

For immediate release

UN rights experts criticize Canada's failure to end racist drug policies affecting Black and Indigenous people

TORONTO, August 28, 2017 — The Government of Canada must take immediate steps to implement recommendations by the United Nations' highest body for combatting racism calling for an end to punitive drug policies that disproportionately impact Black and Indigenous Peoples, the Canadian HIV/AIDS Legal Network said today.

[In its Concluding Observations on its review of Canada](#), which occurred from August 14-15, 2017, the UN Committee on the Elimination of Racial Discrimination (CERD) expressed serious concern about the disproportionately high rate of incarceration of Indigenous and Black people for drug crimes in Canada — a violation of the government's obligations under the *International Convention on the Elimination of All Forms of Racial Discrimination*. The expert body called on Canada to re-examine its drug policies and provide evidence-based alternatives to incarceration for non-violent drug users.

“This is the first time a United Nations treaty body has ever drawn the link between the criminalization of people who use drugs and racism in its recommendations to Canada,” said Nicholas Caivano, policy analyst at the Legal Network. “Canada is still very much waging a war on people who use drugs by treating drug use as a criminal issue rather than a health issue, and throwing people who use drugs behind bars. CERD has rightfully condemned this as a clear violation of the anti-racism treaty, given the discriminatory impact this has on racialized groups.”

The Committee notably called on Canada to fully implement the 2015 recommendations of the Truth and Reconciliation Commission, which issued calls to action to federal, provincial, and territorial governments to eliminate the overrepresentation of Indigenous Peoples in custody and to amend the *Criminal Code* to allow trial judges to depart from mandatory minimum sentences – a recommendation [that the Legal Network has long supported](#), particularly in the context of drug-related offences.

Importantly, the Committee called on Canada to implement key health and harm reduction measures across all prisons. [In a submission to this independent body](#), the Legal Network presented evidence of Canada's failure to provide equivalent access to health services such as needle and syringe programs in prisons, where Indigenous and Black people are disproportionately represented.

“The evidence of the health benefits of prison-based needle and syringe programs is overwhelming — but no Canadian prison allows the distribution of sterile injection equipment to prisoners, many of whom inject drugs and relied on this health service in the community” said Sandra Ka Hon Chu, director of research and advocacy at the Legal

Network. “With today’s report we have yet another international body calling for all prisoners to have access to key harm reduction interventions, including needle and syringe programs, as a human rights obligation that Canada must fulfill.”

These UN recommendations highlight the fact that continued emphasis on drug prohibition in Canada is not only failing to achieve both the stated public health and public safety goals of prohibition, but is in fact damaging public health and human rights. The Legal Network urges Canada to decriminalize the possession of all drugs for personal use, as the UN and the WHO recommended in a [June 2017 joint statement](#), to commit to examining appropriate models for the legalization and regulation of other currently illegal substances, and to immediately implement key harm reduction measures such as needle and syringe programs in prisons, as it moves to implement the recommendations released today.

Background

From August 14-15, 2017, the United Nations Committee on the Elimination of All Form of Racial Discrimination considered the periodic report of Canada on its implementation of the provisions of the *International Convention on the Elimination of All Forms of Racial Discrimination*, which it ratified in 1970. The Convention requires eliminating policies and laws that could have the effect of creating or perpetuating racial discrimination.

The Committee, an 18-person expert body, monitors compliance with the Convention, assessing to what extent each state party is meeting its obligations, and making recommendations for Convention implementation. Today, the Committee released its [Concluding Observations](#) to Canada on how to further its compliance with the Convention.

The Canadian HIV/AIDS Legal Network provided a [written brief](#) to the Committee and made oral submissions during the review in Geneva.

-30-

Contact:

Joshua Terry
Communications and Campaigns Officer, Canadian HIV/AIDS Legal Network
416-595-1666 ext. 236
jterry@aidslaw.ca