



Decriminalize Sex Work

Media Release

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Will the Court protect sex workers?

Charter challenge to criminalization of sex work must go forward

VANCOUVER – Lawyers representing Vancouver sex workers will appear in the BC Court of Appeal today, continuing efforts by sex workers to abolish Canada’s prostitution laws with a Charter challenge.

“Today is critical. The Court will decide whether the Charter challenge can continue, but as important, the Court will decide whether marginalized people actually do have access to justice in our country,” said FIRST spokesperson Esther Shannon.

Today’s appeal is against a December 2008 judgment by the BC Supreme Court that ruled Vancouver’s Sex Workers United Against Violence (SWUAV), the group plaintiff, and Sheri Kiselbach, a former sex worker, could not launch a challenge because they lacked “standing” – the legal right to challenge the prostitution laws. The Court said that such cases must be brought by individuals currently facing the criminal laws in question. The plaintiffs had argued that active sex workers are constrained from going to court due to fears of arrest, social censure, and discrimination against themselves and their families.

“The ruling was nonsensical,” says Shannon. “Who in their right mind would come before a court to testify that they regularly break the law? If the ruling stands, many groups who advocate for the disenfranchised won’t be able to challenge laws that violate the rights of their members. Access to justice would be denied for many vulnerable people in our society.”

Launched in August 2007, SWUAV’s challenge argued that “criminal laws expose sex workers to significant harm – physical and sexual violence, lack of access to police protection, social stigma and inequality, exploitation and murder.” SWUAV maintained the current laws “violate the security, liberty, equality and expression rights of sex workers.”

Over the past two decades, the federal government has commissioned extensive research on the impact of our prostitution laws. The conclusion: At best, the laws are ineffective; at worst, they contribute to increased vulnerability, marginalization and violence against sex workers.

“Even though the government is fully aware that its prostitution laws are ineffective and dangerous, it’s actively blocking efforts to challenge them, both here and in Ontario,” said FIRST member Joyce Arthur. “This shameful conduct shouldn’t come as a surprise –the same government abolished the Court Challenges program, which helped disadvantaged groups fight for their equality rights.”

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FIRST is a national coalition of feminists that advocates for the complete decriminalization of sex work for both sex workers and clients. FIRST believes that Canada’s prostitution laws rob sex workers of their livelihood and prevent them from creating safe and empowering working conditions.