

Background on Charter Challenge to the Criminal Laws Relating to Adult Prostitution

DESWUAV & Kiselbach v. AG Canada

Timeline

August 3, 2007 - Charter challenge is filed in B.C. Supreme Court.

October 21 - 31, 2008 – Due to an application to strike by Canada, arguments on standing (legal right to bring case forward) are heard in B.C. Supreme Court.

December 15, 2008 – Supreme Court Justice Ehrcke rules that plaintiffs do not have the legal right to bring Charter challenge forward.

January 12, 2009 – Appeal of BC Supreme Court decision on standing is filed in B.C. Court of Appeal.

May 28, 2009 – Legal advocacy groups appear in the B.C. Court of Appeal and are granted intervenor status in the appeal of the standing decision.

Plaintiffs

The Charter challenge was brought by the Downtown Eastside Sex Workers United Against Violence Society, a non-profit society composed of active and former sex workers from the Downtown Eastside of Vancouver. The group has been meeting since 2005 and one aspect of their mandate is to lobby for law and policy reforms to improve the lives and working conditions of women involved in sex work. Sheryl Kiselbach, a former sex worker with 30 years of experience in the sex industry joined the action to advance the challenge as a plaintiff.

Counsel for the Plaintiffs

Katrina Pacey is a staff lawyer at Pivot Legal Society and a partner with Pivot Legal LLP.

Joseph J. Arvay, Q.C. and Elin Sigurdson are from the firm Arvay Finlay.

The Challenge

The sections of the Criminal Code that affect adult consensual sex work are being challenged:

Sections 210, 211, 212(1)(a),(b),(c),(d),(e),(f),(h) and (j) and (3), and 213 of the *Criminal Code of Canada*

The Plaintiffs argued that the above sections of the *Criminal Code* violate the following sections of the *Canadian Charter of Rights and Freedoms*:

Section 7: life, liberty and security of the person

Section 15(1): equality

Section 2(b): freedom of expression

Section 2(d): freedom of association