



PIVOT

equality lifts everyone

2016 Annual Report



From left to right: Executive Director Katrina Pacey, Board Chair Kerry Porth, Peter Kim, Darcy Bennett, Caitlin Shane, DJ Larkin, Douglas King, Brenda Belak, Madeleine Northcote

Letter from Pivot's Leadership

2016 was a heart-wrenching year for the communities and people that Pivot works with every day. An overdose crisis swept the country, with an unprecedented 922 lives lost in BC alone. Homelessness continues to grow across our province, and sex workers continue to be put in danger by harmful criminal laws and policing practices. In the face of these preventable tragedies, it has been humbling to witness the bravery and commitment of marginalized people and grassroots organizers who have led the response to these crises, despite lack of government support and the very real challenges in their own lives.

Their willingness to stand up and keep themselves and their loved ones alive and safe in the face of unjust laws and government inaction is a constant source of inspiration. It is also the reason we remain unwavering in our belief that a more just and inclusive society is possible.

As the stories of victory and resistance in this report demonstrate, there has been great progress on the pressing human rights issues we work on. We are deeply grateful for you, our volunteers, donors, and supporters who

continue to walk beside us on this long journey. In partnership with our clients and allies, we will continue to challenge laws that put the lives of sex workers, people who use drugs, and people who are homeless at risk. We will continue to fight for access to justice. We will continue to hold the police accountable for discrimination and unlawful use of force. Together, we will continue to fight for a more just and inclusive Canada.

Thank you, to our clients, allies, and donors who make our work possible.

Katrina Pacey
Executive Director

Kerry Porth
Board Chair



Pivot lawyer DJ Larkin at the United Nations

Campaign Highlights

Pivot uses legal and political advocacy to challenge laws and policies in four issue areas: police accountability, drug policy, homelessness, and sex workers' rights. We work collaboratively with people impacted by poverty and marginalization to bring forward legal cases and execute campaigns that will make a meaningful difference in their lives. Here are a few highlights from our campaign work in 2016.



View of the parkade at Royal Inland Hospital (credit: Kamloops This Week/Dave Eagles)

Police Accountability

The majority of police-involved deaths in British Columbia are the tragic and often avoidable result of a person coming into contact with police in the context of a mental health crisis. During 2016, our supporters allowed us to continue our work to reduce the number of negative, violent, and fatal interactions between police and people living with mental illness, and to hold law enforcement accountable when avoidable deaths occur.

Here is one example of our work in 2016: In April, Pivot traveled to Kamloops to represent the Yunesit'in Government, located on Stone First Nation, in the coroner's inquest into the death of 18-year-old Jacob Setah. Jacob died in June 2014, less than a week after he was involuntarily committed to Royal Inland Hospital in Kamloops, 387 kilometres from his home community and support system.

After five days in the psychiatric unit, Jacob escaped from the secure ward by breaking a window and climbing onto a parkade roof. Two officers engaged him as calls were made to

bring in negotiators and family members. When Jacob moved away from the ledge to receive a cigarette from one of the officers, another officer Tasered him, without planning or instruction from his superiors, in an attempt to incapacitate him. The Taser failed, and Jacob immediately turned and jumped off the parkade, taking his own life.

On the stand at the inquest, and in front of the jury and Jacob's family, the officer who deployed the Taser against Jacob referred to it as a form of "de-escalation." This is indicative that police are still not trained to properly respond to mental health crises. The result of this inquest led to the jury making fifteen recommendations that included a review of Taser use and significant changes to the way mental health services are delivered to youth on reserves in rural communities. Pivot is deeply grateful to have a strong network of individuals and organizations willing to stand up for greater police accountability and make our involvement in inquests like this one possible.

Homelessness

Continuing to build off the success of a 2009 BC Court of Appeal ruling that deemed bylaws that prohibit homeless people from sheltering themselves unconstitutional, in 2016 Pivot defended the rights of homeless people being displaced from their encampment in Vancouver when they had nowhere else to go. As a result, residents of the encampment had more time to negotiate with the City of Vancouver and drew attention to the City's failure to protect its most marginalized residents. Support of all kinds and gifts of all amounts helped give a voice to those fighting for their right to shelter. Pivot also lent support to the monumental efforts of the legal team defending SuperInTent City in Victoria, stood in solidarity with low-income families being displaced by development in Burnaby, and participated by invitation to Canada's National Housing Strategy Expert Roundtable on furthering the progressive realization of the right to housing in Canada. As we have seen year after year, encampment after encampment, the fight for housing justice is long and arduous. Pivot is deeply fortunate to have loyal supporters who contribute and make it possible to support homeless people.

