



## BC Coalition of Experiential Communities

For immediate release

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### **BC Sex Workers Win Access to Justice BC Court of Appeal Gives Public Interest Standing to Sex Workers to Challenge Prostitution Laws**

VANCOUVER – The BC Court of Appeal has agreed that a group of Vancouver sex workers and an individual former sex worker deserve public interest standing, which allows them to proceed with their constitutional challenge to Canada’s prostitution laws.

The justices struck down the December 2008 BC Supreme Court ruling that denied the plaintiffs the right to initiate the challenge because none of them are active sex workers currently charged with a *Criminal Code* offence related to prostitution. But today’s Court of Appeal ruling stated that the previous judge “failed to give sufficient weight to the breadth of the constitutional challenge and the comprehensive and systemic nature of the plaintiff’s theory,” which is that the prostitution laws deprive sex workers of their ability to work safely. The plaintiffs include former sex worker Sheryl Kiselbach, and a group of active sex workers from the Downtown Eastside Sex Workers United Against Violence Society (SWUAV).

“This decision comes as a tremendous relief,” said Esther Shannon of FIRST. “We’re glad the Court of Appeal agreed that it would be unreasonable to expect a sex worker to go through the risk and trauma of a Charter court challenge by herself.”

The implications of this ruling extend beyond this specific case. “This decision means that marginalized persons now have access to justice, because they can rely on a group to advocate on their behalf,” said Susan Davis, a sex worker and spokesperson for BC Coalition of Experiential Communities. “We’re gratified that this court respected the safety and confidentiality of sex workers by not compelling them to break the law and be charged before they can have standing to bring a Charter challenge.”

Today’s ruling is a key victory that follows on the heels of the landmark September 28 ruling by the Ontario Superior Court, which struck down three key provisions of Canada’s prostitution laws because they violate the liberty and bodily security rights of sex workers by compelling them to forgo safer means of conducting work. “Until the Ontario case is upheld by the Supreme Court of Canada, we urge other provinces across Canada to immediately start protecting sex workers by implementing a moratorium on charges under the *Criminal Code* provisions,” said Davis. “This must include a halt to any raids of indoor venues such as some massage parlours.”

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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.*

*BC Coalition of Experiential Communities (BCCEC) is a consortium of sex worker activists that provides a mechanism for the voices of experiential women, so they can support the development of legislation and policies, create peer-driven programs and services, and work towards the elimination of oppressive systems and forces that create harm within the sex industry.*