



# Changing the Frame: A New Approach to Drug Policy in Canada



**Canadian Drug  
Policy Coalition**

Coalition canadienne  
des politiques  
sur les drogues



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Canadian Drug Policy Coalition (CDPC)

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This work was made possible with the support of the MAC AIDS Fund, the Open Society Global Drug Policy Fund and a generous donation from the Estate of the late Kitty Heller.

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# Changing the Frame: A New Approach to Drug Policy in Canada

A photograph of a woman with dark hair, seen from the side, looking out through the vertical bars of a prison cell. She is wearing a light-colored tank top. The background is a plain, light-colored wall.

## Executive Summary

In 2011, a number of Canada's leading experts in drug policy formed the **Canadian Drug Policy Coalition** (CDPC) to serve as an informed and independent national voice on drug policy issues and to bring together groups interested in reform.

The CDPC is committed to the position that Canada's drug laws and policies should be principled and based on public health principles and peer-reviewed evidence.

They must also respect human rights.

Drug laws and policies designed without these considerations will only continue to harm those who use drugs, their families and their communities.

The most prominent feature of Canada's response to certain drugs over the last century has been a reliance on the criminal law, also called "prohibition." This has occurred despite a resounding lack of evidence to show that the criminal law reduces the harms associated with drugs and despite growing evidence that the criminal law in fact increases those harms.



Punctum Magazine/T.K.

## The War on Drugs: The Wrong “Solution”

The use of the criminal law—the “war on drugs” or “prohibitionist” approach—is too often the wrong means to reduce the harms associated with the production, sale and possession of currently illegal drugs.

Using the criminal law turns an otherwise manageable drug problem into an unmanageable one. It does this in several ways:

- » Instead of stopping or significantly reducing the flow of drugs, the criminal law creates a highly lucrative illegal market worldwide (sometimes referred to as a “black market”) “of staggering proportions,” according to one UN report. The potential profits of the trade have become a magnet for criminal and terrorist organizations.
- » Canada’s support for using the criminal law as the principal instrument for dealing with certain drugs has fostered staggering levels of violence, corruption and dysfunction around the world—primarily in countries that produce drugs or ship them across their territories.
- » Criminal prohibition stops only a small proportion of the drugs destined for those who use drugs. In Canada, perhaps as little as 10 per cent of drugs destined to enter the

Nonetheless, the current federal government intends to rely even more heavily on a failed criminal justice approach. Its proposed drug legislation will impose harsher criminal penalties, including mandatory minimum sentences, for several activities relating to drugs.

The CDPC is deeply opposed to this legislative approach and its accompanying policies.

country are seized, and the illegal cannabis trade within Canada is a major industry. Drugs are available even in Canadian prisons.

- » The inflated price of drugs on the illegal market may lead those who use them to more dangerous forms of use, such as injecting. This, coupled with inadequate access to clean equipment, greatly increases the risk of acquiring Hepatitis C, HIV and multiple drug resistant bacterial infections. These infections will inevitably spread to others outside the community of users. Some infections have had a particularly devastating impact on aboriginal communities.
- » Some governments are reluctant to educate people honestly, or to allow others to educate them honestly, about how to use illegal drugs as safely as possible. As a result, those who use drugs often don't know how to reduce their risk.
- » Hundreds of thousands of Canadians have a disabling criminal record because they were once found in possession of drugs—most often cannabis.
- » There is no substantial evidence that the criminal law significantly deters drug use. Relying on the criminal law discounts the evidence that drug use occurs because of a range of factors—trauma, mental illness, genetic predisposition, homelessness,

dislocation, stress and simple curiosity and enjoyment among them. The criminal law deflects attention from the heart of the drug issue—why some people use drugs in a way that causes harm to them and their communities.

