



Statement Déclaration

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CANADA MUST ADOPT A HUMAN RIGHTS–BASED APPROACH TO DRUG POLICY

November 22, 2018 – We, the undersigned, believe that Canada must commit to reducing the harms caused by its current drug laws. In response to Health Canada’s request for input on how to strengthen the federal government’s approach to substance use issues through the Canadian Drugs and Substances Strategy (CDSS), our organizations are calling upon the government to adopt a human rights–based approach to drug policy, which requires (1) decriminalizing all drugs for personal use and (2) scaling up access to health, harm reduction and social support services for people who use drugs.

In Canada, drug use and dependence are still treated as criminal law concerns, rather than as health issues. But the overreliance on prohibition and punishment is ineffective, a waste of public funds, and taking a terrible human toll on people who use drugs and their families and loved ones. Canada is in the midst of a historic overdose crisis with no end in sight. Criminalizing drug possession for personal use puts people who use drugs at increased risk of harm, including by impeding their access to much-needed services and emergency care in the case of overdoses, as well as contributing to new HIV and hepatitis C infections. Drug prohibition also disproportionately affects women and racialized communities in Canada. More broadly, criminalization perpetuates stigma, discrimination and the over-incarceration of people who use drugs.

Mounting evidence shows that the continued emphasis on drug prohibition over the years has failed to decrease the use and availability of drugs, while worsening the risks and harms of using drugs and the violence associated with illegal markets. Criminalizing the possession of drugs for personal use undermines efforts to address the health needs of people struggling with problematic drug use. Mandatory minimum sentences impede judges’ ability to consider the circumstances of each case in sentencing, including an accused person’s life circumstances. Notably, this runs counter to the obligation to consider the challenges facing Indigenous Peoples in Canada, with a view to reducing their highly disproportionate rates of incarceration. Canada must learn from the experiences of other jurisdictions and **repeal mandatory minimum sentences for non-violent drug offences and decriminalize the possession of small quantities of all drugs.**

At the same time, to combat the unrelenting overdose crisis, the federal government must **scale up access to health, harm reduction and social support services for people who use drugs and are in need of such supports**. While there have been improvements in scaling up access to supervised consumption services (SCS), greater flexibility is still needed to facilitate a wide range of SCS across the country. Ultimately, ending the blanket criminal prohibition on drug possession — which criminalizes those seeking or providing SCS and requires sites to undergo costly and time-consuming processes for getting an exemption under the *Controlled Drugs and Substances Act* (CDSA) — would facilitate the operation of life-saving SCS. In the interim, Canada should immediately grant a class exemption under the CDSA that protects clients, staff, and volunteers from prosecution for drug possession (or for “trafficking” for sharing small quantities of drugs for personal use or assisted injection) when accessing or providing SCS.

Our government must end its punitive approach to drug policy. The health, welfare and human rights of thousands of Canadians depend on it.

Signed by:

Canadian HIV/AIDS Legal Network
Amnesty International Canada
Canadian Aboriginal AIDS Network
Canadian Association of People Who Use Drugs
Canadian Drug Policy Coalition
Canadian Nurses Association
Canadian Public Health Association
Criminal Lawyers' Association
HIV & AIDS Legal Clinic Ontario (HALCO)
Moms Stop The Harm
moms united and mandated to saving the lives of Drug Users (mumsDU)
Pivot Legal Society