



**Sex workers' rights  
are human rights**

## Sex Workers Fight for Access to Justice at the Supreme Court

January 19, 2012 was an incredible day for justice. For the first time in Canadian history, sex workers from the Downtown Eastside fought for their rights at the Supreme Court of Canada. The story of this litigation begins in 2007 when Pivot was asked to represent the Downtown Eastside Sex Workers United Against Violence Society (SWUAV) and Sheryl Kiselbach in a constitutional challenge to the criminal laws that prohibit various aspects of adult sex work. SWUAV is an organization run by and for street-based sex workers in the DTES and Sheryl is a former sex worker and currently the violence prevention coordinator at the PACE Society.

In initiating this litigation, our clients' goal was to see Canada's harmful prostitution laws struck down because of their negative impact on the safety, equality and human dignity of sex workers. Sadly, from the outset of this litigation, the federal government has used its immense resources to attempt to prevent our clients from having their case heard by the Court.

Shortly after the claim was filed, the government brought a motion to have this important human rights case struck for lack of "standing." Standing means having the legal right to bring a constitutional challenge to legislation. The government argued that, despite the incredible barriers that sex workers face in commencing this type of complex and controversial litigation, the courts should wait for an active, individual sex worker to come forward. Since then, we have been fighting to protect the right of our clients to bring a claim about the issues that have so profoundly affected them. This fight took us all the way to the Supreme Court of Canada.

After a busy morning of media interviews, the entire legal team and our clients braved freezing cold weather to gather at the Supreme Court of Canada building in Downtown Ottawa. Supporters from sex workers rights groups made their way to Ottawa to show their support for SWUAV and Sheryl. When the hearing began, we had an opportunity to tell the Court how important it is that the law of standing not be used to silence these women.

This case is ultimately about sex workers rights, but the question of who has standing to challenge laws is a critical one for all Canadians. Few people in our society are able to afford to retain a lawyer, not to mention being able to cope with the pace of litigation and the stress and publicity that it often brings. Marginalized people, who are often the most negatively affected by unjust law, face so many added barriers. The right decision from the Supreme Court of Canada will demonstrate Canada's commitment to human rights and make access to justice a more meaningful reality for all of us.

1. Donate to Pivot's Legal Action Fund
2. Join our email list at [www.pivotlegal.org](http://www.pivotlegal.org)
3. Check out Pivot's new radio show on CO-OP Radio 102.7fm
4. Come out to our next public forum "Gender and Justice" April 24th
5. Ask your favourite business to become a Hope in Shadows sponsor [www.hopeinshadows.com](http://www.hopeinshadows.com)

**5 THINGS  
YOU CAN DO**



## Message from the ED

Peter Wrinch

I have worked at Pivot for over seven years. In that time there have been tonnes of powerful moments that have challenged me, filled me with pride, brought me to tears, and inspired me. I had one of these moments in January, when I joined our legal team, our two clients (DJ representing Sex Workers United Against Violence “SWUAV” and Sheryl Kiselbach), and a gallery full of supporters at the Supreme Court of Canada in Ottawa.

We were in Ottawa to fight the most recent battle in a Charter Challenge aimed at striking down the laws that regulate adult sex work in Canada launched on behalf of SWUAV and Kiselbach in 2007. DJ and Sheri joined us on the trip to do media and to be present in the courtroom. We had special reserved seats at the front of the court gallery and as the proceedings began, DJ, Sheryl, Darcie Bennett and I marveled at the formality of the scene.

The hearing began with the Federal Government lawyer arguing her case for an hour. As she spoke, I focused on her voice as well as her words. She seemed to be speaking in a hushed tone as she made her argument and responded to a barrage of questions from the nine justices. She spoke about principles, the role of government, and why these women did not have the right to challenge these laws that had impacted them and their communities so deeply. These women sitting right beside me. These women, who represent thousands of street-based sex workers trying to take greater control of their work and their lives.

Sitting in that courtroom with DJ and Sheryl, I became so aware of the dire need for this case to go forward and for Pivot’s work. This work is about people. It is about listening to people’s lived experiences and then using the law to make real change in people’s lives. It is not about principles or abstract ideologies - it is about people refusing to be victims and becoming agents of change. And on a very cold day in January, in the Supreme Court of Canada we sat in the front row and made sure that these women had their voices heard.

## PIVOT PROFILES

**Elin Sigurdson**  
lawyer and activist

Meet Elin Sigurdson; a passionate lawyer and activist dedicated to social justice and committed to the empowerment of marginalized individuals and communities.