- » There is abundant evidence that mandatory minimum sentences do not either deter as predicted or reduce the harms associated with drug use. Despite this, the federal government has refused to abandon this as the centerpiece of its approach to drugs. Putting more people who use drugs in prisons, and for longer terms—the inevitable outcome of the current government's approach—will also increase the risk of disease spreading in prisons.
- » The smaller players in the drug market, not large criminal organizations, will almost certainly bear the brunt of tougher drug laws. The current federal government increase in criminal justice expenditures to deal with drugs will inevitably take resources from other beneficial programs that have significantly greater chances of success in reducing drug-related harms.
- » The continuing increase in police and government powers to enforce drug laws will continue to diminish the rights of all Canadians, not merely those who use, produce or sell drugs.

### **The Canadian Drug Policy Coalition opposes this failed criminal justice approach.**

At the very least, any proposed drug legislation should undergo a comprehensive impact assessment to look at its likely fiscal, racial, ethnic, gender and youth impact. A further review should be conducted after the law has been in effect for a few years.

There may also be merit in introducing “sunset” clauses that would see some of the most controversial and unproven changes made by the proposed legislation lapse after a certain period unless Parliament specifically considers whether to end the law.

## **A Vision for the Future**

It is not necessary to turn everything of which one disapproves into a criminal offence. The CDPC calls for a new approach to drug policy in Canada based on peer-reviewed evidence, principles of public health and respect for human rights.

Canadians need to talk about how best to manage the many drugs, both illegal and legal, that are part of the Canadian landscape today and that will be part of the landscape in future. For this reason, the CDPC has initiated a program of public discussions across Canada about the appropriate shape of our drug laws and policies. These discussions will focus on five key policy and program areas that are critical to developing a comprehensive response to substance use:

- 1 Adopting a comprehensive health, social and human rights approach to substance use.**  
.....
- 2 Providing leadership in harm reduction.**  
.....
- 3 Pressing for an end to the criminalization of people who use drugs.**  
.....
- 4 Looking beyond drug prohibition to alternative approaches to regulating and controlling drugs.**  
.....
- 5 At the local, national and international level, promoting the human rights of people who use drugs.**



# Changing the Frame: A New Approach to Drug Policy in Canada

## Introduction

**This document is intended to help set the stage for a principled, evidence-driven, pragmatic and humane reform of Canada's drug laws and policies.**

It is also intended to help guide a national consultation about reform of Canada's laws and policies on currently illegal drugs. Unlike many other discussions about drugs, the discussion in this document is not being dictated by governments. The Canadian Drug Policy Coalition, a broad coalition of non-governmental organizations and individuals, welcomes the participation of all levels of government in this discussion and looks forward to hearing from a diversity of Canadians.

In 2011, a number of Canada's leading experts in drug policy formed the Canadian Drug Policy Coalition (CDPC) to serve as an informed and independent national voice on drug policy issues and to bring together groups interested in reform. The CDPC is committed to the position that Canada's drug laws and policies should be principled, based on public health principles and peer-reviewed evidence.

They must also respect human rights. Drug laws and policies designed without these considerations will only continue to harm those who use drugs, their families and their communities.





Photo: The Canadian Press/Jonathan Hayward

The most prominent feature of Canada's response to certain drugs over the last century—cannabis, heroin, cocaine and many other substances—has been a reliance on the criminal law, also called “prohibition.” Parliament first relied on a national prohibition when it prohibited the import, manufacture and sale of opium in 1908.

The intervening century has seen an increasing willingness to resort to criminal law to address concerns about drugs.

This has occurred despite a resounding lack of evidence to show that criminal law reduces the harms associated with drugs and despite growing evidence that the criminal law in fact increases those harms.

The current federal government's introduction on September 20, 2011, of Bill C-10, the Safe Streets and Communities Act, betrays its intention to rely even more heavily on a failed criminal justice approach. The proposed legislation will impose harsher criminal penalties, including mandatory minimum sentences, for several activities relating to drugs. The CDPC is deeply opposed to this legislative approach and its accompanying policies. Bringing harsher criminal laws into an already highly punitive approach to drugs will do nothing to reduce the harms associated with drugs and much to increase them. Increasingly punitive laws will — based on historical evidence from Canada and abroad—compound the failures of the criminal law. The harms of these laws will not be limited only to those who use drugs, but will extend to the communities around them.

