the availability of data for the dependent and the *Legalized Prostitution* variables. We therefore impute the missing data on the control variables. Specifically, we impute continuous control variables using multivariate normal regression, with 20 imputations, while the democracy dummy is imputed with logistic regression.¹⁹ As will be shown in [Table 1](#), our results do not depend on whether or not we impute these data prior to estimation. While striving to include all relevant country observations, we nevertheless exclude low-income countries from the sample, as defined by the [World Bank \(2010\)](#). Trafficking for the purpose of sexual exploitation requires that clients in a potential destination country have sufficient purchasing power to pay for such services, as well as requiring domestic supply to be somewhat constrained. Neither of these pre-conditions is likely to hold in low-income countries: domestic clients are too poor to be attractive clients for potential traffickers and the widespread poverty among the domestic population ensures that there is no shortage of domestic supply. Low-income countries are therefore arguably outside the relevant sample population.²⁰

Our estimation equations take the following form:

$$y_i = \alpha + \beta_1 \text{Prostitution}_i + \beta_2 X_i + \beta_3 \text{Region}_i + \varepsilon_i, \quad (1)$$

where y_i represents the reported degree of human trafficking inflows in country i , and Prostitution_i is our dummy variable indicating whether or not prostitution is legal. X_i is the vector of explanatory variables, and ε_i is the idiosyncratic error term. Given the cross-sectional nature of our dataset, we cannot control for unobserved country heterogeneity by including country fixed effects. Nor can we find a suitable and valid instrument that would be partially correlated with our *Legalized Prostitution* variable, but uncorrelated with unobserved country heterogeneity. To mitigate any bias this might introduce, and in order to capture at least some heterogeneity across groups of countries, we include regional fixed effects instead, denoted as Region_i .²¹ In all regressions, we use robust standard errors. The dependent variable is categorical and ordinal. We therefore use ordered probit to estimate the main

Table 1. *Human trafficking and prostitution, cross-section*

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Legal prostitution dummy	0.665** (2.38)	0.612** (2.18)		0.322 (1.45)	0.948* (1.83)	0.625** (2.61)	0.694** (2.47)	0.662*** (2.74)
Legal brothels dummy		0.555 (1.60)	0.689* (1.95)					
Rule of law	-0.555* (1.86)	-0.547* (1.83)	-0.361 (1.42)	-0.322 (1.41)	-0.827 (1.45)	-0.559** (2.13)	-0.536* (1.75)	-0.546** (1.99)
(log) population	0.232** (2.50)	0.241*** (2.60)	0.235*** (2.59)	0.195** (2.37)	0.530** (2.33)	0.177** (2.09)	0.236** (2.49)	0.187** (2.11)
(log) GDP per capita	0.664** (2.37)	0.627** (2.23)	0.495** (2.01)	0.444** (2.27)	0.787 (1.31)	0.645*** (2.72)	0.674** (2.27)	0.673*** (2.67)
Democracy dummy	0.780** (2.02)	0.750* (1.94)	0.801** (2.07)	0.614** (2.28)	0.219 (0.31)	0.635* (1.91)	0.813* (1.91)	0.678* (1.83)
(log) migrant stock	0.228** (2.28)	0.221** (2.21)	0.244** (2.43)	0.258*** (2.91)	0.183 (0.86)	0.200** (2.23)	0.222** (2.10)	0.196** (2.07)
Share of Catholics	-0.006 (1.48)	-0.006 (1.53)	-0.005 (1.21)	-0.005 (1.35)	-0.010* (1.92)	-0.005 (1.37)	-0.007* (1.65)	-0.006 (1.57)
East Asia dummy	0.251 (0.36)	0.159 (0.23)	-0.059 (0.09)	0.173 (0.29)		0.379 (0.59)	0.312 (0.42)	0.456 (0.65)
Developing Europe dummy	-1.057* (1.77)	-1.148* (1.94)	-1.199** (2.06)	-1.101** (2.10)		-0.909* (1.72)	-1.050* (1.69)	-0.890 (1.59)
Latin America dummy	-1.658*** (3.20)	-1.750*** (3.35)	-1.561*** (3.15)	-1.376*** (3.08)		-1.478*** (2.99)	-1.518*** (2.87)	-1.361** (2.61)
MENA dummy	-0.726 (1.26)	-0.882 (1.53)	-1.056** (1.97)	-0.925** (1.97)		-0.587 (1.04)	-0.723 (1.17)	-0.592 (0.93)
South Asia dummy	-0.566 (0.92)	-0.633 (1.02)	-0.866 (1.38)	-1.530** (2.37)		-0.280 (0.51)	-0.526 (0.84)	-0.224 (0.39)
Sub-Sahara Africa dummy	-0.848 (1.36)	-0.942 (1.51)	-0.979 (1.62)	-0.905* (1.75)		-0.696 (1.16)	-0.734 (1.07)	-0.566 (0.83)
Sample method	No poor O. Probit, imputed	No poor O. Probit, imputed	No poor O. Probit, imputed	All O. Probit, imputed	Rich O. Probit, imputed	No poor OLS imputed	No poor O. Probit	No poor OLS
Number of countries	116	116	116	150	46	116	110	110

Absolute *t*-statistics in parentheses.

*Significance at 10% level.

**Significance at 5% level.

***Significance at 1% level.

equations; the results are robust toward using ordered logit instead.

Our baseline estimation accounts for the most important determinants of human trafficking flows, according to the previous literature (Akee, Bedi, *et al.*, 2010; Akee, Basu, *et al.*, 2010; Cho, *in press*, 2012; Jakobsson & Kotsadam, *in press*). We include measures of (log) per capita income and (log) population size from the World Bank's World Development Indicators (2010) as control variables, since richer and more populous countries should experience a higher incidence of human trafficking inflows. In addition, we include a rule of law indicator from the World Bank Governance Indicators (Kaufmann, Kraay, & Mastruzzi, 2009), ranging from -2.5 to 2.5, with higher values corresponding to better outcomes. We expect a better rule of law to reduce trafficking flows due to traffickers facing a higher risk of prosecution.²² An index indicating democratic governments is taken from Cheibub, Gandhi, and Vreeland (2010). The dummy is coded as 1 if multiple parties are legally allowed and exist outside the regime front, as well as if the selection of the executive and the legislature involves an either direct or indirect mandate from an electorate (Cheibub *et al.*, 2010). All other things being equal, democracies tend to have more open borders, which lower the risk of detection for traffickers. We include the share of Catholics living in a country in order to control for cultural effects.²³ Cho (2012) has shown that countries

with larger shares of Catholics have smaller human trafficking inflows. As religiosity reduces sexual tolerance, it arguably reduces demand for prostitution services and thus implies less trafficking, all else equal (Saguy, 1999). The control variables refer to the year 1995, so they precede the dependent variable, with the exception of the rule of law indicator, which is from 1998.²⁴ Finally, we include the (logged) share of pre-existing migrants in a country because potential trafficking victims might be attracted by the existence of pre-existing migrant networks (Mahmoud & Trebesch, 2010). Data are taken from the UNDP Human Development Report (2010) and are only available for 1990 and 2005. We take the year 1990 to avoid problems with endogeneity.²⁵ Appendix D provides more information on the sources and definitions of these data, while Appendix E reports descriptive statistics.

4. RESULTS

As argued in Section 2, the effect of legalized prostitution on trafficking inflows is theoretically indeterminate due to opposing scale and substitution effects. We now analyze which effect dominates in our global sample of countries. Column 1 of Table 1 shows the basic results with the sample excluding low-income countries. Data for six countries were incomplete and are thus imputed.²⁶ Countries where prostitution is legal experience a larger reported incidence of human trafficking inflows,

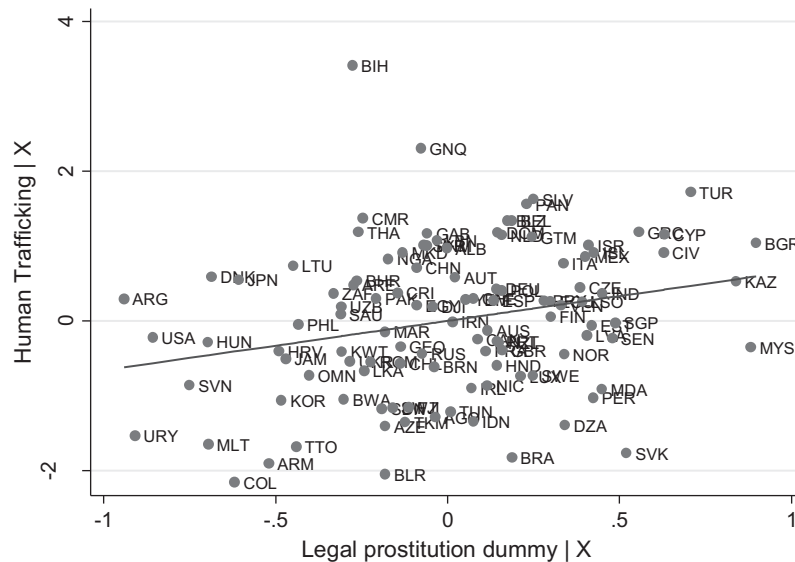


Figure 1. Partial leverage plot of the effect of prostitution on reported human trafficking.

with the estimated coefficient statistically distinguishable from zero at the 5% level. Regarding the control variables, reported trafficking declines with better rule of law, at the 10% level of significance. Countries with higher GDP per capita, larger populations, larger stocks of pre-existing migrants, and a democratic political regime experience a larger reported incidence of trafficking inflows, with all of these results being statistically significant at the 5% level. The share of Catholics is marginally insignificant, with a negative coefficient. The regional dummies are jointly significant at the 5% level. As can be seen, relative to the omitted reference category of Western Europe and other industrialized countries, all regional dummies, with the exception of East Asia, have negative coefficients. However, only the dummies for developing Europe and Latin America are significant at conventional levels.

Column 2 includes a dummy that indicates whether or not third-party involvement in prostitution is legal. It takes the value of one if brothel operation or pimping is legal and zero otherwise (i.e., when prostitution is illegal or only self-employed prostitution is legal). The coefficient of the dummy is marginally insignificant, while the dummy for legal prostitution in general remains almost unchanged. This might imply that legalization of prostitution, *per se*, is more important in explaining human trafficking than the type of legalization, i.e., whether brothel operations or pimping are also allowed. This suggests that our assumption of a single prostitution market is justified. Note however that the dummy for legal third-party involvement is different from the legal prostitution dummy in only 10 countries. If we omit the legal prostitution dummy, the dummy indicating the legality of brothels and pimping is significant at the 10% level (column 3).

In column 4 we include low-income countries, while column 5 exclusively focuses on high-income countries instead.²⁷ As can be seen, the effect of legal prostitution is no longer significant when low-income countries are included. As we have argued in the previous section, low-income countries are largely irrelevant for international traffickers and the inclusion of these countries in the sample injects so much noise into the estimations as to render the identification of a significant effect of the prostitution variable more difficult. In the high-income country sample, the coefficient of legal prostitution is significant at the 10% level, with a larger coefficient, indicating that the effect of legalized prostitution, compared to middle-income

countries, is stronger in high-income countries.²⁸ The significant coefficient in this sample is consistent with Jakobsson and Kotsadam's (in press) results for the European Union. Columns 6–8 illustrate changes in the method of estimation to test for robustness. Column 6 uses OLS instead of ordered probit. Finally, we report results without imputing our data in column 7 (with ordered probit) and column 8 (with OLS). For the most part, the results remain unchanged.²⁹

The substantive effects of the statistically significant variables are also important. When calculating these effects for the second highest level of the dependent variable (i.e., a value of 4), the results in column 7 imply that an increase in the rule of law by one standard deviation centered around the mean reduces the baseline probability of being in this second highest category (which is 12.1%) by 1.8% points. A one standard deviation increase in the share of Catholics among the population reduces the probability by almost 5% points, while a corresponding increase in per capita GDP increases the probability by 2.5% points. The corresponding number for both population size and the stock of migrants is around 1.3% points. Democracies have a 13.4% points higher probability of receiving high reported inflows. When prostitution is legal the probability to be in this second highest category is more than 12.8% points higher. For comparison, the probability of being in the lowest category of receiving no reported inflow of human trafficking is 5.3% points lower in countries with legal prostitution. The corresponding values for the other categories are –10% (at a value of 1), –8.6% (value of 2), +8.6% (value of 3), and +1.2% (value of 5) points.

Figure 1 shows the partial leverage plot based on the linear OLS model of column 8. While OLS is typically not the estimator of choice for strictly positive ordered categorical dependent variables (not least because it produces negative predicted values), such a plot allows us to check whether our results for the legal status of prostitution appear to be driven by a few influential outliers. Figure 1 shows that this is not the case.

5. ROBUSTNESS TESTS

We perform two important robustness tests. In Table 2 we estimate regional jackknife analyses, in which all countries

Table 2. *Regional jackknife, human trafficking and prostitution, ordered probit, imputed*

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Legal prostitution dummy	0.704* (1.84)	0.794*** (2.63)	0.603* (1.91)	0.565* (1.84)	0.696** (2.47)	0.652** (2.32)	0.677** (2.34)
Rule of law	-0.390 (1.26)	-0.641** (2.02)	-0.552* (1.94)	-0.536 (1.44)	-0.631* (1.91)	-0.537* (1.80)	-0.506 (1.61)
(log) population	0.177 (1.61)	0.193* (1.94)	0.152 (1.43)	0.362*** (3.67)	0.284*** (2.68)	0.226** (2.44)	0.231** (2.43)
(log) GDP per capita	0.588* (1.91)	0.749** (2.44)	0.486 (1.60)	0.691** (2.15)	0.788** (2.52)	0.660** (2.37)	0.595** (2.05)
Democracy dummy	0.886* (1.66)	0.730* (1.75)	0.898** (2.19)	0.631 (1.45)	0.788** (2.00)	0.761** (1.98)	0.753* (1.93)
(log) migrant stock	0.188* (1.68)	0.255** (2.34)	0.453*** (3.76)	0.146 (1.34)	0.170 (1.59)	0.220** (2.21)	0.204** (1.96)
Share of Catholics	0.002 (0.26)	-0.006 (1.38)	-0.007 (1.56)	-0.007 (1.44)	-0.007* (1.72)	-0.006 (1.46)	-0.007 (1.56)
East Asia dummy	1.085* (1.82)		0.248 (0.30)	-0.152 (0.22)	0.222 (0.30)	0.266 (0.38)	0.158 (0.22)
Developing Europe dummy	-0.068 (0.10)	-1.023* (1.67)		-1.143* (1.80)	-0.993 (1.63)	-1.020* (1.72)	-1.089* (1.76)
Latin America dummy	-1.426** (2.10)	-1.680*** (3.16)	-1.813*** (3.17)		-1.612*** (3.03)	-1.628*** (3.18)	-1.651*** (3.06)
MENA dummy	0.309 (0.76)	-0.654 (1.06)	-1.068 (1.50)	-0.981 (1.58)		-0.705 (1.24)	-0.793 (1.34)
South Asia dummy	0.396 (0.47)	-0.358 (0.55)	-1.213* (1.75)	-0.739 (1.20)	-0.452 (0.72)		-0.626 (0.96)
Sub-Sahara Africa dummy		-0.812 (1.25)	-1.220 (1.55)	-1.037 (1.55)	-0.744 (1.16)	-0.826 (1.34)	
Sample without	Western Europe	East Asia	Developing Europe	Latin America	MENA	South Asia	Sub-Sahara Africa
Number of countries	70	109	98	96	105	113	105

Absolute *t*-statistics in parentheses.

* Significance at 10% level.

** Significance at 5% level.

*** Significance at 1% level.

of one particular region are dropped from the analysis one at a time in order to test whether the results are driven by the presence of observations from a specific region in the sample. The results show that none of the regions substantially drives the coefficient of prostitution laws. The individual exclusion of each region leaves the coefficient significant at the 10% level at least.

Next we turn to the robustness of our results to the choice of control variables. As the theory and empirics of human trafficking flows have only begun to be seriously addressed recently, there is still considerable uncertainty over which explanatory variables to include among its determinants. To examine the sensitivity of the results reported above, we therefore employ (variants of) the extreme bounds analysis (EBA), as proposed by Leamer (1983) and Levine and Renelt (1992), as our second test for robustness.³⁰ EBA enables us to examine whether our main result that countries with legal prostitution experience a larger reported inflow of human trafficking is indeed robust, independent of which additional variables are also included in the set of control variables.

To conduct an EBA, we estimate equations of the following form:

$$y_i = \beta_M M + \beta_F F + \beta_Z Z + v, \quad (2)$$

where y_i again measures reported human trafficking flows to country i ; M is a vector of “commonly accepted” explanatory variables and F is a vector containing the variable of interest (i.e., the legal prostitution dummy). The vector Z contains up to three possible additional explanatory variables (as in Levine and Renelt (1992)), which, according to the existing liter-

ature, might be causally related to the dependent variable. The error term is v .

The EBA-test for a variable in F states that if the lower extreme bound for β_F —i.e., the lowest value for β_F minus two standard deviations—is negative, while the upper extreme bound for β_F —i.e., the highest value for β_F plus two standard deviations—is positive, the variable F is *not* robustly related to human trafficking flows. Sala-i-Martin (1997) argues that this criterion is far too restrictive for any variable to pass the test. If the distribution of the parameter of interest has both positive and negative support, then a researcher is bound to find at least one regression model for which the estimated coefficient changes sign if enough regressions are run. Consequently, not only do we report the extreme bounds, but also the percentage of the regressions in which the coefficient of the variable F is statistically different from zero at the 5% level.

Moreover, instead of merely analyzing the extreme bounds of the estimates for the coefficient of a particular variable, we follow Sala-i-Martin’s (1997) recommended procedure and analyze the entire distribution. Accordingly, we also report the unweighted parameter estimate of β_F and its standard error, as well as the unweighted cumulative distribution function, $CDF(0)$.³¹ $CDF(0)$ indicates the larger of the areas under the density function (either above or below zero). Therefore, $CDF(0)$ always lies between 0.5 and 1.0.

The vector M contains the same variables as the regressions in the tables above. Specifically, we focus on the specification shown in column 1 of Table 1, again using ordered probit with robust standard errors, and again imputing the explanatory variables.³² To test for the robustness of our results we have

Table 3. *Extreme bounds analysis (EBA), ordered probit, imputed*

Variable	Avg. beta	Avg. S.E.	%Sig	CDF-U
Latin America dummy	-1.63	0.55	1.00	1.00
(log) migrant stock	0.26	0.10	1.00	0.99
(log) GDP per capita	0.73	0.30	0.95	0.99
Legal prostitution dummy	0.65	0.28	1.00	0.99
Rule of law	-0.59	0.28	0.84	0.97
Developing Europe dummy	-1.06	0.60	0.52	0.95
Democracy dummy	0.71	0.43	0.55	0.93
(log) population	0.18	0.10	0.62	0.92
Share of Catholics	-0.01	0.00	0.29	0.91
Sub-Sahara Africa dummy	-0.76	0.67	0.01	0.86
MENA dummy	-0.66	0.59	0.00	0.86
East Asia dummy	0.44	0.73	0.00	0.72
South Asia dummy	-0.37	0.66	0.00	0.70

Notes: Variables are sorted according to their CDF(0). All results are based on 3,303 regressions. “Avg. beta” reports the average coefficient while “Avg. S.E.” indicates the average standard error of all regressions. “%Sig” shows the percentage of regressions in which the coefficient is statistically different from zero at the 5% level at least. “CDF-U” shows the (unweighted) mass of the larger part of the distribution of the estimated coefficients (i.e., the value is always greater or equal to 0.5). The criterion for a variable we consider as robust is a value of 0.9 or above.

collected a total of 27 additional variables which could potentially influence the level of human trafficking flows and are potentially related to the effect of prostitution laws.³³

Our choice of variables derives from an extensive review of the existing literature (Akee, Bedi, *et al.*, 2010; Akee, Basu, *et al.*, 2010; Cameron & Newman, 2008; Cho, *in press*, 2012; Danailova-Trainor & Belser, 2006; Jakobsson & Kotsadam, *in press*; Mahmoud & Trebesch, 2010; Potrafke, 2011). It covers four important aspects of potential determinants of human trafficking, namely international movement of people, societal vulnerability to human trafficking, crime, and policies combating such crime (Cho, 2012). Besides the 14 variables used for the baseline estimations, 27 additional variables are listed below. We use the (logged) number of incoming tourists to measure short-term flows of human movement across borders. We also include two measures of a country’s visa restrictions, indicating the number of countries whose citizens are allowed to enter the country without a visa.³⁴ The share of a country’s population living in cities is included because urbanization may create demand for cheap services in, for example, household work and construction which trafficking victims can potentially provide, while trade (as a percentage of GDP) captures flows of goods and services which may impact on human movements. We include indices measuring the existence of laws for the prosecution of perpetrators engaged in human trafficking, the protection of victims, and the prevention of human trafficking (taken from Cho *et al.* (2012)) to check whether the legal status of prostitution spuriously picks up the effect of policies aimed at combating human trafficking. The share of right-wing governments in power over the 1990–1995 period is included, as right-wing governments can reasonably be expected to take a tougher stance on illegal migration, an important source of human trafficking inflows. Unemployment rates among men and women and employment in the agricultural sector (as a percentage of total employment) are also included because they have the potential to capture the demand for cheap and possibly exploitative labor in society outside the market for prostitution. Literacy is included because a higher level of education can lead to a higher level of public awareness toward human trafficking. Mortality rates of children under five is a proxy for the basic living conditions in a country, a pulling factor of international migration. The shares of Muslims and, respectively, Protestants in the population are included to account for potentially varying moral values, so the two groups might have different

propensities to consume the services of trafficked persons (Potrafke, 2011). We include an index measuring a country’s media freedom, taken from Freedom House. (2010). Arguably, a freer media is more likely to report on delicate issues such as human trafficking, making it more likely that trafficking flows will be reported. Dummies for English, French, Spanish, Portuguese, and German speaking countries, as well as dummies for British, Socialist, French, German, and Scandinavian legal origin are included to account for some additional group heterogeneity among countries. All variables and their sources are listed in Appendix B.

The results for the EBA models are presented in Table 3, based on 3,303 regressions (with 116 observations each). Following Sala-i-Martin, we use a CDF(0) value of 0.90 as the threshold above which we consider variables to be robust. As can be seen, the results mirror those of Table 1 above. With the exception of four of the regional dummies, all variables used for the baseline estimations pass the robustness criterion. The effect of the legal prostitution dummy is clearly robust to the choice of explanatory variables, as indicated by a CDF(0) of 0.99. The dummy is significant at the 5% level (at least) in almost all of the 3,303 regressions run.

6. CASE STUDIES

Our empirical findings so far indicate that the scale effects of the expansion of prostitution markets after legalization dominate the substitution effects away from human trafficking. However, our quantitative empirical analysis is cross-sectional. As pointed out already, this means we cannot control for unobserved country heterogeneity. Also, while we have established that the legalized status of prostitution is associated with a higher incidence of trafficking inflows, a cross-sectional analysis cannot provide a conclusion as to whether legalizing prostitution would result in increased trafficking after legalization. In order to provide anecdotal evidence that our estimated effect of legalized prostitution is likely to capture a causal rather than a spurious effect, we now briefly analyze three country case studies, namely Sweden, Germany, and Denmark. These three countries changed their prostitution law during the 1996–2003 period our investigation covers, albeit in opposite directions. Sweden prohibited prostitution in 1999, while Germany further legalized prostitution by allowing third-party involvement in 2002. Denmark, where

prostitution as a main income source was previously illegal, decriminalized prostitution in 1999. Since then, self-employed prostitution is legal but brothel operation is still forbidden in Denmark.

We have sufficient data for Germany to compare the number of trafficking victims in the pre- and post-legalization period. For Sweden and Denmark, we lack such data. We therefore compare the available data for Sweden after the prohibition of prostitution with data for Denmark, where prostitution was legalized. Sweden and Denmark have similar levels of economic and institutional development, and a similar geographic position, which, as our quantitative analysis shows, are important determinants of human trafficking.

