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## **INSITE COURT DECISION CONFIRMS CANADIAN DRUG POLICY AT ODDS WITH PUBLIC HEALTH AND HUMAN RIGHTS**

***Ottawa must correct course, rather than intensify failed ‘war on drugs’***

**TORONTO, May 29, 2008** —This week’s decision by a British Columbia court, preventing the federal government from shutting down Vancouver’s supervised injection site and declaring parts of Canada’s drug laws unconstitutional, is the latest indication that the federal government must re-think its basic approach to dealing with illicit drugs, said the Canadian HIV/AIDS Legal Network this morning.

The call came as Parliamentary committee hearings into the matter got underway and just two weeks before Canada is to attend a high-level United Nations meeting to review progress on tackling the AIDS epidemic, including among people who inject drugs.

“In exempting Insite users from criminal prosecution for possessing drugs while at the facility, the court recognized that a simplistic approach of criminalizing people with drug addictions contributes to death and disease that could otherwise be prevented, and violates basic human rights protected by the *Charter*,” said Executive Director Richard Elliott. “Sadly, the Health Minister and Prime Minister appear unwilling or unable to recognize this. All the evidence shows health services such as Insite help protect individual and public health, yet the federal government has axed such harm reduction measures entirely from its new National Anti-Drug Strategy.”

In fact, said Elliott, the government has also proposed legislation that would make matters even worse: Bill C-26 would impose mandatory minimum sentences for drug offences. The bill passed second reading last month and still needs to be debated before a committee.

The Legal Network urged the House of Commons Standing Committee on Health to raise these questions with Health Minister Tony Clement during his appearance today.

“The government seems intent on not only ignoring the evidence of what works to prevent harms, but on implementing laws that have been shown to do real damage to both public health and human rights,” Elliott said.

“The U.S. has had mandatory minimum sentences for years, yet the drug problem there is only getting worse, while the number of people imprisoned has skyrocketed. Inevitably, this contributes to the spread of HIV and hepatitis C,” he explained. “Despite the government’s best efforts, drugs get into prisons and people inject them, but the federal government has refused to ensure prisoners have access to sterile injection equipment — even though needle exchange programs outside prisons are accepted as a key public health program, and numerous other countries have had these programs in prisons very successfully for years.”

The Legal Network said the government’s approach of disregarding evidence of what works is also an international embarrassment and is hypocritical.

“Two years ago, Canada joined all other countries at the United Nations in committing to adopt effective measures to prevent the spread of HIV, including harm reduction measures such as ensuring access to sterile needles,” said Elliott. “In two weeks, the UN General Assembly will meet to assess countries’ progress. Will the federal government continue to embarrass Canadians on the world stage with its ideological opposition to harm reduction programs and its misplaced faith in more of the failed ‘war on drugs’ approach?”

The UN General Assembly is convening a High-Level Meeting on AIDS in New York on June 10-11 to review progress made in delivering on commitments agreed upon by all countries in 2001 and reaffirmed in 2006.

### **About the Canadian HIV/AIDS Legal Network**

The Canadian HIV/AIDS Legal Network ([www.aidslaw.ca](http://www.aidslaw.ca)) promotes the human rights of people living with and vulnerable to HIV/AIDS, in Canada and internationally, through research, legal and policy analysis, education, and community mobilization. The Legal Network is Canada’s leading advocacy organization working on the legal and human rights issues raised by HIV/AIDS.

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