This push for increased penalties for drug offences occurs in a climate of declining crime generally. Statistics Canada reported that the 2010 crime rate, which measures the volume of police-reported crime, reached its lowest level since the early 1970s.

The report found that drug crimes were one of the few categories of crime that showed an increase. Drug offences increased by 10 per cent in 2010, largely due to the increase in police-reported cannabis offences. There were almost 109,000 police-reported drug crimes in Canada that year. About half were for possession of cannabis. The report noted that the overall increase in police-reported drug offences continues the upward trend that began in the early 1990s.<sup>1</sup> In short, drug offences appear to be a criminal justice “growth industry.”

### The War on Drugs: The Wrong “Solution”

The use of the criminal law—the “war on drugs” or “prohibitionist” approach—is the wrong means to address the production, sale and possession of currently illegal drugs. In June 2011, the Global Commission on Drug Policy, created “to bring to the international level an informed, science-based discussion about humane and effective ways to reduce the harm caused by drugs to people and societies,” released its report. The report—the work of several prominent international figures—made the following key observations:

*The global war on drugs has failed, with devastating consequences for individuals and societies around the world. Fifty years after the initiation of the UN Single Convention on Narcotic Drugs, and 40 years after President Nixon launched the US government’s war on drugs, fundamental reforms in national and global drug control policies are urgently needed.*

*Vast expenditures on criminalization and repressive measures directed at producers, traffickers and consumers of illegal drugs have clearly failed to effectively curtail supply or consumption. Apparent victories in eliminating one source or trafficking organization are negated almost instantly by the emergence of other sources and traffickers. Repressive efforts directed at consumers impede public health measures to reduce HIV/AIDS, overdose fatalities and other harmful consequences of drug use. Government expenditures on futile supply reduction strategies and incarceration displace more cost-effective and evidence-based investments in demand and harm reduction.*

A 2009 report by Martin Jelsma of the Transnational Institute drew similar conclusions:

*After decades of mass incarceration and ever-increasing sentencing levels ... evidence indicates that law enforcement measures are not an effective means of reducing the extent of the illicit drugs market. The overly repressive enforcement of the global prohibition regime*

*has caused much human suffering, disrupting family lives and subjecting those convicted to disproportionate sentences in often abominable prison conditions. It has overburdened the judicial system and prison capacity and has absorbed huge resources that could have been made available for more effective treatment, harm reduction and crime prevention programs, as well as allowing law enforcement to focus on organized crime and corruption.*

It is a well-established legal principle that the criminal law should be used only in exceptional circumstances. Canada's 1969 Ouimet Report explained the reasoning for this restraint: "No act should be criminally proscribed where its incidence may be adequately controlled by social forces other than the criminal process." The Law Reform Commission of Canada reiterated this approach, as did the 1982 Government of Canada statement, *The Criminal Law in Canadian Society*: "Since many acts may be "harmful", and since society has many other means for controlling or responding to conduct, criminal law should be used only when the harm caused or threatened is serious, and when the other, less coercive or less intrusive means do not work or are inappropriate."

The criminal law is appropriate in some situations involving drugs—for example, where the use of drugs including alcohol causes direct harm to others, such as through impaired driving. However,

the criminal law should not be the main response to drug use that does not cause direct harm to others.