Sweden amended its prostitution law in 1999 by prohibiting all forms of commercial sex and punishing the purchase of sex with a fine or imprisonment for a maximum of six months. Prior to the amendment, Sweden allowed self-employed individual prostitution while prohibiting brothel operation (Di Nicola *et al.*, 2005). The amendment was introduced after long debates over the root causes of prostitution in Swedish society, with the new law stating that prostitution by nature is always exploitative, and that the purchase of sexual services provided by women and girls amounts to discrimination against them (Ekberg, 2004). Furthermore, this new law links prostitution to human trafficking and specifically states the former as an alleged cause of the latter (Ekberg, 2004). Ekberg estimates—based on various cases reported to the Swedish Ministry of Industry, Employment, and Communications—that the number of prostitutes in Sweden decreased rather substantially from 2,500 in 1999 to 1,500 in 2002, with street prostitution in particular decreasing by between 30% and 50% after the prohibition of prostitution. At the same time, Ekberg points out that even though so-called “hidden prostitution” via internet and escort services may have increased, it is generally agreed that the prostitution market in Sweden contracted after prohibition, as a buyer now risks facing criminal charges for purchasing sex (Di Nicola *et al.*, 2005; Ekberg, 2004; Jakobsen & Kotsadam, *in press*). Such evidence of a shrinking market indicates that the prohibition of prostitution in this particular case has a negative scale effect on prostitution markets, as theory predicts.

However, whether or not human trafficking inflows have reduced after the prohibition in Sweden is a trickier question to answer because of the lack of sufficient time-series data on the number of victims. Di Nicola *et al.* (2005) provide annual estimates of human trafficking victims for sexual exploitation in Sweden during the 2000–2003 period, suggesting anywhere between 200 and 600 victims per year. This would mean a share of trafficked individuals among the estimated 1,500 prostitutes of between 13.3% and 40%. There are, however, no available nationwide statistics on trafficking victims prior to the amendment in 1999 and therefore, a direct comparison between the pre- and post-prohibition periods is impossible. However, for the substitution effect to dominate the scale effect, as well as for the number of trafficked prostitutes to have been higher after prostitution was rendered illegal, it would need to be shown that the share of trafficked prostitutes was less than 8% at the minimum estimate, or 24% at the maximum estimate of 2,500 prostitutes prior to 1999. A compositional shift from 13.3% to 8% (minimum estimate) or from 40% to 24% (maximum estimate) is of course possible, but would appear to require quite a large shift.

A comparison between Sweden and Denmark, a neighboring country with similar socio-economic conditions yet reforming their prostitution laws in the opposite direction, tentatively suggests that compositional differences across regimes

legalizing and prohibiting prostitution have been small. Since 1999, Denmark has allowed individual, self-employed prostitution, while prohibiting brothel operation, representing the same level of legality in prostitution as Sweden had before the 1999 reform. The ILO estimates the stock of human trafficking victims in Denmark in 2004 at approximately 2,250, while the estimated number in Sweden is about 500 (Global report data used in Danailova-Trainor & Belser, 2006).³⁵ This implies that the number of human trafficking victims in Denmark is more than four times that of Sweden, although the population size of Sweden (8.9 million) is about 40% larger than that of Denmark (5.3 million). Importantly, the Global report also estimates the number of prostitutes in Denmark—about 6,000—to be three to four times larger than the number in Sweden. This comparison thus tentatively suggests that the share of trafficked individuals among all prostitutes is fairly similar in the two countries, despite one prohibiting and the other permitting prostitution. This in turn, would suggest that compositional changes and thus the substitution effect are likely to have been small.³⁶

Contrary to Sweden, Germany introduced a more liberal prostitution law in 2002. Today, prostitution in Germany is regulated by law and regarded as a “regular job” subject to tax payment and retirement schemes (Di Nicola *et al.*, 2005). Prior to 2002, Germany only allowed individual, self-employed prostitution without third-party involvement. Having a liberal prostitution regime, Germany is known to have one of the largest prostitution markets in Europe, with about 150,000 people working as prostitutes (Global report data used in Danailova-Trainor and Belser (2006)). This means that the number of prostitutes in Germany is more than 60 times that of Sweden, while having a population (82 million inhabitants) less than 10 times larger. In terms of human trafficking victims, the ILO estimated the stock of victims in Germany in 2004 to be approximately 32,800—about 62 times more than in Sweden (Danailova-Trainor & Belser, 2006). Again, the share of trafficked individuals among all prostitutes appears to be quite similar in both countries, corroborating the view that any compositional differences across prohibitionist and legalized prostitution regimes are likely to be small. Additionally, Di Nicola *et al.* (2005) provide annual estimates of trafficking victims used for sexual exploitation in Germany over the 1996–2003 period, which can shed some light on the changing number of trafficked prostitutes. The estimates show that the number of victims gradually declined during 1996–97, the first years of data collection, and 2001, when the minimum estimate was 9,870 and the maximum 19,740.³⁷ However, this number increased upon fully legalizing prostitution in 2002, as well as in 2003, rising to 11,080–22,160 and 12,350–24,700, respectively.³⁸ This is consistent with our result from the quantitative analysis indicating a positive correlation between the legal status of prostitution and inward trafficking.

7. CONCLUSION

This paper has investigated the impact of legalized prostitution on inflows of human trafficking. According to economic theory, there are two effects of unknown magnitude. The scale effect of legalizing prostitution leads to an expansion of the prostitution market and thus an increase in human trafficking, while the substitution effect reduces demand for trafficked prostitutes by favoring prostitutes who have legal residence in a country. Our quantitative empirical analysis for a cross-section of up to 150 countries shows that the scale effect dominates the substitution effect. On average, countries with

legalized prostitution experience a larger degree of reported human trafficking inflows. We have corroborated this quantitative evidence with three brief case studies of Sweden, Denmark, and Germany. Consistent with the results from our quantitative analysis, the legalization of prostitution has led to substantial scale effects in these cases. Both the cross-country comparisons among Sweden, Denmark, and Germany, with their different prostitution regimes, as well as the temporal comparison within Germany before and after the further legalization of prostitution, suggest that any compositional changes in the share of trafficked individuals among all prostitutes have been small and the substitution effect has therefore been dominated by the scale effect. Naturally, this qualitative evidence is also somewhat tentative as there is no “smoking gun” proving that the scale effect dominates the substitution effect and that the legalization of prostitution definitely increases inward trafficking flows. The problem here lies in the clandestine nature of both the prostitution and trafficking markets, making it difficult, perhaps impossible, to find hard evidence establishing this relationship. Our central finding,

i.e., that countries with legalized prostitution experience a larger reported incidence of trafficking inflows, is therefore best regarded as being based on the most reliable existing data, but needs to be subjected to future scrutiny. More research in this area is definitely warranted, but it will require the collection of more reliable data to establish firmer conclusions.

The likely negative consequences of legalized prostitution on a country's inflows of human trafficking might be seen to support those who argue in favor of banning prostitution, thereby reducing the flows of trafficking (e.g., [Outshoorn, 2005](#)). However, such a line of argumentation overlooks potential benefits that the legalization of prostitution might have on those employed in the industry. Working conditions could be substantially improved for prostitutes—at least those legally employed—if prostitution is legalized. Prohibiting prostitution also raises tricky “freedom of choice” issues concerning both the potential suppliers and clients of prostitution services. A full evaluation of the costs and benefits, as well as of the broader merits of prohibiting prostitution, is beyond the scope of the present article.

NOTES

1. See [Batsyukova \(2007\)](#) and [Ekberg \(2004\)](#), then Swedish Minister of Industry, Employment, and Communications, as well as the New York Times regular commentator Nicholas D. Kristof ([International Herald Tribune, 2011](#)) for similar views.

2. On the other hand, the *International Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (2000), does not clearly state its position concerning prostitution.

3. In addition, [Di Nicola, Orfano, Cauduro, and Conci \(2005\)](#) provide descriptive statistics focusing on 11 EU countries. According to their results, stricter prostitution laws are correlated with reduced flows of human trafficking. In ongoing research following this paper, [Hernandez and Rudolph \(2011\)](#) also examine the effect of legalization of prostitution laws on trafficking flows to 13 European countries. However, the fixed country dummies included in their analysis do not allow for the exploitation of the cross-sectional variation in prostitution laws. Their results reflect the few changes in the laws of the sample countries over the 1998–2009 period.

4. Note that we can remain agnostic as to whether any of those individuals actually supplying prostitution services do so “voluntarily.” What matters is that either prostitutes themselves, or their pimps forcing them to prostitute themselves, are willing to supply prostitution services.

5. With regard to prostitution, the apparent physical attractiveness and age of prostitutes can be crucial endowments determining the price level of their sexual services ([Edlund & Korn, 2002](#)).

6. Wages that forced prostitutes (e.g., trafficking victims) actually receive may not be high, with the profits earned by their pimps being high instead.

7. [Nussbaum \(1999\)](#) describes the similarities of bodily risks and working conditions colonoscopy artists and prostitutes face and the level of skills required for these professions. By doing so, she challenges the rational basis of the social stigma imposed on prostitutes (i.e., prostitutes as fallen women lacking bodily integrity).

8. We say “almost” invariably, since one could construct an argument that the illegality of prostitution renders the service more interesting and thus in higher demand. There might be some clients who are drawn to

prostitution mainly because of its illegality, but we think this phenomenon is unlikely to be common. For further discussions on clients' risk aversion and decision to buy sex, see [Cameron and Collins \(2003\)](#) and [Giusta et al. \(2009\)](#).

9. The large size of the shadow economy in most countries suggests that states do not prosecute tax evasion vigorously ([Schneider, 2005](#)).

10. Consistent with this proposition, [Danailova-Trainor and Belser \(2006\)](#) show that human trafficking is higher in countries with a larger sex industry.

11. A domestic individual's willingness to work as a prostitute also depends on their opportunities in other labor markets.

12. If there were severe constraints on the expansion of prostitution services provided by domestic individuals despite its legalization, then the share of trafficked prostitutes could even increase. This will typically not be the case.

13. The distribution of the other regions is: Asia (11%), Africa (5%), Central and Eastern Europe (5%), Latin America (4%), Oceania (4%), and the CIS (2%), in addition to 22% of institutions being categorized as international.

14. There is a concern that the UNODC data do not capture the number of human trafficking victims because the data are not weighted by the (reported) number of victims but weighted by the frequency the subject is mentioned in the reports. In fact counting the number of victims is one of the most challenging problems in human trafficking research and the literature has not yet agreed on appropriate estimation methods ([Kangaspunta, 2003](#)). The [UNODC \(2006\)](#) report explains that weighting by the quoted number of victims distorts the validity of information to a large extent because quoted figures of victims from different sources tend to contradict each other.

15. Prostitutes can be self-employed or employed by others (through brothels, for example). The vast majority of countries with legalized prostitution allow self-employed, street prostitution only, but there are several countries which allow both self-employment and brothel operation. In our sample, there is no country which legalized brothel operation while prohibiting self-employment.

16. Jakobsson and Kotsadam (2011) also follow this method and construct a variable for prostitution legislation in 2003 for 39 European countries.
17. That is, one year prior to the collection of data on the incidence of human trafficking, the dependent variable.
18. In constructing the prostitution law variable, we use the CEDAW country reports for the 1995–1998 period, and the US Human Rights Reports for the 1999–2008 period.
19. Coefficients and standard errors are adjusted according to Rubin's (1987) combination rules.
20. Tellingly, there is only one low-income country (Cambodia) with a high incidence of inward trafficking and in this case the demand is driven by foreign tourists. Modeling the international sex tourism industry is beyond the scope of this paper.
21. We additionally included dummies indicating income groups. However, given that these dummies did not turn out to be jointly significant at conventional levels, we exclude them from the estimations. Our results are not affected by this.
22. The effect of prostitution laws on human trafficking flows might also be affected by the enforcement of international treaties against trafficking. When we control for government's compliance with anti-trafficking laws regarding the prosecution of perpetrators, protection of victims, and prevention of the crime (using data constructed in Cho, Dreher, and Neumayer (2012)) our results are not affected. Among the three indices we use to measure compliance with anti-trafficking policies, only protection is significant at conventional levels, with the expected positive coefficient. We include these indices in our tests for robustness below. Another interesting question would be to investigate the effect of legalized prostitution on the enforcement of anti-trafficking policies. We leave this question for future research.
23. We do not include a similar variable for the share of Muslims in our main estimations since this variable is highly correlated with our regional dummy variable for North Africa and the Middle East. However, we include such a variable in our extreme bounds analysis in the robustness section.
24. The index is also available for one prior year, 1996. However, the number of observations is substantially lower so we prefer using data from 1998 instead. Note that the coding for the prostitution dummy refers to the year 1995. For some countries, prostitution law changed during the 1996–2003 period: Bangladesh (2000), Colombia (2002), Germany (2002), Denmark (1999), Greece (1999), Hungary (1999), Netherlands (2000), New Zealand (2003), and Sweden (1999). Our results are robust to the exclusion of these countries.
25. A set of variables of potential importance we cannot include here refers to countries' immigration policies. While such policies are available for selected industrial countries, they are not available for the large sample of less developed countries in our sample. We address one part of immigration policies by including the countries' visa restrictions in our robustness section. Our results do not depend on this.
26. These are Cuba, Hong Kong, Iraq, Libya, Qatar, and Serbia.
27. The World Bank (2010) defines these groups to be those with a 2009 GNI per capita below \$995 (low income) and \$12,276 or more (high income). In column 4, data for ten countries are imputed: Afghanistan, Cuba, Hong Kong, Iraq, Democratic Republic of Korea, Libya, Myanmar, Qatar, Serbia, and Zimbabwe. In column 5, data for Hong Kong and Qatar are imputed.
28. Note that the regional dummies cannot be included in this regression given that the World Bank's regional classification includes high income countries in the Western and other industrialized countries group.
29. For these models, we can also calculate goodness of fit statistics that cannot readily be provided for the imputed models. In the ordered probit model (column 7), McFadden's adjusted R^2 is 0.16, while the adjusted R^2 for the OLS model is 0.50 (column 8).
30. The Stata code we use follows Gassebner, Lamla, and Sturm (2011).
31. See Sturm and de Haan (2001).
32. The results reported below consequently reflect the impact of the additional control variables rather than those of different samples.
33. The control variables again refer to the year 1995, with the exception of the share of right-wing governments and anti-trafficking policies. The share of governments refers to the 1990–1995 period, as we expect the type of government over a longer period to be more important than the stance of a government in a particular year. The policy indices are not available for 1995, so we take the average over the 1996–2003 period (i.e., the same years the dependent variable refers to).
34. One of the measures considers a country to be visa-free if one can obtain a visa upon arrival at the border, whereas the other counts this as a visa restriction.
35. We thank Gergana Danailova-Trainor and Patrick Belser for sharing their data. The estimates of the ILO are in line with Di Nicola et al.'s estimate given that the duration of the victims being trafficked is generally between 3 and 18 months (Belser et al., 2005; Di Nicola et al., 2005).
36. Part of the demand in Denmark might however arise due to the change in Swedish prostitution laws and *vice versa*. As pointed out by Collins and Judge (2010), clients can be expected to react to inter-jurisdictional differences in regulations. Swedish clients might cross the border and use prostitution services in Denmark, while prostitution and trafficking in Sweden might be higher if prostitution were illegal in Denmark as well.
37. On the other hand, the number of victims identified by the police varies from year to year without a clear pattern, probably reflecting the level of enforcement and policy priority rather than the true magnitude of the problem (see German Federal Police Office, 1999–2009).
38. This increase is partly attributable to the change in the definition of human trafficking victims in 2003; German nationals are also included in the category from 2003 onward. However, this change does not fully explain the increase because German nationals amount to only 10.3% of all victims in the given year (German Federal Police Office, 2005).

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APPENDIX A. DEGREE OF HUMAN TRAFFICKING INFLOWS

Number of sources	Index ranking	Total number of countries
0 ^a	0 (No)	24
1	1 (Very low)	29
2–3	2 (Low)	27
4–10	3 (Medium)	50
11–24	4 (High)	21
25–40	5 (Very high)	10

Source: UNODC (2006, p. 118).

^aThe Index does not explicitly specify a ranking for countries with no inflow of human trafficking.

APPENDIX B. DISTRIBUTION OF COUNTRIES ACROSS CATEGORIES OF HUMAN TRAFFICKING INFLOWS

Very high	High	Medium	Low	Very low
Belgium	Australia	Albania	Aruba	Algeria
Germany	Austria	Argentina	Bangladesh	Bhutan
Greece	Bosnia and	Bahrain	Belize	Brazil
Israel	Herzegovina	Benin	Brunei Darussalam	Burundi
Italy	Cambodia	Bulgaria	Congo, Republic of	Chad
Japan	Canada	Burkina Faso	Costa Rica	Chile
Netherlands	China	Cameroon	Ecuador	Congo, Democratic
Thailand	Hong Kong, China	Cote d'Ivoire	Egypt	Republic of
Turkey	SAR	Croatia	Haiti	Djibouti
United States of	Taiwan Province of	Curacao	Indonesia	Dominica
America	China	Dominican Republic	Iraq	Ethiopia
	Cyprus	El Salvador	Ireland	Fiji
	Czech Republic	Equatorial Guinea	Kyrgyzstan	Gambia
	Denmark	Estonia	Lao People's	Georgia
	France	Finland	Democratic	Honduras
	India	Gabon	Republic	Jamaica
	Kosovo,	Ghana	Libyan Arab	Liberia
	(Serbia and	Guatemala	Jamahiriya	Malawi
	Montenegro)	Hungary	Luxembourg	Maldives
	Pakistan	Iceland	Mali	Morocco
	Poland	Iran	Niger	Mozambique
	Saudi Arabia	Kazakhstan	Oman	Republic of
	Spain	Kenya	Paraguay	Moldova
	Switzerland	Kuwait	Romania	Senegal
	United Arab	Latvia	Slovenia	Sierra Leone
	Emirates	Lebanon	Sri Lanka	Slovakia
	United Kingdom	Lithuania	Uganda	Sudan
		Macao, China SAR	United Republic of	Tajikistan
		Malaysia	Tanzania	Trinidad and
		Mexico	Uzbekistan	Tobago
		Myanmar	Yemen	Zambia
		New Zealand		Zimbabwe

(continued on next page)

Appendix B.—*Continued*

Very high	High	Medium	Low	Very low
		Nigeria		
		Norway		
		Panama		
		Philippines		
		Portugal		
		Qatar		
		Republic of Korea		
		Russian Federation		
		Serbia and Montenegro		
		Singapore		
		South Africa		
		Sweden		
		Syrian Arab Republic		
		The former		
		Yugoslav Republic of Macedonia		
		Togo		
		Ukraine		
		Venezuela		
		Viet Nam		

Source: UNODC (2006, p. 20).

APPENDIX C. PROSTITUTION REGIMES

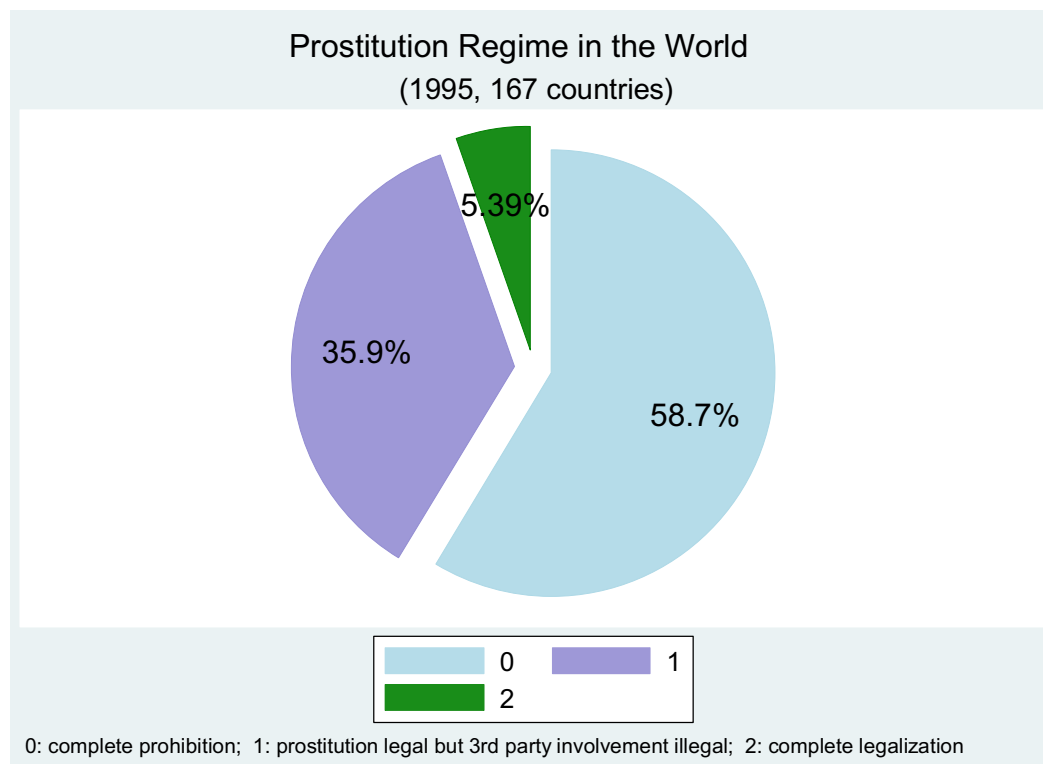


Figure C1. *Prostitution regimes.* Source: US Department of State, *Country Reports on Human Rights Practice (1999–2008)* and various issues of CEDAW country reports.

APPENDIX D. DESCRIPTIVE STATISTICS (ESTIMATION SAMPLE, TABLE 1, COLUMN 8)

Variables	Mean	Std. Dev.	Min	Max
Human trafficking inflows	2.56	1.46	0.00	5.00
Legal prostitution dummy	0.47	0.50	0.00	1.00
Legal brothel dummy	0.07	0.26	0.00	1.00
Rule of law	0.19	0.99	-1.57	2.00
(log) population	16.08	1.72	12.29	20.91
(log) GDP per capita	8.90	1.05	6.92	10.83
Democracy dummy	0.62	0.49	0.00	1.00
(log) migrant stock	5.79	1.74	0.99	10.05
Share of Catholics	33.94	38.40	0.00	97.30
East Asia dummy	0.06	0.25	0.00	1.00
Developing Europe dummy	0.15	0.36	0.00	1.00
Latin America dummy	0.17	0.38	0.00	1.00
MENA dummy	0.08	0.28	0.00	1.00
South Asia dummy	0.03	0.16	0.00	1.00
Sub-Sahara Africa dummy	0.10	0.30	0.00	1.00

APPENDIX E. SOURCES AND DEFINITIONS

Variables	Definition	Source
Human trafficking inflows	Reported incidences of human trafficking inflows. Score 0 (no flows) and 5 (very high flows)	UNODC (2006)
Legal prostitution dummy	Dummy indicating whether or not a country allows prostitution. 1 being legal and 0 otherwise	US Dept. of State (1999–2008)
Legal brothel dummy	Dummy indicating whether or not a country allows brothel/pimping. 1 being legal and 0 otherwise	US Dept. of State (1999–2008)
Rule of law	Index in the range of -2.5 to 2.5, with higher values corresponding to better outcomes	Kaufmann <i>et al.</i> (2009)
(log) population	Log of a country's total population	World Bank (2011)
(log) GDP per capita	Log of GDP per capita, PPP (constant 2005 international \$)	World Bank (2011)
Democracy dummy	Indicates whether multiple parties are legally allowed and exist outside the regime front, and whether the selection of the executive and the legislature involve an either direct or indirect mandate from an electorate	Cheibub <i>et al.</i> (2010)
(log) migrant stock	Stock of migrants	UNDP (2010)
Share of Catholics	Share of Catholics in overall population	Encyclopedia Britannica Book (2001)
Regional dummies	Dummies for the regions East Asia dummy, Developing Europe, Latin America, Middle East and North Africa (MENA), South Asia and Sub-Sahara Africa	World Bank (2010)
Media Freedom	Freedom of the Press Index. Score 0 (best) to 100 (worst)	Freedom House (2009)
Tourism inflows	Annual number of foreign visitors in a country	World Bank (2011)
Share of Protestants	Share of Protestants in overall population	Encyclopedia Britannica Book (2001)
Share of Muslims	Share of Muslims in overall population	Encyclopedia Britannica Book (2001)
Urbanization	Share of a country's population living in cities	World Bank (2011)
Trade (% of GDP)	Trade in percent of GDP	World Bank (2011)

(continued on next page)

Appendix E.—*Continued*

Variables	Definition	Source
Prosecution index	Index assessing the level of governmental efforts to punish and prosecute traffickers and other related offenders (such as employers of trafficking victims, law enforcement officials who collude with traffickers, and clients of services provided by human trafficking victims)	Cho <i>et al.</i> (2012)
Protection index	Index assessing the level of governmental efforts to protect and assist the victims of human trafficking	Cho <i>et al.</i> (2012)
Prevention index	Index assessing the level of governmental efforts to prevent and combat human trafficking	Cho <i>et al.</i> (2012)
Right government	The share of right-wing governments in power over the 1990–1995 period	
Unemployment, male	Unemployment, male (in percent of the male labor force)	World Bank (2011)
Unemployment, female	Unemployment, female (in percent of the male labor force)	World Bank (2011)
Employment, agriculture	Employment in agriculture (in percent of total employment)	World Bank (2011)
Literacy rate	Literacy rate, adult total (in percent of people ages 15 and above)	World Bank (2011)
Mortality rate	Mortality rate, under-5 (per 1,000)	World Bank (2011)
Visa restrictions	The number of foreign countries whose nationals need a visa to enter the country under observation (in 2004)	Neumayer (2006)
Visa restrictions 2	The number of foreign countries whose nationals need a visa to enter the country under observation (in 2004), counting visa provision at border as visa-free access	Neumayer (2006)
Language dummies	Dummies for English speaking, French speaking, Spanish speaking, Portuguese speaking, and German speaking countries	CIA (2010)
Legal origin dummies	Dummies for British, Socialist, French, German, and Scandinavian legal origin	La Porta <i>et al.</i> (1998)

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Sept 18, 2019

To: The City of Regina,
The Mayor and Aldermen and Alderwoman,
City Hall, Regina.

