

# FIRST

## Decriminalize Sex Work

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For immediate release

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### *“Far Reaching Implications”*

#### *Supreme Court Denies Sex Workers the Right to Challenge Prostitution Laws*

VANCOUVER — The BC Supreme Court refused on Monday to hear a case from a group of street-based sex workers from the Downtown Eastside who are challenging the constitutionality of the laws that criminalize and endanger them.

Supreme Court Justice Ehreke ruled that the plaintiffs did not have the legal right to initiate the challenge, because none of them are active sex workers currently charged with a Criminal Code offence related to prostitution. The plaintiffs included former sex worker Sheryl Kiselback, and a group of active sex workers from the Downtown Eastside Sex Workers United Against Violence Society (SWUAV). Kiselback and SWUAV brought forward this challenge in the most ethically sound way – by advancing the interests of a marginalized and vulnerable group, while respecting individual privacy and confidentiality.

“We are extremely disappointed with the decision,” said Tamara O’Doherty of FIRST, and a criminologist at SFU and UFV. “It’s unreasonable to expect a sex worker in such a vulnerable circumstance to go through the intrusion and trauma of a Charter court challenge. Also,” she continued, “since multiple sections of the Criminal Code were being challenged, any future similar legal proceeding will require individuals charged with each of the relevant sections to challenge the legislation. Yesterday’s decision calling for individuals to come forward has made it impossible to realistically challenge the laws around prostitution.”

The current legal regime around prohibition in Canada has already been identified by three separate federally funded initiatives, as “unacceptable”, including the 2006 Parliamentary Subcommittee on Solicitation Laws. We find it hypocritical that one arm of the federal government recognizes the laws aren’t working, while another arm of the government prevents a challenge to those same laws. Further, the implications of this ruling extend beyond this specific case and raise serious questions about access to justice for all marginalized groups.

Trina Ricketts, a FIRST member who is also with the West Coast Cooperative of Sex Industry Professionals, stated “This seems like an avoidance tactic, and a shameful display of the use of power to oppress those without a voice.” Ricketts concluded, “The public interest in seeing human rights advanced should have outweighed all other interests.”

December 17<sup>th</sup> is the International Day to End Violence Against Sex Workers. This is an opportunity to join together in solidarity with SWUAV to express our concern for the far-reaching implications of this decision and our commitment to seeing human rights violations addressed through legal proceedings in Canada.

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FIRST is a national coalition of feminists who work to support the rights of sex industry workers and advocate for the decriminalization of adult sex work. For further information on FIRST, visit our webpage at: <http://first.vcn.bc.ca/home>