

August 28, 2015

Stephen Harper
Conservative Party of Canada
1204-130 Albert Street
Ottawa, ON K1P 5G4

Re: Your party's position on five key questions regarding Canadian drug policy


The Canadian Drug Policy Coalition, the Canadian HIV/AIDS Legal Network, and Moms United and Mandated to Saving the Lives of Drug Users (mumsDU) are three non-partisan organizations working to improve Canada's approach to illegal drugs. We represent hundreds of member organizations and individuals across Canada concerned about how to reduce the harms associated with substance use, the illegal markets that supply drugs, and the policies that surround these drugs.

As Canadians will soon be heading to the polls, we write to request your responses to five key questions on how Canada should be renewing our approach to addressing the problems related to illegal drugs in Canada. We would be grateful for your party's direct responses to the questions set out below by mid-September.

1. Strengthening harm reduction services for vulnerable people

Harm reduction services are a key component of more than 90 national drug strategies around the world; historically, this has been the case in Canada as well. But Canada's current National Anti-Drug Strategy, launched in October 2007 by the federal government, saw the complete removal of harm reduction as one of four pillars of a comprehensive response to drugs. Given extensive evidence from published, peer-reviewed research studies about the benefits of harm reduction services (such as syringe exchange, substitution treatment, and supervised consumption services), provincial governments are working to develop a more comprehensive response to drugs in Canada. The Supreme Court of Canada concluded that the criminal prohibition on drug possession cannot be allowed to impede access to health services that can prevent death and disease. It therefore ordered the federal Minister of Health to extend an exemption from this prohibition for Vancouver's supervised injection site (Insite), so that it can continue to deliver a range of health services to a highly marginalized population.

Does your party support restoring harm reduction as a key pillar in Canada's federal drug strategy, including support for supervised consumption services as one important



component of an overall federal strategy on drugs — and as part of efforts to prevent the spread of HIV and hepatitis C (HCV), associated with unsafe injection drug use?

2. Preventing deaths from drug overdoses


Across Canada, far too many people are dying from drug overdoses. For example, overdose deaths from medical and non-medical drug use are now the third leading cause of accidental death in Ontario. A significant proportion of these deaths have been attributed to opioids. Someone is present as a witness at most accidental overdose emergencies involving illicit substance use. In an Ontario study of barriers to calling emergency services during an (illicit) overdose emergency, respondents reported that 9-1-1 was called just 46% of the time at the last witnessed overdose; the primary barrier cited was fear of police presence and the potential for criminal charges. “Good Samaritan” laws provide limited immunity from prosecution for witnesses and those who have experienced an overdose, and have been passed or are pending in more than 27 U.S. states, often with bi-partisan support and alongside bills that expedite improved access to naloxone, a medication used to quickly reverse the effects of an opioid overdose. Such laws have been shown to significantly improve willingness to call emergency services and to reduce rates of overdose deaths.

Does your party support Good Samaritan legislation as one important component of a comprehensive approach to addressing the pandemic of death by drug overdose in Canada, and expediting access to naloxone by making it a non-prescription drug?

3. Federal government approach to the changing landscape of cannabis control

Cannabis policy is shifting across the world. Criminalization has been the main policy framework by which governments have attempted to control possession, production and export, import, distribution and trade of cannabis. In Canada, cannabis is currently listed in Schedule II of the federal Controlled Drugs and Substances Act (CDSA). Despite the fact that cannabis control policies, whether harsh or liberal, appear to have little or no impact on the prevalence of consumption, the Canadian government for many years has relied on relatively harsh penalties to control this drug. Of the roughly 73,000 police-reported cannabis offences in 2013, nearly 59,000 (80%) were possession offences. But elsewhere, things are changing.

Recently several jurisdictions have passed legislation that has allowed for a legally-regulated market to be implemented as a new approach to addressing cannabis production, sales and use, and to addressing the harms that accrue from this underground industry. In Canada, the Canadian Public Health Association, the Health Officers Council of British Columbia, the Centre for Addiction and Mental Health in Ontario, and many others over the years have called for a legal, regulated market for cannabis within a public health framework to minimize the harms of cannabis use in Canada.



Does your party support considering new approaches to regulating and controlling cannabis production, distribution and possession, as a way of minimizing the harms of the cannabis industry and cannabis use, promote public health, and respect the human rights of adults who use it?

4. Mandatory minimum sentences for non-violent drug offences

In 2012, the federal government passed the so-called Safe Streets and Communities Act (Bill C-10), which included mandatory minimum sentences for certain non-violent drug offences. However, research commissioned by Justice Canada itself shows that harsh mandatory minimum sentences do not appear to influence drug consumption or drug-related crime in any measurable way. A variety of research studies have concluded that treatment-based approaches are more cost effective than lengthy prison terms. Research has also shown a number of negative consequences of mandatory minimum sentencing, including the following:


Rather than serving as a deterrent, international research demonstrates that incarceration of low-level drug offenders increases the likelihood of recidivism and ongoing criminal behavior.

A Canadian study of 300,000 offenders looking at recidivism rates concluded that the longer someone is in prison, the more likely they were to commit another offence upon release. This relationship was most pronounced among low risk-offenders. Mandatory sentences are costly and ineffective in reducing crime rates. Research has shown that there is no evidence that the threat of harsher mandatory sentences has any impact on reducing drug-related crime.

Given the scientific evidence of the ineffectiveness of mandatory minimum sentences for non-violent drug offences, does your party support eliminating the use of such sentences and again allowing judges to employ discretionary practices for these offences?

5. Modernizing Canada's drug policies and influencing global leadership on drug policy

In 2005, the Canadian Centre on Substance Abuse and Health Canada called for Canada's approach to psychoactive substances to be modernized. Ten years later, there has been little action to review and evaluate the impacts of Canada's legal and regulatory approaches to drugs on citizens, families and communities. Systematic, ongoing review of the benefits and potential adverse consequences associated with Canadian and international policies and frameworks is needed to strengthen Canada's ability to both establish its own effective responses and influence the modernization of international policies and legal frameworks. In 2016, the United Nations General Assembly will hold a special session on drug policy, where many countries will be calling for a review of the global drug treaties. This critical



global meeting is a significant opportunity for Canada to be a strong advocate internationally for drug policies based on evidence, public health objectives, and human rights standards.

Does your party support Canada advocating at the 2016 UN General Assembly Special Session on Drugs for a comprehensive approach to drugs based on evidence, public health objectives, and human rights standards, including support for harm reduction programs?

Does your party support the creation of a mechanism within the United Nations that brings countries and civil society experts together to consider alternatives to drug prohibition as the main strategy for controlling drugs?

We thank you in advance for your direct responses.

Best,



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