Re: Body massage parlor meeting Sept. 23, 2019

Greetings:

Further to my request to speak to Regina City Council, I have outlined some points I wish to
Make:

FACT:

UN reports that 4 million people are currently trafficked worldwide. That's more than the entire USA slave trade before the civil war.

Human trafficking is occurring in Regina City as I speak

Law enforcement continues to try to do what they can, but resources are limited and predators find ways around the law. It works against the victims of human trafficking when laws are in place that provides a LAGITIMATE FRONT, for what is taking place in other parts of the building.

Without the citizens of Regina speaking up and encouraging our leaders to delegitimise these activities, some of our children and women are in danger of becoming trapped in human trafficking. These victims need all of us to speak out and do what we can to prevent their entrapment.

Those who are trafficked are robbed of their say, freedom, dignity, safety and wellbeing.

It is rare that a sex trade worker has chosen that trade freely rather than other healthy occupations.

The vast majority of our sexually exploited girls, boys and women are either confined, threatened or destitute. The vast majority of these victims have no way to escape.

According to Exoduscry.com, The mortality rate on those who are trafficked is 200 times higher than women in the general population. This fact alone should cause all of us to take whatever action we can to help these victims

1 in 4 trafficking victims is under age 18.

Ages 12 – 13 is a common age to start victims trafficking in Canada.

These are our children, grandchildren and great grandchildren.

It is my hope that Regina City Council will take this opportunity to do what is right and prohibit body massage parlors or what ever name they choose, will not be allowed in Regina. Let us do what is right to these victims.

Thank you for allowing me to make this presentation




September 23, 2019

To: His Worship the Mayor
And Members of City Council

Re: Supplemental Report – Regulation of Massage Parlours

RECOMMENDATION

1. That this report be received and filed.
2. That item PPC19-7 be removed from the Priorities and Planning Committee's List of Outstanding Items.

CONCLUSION

On June 20, 2019, the Priority and Planning Committee considered the report *PPC 19-7 Regulation of Massage Parlours*. The Committee tasked Administration to provide a supplemental report which outlines the licensing, enforcement and legal implications respecting Option B (licensing regime) and Option D (ban), as well as the engagement undertaken with Indigenous groups and academic experts.

This supplementary report provides City Council with the additional information requested by the Committee.

BACKGROUND

On December 5, 2018, the Executive Committee adopted the recommendations in report *EX18-35 Plan to Engage the Public and Stakeholders on the Regulation of Massage Parlours* to conduct public and stakeholder engagement on the issue of massage parlours. The Committee approved an engagement plan with focused regulatory and policy options. The Committee directed Administration to return to the Committee by the end of June 2019 with a recommendation on how to regulate massage parlours and a high-level implementation plan for the recommendation.

On June 12, 2019, the Executive Committee considered the report *EX19-24 Regulation of Massage Parlours*. The Committee moved to table the report to a future meeting to be determined by the City Clerk.

On June 20, 2019, the Priority and Planning Committee considered the report *PPC 19-7 Regulation of Massage Parlours*. The Committee directed Administration to provide a supplemental report outlining the licensing, enforcement and legal implications respecting Option B (licensing regime) and Option D (ban), as well as the engagement undertaken with Indigenous groups and academic experts at a future meeting to be determined by the City Manager.

This report responds to the additional information requested by the Committee.

DISCUSSION

The Committee directed Administration to provide additional information related to the licensing, enforcement and legal implications respecting Option B (licensing regime) and Option D (ban), as well as the engagement undertaken with Indigenous groups and academic experts. The chart below provides a summary of the additional information requested with more detailed responses to specific questions provided in Appendix A.

	Option B (Licensing)	Option D (Ban)
Enforcement	<p>Inspection Powers: Under <i>The Cities Act</i> an inspector can enter a building during reasonable hours upon providing reasonable notice. Consent is not required unless the building is a private dwelling.</p> <p>If entry to a building is refused or consent cannot be obtained to enter a private dwelling, a warrant can be obtained if entry to a building is required for investigative purposes and the City has evidence (i.e. reasonable grounds) that a contravention of the bylaw is occurring.</p> <p>The building does not have to be a licensed establishment to be inspected. Thus, if an inspector suspects that an establishment is operating in contravention of the bylaw, it can be inspected.</p> <p>An inspection may also be required as a condition of receiving a licence.</p>	<p>Inspection Powers: Under <i>The Planning and Development Act, 2007</i> an inspector can enter a building if the inspector has obtained consent of the owner.</p> <p>If an owner or occupant does not consent to an inspection a warrant can be obtained if entry to a building is required for investigative purposes and the City has reasonable grounds (evidence) that a contravention of the bylaw is occurring.</p>
	<p>Process: Licensing bylaw regulations are enforced by City officials under the authority of <i>The Cities Act</i>. The City does not currently perform any inspections of buildings when licenses are issued. It is proposed that the process for Body Rub Establishments would involve:</p> <ol style="list-style-type: none"> 1. Prior to the issuance of a licence, an inspection to determine that the establishment is compliant with all regulations. 2. After a licence has been issued, regular inspections to determine continued compliance with all regulations. 3. Where an unlicensed establishment is 	<p>Process: Zoning bylaw regulations are enforced by City officials under the authority of <i>The Planning and Development Act, 2007</i>. Generally, the process involves:</p> <ol style="list-style-type: none"> 1. Where an illegal use is suspected or upon receipt of a complaint of an illegal use an inspection is performed. If consent cannot be obtained to access the property and buildings the inspection is limited in scope to offsite. 2. If reasonable grounds exist that a contravention is occurring, a warrant may be sought to obtain entry to the building.

	Option B (Licensing)	Option D (Ban)
	<p>suspected of delivering services for which a licence is required, an inspection may be conducted.</p> <ol style="list-style-type: none"> If a contravention is found one or all of the following may occur: a licence is revoked, a notice to comply and/or order to comply is issued, a prosecution is commenced. If there is no compliance with the order, then the City would pursue prosecution or court order. <p>The Administration's primary purpose for inspection would be harm reduction for those working in licensed establishments. Where support is required, the Administration will partner with the Regina Police Service. The Regina Police Service will continue its work enforcing the <i>Criminal Code</i> in such areas as human trafficking and the purchase of sexual services.</p>	<ol style="list-style-type: none"> If a contravention is found at either step 1 or 2, a notice to comply is issued. If there is no voluntary compliance with the notice, then an order to comply is issued. If there is no compliance with the order, then the City would pursue prosecution or court order. <p>If City Council approved a ban, the Administration would work with the Regina Police Service to develop an enforcement plan with shared responsibilities.</p> <p>The Regina Police Service advises it would consider all <i>Charter</i> compliant investigative practices available to them, work collaboratively with bylaw officers and prosecutors to gather evidence against non-compliant establishments, and take enforcement action where warranted.</p> <p>As bans are largely untested by the courts, the Administration is not able to predict the likelihood of successful prosecutions.</p>
	<p>Cost: When fully rolled out (2021) annual costs should be in the range of \$310,000 with limited ability to recover these costs through licensing fees. There are two factors that limit the ability to achieve a significant level of cost recovery:</p> <ol style="list-style-type: none"> There are only an estimated 20 massage parlours currently operating in Regina and it is unlikely that all of these would pursue or even qualify for licensing. The experience of the City of Edmonton, which has moved to a harm reduction approach to enforcement, is that high fees were a disincentive to compliance. Edmonton has reduced its licence fees and has seen compliance grow as a result. 	<p>Cost: Would require an investigative and enforcement strategy jointly with the Regina Police Service. Costs would likely be about the same as the implementation of licensing (\$310,000 as outlined in the main report) but may not be ongoing once the currently operating massage parlours are shut down.</p> <p>The Regina Police Service advises that, where <i>Criminal Code</i> investigations would be required to augment related bylaw enforcement, policing costs could be considerably higher than a licensing regime.</p> <p>Once the currently operating massage parlours are shut down, ongoing enforcement will be required. The cost of this would likely be lower on an annual basis but is difficult to estimate at this time.</p>
Criminal Code Considerations	<p>Living off the avails of prostitution: This was one of three prostitution laws struck down by the Supreme Court of Canada in the Bedford decision in 2013. In striking down section 212(1)(j) of the <i>Criminal Code</i> (Living off the Avails of Prostitution), the court held that while the provision targeted those that endanger sex workers' lives (i.e. pimps), it also</p>	

	Option B (Licensing)	Option D (Ban)
	<p>punished those hired for the sex workers' protection (i.e. security guards, receptionists, drivers).</p> <p>The amendments to the <i>Criminal Code</i> have addressed this issue in the following ways:</p> <p>Commercial enterprise is criminalized. This means third parties operating formal indoor establishments for sex work and profiteering from it are breaking the law, but legitimate business relations and expenses – security, secretary, babysitters – are allowed. The Code contains a list to assist in determining what is legitimate versus exploitive.</p> <p>Also allowed are individuals who sell their own sexual services, whether independently or cooperatively (pooling resources with no profit), from a particular location or from different locations. Co-tenancy, familial living arrangements with a sex worker, and the employment of assistants such as receptionists, drivers or bodyguards at fair market value are legal. It is legal for a landlord to rent property at market rates for the operation of a business selling sexual services.</p>	
Other Legal Implications	<p>City authority: Recent case law has upheld similar regulation. In those cases, the bylaws under review were found to be a valid exercise of municipal authority over land use and business licensing and not to have the effect of legalizing any illegal activity which may occur in these locations. Specific relevant cases are described in Appendix A.</p>	<p>City authority: <i>The Planning and Development Act, 2007</i> and relevant case law support a municipality's authority to prohibit specific land uses where the prohibition is consistent with a "municipal purpose". Even if a law is consistent with a municipal purpose it must also not violate the Charter or invade the federal government's jurisdiction over the criminal law.</p> <p>Municipal Purpose: Case law on the topic of 'municipal purposes' shows that a court will look at the circumstances surrounding the passing of the bylaw, as well as the bylaw itself, to determine the dominant purpose of the law.</p> <p>Criminal Law: A prohibition combined with a moral/safety goal in a subject matter typically dealt with by the criminal law have been identified as some examples where a law was enacted for a criminal purpose, which would result in a bylaw being struck down.</p> <p>Charter: The federal laws which prohibited operating from a building were struck down as unconstitutional. A bylaw which prohibits sex workers from operating from a building risks being struck down on the basis. The new criminal code provisions no longer ban workers from operating from a building nor do they prohibit a group of workers from pooling their resources and operating jointly from a building. They do ban third party criminal enterprises from profiting from the sale of sexual services.</p>

Engagement with Indigenous women: The public engagement process included private interviews with four body rub workers who were Indigenous.

Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls: This report was released on June 3 and includes a section on the sex industry, sexual exploitation, and human trafficking. The report acknowledges a range of opinions regarding the relationship between sex work and exploitation. These opinions ranged from *sex work, by its very nature, is exploitative and needs to be abolished* to *there is nothing inherently wrong with sex work*.

On the issue of human trafficking, the report says,

[T]he more recent focus on the issue of trafficking has the tendency to conflate adult sex work with sex trafficking and to position all people who choose to engage in sex work as victims of sex trafficking. While not denying the seriousness of the issue of sexual exploitation and trafficking, those taking this position argue that failing to recognize the lived experiences and perspectives of those who choose to practise sex work compromises their ability to engage in sex work in a safe and rights—based way. (p. 658)

The Inquiry's findings in relation to sex work, sexual exploitation and human trafficking are set out on page 669:

- Policing services struggle to effectively respond to cases of human trafficking, sexual exploitation and violence against women and 2SLGBTQQIA¹ people in the sex industry. The detection of offenses, such as human trafficking and sexual exploitation is difficult, compounded by difficulties in investigating and prosecuting these crimes. Current laws, including those regarding sexual exploitation and human trafficking, are not effective in increasing safety overall for Indigenous women, girls, and 2SLGBTQQIA people because those laws do not acknowledge power imbalances and social stigmas.
- Indigenous women, girls, and 2SLGBTQQIA people in the sex industry do not trust police services to keep them safe, due to the criminalization of their work and the racial and sexual discrimination they encounter, as well as the social stigma attached to the sex industry, in general.
- The rights to safety and security of Indigenous women and 2SLGBTQQIA people in the sex industry are not being recognized and protected.

Engagement with academic experts: During the research and review process to develop its recommendations, the Administration conducted a significant literature review on the topics of sex work and massage parlours. The literature is consistent on the perspective that decriminalization contributes to the safety of workers in the sector.

During that process, several individuals advocating for a ban provided literature for our review. This literature was reviewed – most notably the Polaris Project's publication on illicit massage parlours and the research of Dr. Melissa Farley. Neither of these authors recommends banning

¹ Two-Spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex and asexual.

sex work. The Polaris Project recommends tighter regulation of illicit massage parlours to current prostitution laws in Canada.

Since that time, the Administration has conducted an extensive search and review of the peer-reviewed research to identify research evidence in support of banning activities related to the sex trade. The literature discussing banning was limited, with a search finding four articles:

Samuel Lee & Petra Persson (October 2018) Human Trafficking and Regulating Prostitution, IFN Working Paper No. 996; NYU Stern School of Business EC-12-07; NYU Law and Economics Research Paper No. 12-08

Simon Hedlin, (2016) Can Prostitution Law Reform Curb Sex Trafficking? Theory and Evidence on Scale Substitution, and Replacement Effects, 50 U. Mich. J. L. Reform 329.

Hughes, D. (2000). The “Natasha” Trade: The transnational shadow market of trafficking in women. *Journal of International Affairs*, 53(2), 625–651.

Cho, S, Dreher, A, and Neumayer, E. (2013). Does Legalized Prostitution Increase Human Trafficking? *World Development* Vol. 41, pp. 67–82.

In summary, the above research investigates the likely impact of banning prostitution on human trafficking through the application of micro-economic theory. The research across the four articles outlines competing micro-economic theories (i.e. supply and demand):

- By licensing sex work, the supply of prostitution would increase and also the likelihood would increase that more individuals providing permitted prostitution services would be trafficked.
- By licensing sex work, it is likely that more people will voluntarily provide the service, creating less ‘market room’ for those coerced into the service.

While the evidence in support of either contention is inconclusive, the majority of these experts are in favour of an approach that legalizes the sale of sex and criminalizes the purchase of sex (to reduce the demand side of the business and maximize the opportunity for voluntary participation). A full summary of all of the literature reviewed as part of this initiative can be found in Appendix D.

RECOMMENDATION IMPLICATIONS

Financial Implications

None related to this report.

Environmental Implications

None related to this report.

Policy and/or Strategic Implications

None related to this report.

Other Implications

None related to this report.

Accessibility Implications

None related to this report.

COMMUNICATIONS

None related to this report.

DELEGATED AUTHORITY

The recommendations contained in this report are within the delegated authority of City Council.

Respectfully submitted,



Pam Deck
Director, Corporate Strategy & Performance



Diana Hawryluk
Executive Director, City Planning & Community
Development

Report prepared by: Dawn Martin, Manager, Public Policy

Appendix A

Responses to Specific Issues

Question 1: The report cites a number of academic experts whose scholarly work has been published in peer reviewed journals. Did Administration find any similar experts who have written in support of a ban on massage parlours?

A search on banning found four articles:

Human Trafficking and Regulating Prostitution* Samuel Lee† Petra Persson‡
October 2018, IFN Working Paper No. 996; NYU Stern School of Business EC-12-07; NYU Law and Economics Research Paper No. 12-08

Simon Hedlin, Can Prostitution Law Reform Curb Sex Trafficking? Theory and Evidence on Scale Substitution, and Replacement Effects, 50 U. Mich. J. L. Reform 329 (2016).

Hughes, D. (2000). The “Natasha” Trade: The transnational shadow market of trafficking in women. *Journal of International Affairs*, 53(2), 625–651.

Cho, S, Dreher, A, and Neumayer, E. (2013). Does Legalized Prostitution Increase Human Trafficking? *World Development* Vol. 41, pp. 67–82.

In summary, the above research investigates the likely impact on human trafficking of banning prostitution through the application of micro-economic theory. The micro-economic theories explored include:

- By licensing sex work we would increase the supply of prostitution and also increase the likelihood that more individuals providing permitted prostitution services would be trafficked.
- By licensing sex work it is likely that more people will voluntarily provide the service, creating less ‘market room’ for those coerced into the service.

While the evidence in support of either contention is inconclusive, the majority of these experts are in favour of an approach that legalizes the sale of sex and criminalizes the purchase of sex (to reduce the demand side of the business and maximize the opportunity for voluntary participation).

Other research explored included:

- the Polaris Project, which is a widely recognized project to end human trafficking, includes research on massage parlours; and
- the research of Dr. Melissa Farley, which is critical of the impact of prostitution

Neither of these authors recommend banning sex work. The Polaris Project recommends tighter regulation of massage parlours and Dr. Farley recommends the Norwegian model of regulating the sex trade, which is similar to prostitution

laws in Canada. A full summary of the research reviewed for this initiative can be found in Appendix D.

Question 2: Was there any consultation with Indigenous groups or individuals on the report?

Yes. The public engagement process included private interviews with four body rub workers who were all Indigenous.

Question 3: *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* was released on June 3, 2019. What impact does it have on the Administration report and its recommendations?

The report's recommendations – framed in the report as “calls for justice” – include developing support programs and services for Indigenous women, girls and 2SLGBTQQIA¹ people in the sex industry to promote their safety and security. The report also highlights the danger of equating adult sex work with human trafficking.

One section of the report titled *Deeper Dive: The Sex Industry, Sexual Exploitation, and Human Trafficking* discusses the relationship between sex work, sexual exploitation, and trafficking and violence against Indigenous women, girls, and 2SLGBTQQIA people.

It acknowledges the range of opinions regarding the relationships among sex work, sexual exploitation, and trafficking.

Some women insisted that sex work, by its very nature, is exploitative and needs to be abolished. (p. 656)

However, the National Inquiry also heard testimony that there is nothing inherently wrong with sex work, and that the criminalization of sex work makes women more vulnerable to violence. (p. 656)

[T]he more recent focus on the issue of trafficking has the tendency to conflate adult sex work with sex trafficking and to position all people who choose to engage in sex work as victims of sex trafficking. While not denying the seriousness of the issue of sexual exploitation and trafficking, those taking this position argue that failing to recognize the lived experiences and perspectives of those who choose to practise sex work compromises their ability to engage in sex work in a safe and rights—based way. (p. 658)

¹ Two-Spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex and asexual

The report recited the testimony of one witness who offered the following example of how the practice of conflating all sex work with trafficking can create more danger for women like herself who choose to be engaged in sex work and want to practise their trade safely:

So, this whole trafficking scare, you know, has really made it hard for women, particularly Indigenous women, in the sex industry to do our work safely, because now we have to hide from police, we have to go places that are more isolated. To advertise our services is even more tricky. You know, we're being pushed, and pushed, and pushed further into isolation and further into dark places to hide our work.

And, when we're being pushed into isolation, it makes ample opportunity for those situations where we can become victims. We're not victims. But, when we get pushed, and pushed, and pushed and hidden, that creates an opportunity for us to be victimized. We're not victims. We get victimized when we get pushed into the darkness. (p. 659)

The Inquiry's findings for this discussion are set out on page 669:

- Policing services struggle to effectively respond to cases of human trafficking, sexual exploitation, and violence against women and 2SLGBTQQIA people in the sex industry. The detection of offenses such as human trafficking and sexual exploitation is difficult, compounded by difficulties in investigating and prosecuting these crimes. Current laws, including those regarding sexual exploitation and human trafficking, are not effective in increasing safety overall for Indigenous women, girls, and 2SLGBTQQIA people because those laws do not acknowledge power imbalances and social stigmas.
- Indigenous women, girls, and 2SLGBTQQIA people in the sex industry do not trust police services to keep them safe, due to the criminalization of their work and the racial and sexual discrimination they encounter, as well as the social stigma attached to the sex industry, in general.
- The rights to safety and security of Indigenous women and 2SLGBTQQIA people in the sex industry are not being recognized and protected.

Question 4: Are there any statistics related to where regulation has improved safety for the workers?

Yes. The Edmonton reports the body rub industry is safer than it was in 2016, when the city made 26 recommendations for its body rub task force to pursue. An annual report released in June 2019 says the task force team has made “significant

gains” in enhancing harm reduction and physical safety at body rub centres. The report is attached as Appendix B.

Report Highlights

- The team focused on improving education, health and safety, with a 99 per cent compliance rate from industry.
- The city issued 345 practitioner licenses, with the task force encountering only two unlicensed practitioners.
- The team visits body rub centres, speaking with owners and practitioners about living arrangements, personal safety, access to social services, education and health, and options for practitioners looking to leave the industry.
- The team visited 37 centres and interacted with 97 practitioners during the report period. Half of the visits resulted in practitioners asking for follow-up or referrals to other services.
- During the same period, city enforcement officers conducted 164 inspections on centres with 377 interactions with practitioners. The team inspects to make sure safety measures under the business license bylaw are in place. Security cameras and alarm systems or panic buttons are required. One person in the centre must be in a “care and control” position and not providing service delivery.
- Information given out at centres is translated into Mandarin. Binders containing the information are available in all licensed centres. The city is negotiating a contract for around-the-clock translation services for workers needing information or support in their own language.

Edmonton is continuing to explore ways to make the industry safer, including eliminating fees to encourage more practitioners to get licensed. Council is set to review the task-force report at a committee meeting this summer.

Saskatoon does not collect data on the safety impact of its licensing program. However, its adult services bylaw requires that:

- applications for individual licenses must contain information related to the worker’s age, residency status, criminal record and current residence; and
- upon receiving a license all applicants are required to meet in person with police, in a safe and controlled environment during which they could identify a wish to exit the industry or whether they had been in any way coerced into attending.

In Vancouver, there has not been a recorded murder of a sex worker in Vancouver in nearly a decade. Experts attribute this to changes in how police and the city deal with sex work, which has effectively resulted in its decriminalization. In 2013, Vancouver police created guidelines centred on balancing the needs of the community and the safety of sex workers. Adult consensual sex work would no longer be a priority, and exploitation and investigating crimes against sex workers would be their only focus. The City of Vancouver also adopted a policy of non-

enforcement through its guidelines, which state explicitly that sex work is not a bylaw violation. The city's action plan focuses on improving the health and safety of sex workers and the communities in which they live and work. Training for licensing and inspection staff is designed to ensure they understand the spirit of protection in the policy and what is expected of city staff in the event they interact with a sex-industry worker or business.

According to the director of the B.C. Coalition of Experiential Communities, Susan Davis:

Not only are crimes against sex workers being reported more often and true exploitation being countered with several exploiters being investigated and prosecuted successfully, but ... there have been no murders of sex workers in Vancouver since 2009.

Susan Davis: No murders of Vancouver sex workers for nearly a decade under decriminalization
<https://www.straight.com/news/1040736/susan-davis-no-murders-vancouver-sex-workers-nearly-decade-under-decriminalization>

Outside of the information on these three cities, there are also peer-review studies that back up the assertion that decriminalization reduces violence and improves health outcomes for sex workers. A 2016 study, published in peer-reviewed medical journal *The Lancet*, studies the correlation between HIV transmission rates among sex workers and government policies on the sex trade. Controlling for a variety of other factors, the researchers write that “countries which have legalized some aspects of sex work have significantly lower HIV prevalence among sex workers than those which have not.”

New Zealand decriminalized sex work more than a decade ago, with a 2012 parliamentary report from that country concluding “key evidence indicates that the decriminalization of prostitution has impacted favourably on various aspects of sex work for many.”