Despite these efforts, homelessness is increasing year over year across BC. Housing remains out of reach for many, and people's lives and safety are at risk every day as a result of harmful laws and practices. Pivot remains committed to fighting on all fronts to improve the circumstances of homeless people. One key breakthrough occurred in February: thanks to the overwhelming support of our donors, Pivot appeared before the United Nations' Committee on Economic, Social and Cultural Rights (CESCR) in Geneva, Switzerland, as part of Canada's 2016 Periodic Review. Our submissions drew international attention to



how local laws prohibiting sleeping and sheltering in public places effectively criminalize homelessness and how Canada's failure to ensure a justiciable right to adequate housing is driving our national homelessness crisis. The subsequent CESCR report directly reflects a number of Pivot's recommendations. The Committee admonished Canada's failure to recognize housing as a right and recommended that Canada adopt a national strategy on homelessness, take measures to ensure the availability of adequate emergency shelters throughout the country, and repeal bylaws that penalize homeless people for taking steps to ensure their survival and well-being. We were able to represent Pivot's mission, values, and evidence-based recommendations to the United Nations because of you, the allies and donors that support Pivot every day.



Hon. Jody Wilson-Raybould (centre), Minister of Justice and Attorney General of Canada, with members of SWUAV and Pivot lawyer Brenda Belak (first from the right)

Sex Workers' Rights

When sex work is criminalized, sex workers experience decreased control over the conditions of their work and are subject to increased violence and discrimination. The support and gifts made in 2016 allowed Pivot to work with our clients and our allies in the sex workers' rights movement to educate decision makers about the harms caused by Canada's new prostitution laws, the *Protection of Communities and Exploited Persons Act* (PCEPA).

In late 2013, the Supreme Court of Canada struck down the *Criminal Code* provisions that prohibited sex workers from communicating with clients in public or working from fixed locations, and prohibited others from receiving sex workers' earnings. After the Supreme Court's ruling, the federal government responded by enacting PCEPA, which has been mischaracterized as targeting only those who harm or exploit sex workers, without criminalizing sex workers and others who may enhance their safety. In reality, PCEPA introduced a host of new *Criminal Code*

provisions aimed at sex workers, their clients, and third parties involved in the sex industry, and makes sex work more dangerous. This was a particularly difficult blow for our clients and the sex workers' rights movement in Canada. Pivot supporters have made it possible for us to continue the fight in the face of this setback.

In 2016, Pivot met with more than 20 federal politicians and policy makers about this issue. A highlight among those efforts was a visit by Canada's first Indigenous Minister of Justice, the Hon. Jody Wilson-Raybould, to Pivot's Downtown Eastside office to meet our clients, Sex Workers United Against Violence (SWUAV), and learn from their experiences and expertise on Canada's sex work laws. At that meeting, current and former Indigenous street-based sex workers living in poverty had an unprecedented opportunity to influence the federal government to reform laws that are placing lives at risk. After listening carefully and asking thoughtful questions, Minister Wilson-Raybould affirmed her commitment to our clients' health, safety, and human rights, and to



ensure the constitutionality of the laws.

Also in 2016, Pivot launched an important new report, *Evaluating Canada's Sex Work Laws: The Case for Repeal*, which explains the harms created by Canada's new laws.

Among the findings, our report reveals that despite legal reforms, sex workers continue to fear arrest and try to avoid detection rather than focus on safety. They are unable to negotiate consent to conditions of sexual services and continue to face discrimination and stigma.