During our inspiring interview over hot cups of mint tea, the first thing that struck me was that Elin considers herself a part of the Pivot team, and that she is. Elin has been a part of Pivot’s sturdy backbone right from the start.

Her contributions can be traced back to 2002, when she and fellow law student Katrina Pacey began working on Pivot’s emerging Sex Work Law Reform Project. Since then, this incredible lawyer has played many roles within Pivot, including as a key member of the legal team representing sex workers from the DTES in a challenge to the prostitution laws, organizing (and singing at) Pivot fundraisers, serving on the Board of Directors and Pivot’s legal advisory team, and working on Voices for Dignity, Pivot’s report on sex work and law reform.

What does Elin love so much about Pivot? It’s the people who are involved and their commitment to “a vision of really wanting to carefully represent people who don’t otherwise get a chance to get their voices heard.” Outside of her work with Pivot, Elin is a litigator specializing in

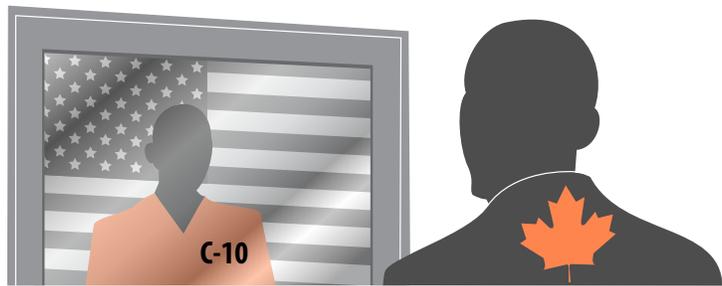
Aboriginal law, and feels as though there is a real symbiosis between the two. Her work with Pivot has taught her about “really tapping into the needs of the community, as expressed by the community,” and has influenced her mindset as a lawyer.

What does Pivot love about Elin? It was hard to know where to start. Elin is one of Pivot’s longest standing volunteers and is definitely part of the Pivot family. She is not only a brilliant legal mind, but is also compassionate, committed and simply outstanding to work with. We are very lucky to have her on our team!

by Ashley Gilles



# BREAKING BARS, BUILDING BRIDGES



Last month, Pivot lawyer Scott Bernstein travelled to Waterloo to present at “Breaking Bars, Building Bridges.” The conference focused on challenging criminalization, supporting prisoners and building alternatives to prisons. The conference was particularly timely, as prison activists, lawyers and criminalized communities brace themselves for the impacts of C-10 a sweeping new crime bill that has just been passed into law.

Scott co-presented with lawyer Lisa Kerr on a talk titled “Is Canadian crime policy becoming Americanized.” Lisa, who is currently working on a PhD on prison law in New York City, presented statistics and a comparison of the two legal and prison systems. Scott provided an in-depth examination of the Federal government’s Safe Streets and Communities Act (Bill C-10), which will impose new mandatory minimum

sentences for several crimes, including minor drug offences. He highlighted the particular sections of the laws that will have serious impacts for marginalized people, including drug users, people of low-income, and Aboriginal people.

At Pivot, we are looking for ways that these laws might be challenged. We are getting set to examine the constitutionality of mandatory minimum sentences for drug offences. Based on experiences of mandatory minimum sentences in the United States (and the widespread cautions given to Canada by Americans involved in the criminal justice system), we are deeply concerned about the socio-economic impacts of mandatory minimums and the disproportionate impact that draconian new laws will have for marginalized people.