Question 5: How can a regulatory scheme help residents who are approached by those using the services offered at these establishments? What can be done about that?

In our scan of the regulations in other jurisdictions the following options emerged to minimize the impact of massage parlours on neighbours:

- at least one jurisdiction requires that all licensed body rub establishments display posters on client behaviour expectations;
- some jurisdictions require a minimum of two employees, at least one in a ‘care and control’ role and not providing services at all times when open;
- some jurisdictions require the development and submission of a client management plan; and
- most jurisdictions require that clients who are intoxicated either by alcohol or drugs be prohibited.

One option to minimize unwanted interactions with residents is to restrict massage parlours to industrial zones. Most jurisdictions in Canada that regulate massage parlours have placed zoning restrictions on these businesses, and they are generally restricted to operating in industrial zones and/or away from sensitive uses such as schools, religious institutions, residential areas, and/or other adult entertainment businesses. For example, Saskatoon restricts adult service agencies to industrial zones and has closed three unlicensed agencies operating from residential locations to date.

While this approach would reduce the impact on residents, it would not address Council's goals for regulating the industry of mitigating the heightened safety risk to persons working in the industry while also taking into account neighbourhood impact. It would also result in all but one massage parlour having to move or shut down.

Question 6: What would a ban look like with a support mechanism in place to help workers leave the trade?

Regina currently has a number of agencies available to support women who are exiting the sex trade including the Sex Workers Advocacy Project (SWAP), the YWCA and the Regina Sexual Assault Centre. While not specifically designed for women in the sex trade, the YWCA and the Regina Sexual Assault Centre both offer crisis support. The YWCA also offers shelters. However, both the YWCA and the Regina Sexual Assault Centre are operating at capacity. There is a risk that women affected by new regulation are put into even riskier situations because services are not available.

There are no services available in Saskatchewan specifically targeting those who are leaving situations of human trafficking, the supports for which are much more complex and long term than immediate crisis response.

Question 7: Did we talk with women in other cities?

As part of the preparation of the original report, we did not engage with women working in massage parlours or the sex trade in other cities. We met with one woman who has experience in the trade and left it and lives in another city. Her input was aggregated with other input we received through our engagement.

In preparing this report, we reached out to individuals provided to us by members of City Council. These women have been workers in massage parlours and were victims of human trafficking. Generally, the persons we spoke to would favour a ban if they could identify a way to do it safely. However, they admitted that they don't know how to do that.

Instead, they have advocated for mechanisms within a licensing system that enhance safety for workers. A summary of their key messages are:

- Poorly regulated/enforced licensing schemes are used by human traffickers as a means of getting people in and out of the country through work visas. This particularly applies to licences where the work is not clearly understood as sex work (e.g. Holistic Service Provider licences in Toronto). It is important that the public understand what is being licensed – use a name that does not disguise its intention. Sex work is not an allowable trade for work visas.
- The licencing program should not make owners/managers our partners. They are often complicit in human trafficking.
- Establish safety mechanisms for workers recognizing that they may be without any legitimate immigration status. For example:
 - Ensure that workers have access to health services
 - Be aware and build into enforcement acknowledgement of cultural practices (e.g. communication; respect/shame; exchange of gifts/material; etc.)
 - Ensure that diversion programs are available and accessible (e.g. English as an Additional Language; job training; etc.)
 - Establish a 1-800 number where workers can provide anonymous information such as concerns that someone is being harmed or that they are under-age.
 - Provide training to women as a condition of licencing regarding safety, sexual health, human trafficking, and public services.

Question 8: Did we check with the businesses or residential neighbours in the community who are next door to these parlours to see what they have to say?

In July, Administration notified owners of 180 properties in the vicinity of the majority of suspected massage parlours (on Victoria Avenue between Broad Street and Arcola Avenue that):

- Council was exploring options related to these businesses and set to review a report with options at the end of August; and
- Administration was seeking input from nearby businesses and residents to help inform Council's decision.

The notice invited recipients to share any concerns or comments they have by August 2.

The results are attached as Appendix C.

Question 9: The City of Winnipeg does not allow parlours to have signage. Why did we not consider this?

The *Criminal Code* protects from criminal liability a person who advertises the sale of their own sexual services. This means it is legal for an individual to advertise their own sexual services. The *Criminal Code* targets those who exploit sex workers by making it illegal to advertise the sale of another person's sexual services.

Administration has recommended that signage be regulated through the licensing program. That program may prohibit all signage or permit it within defined parameters.

Note that the Winnipeg bylaw states that the owner of a body rub parlour must ensure that:

1. no sign visible outside of the premises shows any nude male or female body; and
2. no printed words on the exterior of the premises indicate that the service provided includes any form of sexual or nude entertainment.

The chart below summarizes the signage requirements for nine municipalities that regulate massage parlours.

Municipality	Toronto	Windsor	Calgary	Edmonton	Saskatoon	Vancouver	Mississauga	Barrie	Winnipeg
Signs	Sign issued by the City over the street door or lower front window	Sign may only include name on licence application May not be flashing or animated May not be installed on an awning, projecting wall, canopy, banner, flag, inflatable, A-frame, ground or mobile sign	Sign must include license number May not use the word body rub or suggest this service may be provided May not depict any portion of the human body	No sign restrictions Body rub centres cannot advertise unless the telephone number, name, email or internet address is provided to the City. Licence number must appear in all ads.	No sign restrictions	Must not show any nude male or female body nor any printed words that might indicate any form of nude or sexual entertainment	Sign can only appear on the business property May contain only text and be free of any words relating to the human body or the words: nude, naked, topless, bottomless, sexy, or any other word, symbol or graphic having like meaning.	Sign can only appear on business property May contain only text and be free of any words relating to the human body or the words: nude, naked, topless, bottomless, sexy, or any other word, symbol or graphic having like meaning.	No sign visible outside the premises that shows any nude male or female body No printed words on the exterior of the premises that indicate services include any form of sexual entertainment

Question 10: In Edmonton, body rub workers wanted customers to sign in because there were reports of violence at the centres. What could we do to improve this in Regina?

As indicated above, Edmonton reports that its task force team has made “significant gains” in enhancing harm reduction and physical safety at body rub parlours. The City originally considered requiring body rub customers to present photo identification, but the majority of workers objected to this on the basis that it would deter clients. They were afraid that clients would insist workers do out-calls (i.e. to a hotel or the client’s home) which would make it harder for them to do their job safely.

Calgary requires body rub centres to keep a register of all appointments including the name of the client, which must be entered before the service is performed.

Vaughan requires body rub parlours to keep a written record of all appointments including time, date, attendant name and customer’s full legal name, current address and type of identification shown.

Question 11: Which Canadian cities have a ban and what are the implications based on the number of trafficking offences and how many people have exited with the regulatory framework (i.e. the implications on workers)?

We are aware of only three municipalities in Canada with bans on body rub establishments: Brantford, Ontario; Prince Albert, Saskatchewan; and Steinbach, Manitoba. All three cities use their zoning bylaws to prohibit these establishments. Case law on Brantford’s ban is cited below.

Prince Albert Police Service reports that it had one centre operating, which was eventually shut down in a process that took approximately 12 months to complete. This enforcement has not been challenged in the courts. It reports no other establishments operating in the city. There is no evidence that other types of prostitution have declined in the city. Prince Albert has not been involved in human trafficking investigations relating to body rub establishments.

In contrast, Brampton, Calgary, Edmonton, Hamilton, London, Markham, Mississauga, Newmarket Oakville, Ottawa, Saskatoon, Vancouver, Vaughan, Windsor and Winnipeg all regulate body rub establishments.

Brantford legal challenge

Note that this legal challenge occurred prior to the Bedford Decision of the Supreme Court of Canada so there was no discussion of the impact of that case on the Bylaw’s validity.

In Brantford, the zoning bylaw defines body rub parlours but does not list them as a permitted use in any zone. Applicants may apply to Council for approval of uses which

are not listed as permitted (a site specific amendment). A decision of Council regarding a site specific amendment can be appealed to the Ontario Municipal Board.

The bylaw was challenged during a body rub parlour prosecution case. The arguments made in the challenge were based on the City's legislative authority to prohibit uses generally. The bylaw was upheld on the basis that it was not prohibitory. The court held that the OCP would allow this service and the use was eligible for a site specific amendment. The City had invited the defendant to make such an application, but he had declined to do so. The court commented that if Council declined that application then the defendant would have had the benefit of appealing that decision to the Ontario Municipal Board which could consider whether the refusal was made for a purpose other than a legitimate planning purpose.

Although the defendant did not argue that the bylaw was enacted for an improper purpose the court briefly considered this but found that there was no evidence as to Council's motivation.

In Saskatchewan, *The Planning and Development Act* allows the city to prohibit uses (and this has been confirmed by the Saskatchewan Court of Appeal); therefore whether or not the City has authority to prohibit a use is not an issue. The issue for Regina in the event of a challenge would be an allegation of improper purpose or a Charter challenge; neither of which were argued in the Brantford case.

Question 12: Have any cities with a ban provided supports for workers (i.e. a safe house) who are no longer employed as a result of the ban?

None of the cities with bans in place are providing specific supports or services for workers.

If they were to provide a safe house or shelter, the Halifax YWCA produced a report that summarizes safe housing practices and programs for victims of human trafficking across Canada. The report titled *A Review of Housing Practices for Victims of Human Trafficking*, offered the following findings:

- **Length of stay.** For most services the length of stay was client driven, with an average stay of 18 months. Maximum stays ranged from two to three years.
- **Locations.** Generally urban, but undisclosed and secure. All had safety plans in place along with surveillance technology.
- **Staffing.** Most programs offered 24/7 staffing in some form (including, in one case, volunteers). Staffing supported intensive case management and the general well-being of residents.
- **Programs.** Most programs offered personal development support and focused on such topics as academics/GED, psychological health/co-dependency/self esteem, addictions/relapse prevention, money management, recreation and healthy relationships.
- **Funding.** Most programs are funded by either the provincial or federal governments.

There are no services in Saskatchewan specifically targeted to human trafficking. The Regina Sexual Assault Centre is in the early stages of discussion with several other service providers to determine if there is a way to collaborate to meet the need. At this early stage, the focus is on developing knowledge of what the needs and issues are.

Question 13: Provide details on the legal aspects, particularly the meaning of ‘living off the avails of prostitution’ and ‘constitutionally viable’.

Living off the avails of prostitution was one of three prostitution laws struck down by the Supreme Court of Canada in the *Bedford* decision in 2013. In striking down the laws prohibiting brothels, living on the avails of prostitution and communicating for the purposes of prostitution, the Supreme Court of Canada ruled that the laws were over-broad and “grossly disproportionate”. Writing for the unanimous Court, Chief Justice Beverley McLachlin said:

Parliament has the power to regulate against nuisances, but not at the cost of the health, safety and lives of prostitutes. It is not a crime in Canada to sell sex for money.

The court held that the provisions prevented sex workers from working safely indoors, screening clients for potential threats, or hiring drivers and bodyguards to increase protection. Chief Justice McLachlin said:

The prohibitions at issue do not merely impose conditions on how prostitutes operate. They go a critical step further, by imposing dangerous conditions on prostitution; they prevent people engaged in a risky – but legal – activity from taking steps to protect themselves from the risk.

In striking down section 212(1)(j) of the *Criminal Code* (Living off the Avails of Prostitution), the court held that while the provision targeted exploitative actors that endanger sex workers’ lives (i.e. pimps), it also punished actors that were hired for the sex workers’ protection (i.e. security guards, receptionists, drivers).

The federal government responded by passing new laws in Bill-36 *Protection of Communities and Exploited Persons Act* on November 6, 2014. The Act added five new offences to the *Criminal Code*:

Purchasing	Clients are criminalized.
Advertising	Third-party advertisers are criminalized.
Material benefit	The material benefit offence is complex. The federal government has described its intention as excluding legitimate family and business relationships (ie. babysitter, bodyguard) but including exploitive relationships. The following summarizes what is and is not an offence:

	<ul style="list-style-type: none"> • Persons who provide sexual services are immune from prosecution; • It is not an offence to benefit from: sale goods and services ordinarily available to the public, sale of goods and services of proportionate value to the service (provided the seller did not encourage the sex worker to provide sexual services); • It is an offence if: business relationship that involves threats, violence, drugs, abuse of a position of trust, conduct which would fall under the procurement offence, or in the context of a commercial enterprise. Commercial enterprise is not defined but does not include individual sex workers selling their own services, whether independently or cooperatively. <p>Operating a massage parlour is not an offence but the operator of a massage parlour may be charged with the material benefit offence if the operator is not the sex worker or a collective of sex workers. Whether or not the operator – worker relationship is a legitimate business relationship, or an exploitive relationship will depend on the court’s characterization of the relationship and interpretation of the new material benefit offence</p>
Procuring	Recruiting or exercising control over a person who provides sexual services for consideration is an offence.
Communicating	Selling services near children is criminalized.

Under the *Code*, it is legal to:

- sell your own sexual services;
- advertise the sale of your own sexual services; and
- work cooperatively and pool resources provided that workers only keep earnings from the sale of their own sexual services.

Constitutionally viable. The City Solicitor’s Office provided legal advice regarding constitutional issues in Appendix E of the original public report *EX19-24 Regulation of Massage Parlours* to the Executive Committee on June 12, 2019.

To summarize that information, a ban on massage parlours is at risk of being challenged and struck down on the following grounds:

1. invasion of the federal government’s exclusive criminal law jurisdiction; or
2. contrary to the Charter rights of the workers by preventing them from operating from a building.

Note that the constitutional legal issues identified are related only to a complete ban. A bylaw short of a complete ban, such as the current regulation which allows

adult services as a discretionary use in industrial zones does not raise the same risks. A licensing scheme or expanded zoning is not required in order to address the legal risks identified.

Question 14: Provide a legal opinion not focused on prostitution but rather on human trafficking.

Human trafficking is an offence under sections 279.011, 279.02, 279.03 and 279.04 of the *Criminal Code*. The legal advice provided that a massage parlour ban runs the risk of being challenged and struck down applies in the same way regardless of whether the City's purpose is to address human trafficking or prostitution.

Jurisdiction and municipal purposes.

Cities can regulate only for municipal purposes authorized by statute. The City cannot pass laws for criminal law purposes, which is within the federal government's exclusive jurisdiction. To determine a law's dominant purpose, the courts will examine the circumstances surrounding the passing of the bylaw, as well as the bylaw itself. A prohibition combined with a moral or safety goal in a matter generally dealt with by the criminal law has been identified as an indication that a law was enacted for a criminal purpose. The application of that analysis is anticipated to be the same regardless of whether Council's motive was to address prostitution or human trafficking because both are moral or safety initiatives generally dealt with by the criminal law.

Charter rights.

In assessing an alleged infringement of section 7 Charter rights, as in *Bedford*, a court will consider the law in the context of "arbitrariness, overbreadth, and gross proportionality". All three of these terms focus on a comparison of the rights infringed and the objective of the law. The federal government has responded to *Bedford* by reducing the effect of the law on sex workers and by changing the objective of the law.

Creating a ban with a focus on human trafficking cannot be compared to the approach the Federal government is now taking, for two reasons. Firstly, the effect of the proposed ban on the rights of the sex workers is more broad than the new *Criminal Code* provisions. The bylaw would make illegal what the Federal government has now carved out exemptions for. The prior law, without these exemptions, was found in *Bedford* to be overbroad. Secondly, the City cannot pass laws for the same objective as the Federal government in this case; criminal law being the exclusive jurisdiction of the Federal government.

Question 15: What are the legal implications of introducing a bylaw that is regulating illegal activity?

A bylaw that regulates body rub establishments could attract a legal challenge. However, recent case law has upheld similar bylaws as regulating land uses and business licencing, not as permitting or regulating illegal activities which may occur in these businesses. Regulating an activity, rather than prohibiting it, worked in the City's favour in upholding body rub bylaws. A prohibition may be seen as an infringement on the federal criminal law power.

***Vancouver v. Karuna Health Foundation* (2018 BCSC)**

The City of Vancouver created a business licensing scheme for medicinal marijuana uses (prior to the legalization of cannabis). The use was described as medicinal cannabis advocacy. The City refused to issue several business licenses to existing businesses on the basis that the locations did not meet zoning requirements. The City applied to the Court to have the businesses shut down. The Court upheld the City's authority to do so and ordered the unlicensed dispensaries to shut down. The court found that by permitting these facilities to operate the City was not permitting retail businesses to sell medicinal cannabis: "the fact that some were not [operating legally] does not mean that the effect of the bylaws was to allow the sale of cannabis". In this case, the bylaws at issue explicitly stated that licensees must comply with all applicable laws, which was not decisive but formed part of the City's argument that it was not attempting to legalize any illegal activities occurring in these facilities.

***York (Regional Municipality) v. Tsui* (2017 ONCA)**

The defendant Tsui was charged with operating a body rub parlour outside of the hours set by the municipality's body rub licensing bylaw. Tsui challenged the bylaw on the basis that the bylaw was outside of the City's jurisdiction to enact, being an intrusion on the Federal government's criminal law power. The Ontario Court of appeal upheld the bylaw provision holding that municipalities may regulate areas that overlap with the criminal law provided they do so for a purpose found under a provincial head of power that has been delegated to the City. Although the defendant did not argue that the City couldn't regulate things that were illegal simply because they were illegal, the court did acknowledge that the City's purpose was to address "nuisance associated with the operation of a common bawdy house" and still upheld the bylaw.

Note that in determining whether or not the bylaw was within the City's jurisdiction to enact, the difference between regulation and prohibition was an important consideration in upholding the bylaw in this case.

Question 16: Refer to materials on the federal department of justice website.

The federal department of justice materials were referenced in the December 5, 2019 Executive Committee report *EX18-35 Plan to Engage the Public and Stakeholders on the Regulation of Massage Parlours*. This material has formed the background to Administration's research and analysis.

That report quotes the department's definition of *sexual services* and cites its assertion that prostitution itself remains illegal under the *Criminal Code*.

It further explains that the federal government amended its legislation to comply with the *Bedford* decision by permitting workers to take actions to protect themselves. It does not ban the workers from operating from a building, as long as there is no commercial or criminal enterprise that profits from the sale of sexual services. For the same reasons, Administration has advised that a complete ban is likely not to be seen as responsive to the decision in *Bedford*.

Question 17: Provide more information on residential homes and separation distances – what does that look like and how many would be affected? Consider adding residential homes to the list of separation distances between massage parlours and schools, churches, daycares and other massage parlours.

The current zoning bylaw sets out separation distances for adult entertainment establishments as follows:

No person shall establish an adult entertainment establishment or enlarge an existing establishment closer than 182.88 metres from:

- (a) another adult entertainment establishment;
- (b) a residential land use zone;
- (c) a single or multiple-unit residence;
- (d) a church or religious institution;
- (e) an elementary or high school;
- (f) public park;
- (g) child day care centre/home or nursery school;
- (h) club;
- (i) funeral home or crematory;
- (j) vocational school;
- (k) enclosed rink;
- (l) bowling centre; or
- (m) recreational service facility.

Administration's recommendation for massage parlours is to apply separation distances of 182.88 metres – or the equivalent of one city block – between massage parlours and schools, churches, daycares and other massage parlours. This is consistent with the separation distances for cannabis retailers.

Alternative distances may be considered. Calgary, for example, prohibits body rub parlours from being 300 metres within another parlour. Toronto requires body rub parlours to be at least:

- 100 metres from residential zones;
- 500 metres from a lot with a public school, private school, or place or worship;
- 500 metres from a lot with an adult entertainment use; and
- 100 metres from a lot with a body rub services use.

Question 18: If a ban took place, who and how would it be enforced?

To ban massage parlours, the zoning bylaw would need to be amended to provide that they are not a permitted or discretionary in any zone. The proposed amendment to the *Zoning Bylaw* from the main report, to amend the definition of therapeutic massage to distinguish it from adult entertainment, would also be necessary.

Zoning bylaw regulations are enforced by city officials under the authority of *The Planning and Development Act*. Generally, the process involves:

1. where an illegal use is suspected or upon receipt of a complaint of an illegal use, an inspection is performed. If consent cannot be obtained to access the property and buildings the inspection is limited in scope to offsite;
2. if consent to access is refused and reasonable grounds exist that a contravention is occurring, a warrant may be sought to obtain entry to the building;
3. if a contravention is found at either step 1 or 2, a notice to comply is issued;
4. an order to comply if there is no voluntary compliance with the notice; and
5. prosecution or court application if there is no compliance with the order.

If City Council approved a ban, the Administration would work with the Regina Police Service to develop an enforcement plan with shared responsibilities. The Regina Police Service advises it would consider all *Charter* compliant investigative practices available to them, work collaboratively with bylaw officers and prosecutors to gather evidence against non-compliant establishments, and take enforcement action where warranted.

If entry to a building is required for investigative purposes and consent cannot be obtained from the owner or operator, the City would have to apply to a judge or justice of the peace for a warrant and provide evidence (i.e. reasonable grounds) that a contravention of the bylaw is occurring. This is a key difference between licensing and banning. Under *The Cities Act* consent to enter is not required; an inspector can enter a building (that is not a private dwelling) for inspection purposes during reasonable hours upon providing reasonable notice. A warrant can also be obtained if entry is refused or if the location is a private dwelling, provided that there is evidence that a contravention is occurring. The Act does not differentiate between licensed and unlicensed buildings. Thus, if an inspector

suspects that an establishment is operating in contravention of the bylaw, it can be inspected. An inspection may also be required as a condition of receiving a licence.

Question 19: Provide information on how grandfathering a business would work and how can the number of grandfathered businesses be minimized?

As proposed, grandfathering would only relieve the owners from applying for and obtaining a Discretionary Use approval from Council (i.e. they would still need to meet all other regulations). This means there would be no public consultation for locations that are grandfathered, a key element of the discretionary use application process.

The number of grandfathered businesses would be limited to those that meet the following requirements based on the proposed recommendation:

- be located in a zone in which the type of establishment is a discretionary use;
- meet the separation distances that are established through the process (whatever they are determined to be through public consultation and City Council consideration);
- meet any licensing criteria (e.g. signage, hours of operation, CPTED principles, etc.).

Question 20: Provide information on the costs associated with a ban for bylaw officers/police versus the costs with a licensing regime.

Regina Police Service advises that, without fully understanding the implications of a ban for police enforcement, cost estimates in comparison to the costs of a licensing regime, cannot yet be made. Where *Criminal Code* investigations would be required to augment related bylaw enforcement, policing costs could be considerably higher than a licensing regime.

The cost for enforcement from the civic administration side would likely be similar to that of licensing (\$310,000 annually) until such time as all massage parlours are shut down. The subsequent costs would be dependent on the number of new operations established in violation of the ban.

Question 21: Recent discussions between members of Regina City Council and Saskatoon City Council have suggested that there may be an opportunity to improve regulation and its impact on human trafficking by licensing sex trade workers rather than massage parlours.

Saskatoon's Adult Services Bylaw, passed in 2012, includes provisions that license both workers and businesses but in all areas of adult services (stripping, escort services, massage parlours, etc.). Businesses are zoned industrial except an outcall business is allowable as a residential home based business.

The City has successfully used the bylaw to shut down adult services businesses based on the following:

- The businesses haven't been licensed in accordance with the bylaw
- The businesses haven't been operating in the proper zone

Saskatoon Police Service and the Administration have both acknowledged that they have not had a great deal of success using licensing to enforce workers in the adult services sector.

The City of Regina Administration has suggested that licensing other forms of adult entertainment be something that we consider in the future.

Question 22: Provide information on licensing individuals, and the impacts and requirements, and the licensing requirements of other cities.

In Canada, there are at least 17 municipalities that regulate body rub establishments (BREs), including Brampton, Calgary, Edmonton, Hamilton, London, Markham, Mississauga, Newmarket, Oakville, Ottawa, Richmond Hill, Saskatoon, Toronto, Vancouver, Vaughan, Windsor and Winnipeg. Almost all of these cities require BRE owners to be licensed, and most of them require individual workers to be licensed as well.

Many of these cities place a cap on body rub licences, and some have placed zoning restrictions on licenses. They are generally restricted to operating in industrial zones of the cities and/or away from sensitive uses such as schools, religious institutions, residential areas, and/or other adult entertainment businesses.

Many jurisdictions restrict hours of operation of BREs. All but Markham and Brampton have less restrictive hours of operation. BREs in Calgary, Edmonton, Richmond Hill and Winnipeg may not operate after 11 p.m., after 12 a.m. in Vancouver, and after 1 a.m. in Hamilton.

The licensing programs of many cities have requirements related to health and safety, including standards of cleanliness, prohibitions on locking doors and criminal record checks. Edmonton, for example, requires security cameras and alarm systems or panic buttons to be installed. It also requires workers to attend a mandatory course with training on employment standards, regulations, laws, rights and health information.

