

Hon. David Lametti
Minister of Justice and Attorney General of Canada
House of Commons
Ottawa, Ontario
K1A 0A6

December 6, 2019

Dear Minister Lametti,

Re: Legislative Review - *Protection of Communities and Exploited Persons Act*

We write regarding the “comprehensive review” mandated by the *Protection of Communities and Exploited Persons Act*, s. 45.1(1). Such a review is legislatively required to be undertaken within five years of the law’s passage, i.e. by December 6, 2019. We very much look forward to working with you to ensure that this review proceeds in a timely manner, is thorough and includes the meaningful involvement of sex workers.

Pivot Legal Society was established in 2001. We work in partnership with communities affected by poverty and social exclusion to identify priorities and develop solutions to complex human rights issues. We combine strategic litigation with high-impact public education and advocacy campaigns to maximize our effectiveness.

Our sex workers’ rights campaign started in 2004 with the publication of *Voices for Dignity: A Call to End the Harms Caused by Canada’s Sex Trade Laws*, which was submitted to the Parliamentary Subcommittee on Solicitation Laws. That Subcommittee concluded its work in 2006 without recommendations being made to amend the sex trade laws. Subsequently, in 2007 we launched a constitutional challenge to Canada’s prostitution laws on behalf of Sex Workers United Against Violence (SWUAV), a group run by and for street-based sex workers in Vancouver’s Downtown Eastside, along with Sheryl Kiselbach, a former sex worker. Before the case could go to trial, the federal government tried to dismiss the case, arguing that SWAUV and Ms. Kiselbach did not have the right to challenge the laws. We fought this case all the way to the Supreme Court, which ultimately determined that they did indeed have standing to challenge Canada’s prostitution laws, modifying the test for granting public interest standing to make it easier for groups to bring cases on behalf of their members.¹

We then acted as intervenors at the Ontario Superior Court of Appeal and Supreme Court of Canada in the *Bedford* case² in which several provisions of Canada’s prostitution laws were unanimously struck down by the Supreme Court.

¹ *Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society*, 2012 SCC 45

² *Canada (Attorney General) v. Bedford*, 2013 SCC 72; and *Canada (Attorney General) v. Bedford*, 2012 ONCA 186

In 2016, we published *Evaluating Canada's Sex Work Laws: The Case for Repeal* [copies of which are enclosed] which enumerates the laws' many harms to sex workers' safety and rights, and the constitutional basis on which these laws must be amended.

Built into the *Protection of Communities and Exploited Persons Act*, the current sex work laws, is a requirement that a legislative subcommittee review begin within 5 years of implementation – eg by December 6, 2019.

We look forward to hearing from your department.

Sincerely,

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cc. Hon. Randall Garrison, Spokesperson - Justice, Defence, and Sexual Orientation
Hon. Rob Moore, Shadow Cabinet - Justice and Attorney General
Hon. David Merner, Shadow Cabinet - Justice