## NEWS IN BRIEF

- **Hope in Shadows 2012 calendar sells out:** The Hope in Shadows calendar sold out shortly after January 1st this year, setting a new record for the project. This year, 17,000 calendars were printed—the most ever, and almost 90% were sold on the street through the vendor program. Vendors purchase the calendars for \$10, and then sell them on the streets between October and January for \$20. This year, over 200 homeless and low-income people were trained and licensed to sell the calendar.
- **Two more men join Harbour Centre Human Rights Complaint:** In late 2011, Pivot filed lawsuits on behalf of two men who were allegedly mistreated by private security guards at the Harbour Centre Mall. These latest cases bring the number of men who have filed suits against the mall and Fusion Security Inc., which is contracted to provide security patrols in the mall, to five. Pivot is representing the men, whose allegations include physical brutality and illegal detention at the hands of Fusion guards.
- **Olympic Village tenants get 6-month reprieve from exorbitant heating bills:** In December, Pivot supported over twenty low-income tenants of the Olympic Village to take action against unexpected and unaffordable bills from a third-party utility company called Enerpro. The tenants asked the City to address the issue of the Enerpro bills, which included account setup fees and billing for heat and hot and cold water, on top of the usual BC Hydro bills that tenants had expected. Many of the tenants had never even signed an agreement with Enerpro and the bills they received, which ranged between \$50 and \$148, included heating charges for times when the heat was not functioning properly in the building. Following the news conference on the story, the City said it would cover the bills until July while they investigate the issue.
- **Pivot Joins City of Vancouver Methadone Task Force:** Nearly 12,000 people in BC rely on Methadone Maintenance Therapy (MMT) to manage their dependence on heroin and other opioids. Because many MMT patients living in SRO hotels do so out of necessity and suffer from addiction issues, they are often vulnerable to coercion and to abusive practices around methadone access. Last July, when residents of the Wonder and Palace hotels in Vancouver’s Downtown Eastside, owned by suspended pharmacist George Wolsey, came forward and talked to City Counsel about their concerns with access to methadone, the City struck the “Preventing Methadone Maintenance Therapy Abuses in the Downtown Eastside” working group to look into the issues they raised. The goal of the methadone working group is to support multiple-stakeholder involvement and recommend policies or by-law changes that the City might use to mitigate these problems and prevent future abuses. Pivot lawyer Scott Bernstein will be heading the working group’s policy sub-committee.

## EVENTS

**F\*in rights: Hip Hop show and launch of Pivot’s new legal rights videos for young people**  
April 20th 7:30pm- 11:00pm  
Russian Hall  
(600 Campbell St, Vancouver)  
Admission is free

**Gendered and Justice: A public forum on women’s access to justice**  
April 24th 2012 6:30pm to 9:00pm  
SFU Woodward’s  
(149 West Hastings Street, Vancouver)

# What the VPD Dog Squad Can Learn From Los Angeles.



Doug King

There has been a lot of discussion in the lower mainland about police dogs recently, and more specifically about one of my clients, Christopher Evans, who has filed a suit against the Vancouver Police Department in an effort to change the way police dogs are trained and deployed.

The day after Mr. Evans filed his lawsuit, a family in Surrey went to the media because an RCMP police dog had apprehended their son by biting him in the face, breaking his nose and leaving deep scars. Close on the heels of the Surrey case, an RCMP dog handler from Kelowna was convicted of assault for using his dog and punching a man during a confrontation outside a bar. A lot of people were surprised by the flood of stories, imagining that cases of serious injury involving police dogs were few and far between. Unfortunately, the limited statistics available on injuries involving police dogs suggest that this reality has been staring us in for the face for some time now.

Last spring, after working with a man who sustained serious wounds to his torso following an incident where an officer lost control of his dog during a routine interaction, Pivot filed a complaint to the Vancouver Police Board asking them to take a look at alternative methods for training and deploying their Dog Squad. The research we conducted into other jurisdictions showed the potential for a striking decrease in the number and severity of injuries caused by police dogs. One city in particular stood out - Los Angeles.

In 1991, following the beating of Rodney King, the LAPD looked to reform conduct of their officers, including

their dog squad, which had sent 639 people to hospital in the past three years. The LAPD switched from 'bite and hold', the method of training currently employed by the Vancouver Police Department and RCMP, to the 'bark and hold' method. Bark and hold is a more intensive method of training designed to have the dog use its stature and bark to stop a suspect. The dog will resort to a bite if the suspect continues to move or attacks the dog or its handler. The effects of the changes in policy were seen almost immediately. After the LAPD changed the deployment and training of their dog squad, the number of hospitalizations due to police dogs decreased from 639 (1988-1991) to 66 (1991-1994).

So why should Vancouver be paying attention? Because last month the provincial Office of the Police Complaint Commissioner confirmed that the Vancouver Police Department has had at least 122 incidents within the last 2 years where a police dog caused injuries severe enough that the suspect required hospitalization. For a city 6 times smaller than Los Angeles our stats are alarmingly high. In fact last year 48% of serious civilian injuries reported by municipal police forces in BC were the result of a run in with the dog squad. In response to our policy complaint last year the VPD have said they are not convinced there is a need for reform. Unfortunately, provincial statistics, not to mention the horrific injuries sustained by our client and many others like the young man in Surrey, tell another story.

## THANK YOU!

*We would like to thank everyone who provided financial and legal support for the SWUAV/Kiselbach case at the Supreme Court of Canada, including:*

John Rich, Brenda McLuhan, Lesley Giroday, Maegen Giltrow, James Tate, Jeff Beddell, Greg McDade, Karla and Neil Kerr, Amanda Sanders, Joseph Arvay, Elin Sigurdson, Lisa Kerr, Lisa Glowacki and Kat Kinch.

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