The following table from our December 5, 2018 report is provided.

	Vancouver	Edmonton	Calgary	Saskatoon	Winnipeg
Owner/Operator licence	Name, age, address and sex of all employees Floor plan	DOB, must be 18 Aliases/pseudonyms Criminal Record Check Proposed security plan for building Proposed patron management plan Complete information course List of all persons employed	DOB, must be 18 Home address & phone number Address of business Trade name by which business will operate Must hold a body rub practitioner licence	DOB, must be 18 Criminal Record Check Home address & phone number Proof of identity, photo required Proof of Canadian citizenship or residency status Business name, address, phone number, email & internet addresses List of all adult service performers	DOB, Must be 18 Current residential address 3 colour photos
Worker/Attendant/Practitioner Licence	Attendants are not licensed	DOB, must be 18 Aliases/pseudonyms Criminal Record Check List of all aliases/pseudonyms Complete information course Location(s) where working List of any websites used	DOB, must be 18 Criminal Record Check Home address & phone number Certificate of proficiency for 250hrs of training in massage May not hold both body rub & massage practitioner licence Only employed by one body rub centre	DOB, must be 18 Criminal Record Check Nicknames & aliases Home address & phone number Proof of identity, photo required Proof of Canadian citizenship or residency status Agency of employment	DOB, must be 18 Home address 3 colour photos
Building	Minimum room size. No locking devices on doors. Lighting requirements		300m from other parlours. Must not operate from a dwelling unit	160m from other parlour. Does not apply to an agency operating as a home-based business	No locking devices on doors Lighting & ventilation requirements

	Vancouver	Edmonton	Calgary	Saskatoon	Winnipeg
Other	Clothing restrictions	Minimum 2 employees present, at least one is a manager	List of employees (full name & aliases)Register of all appointments (name of practitioner, time, date & location and name of the client). Must be entered before service is performedServices may not be provided in a body rub officeClothing requirements	If home-based business permitted:only on an out-call basis	Current list of all employeesClothing regulations
Hours of Operation	Daily 8am-12 midnight	Daily 7am-11pm	Daily 6am-11pm	No restrictions	Daily 8am-11pm
Fees	Body Rub Parlour \$11,023	Body Rub Centre \$630 Body Rub Practitioner \$0	Body Rub Centre/Office \$170 new, \$130 renewal Practitioner \$170 new, \$130 renewal	Adult Agency \$500 new, \$200 Renewal Independent Adult Agency \$250 new, \$100 renewal Performer/Worker \$250 new, \$100 renewal	Body Rub Parlour \$4,850 Body Rub Practitioner \$355
Signs	Must not show any nude body or any printed words that might indicate any form of sexual or nude entertainment	Not advertise unless telephone number, name, email address or internet address have been provided to the CityDisplay licence number on any advertisement	Must not use the word body rub or suggest this may be providedMust not show any portion of the human bodyMust include licence number		Signs visible outside must not show any nude body or words that would indicate services include any form of sexual entertainment

	Toronto	Windsor	Mississauga	Barrie	Vaughan	London
Owner/Operator licence	DOB, must be 18 Criminal Record Check Disclose intent to use another name List of all employees Corporation documents Business address Medical certificate Written contracts of Service Business plan Floor plan	DOB, must be 18 2 passport sized photos Articles of incorporation Floor plan	Criminal Record Check 2 passport size photos Must obtain an attendant licence if performing body rub List of employees (name, address & DOB)	Liability Insurance Floor Plan List of all attendants (monthly)	DOB, must be 18 Criminal Record Check 2 passport sized photographs Floor plan List of all attendant licences	DOB, must be 18 Criminal Record Check Home address Occupation Citizen or immigration status Floor Plan Must keep records containing: full name, address, contact information, DOB, date of commencement & termination of all employees
Worker/ Attendant/ Practitioner Licence	DOB proof, must be 18 Criminal Record Check Disclose intent to use another name 2 passport sized photos Medical Certificate Letter of employment Only contracted to one business	DOB, must be 18 Name & aliases Home address & phone number 2 passport sized photos Letter of employment Medical certificate	DOB, must be 18 Criminal Record Check Medical Certificate	DOB, must be 18 Criminal Record Check Professional/stage name Home address Description of any markings, tattoos or embellishments Letter of employment	DOB, must be 18 Criminal Record Check Letter of Employment Medical certificate Eligibility to work in Canada	Attendants are not licensed

	Toronto	Windsor	Mississauga	Barrie	Vaughan	London
Building	No locking devices on doors. Lighting & ventilation requirements. Sink and washroom regulations. Must not hinder or prevent enforcement. May not be used as a dwelling or for sleeping. Services shall be given in individual rooms	1km from other parlour. No locking devices on doors. Lighting & ventilation requirements. Sink, washroom & equipment regulations. May not be used as a dwelling or for sleeping. Floor space limit to 150m ² .	Adequate washroom facilitiesCleaning requirements	300m from other parlours, residential zone or institutional zone	No locking devices on doors. Lighting & ventilation requirements. Sink and washroom regulations. Cleaning regulations. May not be used as a dwelling or for sleeping. Doors to all massage rooms will have an untinted unobstructed window (except curtain on exterior) & entire room must be visible from window. May be permitted as an accessory use to Regulated Health Professional Office	100m from of school, daycare, or place of worshipCleaning regulations. Washroom regulations. Panic alarm capable of being activated in each service roomSize limitations
Other	Prior to services an itemized bill be provided listing the services and prices, and a written receipt upon payment. Body rubbers may not handle currency or belongings of customer. No photographic/ recording devices	Owner or operator must be present. Contract for services in writing. No photographic/ recording devices	No locking devices on doorsOwner or designate must be presentNo warning device to alert staff or clients that an inspector or Police are in attendance	Owner or designate must be present	Owner or operator must be present. Contract for services. No camera, photographic or other electronic recording devices. Must keep a written record of all appointments (time, date, attendant name & customers full legal name, current address and type of identification shown)	Licence Manager will inform every owner of land within 120m of any proposed new location who may submit comments

	Toronto	Windsor	Mississauga	Barrie	Vaughan	London
Hours of Operation	Mon-Sat 9am-9pm Sunday 12pm-5pm	Daily 9am-10pm	No restrictions	No restrictions	Mon-Fri 9am-10pm Saturday 9am-6pm Sunday 10am-5pm	No restrictions
Fees	Body Rub Parlour \$13,614.41 Body Rubber \$409.46	Owner/Operator - \$503 new, \$191 renewal Attendant - \$191 new & renewal Photo ID cards \$16.95	Business Owner \$5370 new, \$5250 renewal Attendant \$330 new, \$310 renewal	Adult Entertainment Establishment \$5,004 Attendant \$62.50	Body Rub Parlour \$6397 (new), \$6257 (renewal) Attendant \$255	Body Rub Parlour Owner \$3174 Body Rub Parlour Operator \$130
Signs	Issued by the City with licence number may be over the street door or lower front window One non-illuminated sign not exceeding 0.19 metres with legal name, address & telephone number	Use only name on licence. No awning, projecting wall, canopy, inflatable, A-frame, banner, flag, ground or mobile sign. May not be animated or flashing	Only on business property Contains only text free from any words relating to the human body or the word nude, naked, topless, bottomless, sexy or any other word/picture having like meaning	Only on business property Contains only text free from any words relating to the human body or the word nude, naked, topless, bottomless, sexy or any other word/picture having like meaning	May only include name, address & phone number on the licence and any logo approved by the City. No awning, projecting, canopy, inflatable, ground, pylon, portable, trailer or sandwich board sign. Interior signs may not be visible from the exterior	Shall not include any photograph, drawing or any artistic rendering representing services

Body Rub Centres - Annual Update

Recommendation

That the June 20, 2018, Citizen Services report CR_4986, be received for information.

Previous Council/Committee Action

At the June 19, 2017, Community and Public Services Committee meeting, the following motion was passed:

That Administration provide an annual report on metrics and outcomes including harm reduction in the body rub centres.

Executive Summary

The Body Rub Centres Task Force Implementation Team has made significant gains towards enhancing harm reduction and physical safety within licensed body rub centres. All 26 recommendations from the Body Rub Centres Task Force have been implemented and embedded into ongoing business practices. Enforcement checks completed on licensed Body Rub Practitioners observed 99 percent compliance and the implementation team is developing further strategies to increase compliance in other adult entertainment licence categories.

Report

The Body Rub Centres Task Force Implementation Team has been operational since the fall of 2016. The implementation team consists of two municipal enforcement officers and one community safety liaison. The work of the team has focused on five priority areas:

1. Implement the 26 Task Force recommendations approved by City Council in 2016.
2. Increase licensing compliance within the adult entertainment sector.
3. Implement actions that enhance harm reduction in body rub centres.
4. Increase physical safety measures within licensed body rub centres.
5. Increase licensing compliance of improperly licensed adult entertainment facilities.

Implementation Plan Recommendation Results

1. Implement the 26 Task Force recommendations approved by City Council in 2016.
 - All recommendations have been implemented and embedded into ongoing operations (Attachment 1).
2. Increase licensing compliance within the adult entertainment sector.
 - Body Rub Practitioner: Currently 345 licences issued; the Body Rub Centres Task Force Implementation Team has encountered only two unlicensed practitioners within the past year. Enforcement checks completed on licensed Body Rub Practitioners observed 99 percent compliance.
 - Escort Agency (Independent): Currently 42 licences issued. There are currently no active licensed escort agencies operating in the city. Of the 42 issued licences, 16 have been obtained since the licence fee dropped to \$0 in December 2017.
 - In November 2017 the target for licensing in the Independent Escort category was set at 20 percent compliance. Due to the closure of Backpage.com by the United States government, Administration will be revising the target as the closure limits Administration's ability to monitor industry activity. The implementation team continues to work with licensed and unlicensed service providers in this category to increase compliance.
3. Implement actions that enhance harm reduction in body rub centres.
 - The implementation team continues to provide information to practitioners on, and access to, social services and other pathways out of the industry if they so choose. The community safety liaison role acts as a single point of contact that connects workers to service providers.
 - Prepared and distributed resource binders containing information related to safety, community supports, licensing, education and health. Binders have been translated and are fully bilingual (English and Mandarin) and are available in all licensed body rub centres.
 - Outreach by community safety liaison in body rub centres from May 1, 2017 to April 30, 2018:
 - 37 centres visited; 97 individual practitioner interactions.
 - Topics discussed: information binders, licensing requirements, living arrangements, personal safety, management/owner fining practices and referrals to other agencies.
 - 50 percent of interactions resulted in follow up or referral services being requested by practitioners.
 - Inspections by municipal enforcement officer in body rub centres from May 1, 2017 to April 30, 2018:
 - 164 centre inspections; 377 individual practitioner interactions.
 - 22 inspections in partnership with community safety liaison.

- 10 follow up referrals to the implementation team community safety liaison.
- Thirty business licence information sessions held between May 1, 2017 and April 30, 2018:
 - 142 attendees; 104 obtained a licence following the course.
 - Type of licence obtained:
 - Body rub practitioner - 99 licences
 - Escort licence - 8 licences
 - Exotic dancer - 2 licences
 - Note: Some individuals obtained more than one type of licence
 - Participants reported:
 - The material covered was helpful to me - 92 percent
 - The speakers were knowledgeable and I could understand them - 96 percent
 - Overall I would rate this course 3 out of 5 or higher - 65 percent
 - 108 service providers signed up at the information sessions to receive monthly updates on resources and services related to the industry in the areas of health, financial empowerment, legislation and safety.
- Administration has contracted a translator for the business licence information sessions, control plan meetings with centre owners, and outreach/inspections to centres, when there are language barriers.
- Printed material (tear-away posters) with City counselling and referral contact information is available in all staff rooms and washrooms of licensed body rub centres.
- Joint inspections with the province's Occupational Health and Safety teams, and Employment Standards teams, are planned for June 2018.

4. Increase physical safety measures within licensed body rub centres.

- The Business Licence Bylaw requires a number of physical safety measures be installed within licensed body rub centres. Site inspections help ensure that these measures are in place:
 - Security cameras and alarm systems/panic buttons installed
 - Height strips made available to all centres to be installed within camera view
 - One person in the centre must be in a 'care and control' position (not providing service delivery).
- Crime Prevention Through Environmental Design information provided to all centres to help guide security camera installation.
- Client behaviour expectation posters have been placed in all licensed body rub centres.

5. Increase licensing compliance of improperly licensed facilities.

- Administration continues to monitor and to take enforcement steps against businesses that may be improperly licensed or unlicensed. The implementation team is currently refining an operational strategy to address these businesses on an ongoing basis.

Corporate Outcomes and Performance Management

Corporate Outcome: Edmonton is a safe city.			
Outcome	Measure(s)	Result(s)	Target(s)
Body Rub centres are in compliance and harm reduction tactics are applied at the centres.	Compliance rate of licensed Body Rub Practitioners.	99 percent	100 percent
	Percent of licensed Body Rub Centres in compliance with the centre control plans	95 percent	100 percent
	Percent of licensed Body Rub Centres visited by implementation team on a quarterly basis.	Quarter 1, 2018: 100 percent	100 percent

Attachment

1. Body Rub Centres Task Force Implementation Plan

Others Reviewing this Report

- S. Padbury / R. Kits, Acting Deputy City Managers, Financial & Corporate Services
- L. McCarthy, Deputy City Manager, Urban Form and Corporate Strategic Development

Appendix C

Additional Engagement – Properties Nearby Massage Parlours

Letters (see below for example) were sent to the owners of 180 properties on Victoria Avenue between Broad Street and Arcola Avenue. Residents were asked to respond within two weeks.

In all, only five residents and three businesses responded, or 4.4% of those contacted.

Half of those who responded (4) indicated they did not want massage parlours in their area. Some expressed frustration that the City is allowing open contravention of their own bylaws (e.g. signage and or commercial business in residential areas).

Two indicated they support the recommended approach, expressing the view that it is better to have these businesses in the open and regulated. A third resident made no comment on any of the approaches but asked for stricter regulations on hours of operation.

One respondent expressed support for a ban on massage parlours.

	Ban	Not in my area	Support recommended approach	Comments
Resident #1		X		Enforce the regulations you have. There is signage that is not permitted in a residential zone.
Resident #2			X	Better to have them out in the open and regulated
Resident #3	X			Affects the image of the city. Either ban or move to industrial.
Resident #4		X		Totally against having them on my block.
Resident #5				Establish a closing time of 10:00 p.m. to reduce disruption
Business #1		X		Reduces appeal of our business
Business #2			X	Business is adjacent to existing parlour.
Business #3		X		Reducing the overall attractiveness of the business area

July 15, 2019

«OWNER»
«CARE_OF»
«ADD_LINE1»
«ADD_LINE2»

Dear Property Owner:

Re: Civic Address – «CIVIC»

City Council is exploring a number of options related to the regulation of body rub establishments, also known as massage parlours. A report was taken forward to the Priorities and Planning Committee of Council on June 20, 2019. A copy of that report can be found here:
http://reginask.iqm2.com/Citizens/Detail_Meeting.aspx?ID=4593.

Council requested additional information on this matter be brought forward to the August 26, 2019 meeting of Council. As such, City Administration is seeking input from a sample group of business and residents in the vicinity of establishments offering massages to understand the impacts these businesses have on your neighbourhood.

Should you wish to share your comments regarding this matter, please feel free to contact me by **August 2, 2019**:

By mail: Dawn Martin
Manager, Public Policy
City of Regina
15th Floor, 2476 Victoria Ave
PO Box 1790
Regina, SK S4P 3C8

By email: dmartin@regina.ca

Thank you for considering providing your input on this matter. A summary of all input received will be provided to Council for their consideration. If you have any questions please call 306-777-7000.

Yours truly,

Dawn Martin
Manager, Public Policy
Corporate Strategy & Performance

Appendix D

Summary of Research

Peer Reviewed Research:

Abel, G. (2014). A decade of decriminalization: Sex work 'down under' but not underground, *Criminology & Criminal Justice*, Vol. 14(5) 580–592.

New Zealand was the first country to decriminalize sex work. This article provides a reflective commentary on decriminalization, its implementation and its impacts in New Zealand. New Zealand Prostitutes' Collective (NZPC) was the key player in getting decriminalization on the policy agenda and their effective networking played an essential role to the successful campaign for legislative change. There were contentious clauses within the Prostitution Reform Act (PRA) which were of concern to NZPC and others. However, the research which informed the review of the Act has shown that decriminalization has been successful in making the industry safer and improving the human rights of sex workers within all sectors of the industry. The PRA provides several protections for sex workers, which means that their human rights and citizenship can be safeguarded. Yet there has been little movement towards decriminalization in other countries and reluctance by some to draw on New Zealand's experience. Indeed, it cannot be claimed that decriminalization will be experienced in the same way in other countries. New Zealand is a small island with a population of just over four million and movement across its borders is more restricted than countries that are part of the European Union. Nevertheless, other countries may find the arguments used to get legislative change in New Zealand useful within their own context.

Boels, D. & Verhage, A. (2016). "Prostitution in the neighbourhood : impact on residents and implications for municipal regulation", *International Journal of Law, Crime and Justice*, <http://www.sciencedirect.com/science/article/pii/S1756061616300106?np=y>

Red-light districts (RLD's) are still assumed to be associated with nuisance, deterioration and criminality. However, little empirical research deals with the experienced impacts of RLD's on the local neighbourhood. This paper adds to this skinny body of literature, by investigating residents' perceptions on the impact of window prostitution in a RLD situated in a residential area in Western-Europe. Although not all residents experience negative impacts of prostitution, the municipal regulation still incorporates certain residents' concerns regarding nuisance, which is conform the ongoing regeneration and gentrification of the broader area, which can be framed within the 'urban renaissance' discourse. At the same time, the city approach is also characterised by elements to maintain prostitution in the area and to improve sex workers' safety and working conditions.

Cho, S, Dreher, A, and Neumayer, E. (2013). Does legalized prostitution increase human trafficking? *World Development Vol. 41*, pp. 67–82.

The article explores whether some buyers and sellers of sexual services will opt out of the market if their actions are illegal. The article suggests that legalizing prostitution expands the size of the market because those people will now participate in the buying and selling of sexual services. All things remaining equal, this would increase the amount of coerced/trafficked people in the market. This is why, outlined in another article, there would need to be other mechanisms to deter coerced/trafficked people from entering the market or other mechanisms to attract voluntary sellers of sexual services into the market with the hopes of pushing out the coerced/trafficked people.

This article suggests that legalization makes the market for sexual services bigger and trafficked/coerced sellers increase to fill the market demand (scale effect). The article goes on to say that the relative split between trafficked/coerced sellers and voluntary sellers does not significantly change as the market grows (substitution effect).

This article, along with others, suggests that finding evidence strong enough to be published in academia about policy choices and their impact on prostitution and trafficking is “difficult, perhaps impossible.” The literature has shown how competing microeconomic theories around supply and demand can predict opposing outcomes. The nuanced contextual differences region to region creates ‘noise’ that makes the prediction difficult.

The paper speaks to the dilemma of trying to balance safety and freedom – particularly, the challenge created by competing interests at multiple levels of government. The article demonstrates that legalizing activities can increase total market size, which can increase the amount of trafficked/coerced sellers. Importantly, legalizing or regulating/licensing has been suggested to create opportunities for stronger enforcement as well as improved safety for all those participating in the industry.

Dewey, S. (2018)., Policing sex workers, *Oxford Research Encyclopedia, Criminology and Criminal Justice*, DOI: 10.1093/acrefore/9780190264079.013.65.

Regulatory and legal approaches to prostitution are subject to considerable debate among researchers, policymakers, and those tasked with the everyday enforcement of measures intended to control, abate, or otherwise manage the sex industry. Law, policy, and everyday policing practices all contribute to the de jure and de facto organization of the sex industry at the levels of policy formulation, coordination between police, social services, and other socio-institutional forces, and encounters between sex workers and criminal justice professionals. Despite considerable cultural-contextual variations, researchers have ascertained three predominant approaches to regulating prostitution worldwide: criminalization, legalization, and decriminalization. Each of these approaches takes a unique form in the specific cultural context in which local authorities implement them, thereby generating special issues for policing with respect to ideological frameworks and police–sex worker encounters. Taken together, the philosophical and pragmatic concerns raised by policing or otherwise regulating prostitution encompass an

extraordinary gamut of deeply human concerns regarding political power, sexual behavior, individual rights, historically rooted inequalities, and state responsibility.

Farley, M. (2018). Risks of prostitution: When the person is the product. *Journal of the Association for Consumer Research, Vol 3 (1)*, <https://www.journals.uchicago.edu/doi/full/10.1086/695670>.

In the traditional model of consumer risk, the product that is consumed is understood to be the agent that is imbued with risks. In prostitution, it is the woman who is being consumed as a commodity who is at great risk, in spite of the fact that prostitution is sometimes (erroneously) described as “sex between consenting adults.” Prostitution occurs because the person being consumed as product would not consent to sex with the buyer unless he paid for it. Thus, the notion that it is the consumer who is at risk for harm via consumption of a product is sometimes inappropriate and the model itself needs to be reframed. This is the case with prostitution, where the prostituted person is at far greater risk than the sex buyer or the pimp.

Hedlin, S. (2016). Can Prostitution Law Reform Curb Sex Trafficking? Theory and Evidence on Scale Substitution, and Replacement Effects. *University of Michigan Journal of Law Reform, Vol 50 (2)*. Available at: <https://repository.law.umich.edu/mjlr/vol50/iss2/3>

Sex trafficking, a pervasive problem in many parts of the world, has become increasingly salient to policymakers and the general public. Activists, politicians, and scholars continue to engage in debates about how best to curb it. This Article discusses one especially contentious dimension of these debates: does banning prostitution reduce sex trafficking? Or is legalizing prostitution the optimal approach? Or is there a third, better way? Proceeding both theoretically and empirically, this Article seeks to cast light on the relationship between different types of prostitution laws and the prevalence of sex trafficking and human trafficking. It attempts to make three contributions to the literature. First, it builds on existing theories of the link between the demand for purchased sex and the supply of sex-trafficking victims to create a simple ordinal measure of prostitution laws. This measure, which the Article dubs the Prostitution Law Index (PLI), captures not only whether prostitution overall is legal or illegal, but whether buying sex is legal or illegal and whether selling sex is legal or illegal, which better reflects the actual cross-country variation in prostitution laws. The PLI takes into account scale, substitution, and replacement effects in the market for prostitution, where scale refers to increases in the prevalence of trafficking that are caused by growth of the overall market for prostitution; substitution to decreases in trafficking caused by current consumers who purchase sex with trafficking victims and, based on the risk of criminal sanction, shift to instead purchasing sex with individuals who voluntarily sell sex, thereby crowding out trafficking victims; and replacement to decreases in trafficking caused by new voluntary sellers of sex who, incentivized by changes in prostitution laws, enter the market and crowd out trafficking victims. The PLI ranks prostitution laws across countries on a four-point scale (from 1 to 4), based on their expected effectiveness (from least to most effective) in reducing sex trafficking. Second, the study uses a recent dataset provided by the European Union to map the statistical relationship between PLI scores and prevalence

of sex trafficking, based on the Article's theory of scale, substitution, and replacement effects. The analysis suggests that there generally is an inverse relationship between a country's PLI score and the prevalence of trafficking in that country. Greater legislative efforts to reduce scale and to increase substitution and replacement appear, on average, to be associated with lower levels of sex trafficking. Third, the Article presents a basic Difference-in-Differences analysis—on the basis of extremely limited data and thus with an unusually large number of caveats— of Norway's 2009 prostitution law reform. Tentative results indicate that the Norwegian reform, which made it legal to sell but illegal to buy sex, may potentially have helped reduce the prevalence of trafficking there.

Hubbard, P. (2007). Regulating the spaces of sex work: assessing the impact of prostitution law: Full Research Report. *ESRC End of Award Report*, RES-000-22-1001. Swindon: ESRC REFERENCE No. RES-000-22-1001.

The report is an analysis of prostitution laws in four cities (Amsterdam centrum; Edinburgh; Stockholm inntestan; Westminster (London Borough) with the following objectives:

- Documenting the prostitution laws that exist in different nations, identifying how these differentiate between the legal and illegal (i.e. delineating policy).
- Mapping the spaces of sex work in specific cities within these national jurisdictions (i.e. describing pattern).
- Identifying the connections between these local geographies of sex work and national prostitution laws by exploring the enforcement of the law (i.e. identifying process).