Using the criminal law to deal with drugs turns an otherwise manageable problem into an unmanageable one. It does this in several ways:

## 1. Supports the Growth of Robust Illegal Drug Markets

- » Instead of stopping or significantly reducing the flow of drugs, the criminal law creates a highly lucrative illegal market (sometimes referred to as a "black market") in drugs. In a 2009 statement, the United Nations Office on Drugs and Crime acknowledged this perverse effect: "Global drug control efforts," it said, "have had a dramatic unintended consequence: a criminal black market of staggering proportions.... The illicit drug business is worth billions of dollars a year, part of which is used to corrupt government officials and to poison economies."
- » This is the economic paradox of prohibition. The criminal law, although intended to suppress illegal drug markets, in fact makes those markets hugely profitable, creating the economic incentive for existing markets to expand and new ones to develop.



- » A century of prohibition in Canada has shown that the incentive to produce and sell drugs on these markets is far more powerful than the deterrent effect of the criminal law.
  - » The potential riches of the trade in illegal drugs have become a magnet for criminal and terrorist organizations. In a May 5, 2010, press release, Minister of Justice Rob Nicholson described “illicit drug production” as, “the most significant source of money for gangs and organized crime in Canada.”<sup>2</sup> By producing, selling or “taxing” illegal drugs, organized crime and terrorist groups can enormously increase their financial strength and capacity to do harm. The United Nations Office on Drugs and Crime described organized crime, bolstered by the drug trade, as a threat to security, with the power to destabilize society and governments. Even military intervention to suppress production and attack producers in foreign countries has proved ineffective in light of the economic incentive to produce and sell drugs.<sup>3</sup>
  - » Canada’s continuing support for the use of the criminal law as the principal instrument for dealing with certain drugs has fostered staggering levels of violence, corruption and dysfunction around the world—primarily in those countries that produce drugs or ship them across their territories.
  - » The illegal drug market can sometimes become extremely violent. Unlike those involved in legal commerce, producers, sellers and buyers of illegal drugs cannot resolve their disputes in court. Instead, they may resort to violence or threats of violence. In Mexico, this violence now claims thousands of lives each year. In 2009, the United Nations Office on Drugs and Crime spoke of how drug cartels were spreading violence in Central America, Mexico and the Caribbean and how West Africa was under attack from narco-trafficking. It asserted that collusion between insurgents and criminal groups was threatening the stability of West Asia, the Andes and parts of Africa, “fueling the trade in smuggled weapons, the plunder of natural resources and piracy.” *The Economist* magazine argues that the corruption and violence of organized gangs involved in the drug trade in some Latin American countries has made areas of those countries almost ungovernable.<sup>4</sup>
- Even relatively stable Canada sees regular episodes of violence between rival gangs attempting to control the drug trade. Not only gang members are the recipients of this violence. Innocent bystanders can be harmed or killed, and whole communities traumatized, as turf wars play out among gangs.

## 2. Fails to Prevent the Import of Drugs to Canada

- » Enforcing criminal prohibition stops only a small proportion of the drugs destined for those who use drugs. In Canada, perhaps as little as 10 per cent of drugs destined to enter the country are seized,<sup>5</sup> and the illegal cannabis trade within Canada is a major industry. Because of the large quantities of some drugs available on the illegal market, even seizing 10 per cent may not create a shortage for users. Drugs are even available in Canadian prisons—perhaps the clearest indictment of the futility of trying to solve the drug “problem” through the criminal justice system.

## 3. Increases Harms to People Who Use Drugs and to their Communities

- » The criminal law increases the potential of drugs to cause harm. Prohibiting drugs relegates their production and distribution to the illegal market and makes it highly profitable to develop new drugs or more powerful versions of existing drugs. Drugs produced or sold on the illegal market have no quality controls. Their purity levels vary, creating a risk of overdose, and they may contain contaminants that create further health risks for the people who use them.
- » The inflated price of drugs on the illegal market may lead those who use them to more dangerous forms of use, such as injecting, to get the best “bang for the buck.” This, coupled with inadequate access to clean equipment for using drugs, greatly increases the risk of acquiring infections such as Hepatitis C, HIV and multiple drug resistant bacterial infections. In other cases, high prices may drive those who use currently illegal drugs to activities—for example, the sex trade—that place them at physical risk and that may increase their risk of HIV or Hepatitis C infection. These infections will not remain confined to users, but will inevitably spread to others outside the community of users.
- » Some infections have a particularly devastating impact on aboriginal communities. In such communities, most new HIV infections can be traced to injecting drugs with infected equipment. For example, among Canadians as a whole in 2008, 17 per cent of new HIV infections related to injection drug use; among aboriginal Canadians, 66 per cent of new infections related to injection drug use.<sup>6</sup>
- » Some governments are reluctant to educate people honestly, or to allow others to educate them honestly about how to use illegal drugs as safely as possible. As a result, those who use drugs often don’t know how to reduce the risk.

