

FOR IMMEDIATE RELEASE
Tuesday, June 6, 2023

Sex Workers, Allies, Family and Friends March in Anticipation of Ontario Superior Court Charter Rights Decision

11th Annual Red Umbrella March for Sex Work Solidarity 2013-2023

**Saturday, June 10, 2023
2 p.m. West End Sex Workers Memorial
1130 Jervis St., Vancouver**

This year marks the 11th annual Red Umbrella March for Sex Work Solidarity which began in 2013 to demonstrate support for sex workers ahead of the Supreme Court of Canada decision, *Bedford v. Canada*. Now, again, a Charter of Rights and Freedoms challenge is winding its way through Canadian courts. Allies are invited to dress up in red costumes, and attend the march carrying red umbrellas.

October 3-7, 2022, The Honourable Justice Robert Goldstein of the Ontario Superior Court of Justice heard the case for a Charter of Rights and Freedoms challenge of Canada's new 2014 prostitution laws (*Canadian Alliance for Sex Work Law Reform et al v. Attorney General of Canada*). Justice Goldstein's decision is expected in the coming weeks.

This year, #RUM2023 will begin at the West End Sex Workers Memorial on Jervis St., located in front of the St. Paul's Anglican Church. The memorial, which was unveiled by the City of Vancouver on September 16, 2016, is dedicated to a "diverse community of sex workers; people who lived and worked here [in the West End] from mid-1960s – 1984."

West End Sex Workers Memorial

The quest to establish the sex workers memorial—which began in 2008—was spearheaded by Indigenous transgender sex-worker activist Jamie Lee Hamilton (who died on December 23, 2019) and UBC professor Becki Ross. The memorial represents the recognition of a legal battle that ended after a 1983 Supreme Court of Canada decision ruled that municipal bylaws designed to eject sex workers from residential neighbourhoods (including Vancouver's) were unconstitutional.¹ The City of Vancouver subsequently applied for and was granted a "Quiet Zone" injunction in 1984 to prohibit prostitution in Vancouver's West End in response to complaints about nuisance and traffic congestion from residents' groups.² The City of Vancouver issued an official apology at the memorial unveiling ceremony in 2016.

Trudeau Government Response to PCEPA Review

In December 2014, the Harper government enacted the Protection of Communities and Exploited Persons Act (PCEPA) in response to the Supreme Court of Canada's *Bedford* ruling.

In June 2022, the Parliamentary Standing Committee on Justice and Human Rights tabled their review of PCEPA which recommended that parliament repeal two laws: Communicating to Provide Sexual Services (Criminal Code s.213) and Advertising Sexual Services (Criminal Code s.286.4).³

On October 20, 2022, the Attorney General of Canada, the Honourable David Lametti issued the government's response to the Justice Committee PCEPA Review. He effectively dismissed the committee's recommendations, but explicitly stated, "Selling sexual services is not an offence in Canada and sex workers are protected from prosecution for engaging in sex work." Attorney General Lametti's response pointed to the current Charter of Rights and Freedoms challenge, saying, "Moreover, the constitutionality of the relevant Criminal Code provisions restricting aspects of the sex trade is currently before the courts."

The government's response concluded with:

"Our Government agrees that individuals involved in the sex trade are entitled to respect and the protection of the law, regardless of the circumstances in which they enter or remain in that trade. The safety of all is of paramount importance. For that reason, the Government is committed to continuing its study of the applicable legal framework and its impact, and continuing to work together with partners to make services available that address the needs of all those engaged in the sex trade."⁴

Freedom to Associate is Our Right!

"Freedom of Association," section 2(d) of Canada's Charter of Rights and Freedoms, guarantees the collective pursuit of common goals. "Sexual Services," section 286 of the Criminal Code of Canada violates the Charter because this law prevents sex workers from forming trade unions and professional associations, from collecting membership dues, and from sharing membership benefits. Triple-X shared these concerns in a brief to the Justice Committee Review⁵ that were reflected in the Committee's report: "Triple-X called for amendments to clearly permit such organizing by sex workers."