Key findings of the report:

- Prostitution laws in the Netherlands, Sweden, England/Wales and Scotland are underpinned by shared assumptions about the gendered nature of sex work, and dismiss ideas that sex work might be voluntary.
- Emerging urban geographies of sex work are similar in all four cities, with street work becoming less visible; more spaces of licensed adult entertainment emerging at the centre and large numbers of flats and massage parlours in either the licensed or unregulated sector: licensed spaces of sex work tend to be more public, visible and clustered than unregulated sites, which are more widely dispersed.
- National law is interpreted situationally and contextually, whether in response to local concerns about antisociality or more general concerns about trafficking and child prostitution. Male sex work appears to be of little concern to the police in all cases. The lack of attention devoted to male sex work is extraordinary given it is a widely noted phenomenon, with studies of male sex work revealing that issues of drug-dependency, exploitation and destitution are not uncommon.
- Street sex work has been increasingly shaped by forms of regulation that have discouraged it in residential areas, and sought to shift it elsewhere (often off-street). This has made the work of established outreach projects and social work initiatives more problematic.
- Police, councillors and licensing officers regard some indoor spaces as less likely to harbour disorder or exploitation, but these judgments are seldom based on firm evidence: moral, social and cultural assumptions about the types of workers and

clients who frequent particular venues appear to shape enforcement activities at a local level.

Hughes, D. (2000). The “Natasha” Trade: The transnational shadow market of trafficking in women. *Journal of International Affairs*, 53(2), pp. 625–651.

Most analyses of trafficking in women focus on the supply side in the sending countries, with economic factors assumed to be the primary cause of trafficking. A more complete understanding of trafficking in women is achieved by also examining the demand for trafficked women in sex industries in receiving countries.

Legalization of prostitution is sometimes thought to be a solution to trafficking in women, but evidence seems to show that legalized sex industries actually result in increased trafficking to meet the demand for women to be used in the legal sex industries. Increased activity of organized crime networks also accompanies increases in trafficking.

The article suggests that there would never be enough voluntary selling of sexual services to meet market demand. The article suggests efforts should be made to affect the demand side of the equation. This is in line with Canada’s national policy that makes buying sexual services illegal. The article makes the argument that focusing on the supply side is extremely challenging because it is hard to hold the traffickers (and by extension it could be argue pimps or those who coerce people to sell sexual services) accountable. Essentially, creating a prosecutable case is very challenging because of the vulnerable nature of trafficked coerced women and the risks involved with testifying or being associated with an investigation – they face deportation, prosecution, violence, etc.

The article also argues that countries with legalized prostitution become favourable destinations for trafficked women.

Laing, M. (2012). Regulating adult work in Canada: The role of criminal and municipal code. (Chapter in *Policing Sex*, Johnson, P. and Dalton, D. (eds.). Routledge.

This chapter explores the criminal code and municipal bylaws in relation to sex work in the context of the *Bedford* decision of the Supreme Court of Canada. It explores the legal landscape in Canada as it relates to regulating sex work.

Lam, E. (2016). Inspection, policing and racism: How municipal by-laws endanger the lives of Chinese sex workers in Toronto. *Canadian Review of Social Policy/ Revue Canadienne de Politique Sociale*, 75, pp.87-112.

The debate on the regulation of sex work in Canada has largely focused on the criminal law, and especially, how criminalizing sex work violates the human rights of sex workers and undermines their health and safety. In comparison, research into the impact of municipal laws on sex work has been limited. This paper draws on interviews with sex

workers and owners of businesses massage parlours in exploring how municipal bylaws affect the working situations and vulnerability of Chinese sex workers employed in massage parlours in Toronto.

Lee, S. & Persson, P. (2015). Human trafficking and regulating prostitution. *New York University Law and Economics Working Papers*,
https://lsr.nellco.org/cgi/viewcontent.cgi?article=1303&context=nyu_lewp

In certain illicit markets, part of the supply involves the use of, or threat of, violence to coerce the provision of the good or service in question. In such “semi-coerced” markets, the regulatory objective is not to prohibit all trade, but to prevent coercion without infringing on voluntary exchange. Regulatory policy must therefore be evaluated along two dimensions: What is the impact of a policy on coercive activity? How much does the policy conflict with voluntary supply?

The reason the Swedish and Dutch models are superior to decriminalization and to the traditional model of criminalizing prostitutes, respectively, is that each addresses one of the two policy distortions caused by coercion: the former exploits asymmetric voluntariness and the latter avoids the overcompensation effect. Looking beyond policy approaches currently in use, we then show that a combination of the key features of the Swedish and Dutch models addresses both aspects simultaneously. Under this “Dutch-Swedish” model, prostitutes must be licensed and johns who purchase sex from unlicensed prostitutes are severely criminalized. In our model, this is the only policy that restores the benchmark outcome that would emerge in a laissez-faire market absent coercion, that dominates all other policy approaches, and that resolves all tensions between impact and conflict.

McBride, B., Shannon, K., Duff, P. Mo, M., Braschel, M., & Goldenberg, S.M. (2019). Harms of workplace inspections for im/migrant sex workers in in-call establishments: Enhanced barriers to health access in a Canadian setting, *Journal of Immigrant and Minority Health*,
<https://doi.org/10.1007/s10903-019-00859-9>.

Given shifting sex work criminalization and enforcement in Canada, this study examined worrying about workplace inspections by authorities amongst indoor sex workers in Vancouver (2014–2017). Data were drawn from a community-based prospective cohort of sex workers (AESHA). Bivariate and multivariable logistic regression were used to investigate factors associated with worry about inspections. 23.9% of participants experienced workplace inspections; 51.6% worried about inspections. In multivariable analyses, worrying about inspections was associated with recent im/migration [adjusted odds ratio (AOR) 3.13; 95% confidence interval (CI) 1.77–5.53], police harassment (AOR 3.49; 95% CI 1.92–6.34), and workplace violence (AOR 1.66, 95% CI 1.09–2.51). In a multivariable confounder model, worry was independently associated with barriers to health access (AOR 1.45, 95% CI 1.06–1.98). Im/migrant indoor workers are disproportionately impacted by concerns about workplace inspections, which was

independently linked to enhanced barriers to health access. Current criminalization measures may exacerbate health inequities among im/migrant sex workers.

Polaris (January, 2018). *Human Trafficking in Illicit Massage Businesses*, <https://polarisproject.org/message-parlor-trafficking>

Commonly called massage parlors, illicit massage businesses (IMBs) that front for commercial sex operations have been ubiquitous in the American landscape for decades. While some keep a low profile, many others blatantly advertise “Asian gals,” or bear sexualized names like “Good Girl Spa.” In 2017, Polaris analyzed more than 32,000 cases of human trafficking from the National Human Trafficking Hotline (NHTH) and developed a classification system that identifies 25 distinct types of human trafficking in the United States. Trafficking related to massage parlors accounted for 2,949 cases — second in prevalence only to trafficking in escort services. However, the data from the NHTH almost certainly does not represent anything close to the scope of the problem. By its very nature, human trafficking is a difficult, if not impossible, crime to quantify with precision. Traffickers operate in the shadows, and the tools they use to exploit victims are such that the victims themselves often do not know that what is happening to them is against the law. There may be women who choose to sell sex either along with or under the guise of massage therapy, but evidence suggests that many of the thousands of women engaging in commercial sex in massage parlors are victims of human trafficking. In this report, Polaris details how this extremely widespread and lucrative industry operates on the edges of legality, while hiding massive criminal enterprises behind its doors.

The key to ending trafficking is strong laws regulating the business operations. A few elements that strong laws have in common:

- Regulating hours of operation.
- Prohibiting structures like buzzer-controlled front doors and back-door entrances that obscure buyer behavior.
- Regulating massage businesses with other commercial licensed businesses.
- Working with local massage therapists.

Non Peer Reviewed Sources

Farley, M. (October, 2010), *The real harms of prostitution*, Catholic Education Resource Centre (<https://www.catholiceducation.org/en/controversy/persecution/the-real-harms-of-prostitution.html>)

An article by a well-known researcher in sex work that argues prostitution shouldn’t be legalized because, for most, prostitution is not a freely-made choice. The article argues that the conditions that would permit genuine choice are not present: physical safety, equal power with buyers, and real alternatives. The few who do choose prostitution are privileged by class or race or education. They usually have options for escape. Most women in prostitution do not have viable alternatives. They are coerced into prostitution by sex inequality, race/ethnic inequality, and economic inequality.

The article supports the legislative framework in Sweden, which criminalized buyers and decriminalized the person in prostitution, (*Other countries, including Canada, have since adopted a similar approach*), saying the intimate relationship between prostitution and trafficking is highlighted when buyers are criminalized. The law interferes with the international business of pimping and the practice of buying sex.

Jordan, M. (2019). *Safe landing: A review of housing practices for victims of human trafficking*. Halifax YWCA.

The publication summarizes the housing practices for victims of human trafficking in a number of communities across Canada. It uses both these summaries and the research literature to outline a set of best practices to support this highly vulnerable population.

Polaris (January, 2018). *Human Trafficking in Illicit Massage Businesses*, <https://polarisproject.org/massage-parlor-trafficking>

Commonly called massage parlors, illicit massage businesses (IMBs) that front for commercial sex operations have been ubiquitous in the American landscape for decades. While some keep a low profile, many others blatantly advertise “Asian gals,” or bear sexualized names like “Good Girl Spa.” In 2017, Polaris analyzed more than 32,000 cases of human trafficking from the National Human Trafficking Hotline (NHTH) and developed a classification system that identifies 25 distinct types of human trafficking in the United States. Trafficking related to massage parlors accounted for 2,949 cases — second in prevalence only to trafficking in escort services. However, the data from the NHTH almost certainly does not represent anything close to the scope of the problem. By its very nature, human trafficking is a difficult, if not impossible, crime to quantify with precision. Traffickers operate in the shadows, and the tools they use to exploit victims are such that the victims themselves often do not know that what is happening to them is against the law. There may be women who choose to sell sex either along with or under the guise of massage therapy, but evidence suggests that many of the thousands of women engaging in commercial sex in massage parlors are victims of human trafficking. In this report, Polaris details how this extremely widespread and lucrative industry operates on the edges of legality, while hiding massive criminal enterprises behind its doors.

The key to ending trafficking is strong laws regulating the business operations. A few elements that strong laws have in common:

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- Prohibiting structures like buzzer-controlled front doors and back-door entrances that obscure buyer behavior.
- Regulating massage businesses with other commercial licensed businesses.
- Working with local massage therapists.

Other Sources

BC Coalition for Experiential Communities (<https://bccec.wordpress.com/>)
<http://tradesecretsguide.blogspot.com/2009/11/licensing-requirements.html>

Butterfly (<https://www.butterflysw.org/>)
https://docs.wixstatic.com/ugd/5bd754_c5dcee7f55114eaf82ba5ddee244fb68.pdf

Canadian Alliance for Sex Work Law Reform (<http://sexworklawreform.com/>)
<http://sexworklawreform.com/wp-content/uploads/2017/05/CASWLR-Final-Report-1.6MB.pdf>

Evaluation of New Zealand's laws: <https://www.otago.ac.nz/christchurch/otago018607.pdf> and
<http://www.nzpc.org.nz/The-New-Zealand-Model>

Living in Community (<https://livingincommunity.ca/>) https://livingincommunity.ca/wp-content/uploads/2018/11/living_in_comm.pdf

Missing and Murdered Women Inquiry <http://www.missingwomeninquiry.ca/obtain-report/>

Pivot Legal Society http://www.pivotlegal.org/beyond_decriminalization

SWAN Vancouver (<http://swanvancouver.ca/>)
<http://swanvancouver.ca/wp-content/uploads/2014/01/Realities-of-the-Anti-Trafficked.pdf>

September 23, 2019

To: His Worship the Mayor
And Members of City Council

Re: Priorities and Planning Committee: Regulation of Massage Parlours

RECOMMENDATION

**RECOMMENDATION OF THE PRIORITIES AND PLANNING COMMITTEE
- JUNE 20, 2019**

1. That an approach to massage parlours in Regina be adopted that regulates the industry as a business and that focuses on harm reduction for workers, operators and their clients.
2. That the City Solicitor be directed to prepare the necessary bylaw to amend the *Regina Zoning Bylaw No. 9250* and its successor which may be in force at the time of implementation (*The Regina Zoning Bylaw, 2019 No. 2019-19*) to:
 - (a) distinguish between massage parlours and therapeutic massage by:
 - (i) amending the definition of *Personal Service Establishment* to include *massage therapy*, defined as therapy provided by a Registered Massage Therapist within the context of the bylaws and ethics of the Massage Therapist Association of Saskatchewan, Inc. (MTAS) or the Natural Health Practitioners of Canada (NHPC); and
 - (ii) removing the term *Massage Parlour* and substituting *Body Rub Establishment* wherever it occurs; and
 - (b) allow massage parlours as a discretionary use in industrial and major arterial commercial zones (MAC or the equivalent in any new zoning bylaw). This amendment would:
 - (i) apply separation distances equal to the equivalent of one city block between massage parlours and:
 - schools;
 - churches;
 - daycares; and
 - other massage parlours; and
 - (ii) apply the separation distances in (i) to existing massage parlours as follows:
 - the separation distance between massage parlours and schools, churches and daycares would apply immediately. This will require some massage parlours to relocate or shut down as soon as the bylaw comes into force; and
 - existing massage parlours that do not meet separation distances between massage parlours, but otherwise comply with zoning regulations, would be

grandfathered until one of the establishments moves or shuts down.

3. That the plan to develop a licensing program for massage parlours as outlined in Option B of this report be approved. That plan requires massage parlours to:
 - (a) operate only within specified hours of operation;
 - (b) comply with health and safety standards;
 - (c) ensure workers are of legal age and legally able to work in Canada; and
 - (d) ensure that workers receive training in safe practices and community resources as determined by the City of Regina.
4. That the Administration return to City Council with details of the licensing program in accordance with the policy intentions outlined in Recommendation 3 by March 31, 2020 to allow the City Solicitor to prepare bylaw amendments and/or new bylaws by June 30, 2020.
5. That the implementation plan contained in Appendix A – High Level Implementation Plan be approved.

PRIORITIES AND PLANNING COMMITTEE – JUNE 20, 2019

The Committee adopted the following resolution:

That a supplemental report be prepared which outlines the licensing, enforcement and legal implications respecting Option B (licensing regime) and Option D (ban), as well as the engagement undertaken with Indigenous groups and academic experts for consideration by City Council at a future meeting to be determined by the City Manager..

Mayor Michael Fougere (Chairperson), Councillors: Lori Bresciani, Sharron Bryce, Jerry Flegel, Bob Hawkins, Jason Mancinelli, Councillor Joel Murray, Andrew Stevens, and Barbara Young were present during consideration of this report by the Priorities and Planning Committee.

The Priorities and Planning Committee, at its meeting held on June 20, 2019, considered the following report from the Executive Committee:

RECOMMENDATION OF THE EXECUTIVE COMMITTEE - JUNE 12, 2019

1. That an approach to massage parlours in Regina be adopted that regulates the industry as a business and that focuses on harm reduction for workers, operators and their clients.
2. That the City Solicitor be directed to prepare the necessary bylaw to amend the *Regina Zoning Bylaw No. 9250* and its successor which may be in force at the time of implementation (*The Regina Zoning Bylaw, 2019 No. 2019-19*) to:
 - (a) distinguish between massage parlours and therapeutic massage by:
 - (i) amending the definition of *Personal Service Establishment* to include

massage therapy, defined as therapy provided by a Registered Massage Therapist within the context of the bylaws and ethics of the Massage Therapist Association of Saskatchewan, Inc. (MTAS) or the Natural Health Practitioners of Canada (NHPC); and

- (ii) removing the term *Massage Parlour* and substituting *Body Rub Establishment* wherever it occurs; and
- (b) allow massage parlours as a discretionary use in industrial and major arterial commercial zones (MAC or the equivalent in any new zoning bylaw). This amendment would:
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3. That the plan to develop a licensing program for massage parlours as outlined in Option B of this report be approved. That plan requires massage parlours to:
 - (a) operate only within specified hours of operation;
 - (b) comply with health and safety standards;
 - (c) ensure workers are of legal age and legally able to work in Canada; and
 - (d) ensure that workers receive training in safe practices and community resources as determined by the City of Regina.
 4. That the Administration return to City Council with details of the licensing program in accordance with the policy intentions outlined in Recommendation 3 by March 31, 2020 to allow the City Solicitor to prepare bylaw amendments and/or new bylaws by June 30, 2020.
 5. That the implementation plan contained in Appendix A – High Level Implementation Plan be approved.
 6. That this report be forwarded to the June 24, 2019 meeting of City Council for approval.

EXECUTIVE COMMITTEE – JUNE 12, 2019

The following addressed the Committee:

- Randall Donison
- Marilyn Degelman
- Graham A. Beke, representing, International Student Assistance Association of Regina
- Janette Rieger
- Ed Smith
- Andrew Waithe, representing, Regina Evangelical Ministerial Association
- Roy Beuker
- Mira Krahn
- Terry Murphy, Regina Victory Church
- Shayna Stock, representing, Heritage Community Association
- Terri Lynne Murphy, representing, Fearlessly Me Women's Group
- Jane Gattinger
- Steve Selenski
- Logan Rohatyn
- Kristen Hill
- Devon Hill, representing, Freedom Catalyst Regina
- Rev. Glen Povey, representing, Morning Star Ministries
- Fred Hill

The Committee adopted a resolution to table this report to a future meeting to be determined by the City Clerk.

Mayor Michael Fougere, Councillors: Joel Murray (Chairperson), Lori Bresciani, Sharron Bryce, John Findura, Jerry Flegel, Bob Hawkins, Jason Mancinelli, Mike O'Donnell, Andrew Stevens and Barbara Young were present during consideration of this report by the Executive Committee.

The Executive Committee, at its meeting held on June 12, 2019, considered the following report from the Administration:

RECOMMENDATION

1. That an approach to massage parlours in Regina be adopted that regulates the industry as a business and that focuses on harm reduction for workers, operators and their clients.
2. That the City Solicitor be directed to prepare the necessary bylaw to amend the *Regina Zoning Bylaw No. 9250* and its successor which may be in force at the time of implementation (*The Regina Zoning Bylaw, 2019 No. 2019-19*) to:
 - (a) distinguish between massage parlours and therapeutic massage by:
 - (i) amending the definition of *Personal Service Establishment* to include *massage therapy*, defined as therapy provided by a Registered Massage Therapist within the context of the bylaws and ethics of the Massage Therapist

Association of Saskatchewan, Inc. (MTAS) or the Natural Health Practitioners of Canada (NHPC); and

- (ii) removing the term *Massage Parlour* and substituting *Body Rub Establishment* wherever it occurs; and
- (b) allow massage parlours as a discretionary use in industrial and major arterial commercial zones (MAC or the equivalent in any new zoning bylaw). This amendment would:
 - (i) apply separation distances equal to the equivalent of one city block between massage parlours and:
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 - other massage parlours; and
 - (ii) apply the separation distances in (i) to existing massage parlours as follows:
 - the separation distance between massage parlours and schools, churches and daycares would apply immediately. This will require some massage parlours to relocate or shut down as soon as the bylaw comes into force; and
 - existing massage parlours that do not meet separation distances between massage parlours, but otherwise comply with zoning regulations, would be grandfathered until one of the establishments moves or shuts down.
- 3. That the plan to develop a licensing program for massage parlours as outlined in Option B of this report be approved. That plan requires massage parlours to:
 - (a) operate only within specified hours of operation;
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 - (c) ensure workers are of legal age and legally able to work in Canada; and
 - (d) ensure that workers receive training in safe practices and community resources as determined by the City of Regina.
- 4. That the Administration return to City Council with details of the licensing program in accordance with the policy intentions outlined in Recommendation 3 by March 31, 2020 to allow the City Solicitor to prepare bylaw amendments and/or new bylaws by June 30, 2020.
- 5. That the implementation plan contained in Appendix A – High Level Implementation Plan be approved.
- 6. That this report be forwarded to the June 24, 2019 meeting of City Council for approval.

CONCLUSION

The Administration recommends approval of a number of initiatives to address the regulation of massage parlours. The regulations respond to the growth the City of Regina (City) has seen in the number of massage parlours in recent years, and are intended to ensure that these establishments:

- do not unduly affect the character of a neighbourhood; and
- do not create unsafe circumstances for the surrounding neighbourhood, the workers in the establishments and their clients.

Regulatory options vary depending on the City's policy rationale for massage parlours. The Administration is recommending a regulatory framework that moderately regulates the industry instead of prohibiting it and focuses on safety and harm reduction for those working and using massage parlours. The proposed regulations will also serve to minimize the negative impacts of such establishments on the character of the neighbourhood within which it is located.

The recommendations were arrived at after extensive engagement with the public, workers and operators of massage parlours, with other cities regarding their regulatory approaches, with the Regina Police Service (RPS) Vice Unit, and with academics with expertise in criminology and sex work.

BACKGROUND

This report responds to the Executive Committee's direction in December 2018 that Administration implement an engagement plan on the options to regulate massage parlours (*E18 – 35 Plan to Engage the Public and Stakeholders on the Regulation of Massage Parlours*).

This report summarizes the results of that engagement plan and recommends a regulatory framework.

The historic decisions related to this issue are outlined in Appendix B – Historical Background.

Engagement Results

Administration undertook extensive engagement and consultations with the general public, community interest groups, workers and operators. A full report of the engagement process is provided in Appendix C – Summary of Engagement on Regulating Massage Parlours. Highlights of the results are outlined below.

Participants

- 50 residents participated in the public meetings; 46 residents provided written responses; and 4 engaged in private interviews. As well, two community organizations provided written comments.
- 6 operators participated in a workshop session, 1 provided a written response and 4 agreed to private meetings.

- 3 interviews with front-line workers were conducted by proxy through a trusted service organization, the Regina Sexual Assault Centre.
- An information session was conducted with 2 academics, and representatives from the City of Edmonton and with the Regina Police Service Vice Unit, to provide additional context.

Key engagement findings include:

- The vast majority of residents consulted want massage parlours banned, based on their perceptions that they contribute to trafficking and sexual exploitation and that they are immoral and illegal. A minority of participants recognized the risk in banning massage parlours entirely. Participants agreed with the need to distinguish between licensed registered massage therapy and other services. Most agreed on the need for resources to support workers leaving the sector.
- Operators said they want their businesses to stay where they are. A map of the suspected locations of massage parlours in Regina can be found in Appendix D – Map of Suspected Massage Parlours. They expressed concerns about licensing one type of sex worker and not others, such as escorts, and suggested an outright ban would put workers at risk. Operators indicated they are willing to be licensed, subject to regular inspections and with appropriate separation distances.
- Front line workers indicated they support a zoning and licensing framework, with requirements for age, photo identification and eligibility to work in Canada, health and safety standards and training on how to leave the sector.
- Industry academics and the City of Edmonton support a harm reduction approach where the work is regulated, not banned. They cautioned against creating a system so onerous that workers would not be willing to participate.
- The RPS Vice Unit suggested that licensing fees should be affordable but with tough penalties for non-compliance to make it in the businesses' interest to comply.

DISCUSSION

There are four options for regulating massage parlours discussed below, along with their advantages and disadvantages. A full description of the issues and choices associated with each option is included in Appendix E – Issues and Choices.

All options discussed below require amendments to the *Regina Zoning Bylaw No. 9250* (Zoning Bylaw) and its successor (*The Regina Zoning Bylaw, 2019 No. 2019-19*) which may be in force at the time of implementation, to change the term *massage parlours* to *body rub establishments* (the term most commonly used in other jurisdictions) and to specifically define *massage therapy* as therapy provided by a Registered Massage Therapist within the context of the bylaws and ethics of Massage Therapist Association of Saskatchewan (MTAS) or the Natural Health Practitioners of Canada (NHPC). These amendments will improve the City's ability to enforce its current or any future zoning for massage parlours by distinguishing them from establishments providing therapeutic massage.

A. Status Quo (with definitions clarified)

This option assumes that the *Zoning Bylaw* is amended as described above to distinguish between therapeutic massage and other forms of massage. Massage parlours would continue to

be a discretionary use in industrial zones with no required separation distances, but not allowed in other areas of the City.

Pros	Cons
<ul style="list-style-type: none"> + Addresses concerns about the character of neighbourhoods. + Responds to community input preferences on location if massage parlours are not banned. 	<ul style="list-style-type: none"> – Would likely require intensive enforcement efforts at the outset to ensure massage parlours operating outside of industrial zones are shut down or moved. – Does not address safety concerns for workers or clients – work would take place in low traffic, unpatrolled areas with few public transportation options. – Only two suspected massage parlours currently operate in the industrial zone. All other operations would be required to shut down or move. – Ignores CPTED (for more background see Appendix E) principles regarding the location of massage parlours, requiring them to operate in an area that most workers consider unsafe and is difficult for the RPS to patrol. – Isolating massage parlours will likely contribute to greater stigmatization of sex workers.

