Canadian Drug Policy Coalition
Coalition canadienne des politiques sur les drogues

Canadian HIV/AIDS Legal Network | Réseau juridique canadien VIH/sida

PIVOT
equality lifts everyone

September 30, 2013

The Honourable Rona Ambrose, P.C., M.P.
Health Canada
Brooke Claxton Building, Tunney's Pasture
Postal Locator: 0906C
Ottawa, Ontario K1A 0K9

Re: 9/30 – It's Time To Act!

Dear Minister Ambrose:

September 30, 2013 (9/30) marks the two-year anniversary of Canada's Supreme Court decision that unanimously granted constitutional protection to Vancouver's supervised injection site, Insite. That decision recognized the improved public health and public order that stems from the implementation of this service. The Court also recognized that, under the *Canadian Charter of Rights and Freedoms*, people who need such life-saving health services should not face possible criminal prosecution and imprisonment for attempting to use them. The decision created an important precedent supportive of expanding similar services in other communities.

An overwhelming amount of research evidence on supervised injection sites (SIS) has been published in a wide range of scientific and medical journals since Insite first opened its doors in 2003. The evidence of Insite's positive benefits is conclusive and these services should be scaled up where needed across Canada. Indeed numerous localities are working towards this goal.

Supervised consumption services (SCS) have been proven to:

- decrease overdose death and injury;
- decrease risk behaviours associated with HIV and hepatitis C infection;
- increase access to health services for people who are most marginalized;
- save health care costs; and
- decrease open drug use and publicly discarded drug use equipment.

Furthermore, the evidence shows that such services do <u>not</u> increase crime.

There are over 90 SCSs operating around the world today, and considerable research about the positive public health and safety outcomes of SCSs. There is also broad agreement among health professionals that SCSs should be part of a comprehensive continuum of health services for people who use drugs.

On September 30, 2011, the Supreme Court of Canada (SCC) ruled that it would infringe constitutional rights to security of the person to deny an exemption from the provisions of the *Controlled Drugs and Substances Act* so that Insite could operate without staff or users fearing criminal prosecution when using this health service. The Court declared unequivocally: "Insite saves lives. Its benefits have been proven." The Court also stated: "Where, as here, a supervised injection site will decrease the risk of death and disease, and there is little or no evidence that it will have a negative impact on public safety, the Minister should generally grant an exemption."

As you know, when Bill C-65, the so-called "Respect for Communities Act," was introduced earlier this year in the last session of Parliament, it was widely criticized as misguided, including by health professionals. Its introduction was also accompanied by a highly objectionable communications campaign that further stigmatized members of our communities who struggle with substance use. Bill C-65's provisions were designed to put significant barriers in place to prevent other cities from establishing supervised consumption services, undermining the ability of health services to reach people at greatest risk of death and illness. Numerous provisions in the bill created opportunities for community opponents, local police and others to voice their opposition, no matter how ill-informed, without requiring them to provide evidence to support their claims.

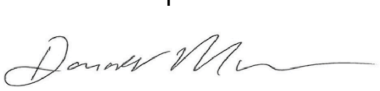
We oppose the provisions of the former Bill C-65 and request that your government not reintroduce this bill in the fall session of Parliament.

Instead, as organizations of people who use drugs, researchers, professionals, service providers, and community members, we are demanding increased access to supervised consumption services across Canada. It is unacceptable that a decade after Insite first opened, Vancouver remains the only city in Canada with a sanctioned supervised consumption service – and only one such service of this sort, which numerous studies have demonstrated is simply inadequate to meet local needs.

It is unethical, unconstitutional and damaging to both public health and the public purse to block access to supervised consumption services which save lives and prevent the spread of infection.

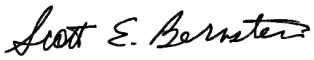
It's time to stand up for people's lives and take the leadership to ensure that supervised consumption services become a part of the continuum of care for people who use drugs in Canada.