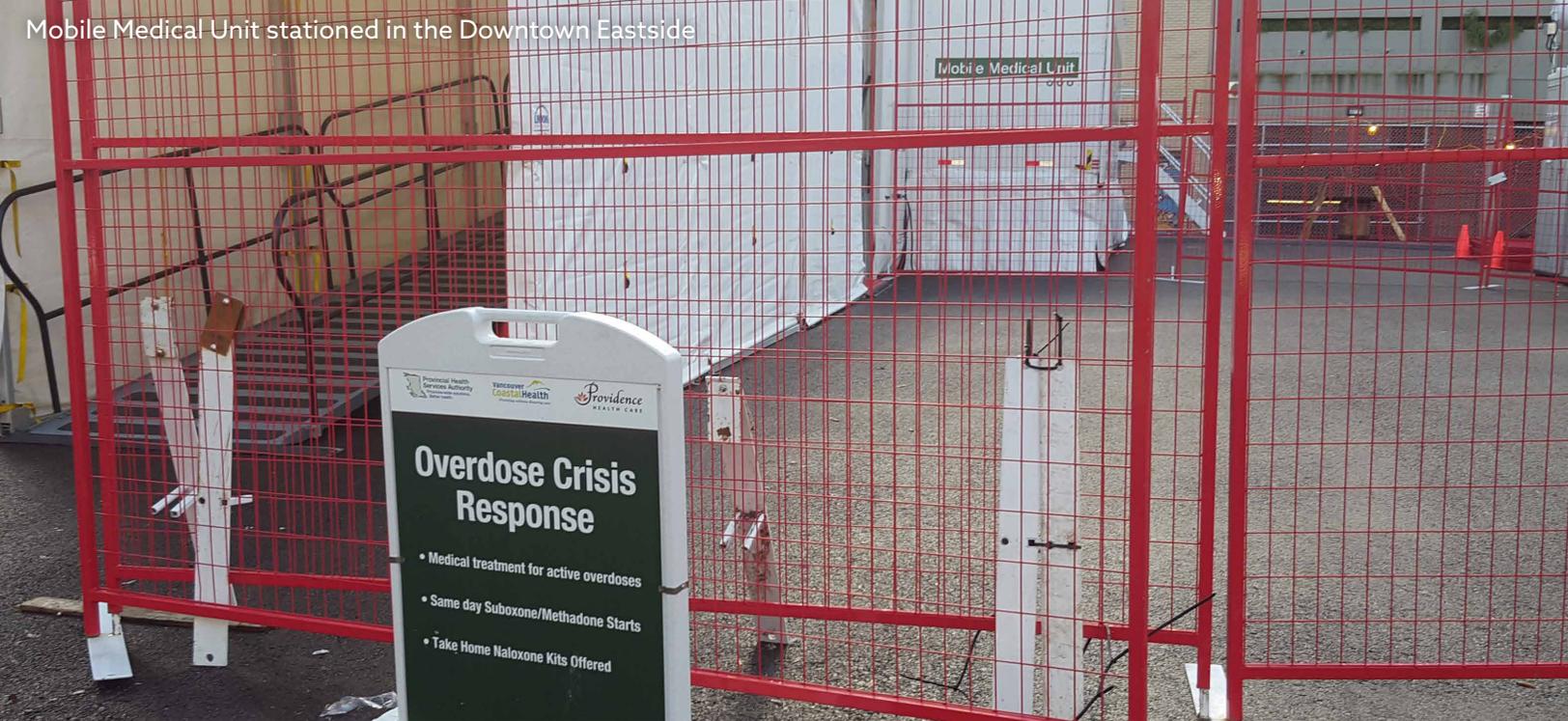
Key recommendations include repealing the laws that criminalize sex work, using existing laws to prosecute perpetrators of violence, investing in supports for low-income sex workers, and ensuring sex workers have access to employment protections.

The report is being provided to government in our ongoing discussions about the urgency of law reform and the unconstitutionality of PCEPA's legal scheme.



Let's
open
the
discussion

Check out Pivot's 2016 report *Evaluating Canada's Sex Work Laws: The Case for Repeal* at: pivotlegal.org/sex_workers_rights



Drug Policy

In 2016, 922 people in British Columbia died as a result of illicit drug overdose. These deaths were the direct result of the stigma and harm created by drug prohibition in Canada. Pivot is committed to ensuring that Canadian laws no longer stand in the way of proven, life-saving interventions. For example, supervised injection services and Heroin-Assisted Treatment (HAT) are evidence-based health care services that save lives. And yet, Canada's laws continue to limit access where it is desperately needed.

However, there is hope: September 2016 saw a major success for clients and drug policy reform in Canada. After a three-year legal battle, made possible by our incredible community of donors, the federal government repealed offending drug policy regulations.