B. Expand zoning of massage parlours as a *discretionary use* in major arterial commercial (MAC or the equivalent in any new zoning bylaw) with separation distances, and license massage parlours (RECOMMENDED OPTION).

This option combines the regulatory force of both zoning and licensing to achieve the dual objectives of safety for workers and clients and protecting the character of the neighbourhoods within which massage parlours are located. Crime Prevention Through Environmental Design (CPTED) principles are generally more evident in MAC zones than in industrial. There is more consistent street lighting, pedestrian and vehicular traffic, as well as routine police patrols, improving safety for both clients and workers. Licensing can also be used to enhance safety features with requirements for building entrances, windows, and lighting.

This option would allow most massage parlours to continue to operate in their current locations provided they meet the required separation distances from schools, churches and daycares (see map in Appendix D). With the Zoning Bylaw changes, Development Control Officers could order massage parlours to comply with separation distances from schools, churches and daycares under the authority of *The Planning and Development Act*. Since none of the current massage parlours are fully compliant with existing zoning regulations, they would not be considered to be

non-conforming should the zoning requirements change. While separation distances would apply between massage parlours, existing businesses that are otherwise compliant with zoning and licensing requirements would be grandfathered until such time as the non-compliant business moves or closes.

The Administration is recommending that massage parlours be a discretionary, rather than a permitted, use consistent with the current regulation. Making the use discretionary allows Council to consider the land use effects of each location individually. However, Section 53 of *The Planning and Development Act* provides that, if a council passes a bylaw that makes a particular use a *discretionary use*, council is deemed to have approved the use if the use exists at the time of passing of the bylaw. Any existing massage parlour that is compliant with the amended zoning bylaw would be deemed to have been approved at the time the amending bylaw is approved. For any future massage parlours, every discretionary use application will need to be approved by Council. Given the separation distances and licensing requirements related to business hours and lighting, Council may determine that it prefers to rely on those requirements rather than assess each location individually. If so then the use should be amended to permitted.

This option would license massage parlours, and not workers, but with licence requirements that would apply to both businesses and workers. This is the same approach used to regulate establishments that serve alcohol under provincial legislation, which require businesses to ensure workers are of legal age and have training so that customers are not over-served. Note that licensing allows for routine compliance inspections. It is recommended that Regina follow Edmonton's example in this regard and treat inspections as outreach and relationship building opportunities with the sector, with a focus on harm reduction rather than strict enforcement. Accordingly, most inspections would be conducted by City employees rather than the RPS.

This option provides an appropriate balance between best practice (as described by academics) and the interests of those consulted through the engagement process. Those who are calling for a ban were most concerned about the safety of sex workers. This option addresses that concern but avoids the risk of further victimization that might arise from a ban. It also avoids the potential legal implications that might arise from imposing a ban.

Pros	Cons
<ul style="list-style-type: none">+ The onus is on operators to ensure that the business is operating within the regulations.+ Protects the privacy of workers.+ Minimizes the impact of massage parlours on adjacent properties and the surrounding neighborhood through licence requirements for signage, hours of operation, and property appearance.+ Increases the safety of workers and clients.	<ul style="list-style-type: none">– Creates an expectation on the operator to ensure workers meet criteria, which may be vulnerable to falsification on the part of workers.– Because of the low number of licences, only a small proportion of the costs will be recovered by licence fees.– Treats massage parlours differently than other businesses doing 'body' work.

Pros	Cons
<ul style="list-style-type: none"> + There are some suspected massage parlours that currently operate in residential areas. These would be required to move or shut down. + With fewer than 20 licences per year expected, the City would not require new licensing software. If workers were licensed, new software would be required to allow licence information to be searched by police outside of normal business hours. + Applies CPTED principles to the location of most current massage parlours while still allowing the one suspected business operating in the industrial zone to continue to do so. 	

C. Expand zoning of massage parlours as a *discretionary use* to include major arterial commercial zones (or the equivalent in any new zoning bylaw) with separation distances, and license both massage parlours and workers.

This option is similar to Option #B except it licenses both operators and workers. While this is the most common approach used by other jurisdictions, Administration is not recommending it due to privacy concerns. Saskatchewan's privacy laws consider licence information to be public information, which means it cannot be protected except in limited circumstances. During the engagement process, workers expressed fears that public disclosure would violate their right to privacy and potentially expose them to life-threatening consequences, including violence, eviction, and social shaming.

Pros	Cons
<ul style="list-style-type: none"> + The onus is on both operators and workers to ensure that the business is operating within the regulations. + Minimizes the impact of massage parlours on adjacent properties and the surrounding neighborhood through licence requirements for signage, hours of operation, and property appearance. + Increases the safety of workers and clients. + There are some suspected massage parlours that currently operate in residential areas. These would be 	<ul style="list-style-type: none"> – Does not protect the privacy of workers. – Would require new licensing software to allow licence information to be searched by police outside of normal business hours. This would increase the costs and delay the implementation. – Treats massage parlour workers differently than other businesses doing 'body' work, adding to the stigmatization of the work.

Pros	Cons
<p>required to move or shut down.</p> <ul style="list-style-type: none"> + Consistent with the City's jurisdiction and Supreme Court of Canada rulings regarding the regulation of sex work. + Applies CPTED principles regarding the location of most current massage parlours while still allowing the one suspected business operating in the industrial zone to continue to do so. + May recover a higher proportion of the licensing costs because more licenses will be issued, although it is still not likely to recover all costs. 	

D. Ban massage parlours.

This is the preferred option for the majority of residents who participating in the public engagement process. This option does not support the stated goal of protection of workers. In 2013 the Supreme Court of Canada found that the criminal laws prohibiting the sale of sexual services from a building violated of the Charter rights of the workers to security of the person. This case and others present significant jurisdictional and constitutional risks as further outlined in Appendix E, Issues and Choices.

Pros	Cons
<ul style="list-style-type: none"> + Responds to significant community input. 	<ul style="list-style-type: none"> – Is likely to result in sector workers moving to more high-risk sex work such as street prostitution or moving to other cities where massage parlours are not banned, potentially increasing their vulnerability. Does not result in harm reduction. – While improvements to the definition of therapeutic massage in the Zoning Bylaw would help in enforcing a ban, enforcement challenges remain. Without additional enforcement resources, a ban may result in massage parlours simply continuing to operate and is unlikely to reduce the amount of sex work in Regina.

RECOMMENDATION IMPLICATIONS

Financial Implications

Resources to implement the recommendation would be required as part of the 2020 and 2021 budget processes. Personnel costs would include costs related to the transition and implementation of the new program in 2020, including outreach to massage parlours. Ongoing costs beginning in 2021 relate to personnel costs for zoning approvals and enforcement, licensing, and RPS support for criminal record, property ownership and business ownership checks. Additional costs for training of body rub practitioners, in partnership with a community organization, through an annual grant, may also be incurred.

The estimated annualized cost of the program is \$310,000 plus any grant provided to a community partner organization for training of workers.

	2020	2021
Development Officer	\$ 100,000	\$ 100,000
Licensing Officer	90,000	90,000
RPS Personnel	0	120,000
Annual Costs	\$ 190,000	\$ 310,000

From a cost recovery perspective, the City is allowed to recover a percentage of the administrative and enforcement costs of a licensing system. However, full cost recovery is seldom achievable because it makes the cost of licensing prohibitive. Indeed, Edmonton found that prohibitive licence costs simply lead to non-compliance. Taking a harm-reduction approach to the sector has more effect from the perspective of safety and neighbourhood impact. This makes the program heavily subsidized by tax-revenues.

Environmental Implications

None related to this report

Policy and/or Strategic Implications

The recommended option is consistent with the City's vision as outlined in *Design Regina: The Official Community Plan*, Bylaw No 2013-48 on pages 5-6:

"Some of the key considerations in the development of the Plan are outlined as follows:

** * **

- **Harmony** – *Empathy and understanding come from, and lead to, being safe in our homes and neighbourhoods; building strong social networks throughout the community creates synergy and sense of belonging."*

And on pages 55-57:

“Social Development

* * *

Goal 3 – Community Security

Ensure that Regina is a safe community where everyone feels secure in their homes and neighbourhoods.

* * *

Policy 13.12: Promote health and safety by embracing the principles of Crime Prevention through Environmental Design (CPTED).”

Other Implications

An implementation plan has been developed and is attached to this report as Appendix A. It will require significant resources and oversight during the implementation phase. The financial implications above do not attempt to cost these resources but assumes they will come from current resources. This suggests that other work may need to be deferred to achieve the timeline.

Accessibility Implications

None related to this report

Legal Implications

The legal implications of the options presented in this report are discussed Appendix E, Issues and Choices.

COMMUNICATIONS

The key message of the recommended option is: *The City of Regina is committed to protecting the character of neighborhoods while still ensuring the safety of its most vulnerable.*

Significant cross jurisdictional research has been undertaken in the development of this report. Engagement has occurred with the following:

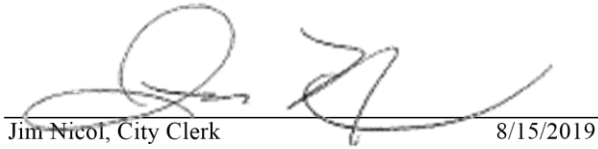
- City of Saskatoon
- City of Edmonton
- Saskatchewan Health Authority
- Regina Police Service (which participated in the project team developing these recommendations)
- Residents
- Workers and operators from massage parlours

DELEGATED AUTHORITY

The recommendations in this report require City Council approval.

Respectfully submitted,

PRIORITIES AND PLANNING COMMITTEE



Jim Nicol, City Clerk 8/15/2019

Appendix A

High Level Implementation Plan

Note: Each of the deliverables below is significant enough that it may require its own project for implementation. This simply represents a high level critical path that provides some indication of the resources required and where the weight of implementation will fall.

Deliverables	Date
City Council approves recommendations and High Level Implementation Plan.	Jun 2019
Implementation project including detailed change management plan launched.	Sep 2019
Adult Services Licensing Bylaw developed.	Mar 2020
Zoning Bylaw amendments developed.	Mar 2020
Engagement with massage parlours to ensure proposed changes are understood.	Jun 2020
Licensing Bylaw and Zoning Bylaw amendments approved.	Jun 2020
Processes for issuing body rub establishment finalized; service providers trained; phase-in plan complete.	Sep 2020
Inspection protocols for licensing program developed and documented.	Sep 2020
Enforcement protocol with RPS completed.	Sep 2020
Body rub establishments and workers notified of new censing program through direct contact.	Sep 2020
Licensing Bylaw comes into force and licensing program takes effect.	Dec 2020
Ongoing review and process adjustments as required.	Ongoing as part of an annual review.

Appendix B

HISTORICAL BACKGROUND

- In January 2014 the province amended *The Alcohol Control Regulations, 2016* to allow strippers to perform in licensed establishments.
- In February 2014 the Administration proposed amendments to the *Regina Zoning Bylaw No. 9250* (Zoning Bylaw) to change definitions related to adult entertainment in response to the changes to *The Alcohol Control Regulations, 2016*. At the time, a single delegation appeared representing burlesque dancers who provide burlesque dance performances locally from time to time for local events. They sought clarification regarding the permitted land use for adult entertainment, which was limited to industrial zones. Council approved the amendment to the Zoning Bylaw, but referred the question of occasional burlesque events to Administration. No response has been provided to City Council since that time. This remains the only outstanding formal referral on the issue of adult services.
- In December 2013 the Supreme Court of Canada found several sections of the *Criminal Code* unconstitutional on the basis that the laws jeopardized sex workers' *Charter* rights to life, liberty, and security of the person (the *Bedford* decision). The prohibition against keeping a bawdy house was struck down as unconstitutional on the basis it denied sex workers the ability to operate within a building. The prohibition on operating within a building was found to be unconstitutional because it had a serious impact on the sex workers' safety, which was not outweighed by the objective of combatting neighbourhood disruption. The prohibition against living off the avails of prostitution was struck down as overbroad because while it targeted exploitative people, it also punished people that were hired for the sex workers' protection (i.e. security guards, receptionists, drivers).
- In December 2014 the federal government amended the *Criminal Code* in response to the *Bedford* decision. The amendment made it legal to sell one's own sexual services but retained the laws making the purchase of sexual services illegal as well as the sale of the sexual services of another person.
- In January 2015 City Council considered a recommendation to approve a discretionary use application to locate a strip club in the industrial area of the city. The proposed club met all zoning requirements of the Zoning Bylaw. When the recommendation was considered, twenty delegations appeared and petitions with over 2,500 signatures were received opposing the approval of the application.

In denying the recommendation, City Council cited the following concerns:

- The legal uncertainty arising from recent changes to federal criminal legislation provincial liquor regulations.
- Public health and safety concerns, notably as expressed by the public, the lack of regulation and licensing of workers, as well as the potential for increased costs of law enforcement.

- Insufficient parking for the proposed development.
- Lack of collaboration among agencies to ensure worker health and safety.
- Lack of information regarding the building ownership and/or corporate structure of the applicant.
- Adverse impact on adjacent properties and the related negative impact on the overall neighbourhood.

The minutes of the January 2015 meeting include no referral to the Administration for an additional review of adult entertainment. However, the Administration undertook to investigate the licensing of adult services. This report is a follow-up to that undertaking.

- In April 2015, after briefly permitting strippers in licensed establishments, the Saskatchewan government amended the liquor regulations to ban strippers where alcohol is served (including special event permits). The regulations provide for an exception for charitable events once a year. This represents the only provincial regulation of adult services.

Appendix C

Summary of Engagement on Regulating Massage Parlours

Contents

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Resident Discussion Workshops	5
Resident Written Responses	9
Owner/Operator Sessions.....	10
Owner/Operator Written Input	12
Proxy Interviews with Front Line Workers.....	13
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Process

Resident Engagement: Residents were asked to register on the Regina.ca website if they were interested in participating in engagement on the issue of massage parlours. Two hundred and seventy-four people registered. All registrants have been included in the Interested Parties List on this issue.

- **Discussion Workshops:** Email invitations were sent out to all registrants inviting them to sign up for one of three sessions. Fifty people attended these meetings. Participants were divided into small groups, each with a facilitator. Participants were provided background and then were asked to explore the benefits and risks of two options (enforce current Zoning Bylaw; Establish a licensing program and expand zoning). They were also asked to provide alternate options for the City to consider.

A summary of the input from the meetings is provided later in this report (see **Resident Discussion Workshops**). A local group opposing human trafficking, Freedom Catalyst, had strong participation at each meeting. As a consequence, there was a strong majority of participants who advocated for a ban of all massage parlours in the city.

- **Written Responses:** Residents were also provided contact information to submit written responses. In total, 46 written responses were received. A summary of the input from those responses is provided later in this report (see **Resident Written Responses**), but similar to the Discussion Workshops, a strong majority of respondents were in favour of a ban.
- **Private Interviews:** Four residents asked for and received the opportunity to have a private interview with the project lead. All of these residents had participated in the Discussion Workshops and simply wanted another opportunity to restate their perspective (which was to ban massage parlours).

Massage Parlour Sector Engagement: Initially, the plan was for the Regina Police Service (RPS) Vice Squad to conduct interviews with people working in the sector. To prepare for this, the City developed an interview guide and prepared background material on the issue so Vice Squad interviewers would be ready to answer any questions. We also kept RPS in the loop on plans for such things as resident meetings (including one that had initially been scheduled at the Glen Cairn Community Centre until we realized the numbers of residents who were interested, after which we moved the meeting to another location and scheduled it over three nights).

The procedure that we worked on with Vice was not successful. People were either unwilling or unable to speak to them (we later learned most required Mandarin interpretation). Vice left copies of all of the materials we provided them in the massage parlours, including information about a meeting at Glen Cairn Community Centre.

We discovered later on that a number of owner operators showed up for the meeting at Glen Cairn. We were not there because we had not known that this information had been provided to them. Working with one of their representatives, we sent a letter of apology in English and Mandarin and invited people to another meeting. In addition, several operators reached out to me and asked for a private interview.

Finally, we worked with a community organization, the Regina Sexual Assault Centre, to act as our proxy to engage with front line workers. They interviewed three workers.

- **Sector Meeting:** Six individuals attended the sector meeting. Three were female owner/operators who required Mandarin interpretation (which was provided). Two were female English speaking owner/operators and one was a male English speaking associate of many of the Chinese owner operators (whose role in the businesses is unclear). One of the English speaking participants also provided a written brief.

A summary of the results of this meeting as well as the written brief is provided later in this report (see **Owner/Operator Sessions** and **Owner/Operator Written** Input).

- **Private Meetings:** Four individual owner/operators asked for and received private meetings with the project lead. Two of these meetings required Mandarin interpretation. The picture presented by each of these meetings was consistent with the picture presented at the sector meeting.

A summary of the results of these meetings is provided later in this report (see **Owner/Operator Sessions**).

- **Proxy Interviews:** The Regina Sexual Assault Centre was able to interview three front line workers in massage parlours. The results of those interviews is provided later in this report (see **Proxy Interviews with Front Line Workers**).

Other Engagement Activities: In addition to meetings with residents and the sector, the project team also met with two academics who are specialists in sex work and its regulation in Canada, the City of Edmonton, and the RPS Vice Squad. In addition, the team has reviewed a number of peer reviewed articles and studies on sex work, particularly in massage parlours as well as some leading publications on human trafficking.

Executive Summary of all Consultations

- 1) The residents that were engaged in the process strongly want these businesses to be banned however this will negatively impact worker safety which was one of the intentions behind the work.
- 2) Residents have said that their primary reasons to ban is to: increase worker safety and increase neighborhood safety and land value. However, a ban will do the opposite of that and workers will be forced underground and more vulnerable to predators
- 3) Although the majority of engaged residents, want them banned, a minority of them were supportive of other options or a combination of other options. Many recognized the complexity of the work.
- 4) Zoning them in industrial is also unsafe while the safer MAC zoning is also unpalatable to the people who were part of the process
- 5) There is a general sense from the public that these businesses are unsafe for the workers and that the majority are trafficked women. They feel like banning them would make them safer. Talking to the workers/owners, they feel like this is a misconception. They are usually the only worker in the business. They are there by choice, they are small business owners and they are safer in their businesses than in the street.
- 6) Owners would prefer just their business be required to get a license and not the workers themselves. They have privacy concerns for workers requiring to get licenses and background checks. They support any requirements for a business license including background checks for owners, separation distances and training.
- 7) Owners do not want to move to industrial, they want to stay in MAC areas
- 8) Academics caution against a licensing scheme because it makes this business “exceptional” from other businesses which further stigmatizes the workers. If workers are not bringing forward the concerns, then why is the City trying to put more regulations in place?
- 9) Other supports like a liaison role between police, city and workers could be beneficial
- 10) Make licence costs reasonable, but maximize the cost of penalties for non-compliance

Resident Discussion Workshops

Theme 1: Participants in the sessions prefer to ban massage parlours

Key Concern: They want them out of residential neighborhoods

- Concerns that they are too close to schools and churches and will entice you men to go there
- Out of residential neighborhoods will also increase land value and safety of neighborhood
- Less stigma for heritage neighborhood
- Looks better for tourists
- Feel it fuels crime
- Some were okay with going to industrial only because it is not in residential or commercial
- They don't want current businesses grandfathered in
- Invites an element of undesired tourism
- Removes organized crime from residential
- Less everyday exposure and accidental exposure to body rub

Key Concern: It is an unsafe industry for women/women are exploited

- Medically unsafe for women
- No way to prove girls are getting the money they deserve- exploited
- Research done on the damage prostitution does
- One argument is that if we ban it here, women can go to other cities or leave the sector
- Curbing exploitation of women
- Other Cities tried licensing and it did not work. Some have banned them
- Licensing them overstates the safety it provides
- The risk is with the Johns
- Only safe on the outside, not safe on the inside
- Not accessible (more access leads to more addiction)

Key Concern: By licensing or zoning, it makes the City complicit and supportive of these businesses

- Normalizes the sex trade and these businesses and makes it seem legitimate
- By banning, makes it clear that it is not acceptable and upholds current legal structure
- Intent of Canadian law should be reflected in City's approach
- Set an example for the rest of the country
- Illegal to live off of profit of sexual services
- Still illegal to buy, our job is to not promote prostitution
- Creates misconceptions of other women around the establishments
- City would earn off the illegal activity
- "broken window" theory
- By banning, Less taxes through trauma counselling and addictions
- Doesn't put the city in the position as a pimp

Key Concern: Allowing them requires more police presence which costs taxpayers

- Would need more police to enforce
- Need more police and bylaw officers
- Mandate that at least one employee is trained on the bylaw requirements including what types of services that are allowed to be performed on premises and also that another individual is present during all appointments
- Increase resources to Vice
- Report a John
- Increase public awareness to johns and potential johns
- will negatively impact City's ability to attract big events

Theme 2: Participants don't want them in industrial areas or MAC either

- Less safe for workers
 - o No eyes on the streets
 - o Surrounded by open land, no lights
 - o Nowhere to go for help
- Businesses won't want them around – damages businesses
- MAC would not make it safer
- Property value in industrial goes down
- Less police in industrial
- Gives impression it's a legal business
- Counteracts the downtown business improvement district
- Only benefit to industrial is the owner of business- free to do whatever they want
- Driving by isn't more safe- doesn't help on the inside safety
- Transportation safety in industrial areas
- Congregates other forms of illicit activity
- Might push business out of city
- Option 1: Not consistent with OCP- not industrial use
- Conflicts with plan to increase number of people living downtown
- Never would be comfortable with model in relation to MAC zones
- Ugly
- This will bring down the MAC- not right kind of traffic you want there

Only a few people were fine with option 1 as it is:

- Less demand "out of sight, out of mind"
- Know it's unsafe but don't care
- Not impacting downtown businesses and kids/families
- Reduce likelihood of attracting workers and clients from neighborhoods

Theme 3: Participants think sex workers should have more resources to support them

- Help line, ombudsmen
- Women need an anonymous way to report concerns
- Need a way to educate men as well

- If it is banned, then there should be education or retraining for people to exit the industry
- Safe house
- Shelter for exploited people
- Any funds used to decrease victimization
- Increase housing and support services
- Need safe spaces for workers

Theme 4: A minority of participants were comfortable with the licensing option, zoning option or a combination of the two proposed options

- Some like the criteria for licensing because it makes it safer for women
- Some wanted the distance requirements for businesses to be higher than 75m
- A benefit was that licensing helps cover part of the fees for increased enforcement however it may be a burden for women
- One benefit is the requirement to submit income tax
- Legally able to work helps to ensure they aren't being exploited
- Hours of operation could distinguish between body rub and RMT
- Like the education piece
- Need to limit radius between businesses
- Like that they can inspect them
- Training should be by a neutral party
- Health checks should be required
- More visibility means more accountability
- Empowers women
- Protects workers (age, names, dictate where they exist)
- Would help with missing people
- Safety/health standards
- Any funds used to decrease victimization
- Liked requirement- camera
- Licensing only as a tool to shutdown
- Putting in industrial- limits people going to the location
 - o Rent/lease for building is more expensive
 - o Bigger investments
- Support MAC
 - o See them in a busy area
 - o Protection for clients and workers
- Clients know that it is safer and that they aren't supporting trafficking
- Always a risk to workers- trafficking is still an issue even if off street/clients come to them
- Can clients get their pictures taken?
- Are the clients tracked? What happens if STDs are spread?
- Similar to marijuana
 - o People said there would be horrible consequences to legalizing which hasn't happened
 - o We need to be open to change- we are working against ourselves because it will happen anyways

- Certain amount of dedicated parking per parlour
- Licensing must finger print workers
- Signage required
- Increase corridors from body rub parlour and residential areas (homes, not just schools or daycares) to be 150m
- Only street side entrance

- *Option: licensing and in industrial- still a risk to the women*
 - o Recognizes that this is oldest profession. Can help to prevent it from going underground
 - o Keeps it out of high traffic areas
 - o City is a pimp
 - o Strictly regulated (option 2) all items

- *Option: industrial with business pays for licensing but not workers*

- *Option 1 with MAC:*
 - o Out of sight out of mind- decreases demand “johns”
 - o Opportunity to shut down?
 - o Likely fewer establishments
 - o Doesn’t stop moving the girls around
 - o What is bus schedule for work- safe travel?
 - o Johns are “hidden”- anonymous

Even those in support of licensing, had some concerns:

- Onerous requirements for licensing could lead to more underground work
- Can create an onerous process for licensing
- Offering in other languages
- How often would checks be done?
- Who pays?
- Can we measure benefit of licensing?
- Still discretionary use- residents and council will say “no” anyways so they are still illegal
- Being a discretionary use is a disincentive
- Requirements may be too high and encourage unconformity

Theme 5: A minority of participants recognized the risk in banning them entirely

- Users might pray on others if they don’t have that access
- Undocumented women are out of jobs and housing- like refugees in a way
- They could go underground – worse for workers
- No signage- harder to find them to help them, don’t know where they are
- Illegal activity may still occur, less ability to enforce
- What does the next form of exploitation take place?
- Worse for women trapped (not observable/.safety bell or monitoring)

Theme 6: A need to define formal massage therapy and require these businesses to show their RMT license

- This will clarify services of establishment
- No confusion for customer or bylaw inspector
- Risk: may only need one RMT to obtain approval - Develop criteria such as 80% services provided by RMT or threshold body rub vs massage
- Credential don't guarantee no sexual services
- Every legitimate massage therapist should be required to have a license or not allowed to work
- Massage therapy needs oversight with the ban
- strict regulations for legitimate massage businesses, any business that involves touching customers

Resident Written Responses

Theme 1: Most submissions requested a ban on body rub parlours

Key concern: they contribute to the trafficking and sexual exploitation of girls and women.