Donald Macpherson



Director
Canadian Drug Policy Coalition

Scott Bernstein



Lawyer
Pivot Legal Society

Richard Elliott

Director
Canadian HIV/AIDS Legal Network

This letter was also signed by the following Canadian and international organizations:

AAWEAR, Alberta Addicts Who Educate and Act Responsibly, Calgary, AB
Africans in Partnership Against AIDS, Toronto, ON
AIDS Coalition of Cape Breton, NS
AIDS Coalition of Nova Scotia, Halifax, NS
AIDS Committee of Guelph and Wellington County, ON
AIDS Committee of Ottawa, ON
AIDS Community Care Montreal, QC
AIDS Saint John, Saint John, NB
AIDS Vancouver Island, Victoria, BC
All Nations Hope, Regina, SK
ANKORS, AIDS Network Outreach & Support Society, Nelson, BC
AQPSUD, L'Association Québécoise pour la promotion de la santé des personnes utilisatrices de drogues, Montréal, QC
Australian Drug Foundation
BC Centre for Excellence in HIV/AIDS, Vancouver, BC
BC Civil Liberties Union, Vancouver, BC
BC Hospital Employees Union, Vancouver, BC
BC Poverty Reduction Coalition, Vancouver, BC
Beyond Prohibition, Vancouver, BC
Bissell Centre, Edmonton, AB
Blood Ties Four Directions Centre, Whitehorse, YK

Boyle Street Community Services, Edmonton, AB
Breakaway Addiction Services, Etobicoke, ON
CACTUS, Montréal, QC
Campaign for Safer Consumption Services, Ottawa, ON
Canada Wild Productions, Vancouver, BC
Canadian AIDS Society, Ottawa, ON
Canadian Association of Nurses in AIDS Care, Ottawa, ON
Canadian Association of Social Workers
Canadian Harm Reduction Network, Toronto, ON
Canadian Students for Sensible Drug Policy, national
Canadian Unitarians for Social Justice, National
CATIE, Canada's Source for HIV/HCV Information, Toronto, ON
Central Alberta AIDS Network, Red Deer, AB
Centre for Addictions Research of BC, Victoria, BC
Centro Caritas de Formafcion para la atencion de las farmacodependencias, Mexico
Choices for Change: Alcohol, Drug & Gambling Counseling Centre, Stratford, ON
CIHR Canadian Trials Network, Vancouver, BC
Committee to End Homelessness, Victoria, BC
CUPIHD, Colectivo por una politica integral hacia la drogas, A.C., Mexico
ESPOLEA, Mexico City, Mexico
Faith in Action, Multifaith Initiative in Support of the Poor, Victoria, BC
FIRST, Decriminalize Sex Work, Vancouver, BC
Forum Droghe Italy
George Spady Society, Edmonton, AB
Global Platform for Drug Consumption Rooms
Heads and Hands, Montréal, QC
Health Officers Council of British Columbia, Victoria, BC
HIV West Yellowhead, Jasper, AB
HIV/AIDS Regional Services, Kingston, ON
Hope Bridge Services, Surrey, BC
Hope Place Centres, ON
Indonesian Drug User Network
Inner Change Foundation, Vancouver, BC
International Network of People Who Use Drugs
Isomer Design, Toronto, ON
Jac's Voice on Living with Addition and Mental Illness, Toronto, ON
LEAP Canada, Law Enforcement Against Prohibition, National
LILA Italian League for Fighting AIDS, Italy
Lutheran Urban Mission Society, Vancouver, BC
Mavis McMullen Housing Society, Vancouver, BC
Megaphone Magazine, Vancouver, BC
Neighbour Centre, Edmonton, AB
Northern AIDS Connection Society, Truro, NS
Ontario Federation of Community Mental Health Addictions Programs, ON
PACE Society, Vancouver, BC
Pacifica Housing, Vancouver, BC
PASAN, Toronto, ON

Persons Living with AIDS Saskatchewan, Saskatoon, SK
Point de Repères, Québec, QC
Positive Living Society BC, Vancouver, BC
Psicotropicus, Centro Brasileiro de Politicas de Drogas, Brazil
Red Cedar Law, Vancouver, BC
Registered Nurses Association of Ontario, Toronto, ON
Richmond Addiction Services Society, Richmond, BC
SALOME/NAOMI Patients Association, Vancouver, BC
Saskatchewan HIV HCV Nursing Education Organization, Regina, SK
Saskatchewan Public Health Association, Saskatoon, SK
Sharp Advice Needle Exchange, AIDS Coalition of Cape Breton, NS
Shepherds of Good Hope, Ottawa, ON
South Riverdale Community Health Centre, Toronto, ON
Street Health and the Toronto Street Nurses Network, Toronto, ON
Streetworks, Edmonton, AB
Uganda Harm Reduction Network
Vancouver Island Persons Living with HIV/AIDS, Victoria, BC
VIVA, Victoria, BC