

FOR IMMEDIATE RELEASE  
Monday, November 28, 2022

## Letter to Justice Minister Re: Government Response to Justice Committee Review of PCEPA

October 20, 2022, Justice Minister, Hon. David Lametti issued the "Government Response to the Fourth Report of the Standing Committee on Justice and Human Rights – Preventing Harm in the Canadian Sex Industry: A Review of the Protection of Communities and Exploited Persons Act." (Government Response: [https://www.ourcommons.ca/content/Committee/441/JUST/GovResponse/RP11995617/441\\_JUST\\_Rpt04\\_GR/DepartmentOfJustice-e.PDF](https://www.ourcommons.ca/content/Committee/441/JUST/GovResponse/RP11995617/441_JUST_Rpt04_GR/DepartmentOfJustice-e.PDF))

The Justice Committee tabled their report on June 22, 2022, which recommended that parliament repeal two laws: Criminal Code s.213 (Communicating to Provide Sexual Services) and s.286.4 (Advertising Sexual Services). The Justice Committee also recommended the repeal of four sections of the Immigration and Refugee Protection Regulations that make migrants working in the sex industry unable to report incidents without fear of deportation. (Justice Committee Fourth Report: <https://www.ourcommons.ca/DocumentViewer/en/44-1/JUST/report-4>)

Triple-X submitted a brief to the Justice Committee that received mention on pg. 31:

"Triple-X Workers' Solidarity Association of B.C.'s brief states that the law does not contemplate sex workers organizing unions or professional associations or the possibility of such organizations collecting membership dues, and providing services such as advertising and promotion of the industry. They call for amendments to clearly permit such organizing by sex workers." (Triple-X Brief: <https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR11602469/br-external/TripleXWorkersSolidarityAssociationOfBritishColumbia-e.pdf>)

The Government of Canada's Response dismissed these and most other recommendations in the Fourth Report of the Justice Committee. Instead, Justice Canada will continue "to monitor the impacts of the PCEPA" (provisions which "reflect a Nordic Model approach to the sex trade") as well as "international developments, including research concerning the impact of different legislative regimes governing the sex trade in other countries."

Triple-X has sent a letter (dated November 25) to the Justice Minister, asking Justice Canada to provide clarification regarding the impact of Criminal Code Section 286 (Sexual Services Offences) on the Charter right of sexual services providers to form unions and professional associations. (Triple-X letter: <https://triple-x.org/about/pr/LamettiLetter-20221125.pdf>)

In our view, the government has an obligation to allow solidarity organizing in the sex industry. The lack of clarity in the Criminal Code Sexual Services Offences law raises many questions:

- Does Criminal Code section 286.2 (Material Benefit from Sexual Services) violate sexual services providers' right under Charter of Rights and Freedoms section 2(d) to form and run unions and professional associations?
- Is this discriminatory law, which effectively prohibits sexual services providers from unionizing or forming professional associations, justifiable under Section 1 of the Charter?
- As a solidarity association, is Triple-X prevented from lawfully receiving membership fees and lawfully counselling and encouraging members to provide Triple-X services?

For more background, including a comprehensive list of web addresses for the Standing Committee on Justice and Human Rights, as well as for the lower court decisions thus far regarding CC s.286 and infringement of Canada's Charter of Rights and Freedoms, please visit our website at: <https://triple-x.org/freedomtoassociate/>

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