- They cost residents additional tax dollars to provide additional policing, trauma care, addictions treatment, counselling for post-traumatic stress and city enforcement;
- They create major safety concerns and problems for workers and clients
- They exploit vulnerable girls, youth and women
- They increase STDs in the community;
- While banning it wouldn't completely eliminate the sex trade, it would at least result in less exploitation
- They normalize prostitution and contribute to sex addictions
- Prostitution is a form of slavery and never voluntary
- They result in violations, abuses, neglect, trauma and damages encountered by children and youth at the hands of those who delight themselves in exploiting these girls/women victims.
- At least 96 per cent of workers are not working voluntarily in the sex trade.
- Workers are predominantly poor, visible minority women with low education coming from marginalized backgrounds.
- Workers face loss of freedoms, choices and autonomy, violations of their personal rights, harassment/assault, STDs and unwanted pregnancies, and higher mortality rates.

Key concern: they're immoral and illegal

- they undermine the stability of the family unit
- they degrade the city and its citizens
- They foster increased crime and the presence of organized crime, and send the message that buying sex is legal;
- They encourage the wrong type of tourism
- Body rub parlours are run by organized crime.
- They don't promote the right image, they lower property values, and don't promote strong families

Key concern: they devalue property and neighbourhoods

- They reduce the desirability and real estate value of the surrounding businesses and homes

Owner/Operator Sessions

Theme 1: They want to stay where they are (MAC and Industrial)

- Not safe to be in industrial – not safe to go home
- Most other massage parlors, running on main streets on other big cities
- There will be lots of issues with moving
- Transportation would be worse
- There will need to be a transition plan or grandfathered
- A big issue- there is a massage parlour right next door so not sure what the criteria would be for who to move
- Customers won't be able to find them in Industrial
- Hard to get workers
- Isolated
- Worker safety is a concern
 - o Transportation
 - o Lack of traffic/foot traffic
 - o Distance from police station
 - o Some of the girls don't speak English
- Is enabling a Red-light district
- People don't want to move
 - o Won't find workers there
 - o Die out the business
 - o Workers would move to other locations or cities

Theme 2: They prefer licensing the business over licensing the workers

- If women are only here for 1 month, it's not worth getting a license
- She only wants 19 and up workers
- Generally, they are the only worker or they bring in someone to help with covering vacations
- In the past, have had troubles getting workers with licenses in other cities.
- Privacy- workers don't want others to know they are coming here to do this work
- Temporary license?
- Worker license privacy
 - o Doesn't want to be released to the media
 - o Owners of the spas- it would be the spa business that would be licensed, name wouldn't be public for the spa owner
- They will comply with regulations- don't want to start trouble
- Background checks on owners okay
- They are okay if police were inspectors
- Language barrier with police
- Workers might be checked at airport security- find out their profession
- Hard to do business because so much competition

- Accept requirement for a reasonable distance between establishments
- Lack of agreement on overall separation distances from other establishments – schools, etc.
- As long as city doesn't move them, they will comply with the signage and other regulations
- Good to limit number of licenses – some different opinions on that
- Okay with regulations including training
- issues regarding limiting hours of operation. Ladies prefer to choose when they work; clients want privacy as well
- Divergent of views on whether to limit the number of parlours
- Would post emergency/safety contact sheets
- Zoning bylaw currently limits to no more than 5 customers at a time- satisfactory
- Any licensing needs to be supported by enforcement; welcome enforcement
- Customers pay with credit cards- Canadians want that
- Prefer 24 hours
- Okay with separation distances
- Okay with criminal record check
- They want to follow government rules- do they have support for workers? Will need mandarin translations

Theme 3: They want to be able to live and work in the same location

- More economical
- They have a full living quarters in the house
- If required to live elsewhere, they would need to find another place to live and get transportation (1500-2000 per month)
- In houses, designed for that
- Impression that women are trapped in there- there is a freedom and safety aspect, they don't have to leave with cash. It's a convenience.
- Even if they stay there overnight, they don't work after 11pm /midnight
- Perception that there are lots of girls in each one- not the case

Theme 4: There is an unfairness to licensing one type of sex worker and not another

- General unfairness - in Saskatoon, all adult workers need to be licensed and here not. There is an unfairness between spa operators and other people- escorts. Unlevel playing field. It encourage them to go underground
- Crack down on bad apples, not all of them
- City could create unsafe work- highlighting it is a cash business (burglary)
- level playing field for licensing with other types of adult entertainment businesses
- Escorts including in working in body rub business for safety. All adult entertainment
- Human trafficking?
- Body rub parlours are the safest option - licensing and regulations would make establishments safer for workers

Theme 5: If they are banned, workers are less safe

- More crime, more street crime

- There are no incidences of violence in massage parlours
- Women are not being forced to do this, they make good money
- There is demand for the service
- Customers now are long term, older, don't cause trouble
- When it goes underground to apartments or condos- the number of robberies is 10x higher. People are blackmailed, women have no option.
- Organized crime will take over
- Public is misinformed about parlours
 - o Parlours are not currently involved in organized crime
- Mistreatment increases
- Quality decreases
- They are taxpayers

Owner/Operator Written Input

- Carefully chose his/her current location in an industrial zone so as not to infringe on current city bylaw.
- Current location is very discreet, without any large displays or advertising to draw attention.
- Agrees that the number of parlours is a problem.
- His/her business is professional, clean, drug and alcohol free and safe. All staff are of a legal age and at least age 21 and legally permitted to work in Canada.
- Safety is a priority, and staff are not forced to provide any services that are unsafe or that they don't want to do. Windows and outer security doors have bars to ensure safety.
- Has no problem with licensing, but does not think workers should be licensed for privacy reasons. The concern is that information could be shared with other government agencies, such as Social Services, which may threaten a mother's custody/access to her children. Or that the information may be subpoenaed into court to be used against them in legal proceedings. The workers don't want a paper trail to come back to haunt them – they move on to become nurses, social workers, etc. They want to feel assured that this won't prevent them from getting decent jobs.
- Hours of operation should not be limited, as many services take place late at night when there's more privacy and discretion.
- Agrees with the name change.
- The underground industry has exploded in terms of individuals advertising online and providing sexual services in hotels, airbnbs, and in their own homes
- The industry is here to stay and trying to drive it underground does not protect or assist vulnerable women.
- So yes change the name.
- Yes, have them placed in industrial zones.
- Yes have the businesses licensed as adult entertainment.
- Yes, have policy enforcement.
- Do not have the worker require a license.

Proxy Interviews with Front Line Workers

The following ideas were posed to three current and former sex workers, both involved in street work and involved in body rub parlours. Their identities will be kept confidential on their request, but they were all thankful for the opportunity to share their opinion and that the city was addressing the issue to help keep them safer while at work.

Location within the City

In regard to where the “location” of the body rub parlours should be located within the city, all three women agree that the Industrial area would be an ideal host. It is made the prime location due to its distance from the general public, schools or parks in which children can be found, and is still a business-like area of the city. One woman stated this area would make the men feel more comfortable as it would be discrete in comparison to if the location were downtown and they would need to pass by a busy street in order to enter the building.

They did raise concerns however about the location being further away from their current locations which would make it difficult for them to get to work as most live in the Central area of the city. One woman offered an idea of providing a shuttle that would pick up the women from home and taking them to work and drive them home afterwards. This shuttle would maximize the safety of the women and help them feel supported and protected.

Two women also recommended the bar district as it would closer for the women to their homes, to where they are currently working, and it would not be out of the way for the men. One woman did disagree, thinking the Industrial area would be the best option because that would be all the men would go to that area for. While if the location was in the bar district there would be a greater risk that then men may come in intoxicated and the women’s safety may be put at risk.

Two women thought that the location should include some type of lighting, making it similar to a red-light district. One woman disagreed, stating that discretion would be better than advertisement for both the men and the women, providing privacy to everyone.

Licensing

All three women agreed that licensing both the facility and the women should be a necessity. Two of the women shared some terrifying stories about human trafficking that occurs all the time. They feel that licensing the women and the facility is a way to attempt to combat this, ensuring everyone who is working wants to be working.

One of the women who shared her voice has lived all over Western Canada and discussed her experiences in different cities. She wanted to make particular mention of what is being done in Calgary; they provide the women with “licenses” which have a picture of the woman and her information to ensure the women working is exactly the women who it is supposed to be. The city of Calgary then would charge each women a \$200 monthly fee to maintain the “license.”

Proof of age/identity/ability to work in Canada

All three women agreed that women should have to provide proof of age in order to work. They think this should be done to ensure that all women working would be over the required age. All of the women feel passionately that only women of age should be allowed to work and would be willing to provide ID to make sure that happens.

One of the women encouraged using real pictures of the women, telling a story of a time in which her friend posted pictures of a woman who was not herself and when the man arrived, he was disappointed and left. Providing real pictures would ensure the men knew exactly what they were agreeing to and it would protect the women's sense of self-esteem.

All three of the women agreed that proof of identity should be required to work. They could not stress enough how horrible the human trafficking scene is and feel that needing to provide proof of who you are and your willingness of being in that situation would be a way to combat this in a major way.

All three also agree that the women need to be eligible to work in Canada, preventing human trafficking should be a main priority of these establishments in the opinion of the women.

Meeting Health and Safety Requirements

All three women agreed that there should be regular STI testing for the women as well as the men. The women I spoke with are HIV positive but have all obtained a status of U=U and think some additional information and education regarding that should be readily available to the women and men. The women all understand the importance regular testing and think that it should be available at any time.

The women when asked also stated that if they had regular, free access to protection methods they would use them. These items include things such as lubricant, condoms, dental dams, etc.

All the women offered the suggestion of having security on the premises to increase overall safety for women as well as the men. One even suggested having panic buttons in each room for a woman to be able to signal for help if she were to need it at any moment.

Mandatory Training on Options to Leave the Sector

All three women agree this is important information to provide, knowing they would be supported should they ever choose to leave the profession. It is always important for a person to know they have options.

The women also suggested education be provided for the men prior to their encounters with the women. By education they mean ensuring the men know what is and what is not allowed, ensuring they are treating the women with respect and value. This will not allow for any miscommunication about what is allowed and what will be tolerated. If the men and women know the rule, they will be more likely to follow them or ask for help when they are not being followed.

One of the women also suggested ensuring everyone involved understands confidentiality, recalling a time in which she was at the grocery store with the children and had a client approaching her asking to set up another date. Confidentiality would also protect the men because the women would be unable to blackmail them for accessing the services, as apparently happens quite frequently.

Consultation with Regina Police Service Vice Squad

Sector Structure

- Some operations are relatively stable; but some of them -- it's always a different girl there, so you don't know who the owner truly is.

- There's only a few that are owner/operated from here- some we don't know owners. The owners are the ones that ultimately benefit- they are in other cities
- Women who help don't know who the owners are- they don't convey who they are helping either, evasive
- A lot of older ones in the parlours-it's a "family business"
 - o Vast majority of workers are likely coerced into the trade
 - o They feel like they are coming over to send back money
 - o Tricked into doing it- they don't realize what they need to do and then stuck in it
 - o Ashamed- cultural difference- stuck in it

Regulation

- Recognized the following:
 - o If regulation is too much work, they will shut down. They won't set up in Regina – the work will move to some other location.
 - o No matter what is done on the regulatory front, the sale of sexual services is always going to happen – the alternatives may be more risky for the workers.
- Generally agreed with the licensing recommendations, including:
 - o Criminal record checks
 - o Ownership of property and business (an actual name and not just a numbered company)
 - o Low cost for licence; High cost for non-compliance penalties

Consultation with Academics

- So pleased that the City is doing this type of analysis for framework
 - o Normally it is who is loudest, who wins- might end up being that
- The people who are in the sector face daily stigma
 - o Very unlikely they will come to city council to say their opinions
 - o Some people can come forward and some people can't
- Critique on human trafficking is getting louder
 - o Bedford charter challenge is helping it pick up in media and policy
 - o Well-meaning individuals want to stop trafficking but the evidence and policies based on anti-trafficking do a disservice to workers
 - o Increase discrimination and move it more underground
 - o Anti-trafficking picked up by anti sex work and anti immigration- racist and sexist notions, built on moralistic and religious assumptions
- Bring in women's experience that are working in the sector
 - o Community based research- sex work with non status migrants, refugees, trans people, indigenous, indoor and outdoor
 - o That policy creates a lot of problems
- Recommendations:
 - o Need to steer away from a ban approach - talked at the supreme court level (Bedford decision) - there are some nuisances to communities, but it doesn't outweigh the harm to sex workers
 - o Avoid restrictions to areas where there is less transportation and less light

- The presence of massage parlours typically doesn't harm neighbourhoods. Issues are generally limited to noise, loitering, trespassing. These are nuisances and they can be managed
- Focus on enhancing safety and protecting labour rights
- Try to avoid treating sex workers as exceptional. It only adds to the stigma of their work. For example how does the City treat workers who do other forms of "body work" (e.g. models, massage therapists, tattoo, etc.). Are they required to participate in similar licensing schemes?
- Right of access to inspect without notification can be very negative. Experiences unknown inspections were very onerous and way more than any other business. If it's too threatening, workers will not go through the licensing system. A license process can create an illicit sector- criminalizing people who choose not to take part in the licensing.
- Banning is already the law- useless
- Could possibly have a status quo option- not enforcing anything right now
- There are some benefits with doing outreach
 - City liaison position - health standards, work with agencies
 - Inspector can also be a female and act as a liaison between worker and police
- Take some care about who is chosen for regulation – don't pick groups that are already marginalized. This almost never benefits those people.

Consultation with City of Edmonton

- Originally had established a very strong licensing scheme with strict enforcement:
 - Establishment licences \$6,000
 - Worker licences: \$500
- Result was many leaving the body rub sector to either more risky work (escorts; street work) or to establish a fully licensed massage therapy operation – but still did sex work. While sex work contravened the licence of a massage therapist, Edmonton was not allowed to report to the licensing body when they discovered sex work was occurring.
- Revised bylaw to establish a whole different system focused on harm reduction
 - Licences for business: \$630
 - Worker licences: no cost, but must receive a 4 hour training. Content:
 - Specifics of the bylaw
 - Where and how to access support resources (health; safety; drugs; exiting the sector)
 - Presentation on sexual exploitation (including identifying flags for human trafficking)
 - Health; including
 - STI protection
 - Administering Naloxone for overdoses
 - Team of two bylaw inspectors and a Community Safety Officer. Between these three individuals, they visit each of the 33 licensed operations at least once a week. Purpose is outreach and relationship building. Police will sometimes attend, but their role in these circumstances is also outreach. Enforcement is separate.
 - Almost none of the cost of the system is recovered through licence fees.

Appendix E

Issues and Choices

1. Regulation vs. Banning

There are two key elements to this question: the impact of a ban on the safety of those working in massage parlours and the legal authority to enact a ban.

Impact of a ban. Virtually all of those participating in the engagement, including those advocating for a ban, concurred that a ban on massage parlours in Regina would result in either the workers moving to another city to continue their work or the workers remaining in Regina but transitioning to more risky forms of sex work such as escort work or street prostitution. There was no suggestion that a ban would result in positive options for those working in the sector. There were occasional suggestions that workers might use the opportunity to get out of the sector, but most agreed that this was unlikely without significant interventions. Research evidence supports the conclusion that banning will result in further stigmatization of sex workers, which increases the risks they face.

Legal Authority

Municipalities do not have the authority to pass criminal laws, or laws which unjustifiably infringe the charter protected rights of individuals. Bylaws enacted for the purpose of prohibiting the sale of sex have been found to be outside the jurisdiction of a municipality and laws that made it illegal to sell sex from a building have been found to unjustifiably infringe the Charter rights of sex workers. A bylaw prohibiting the operation of body rub parlours is susceptible to challenge on the same basis that these laws were struck down.

Jurisdictional limits. While a municipality can regulate matters covered by the criminal law a municipality cannot act for criminal law purposes. Prohibiting of the sale of sex or the prevention or punishment of human trafficking are criminal law purposes. Any bylaw enacted for these purposes is likely to be struck down as invading the federal criminal law powers. In a 1983 case the Supreme Court of Canada found that a municipal bylaw which prohibited being in the street for the purposes of prostitution, enacted under a street use power, was an attempt to prohibit prostitution and therefore invaded the exclusive federal jurisdiction in relation to the criminal law.

Charter infringement. In 2013 the Supreme Court of Canada struck down the *Criminal Code* provisions which prohibited living off the avails of prostitution and operating a bawdy house (the *Bedford* decision). Three women working in the sex industry challenged these provisions on the basis that the laws made it illegal for them to take safety precautions and therefore deprived them of their *Charter* protected right to *security of the person*. The Court accepted the social science evidence presented at trial that it was far safer for the women to operate out of a building than on the street. The Court therefore found that the provisions prohibiting the operation of a bawdy house violated their *Charter* rights. The prohibition on operating within a building was found not to be justifiable because its impact on the sex workers' safety, was

not outweighed by the federal government's objective of combatting neighbourhood disruption.

2. **Confusion with Massage Therapy**

In Saskatchewan there are two bodies that regulate therapeutic massage – Massage Therapist Association of Saskatchewan, Inc. and Natural Health Practitioners of Canada. Both organizations require 2,200 hours of professional training and practice to become a Registered Massage Therapist. The ethical standards and guidelines of each of these associations prohibit sex work as part of the profession and such activity would result in a loss of recognition by the association.

The recommendations address this issue by suggesting changing the name for *massage parlours* to *body rub establishments*, the name most commonly used by other jurisdictions. The recommendations also propose changes to the *Zoning Bylaw* to specifically define massage therapy to distinguish it from other forms of massage, which will improve the City's ability to enforce its current or any future zoning for massage parlours.

Such options are not fool proof. Edmonton has enacted similar regulations, with significant success, but still has several legitimately licensed Registered Massage Therapists performing sex work in their businesses. Privacy legislation prohibits the City from reporting such activity to the registering associations, but the City is working with the associations to improve their ability to identify and regulate massage therapists performing sex work.

3. **Zoning**

Zoning is a mechanism to regulate land use within a municipality. Typically it is designed to ensure that incompatible land uses are not established adjacent to one another. It also establishes conditions that affect the character of districts and neighbourhoods, such as setbacks (the minimum distance which a building or other structure must be set back from a street or road, or other place which is deemed to need protection).

Two key zoning issues must be addressed:

- a. **Location of massage parlours.** Although the *Zoning Bylaw* restricts massage parlours to industrial zones, only two suspected massage parlours are currently operating in an industrial zone. The majority are operating on Victoria Avenue and Broad Street. One other is in a central residential neighbourhood. The reality is that no massage parlour wants to move. Based on responses gathered through public engagement, residents do not want these operations located near schools, churches or to private residences.

If the City continues to restrict massage parlours to industrial zones, all but one suspected massage parlour will have to move or shut down. If the City amends zoning to allow massage parlours in Major Arterial Commercial zones (or the equivalent in the new zoning bylaw), but creates requirements for separation distances from schools and churches, fewer establishments will be affected, but at least two suspected massage parlours would still be forced to move or shut down.

A key consideration is the Crime Prevention Through Environmental Design (CPTED) approach. CPTED principles argue that the more visible a business is, the more likely it is to be safe. Street lighting, pedestrian and vehicular traffic, as well as the frequency of routine police patrols, all play a role in adding to the relative safety of any location. In theory, allowing massage parlours to remain on Victoria Avenue or Broad Street will ensure workers are safer than if they were required to operate in industrial zones.

- b. **Discretionary vs permitted use.** Currently all adult services are a discretionary use in the *Zoning Bylaw*. Most of these services are not common in Regina (e.g. strip clubs, adult movies, etc.) and discretionary use applications seldom arise. The absence of enforcement regarding massage parlours has meant that most are not complying with location requirements and none have received discretionary use approval. If the City decides to increase the regulation of massage parlours, there will be a requirement to comply with zoning. If massage parlours remain a discretionary use in Regina all applications for massage parlours would be subject to review by both the Regina Planning Commission and City Council. However, Section 53 of *The Planning and Development Act* provides that, if a council passes a bylaw that makes a particular use a *discretionary use*, council is deemed to have approved the use if the use exists at the time of passing of the bylaw. Any existing massage parlour that is compliant with the amended zoning bylaw would be deemed to have been approved at the time the amending bylaw is approved. For any future massage parlours, a discretionary use application must be approved by City Council. Alternatively, Council has an option to establish strict zoning, including separation distances, but make massage parlours a permitted use or to delegate the authority to a Development Officer to approve discretionary use for this class of business.

4. **Licensing**

Licensing is a mechanism to regulate a business or sector. Licences are provided exclusively to those who meet the terms and conditions of the licence. *The Cities Act* provides the City with the authority to conduct routine inspections for any licensee to ensure that the terms and conditions of the licence are being met.

A key consideration in licensing is the safety of those working in the industry. There are numerous reports of financial and other forms of coercion among those who work in massage parlours, including from the RPS. While licensing is not intended to address or regulate human trafficking, its presence can limit the ability of those who use coercive techniques on vulnerable women, improving their safety while working in the sector.

Another consideration is the cost of the process to licence purchasers. Edmonton initially established a program that was cost prohibitive for both massage parlour operators and workers, and the result was low compliance. Its revised system focuses much more heavily on harm reduction. Now, operators have an annual licence fee of \$630 and workers are licensed at no charge. RPS Vice Squad agreed with this approach, but recommended that the penalties for non-compliance be significant to create a financial incentive to work within the system instead of outside it.

There are several options available regarding licensing:

- *License both massage parlours and workers.* This option provides the strictest conditions on massage parlours and their workers. The primary concern with this option relates to the workers' privacy. Licence information is not considered private and therefore is not protected by Saskatchewan's privacy laws. Many workers are opposed to documenting their work in this way. Many have indicated that this information would jeopardize their future careers or their ability to travel internationally.

Licence requirements can address many of the issues outlined in the table below:

Licence Requirements for Massage Parlours	Licence Requirements for Workers
<ul style="list-style-type: none">– Hours of operation– Signage/general appearance/CPTED principles– Compliance with provincial health standards and guidelines for personal services– Criminal record checks– Business ownership checks– Property ownership checks– Requirement to use only licensed massage parlour workers– Requirement to report any and all advertising	<ul style="list-style-type: none">– Legal age– Legally able to work in Canada– Criminal record checks– Training regarding personal health, safety, and exiting the sector– Requirement to work in only licensed massage businesses– Requirement to report any and all aliases– Requirement to report any and all personal advertising

- *License businesses only.* To address the above privacy concerns, this option considers licensing only massage parlours. This option could address most of the regulatory issues addressed by licensing workers by including them as part of the responsibility of the business operators. Thus, to qualify for a business licence, massage parlours would be responsible to ensure all workers:
 - are of legal age;
 - are legally able to work in Canada;
 - have obtained criminal record checks; and
 - have participated in training regarding personal health, safety, and exiting the sector.
- *No licensing.* This option considers the issue raised by academic researchers regarding the treatment of massage parlours in a way that is exceptional when compared to other body work such as massage therapy or tattoo. In this case, regulation would be limited to the regulation offered by zoning.

APPENDIX D – Map of Suspected Massage Parlours



This symbol in the map(s) below identifies the location of suspected massage parlours

As shown on the map, most suspected massage parlours are in Major Arterial Commercial (MAC) zones. Those marks enclosed in red would face restrictions if the proposed regulations were approved.

