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Statement by the CACTUS Montréal, the Canadian HIV/AIDS Legal Network, and Harm Reduction International

INTERNATIONAL COALITION APPLAUDS SUPREME COURT DECISION TO UPHOLD HUMAN RIGHTS AND KEEP INSITE OPEN

Criminal law on drugs gives way to good public health practices in Canada

September 30, 2011

We, the member organizations of an international coalition of harm reduction experts, applaud today's landmark decision by the Supreme Court of Canada (SCC) to uphold the human rights of all Canadians by allowing Insite — Vancouver's life-saving supervised injection site — to remain open. We are heartened that the SCC has recognized that criminal laws on drugs must give way to good public health practices and harm reduction.

In its decision, the SCC has reaffirmed the *Canadian Charter of Rights and Freedoms*, stating clearly that human rights must extend to all Canadians, including people who use drugs. The SCC has ruled that shuttering Insite would constitute a violation of the human rights of some of those who are most vulnerable.

Indeed, the so-called “war on drugs” — which has failed miserably in jurisdictions worldwide — cannot and should not prevent our fellow Canadians from accessing health services that are proven to prevent disease and death. There is extensive evidence that safe-injection sites save lives, often by reducing the injection behaviour that can transmit HIV and hepatitis C and preventing fatal overdoses.

By ordering the Minister of Health to grant an exemption to Insite, the SCC ensures that Canadians in the Vancouver area will benefit from the life-saving measures this health-facility has to offer. However, we are all too aware of the many Canadians in other jurisdictions who do not have access to the critical public health services provided by Insite. **In light of today's Supreme Court decision, jurisdictions Canada-wide should act fearlessly on evidence and make harm reduction services modelled on Insite available to those in need in their locales. The Minister of Health must respect the**

Court's decision and grant similar exemptions to other sites so that people across Canada will be able to access the public health services they desperately need.

We thank the Supreme Court of Canada for upholding human rights and aligning their decision with evidence and reason. As succinctly stated by the Court, "Insite saves lives. Its benefits have been proven."

The Supreme Court of Canada's full ruling can be accessed at <http://scc.lexum.org/en/2011/2011scc44/2011scc44.html>.

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