In 2013, Pivot launched a lawsuit on behalf of five patients who took part in the Study to Assess Long-term Opioid Medication Effectiveness (SALOME), where pharmaceutical-grade heroin was prescribed to individuals who were struggling with opiate addiction. The study tested alternative treatments, including HAT, for people with chronic heroin addiction who were not benefiting sufficiently from available treatments such as oral methadone. HAT has widely proven benefits, including decreased rates of illicit drug use, disease, and overdose, as well as improved health, social reintegration, and treatment retention. We argued that new government regulations, which prevented the ongoing delivery of this life-saving treatment to these vulnerable patients, violated their *Charter* rights to security of the person. Pivot also successfully applied for a court injunction so that our clients (and the other 202 research participants) could have access to HAT while waiting for the case to go to trial.

This victory wouldn't have been won without the help and belief of individuals, foundations, unions, and community groups that stepped forward and provided the necessary resources to carry on this fight for three years.



Ten Year Tent City, 950 Main Street

Looking Forward

A complex web of laws, regulations, and policies affect the lives and the health of people who are marginalized as a result of homelessness, substance use, or engagement in sex work. Because of the generosity of organizations and individuals, Pivot is able to fight harmful laws and advance progressive policies in Canada.

Supervised Consumption Sites (SCSs) are a proven way to reduce overdose deaths. Yet, in the midst of an overdose crisis, harmful legislation was introduced by the former federal government making it exceedingly onerous to apply for the exemption that is required to operate a site legally. In December 2016, the federal Ministers of Health and Public Safety announced Bill C-37, which was intended to reduce barriers to legally setting up and operating supervised injection facilities throughout Canada. Bill C-37 is an important step in the right direction, but it does not go far enough. In the coming year, in partnership with drug users, addiction medicine specialists and frontline service providers, Pivot will continue to push the federal government to ensure that legislation and bureaucratic delays in approving SCSs do not put lives at risk. Progress on SCSs and other harm reduction interventions that save lives are possible because of the financial support Pivot receives from supporters like you.

Federal laws often get the most attention, but municipal bylaws and local law enforcement practices also have the potential to increase stigma and restrict the delivery of harm reduction programs, emergency shelter, and other services for marginalized people in their home communities. That is why in 2017 Pivot is launching Project Inclusion. As part of the project, we will be reaching out to communities throughout BC to explore ways to reduce overdose deaths, increase access to HIV and HCV prevention and treatment services, protect people who are homeless, and uphold human rights at the local level. A project like this is a substantial undertaking that has become a reality because of the generosity and belief in Pivot's impact and vision for a better world.

Whether we are travelling to Ottawa to educate politicians about unconstitutional *Criminal Code* provisions or providing legal representation to homeless people being displaced by bylaw enforcement in our own backyard, all of our work is made possible by the generosity of foundations, community organizations, and individual donors who believe a more just and equitable society is possible. We extend our deepest thanks to everyone who supports Pivot's mission and invests in our vision for social change. Our successes are truly yours.

Finances

Pivot Legal Society Statement of Financial Position as of December 31, 2016 and 2015

	2016	2015
Assets		
Current		
Cash	168,517	117,027
Accounts receivable	4,357	1,292
Prepaid expenses and deposits	17,477	24,419
	190,351	142,738
Property and equipment (Note 3)	7,503	8,140
	197,854	150,878
Liabilities		
Current		
Accounts payable and accruals (Note 4)	61,377	26,984
Deferred contributions (Note 5)	130,519	145,732
	191,896	172,716
Net Assets (Deficit)		
Net assets invested in property and equipment	6,625	7,262
Unrestricted net assets (deficit)	(667)	(29,100)
	5,958	(21,838)
Totals	197,854	150,878

Pivot Legal Society Statement of Operations for the years ended December 31, 2016 and 2015

	2016	2015
Receipts		
Calendar and book sales	-	14,068
Campaign income	111,420	107,639
Donations	22,009	16,500
Expense recovery	21,377	12,929
Grants	762,580	620,034
Cost awards	23,963	-
Other	11,055	31,136
Totals	952,404	802,306
Expenditures		
Amortization	2,610	2,235
Calendar and book supplies	20,000	4,062
Campaign expense	16,945	38,223
Communication	13,721	16,798
Fundraising	27,529	16,583
General and administration expense	16,820	13,707
Office and miscellaneous	20,723	16,878
Rent	74,195	60,203
Professional fees	57,618	40,622
Salaries, wages and benefits	652,793	607,455
Volunteer expense	21,654	13,483
Totals	924,608	830,249
Excess (deficiency) of receipts over expenditures for the year	27,796	(27,943)

PIVOT

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