Triple-X reiterated these concerns in a letter to the Attorney General of Canada, the Honourable David Lametti, dated November 25, 2022, asking for Justice Canada to provide clarification regarding the violation of sex workers' Charter right to association, in Criminal Code of Canada section "Material Benefit from Sexual Services," (s.286.2).⁶

In a reply letter dated May 2, 2023, the Attorney General said he was not able to provide clarification, saying instead "Our government is very concerned about the safety of all persons engaged in the sex trade, and we are committed to taking into account the interests of all impacted groups."⁷

Triple-X Workers Solidarity Association of B.C. remains steadfast in its quest to lawfully pursue the collective goals of its members.

Media inquiries

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Social media

Event hashtag: #RUM2023
Twitter.com/xxxworkers
Instagram.com/triplexworkers
Facebook.com/triplexworkers

Justice Committee Review of PCEPA

For more background information on the Justice Committee Review of PCEPA, the laws, and recent court decisions, please visit: <https://triple-x.org/freedomtoassociate/>

Red Umbrella March Origins

The tradition of red umbrella marches for sex worker rights started at the 49th International Venice Biennale Arte in 2001, when sex worker activists from North America, Europe, Asia and Australia marched with red umbrellas through the centre of Venice creating a colourful interruption through the public space and drawing attention to the geography of sex workers' social history. The red umbrella has since grown to become an international symbol of sex worker rights with red umbrella marches taking place in cities around the world.⁸

The Vancouver Red Umbrella March is co-sponsored by Triple-X Workers' Solidarity Association of B.C., PACE Society, Pivot Legal Society, SWAN Society, B.C. Coalition of Experiential Communities (BCCEC).

High-resolution images from previous Vancouver Red Umbrella Marches are available here: <https://triple-x.org/redumbrella/> and here: <https://www.flickr.com/photos/sallybuck/sets/72157669666157396/>

About Triple-X

Triple-X Workers' Solidarity Association of B.C. is a registered non-profit association in British Columbia since February 2012.

Persons can become members of the Triple-X Workers' Solidarity Association of B.C. if they have agreed to the direct exchange of sexual stimulation for financial compensation within the last six months and they intend to continue to work in the Triple-X industry. The full list of Triple-X membership criteria as defined in our Constitution, Bylaws & Policies are available on our bylaws webpage: <https://triple-x.org/about/bylaws.html>.

Notes

1. *Westendorp v. The Queen* 1983
https://walnet.org/csis/court_records/WestendorpvR1983.pdf
2. *B.C. (A.G.) v. Couillard*, 1984, Supreme Court of British Columbia
https://walnet.org/csis/court_records/BCAGvCouillard-1984.pdf
3. Preventing Harm in the Canadian Sex Industry: A Review of the Protection of Communities and Exploited Persons Act. June 2022, Parliamentary Standing Committee on Justice and Human Rights Report No. 4
<https://www.ourcommons.ca/DocumentViewer/en/44-1/JUST/report-4>
4. Preventing Harm in the Canadian Sex Industry: A Review of the Protection of Communities and Exploited Persons Act, Government Response to the Fourth Report of the Standing Committee on Justice and Human Rights, October 20, 2022.
https://www.ourcommons.ca/content/Committee/441/JUST/GovResponse/RP11995617/441_JUST_Rpt04_GR/DepartmentOfJustice-e.PDF
5. Stronger Together: Solidarity Organizing and Exploitation Prevention. Triple-X Workers' Solidarity Association of B.C., February 2022.
<https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR11602469/br-external/TripleXWorkersSolidarityAssociationOfBritishColumbia-e.pdf>
6. Re: 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, to the Honourable David Lametti, Justice Minister, Attorney General of Canada, from Triple-X Workers' Solidarity Association of B.C., November 25, 2022.
<https://triple-x.org/about/pr/LamettiLetter-20221125.pdf>
7. Reply letter from The Attorney General of Canada, dated May 2, 2023
<https://triple-x.org/about/pr/LamettiReply-230502.pdf>
8. Triple-X Twitter thread: "History of the Red Umbrella March," June 3, 2023
https://twitter.com/xxxworkers/status/1665113049991200771?s=46&t=nZwcUU_4lqck2J_CLjFz_Q