There is also a reluctance to fund research that might reduce the harms associated with using these drugs, particularly when that research might challenge the prevailing ideology that favours relying on the criminal justice system and punishment. As well, education is needed to help the public understand that not all drug use is problematic and that, in fact, most people who use drugs do not become “addicted.”<sup>7</sup>

- » The criminal law, which by its nature serves as a means to condemn certain behaviours, stigmatizes those who use certain drugs and fosters public hostility towards them. This can lead to reluctance to respect the basic human rights to which all citizens are entitled, whether or not they use drugs. People who use drugs become “expendable” beings who are not seen as deserving of rights. Public hostility to users, coupled with that of the federal government to alternatives to the traditional criminal justice approach to drugs, translates into a reluctance to search for non-punitive measures to address the harms associated with drugs. It also stifles honest, non-partisan, dialogue about successful innovations such as the supervised injection facility—Insite—in Vancouver and drug maintenance and other programs in Canada and abroad.

- » Stigmatizing people who use drugs may also lower their self-esteem, leading to a range of other harms, including decreased chances of completing treatment.
- » Hundreds of thousands of Canadians have a criminal record because they were once found in possession of drugs—most often cannabis. This is frequently an undeserved impediment to their employment prospects and their ability to travel, harming both them and their families.
- » There is no substantial evidence that the criminal law significantly deters drug use. Reliance on the criminal law betrays a misguided belief that telling people forcefully enough to stop using drugs will make them stop. It ignores the evidence that drug use does not occur because of lax laws, but because of a range of other factors—trauma, mental illness, genetic predisposition, homelessness, dislocation, stress and simple curiosity and enjoyment among them. As well, the current approach focuses on any use of certain drugs, not merely their problematic use. The law punishes all those who use drugs simply because a minority among them may experience some harm. And the law will almost certainly continue to focus in practice on one of the least harmful of the currently illegal substances, cannabis.



#### 4. Deflects Attention from the Roots of Problem Substance Use

- » The criminal law deflects attention from the heart of the drug issue—why some people use drugs in a way that causes harm to them and their communities. As a result, these motivations are never addressed and the futile cycle of using the criminal law to reduce or eliminate drug use, followed by continued drug use and the further application of the criminal law, becomes more entrenched over time.

#### 5. Diminishes the Rights of All Canadians

- » The continuing increase in police powers to enforce drug laws has diminished the rights of all Canadians, not merely those who use, produce or sell drugs. Eventually, intrusive police measures that have been introduced to deal with the “extraordinary” circumstances of the illegal drug trade may migrate to other areas of law enforcement. These intrusive powers then become, not extraordinary, but the norm in policing. Excessively intrusive laws can appear at all levels of government.

For example, municipal initiatives introduced to support the “war on drugs,” such as those requiring

landlords to examine rental premises for possible illegal activities relating to drugs, and enlisting utility providers to “snoop” on homes when delivering services, further reduce the liberties of Canadians.

#### 6. Increases Incarceration through Mandatory Minimum Sentences

- » There is abundant evidence from the United States that mandatory minimum sentences do not either deter as predicted or reduce the harms associated with drug use. They do, however, increase prison populations, often by imprisoning non-violent drug offenders for lengthy periods. Such sentencing practices are financially costly, consuming resources that are then not available for other programs that have a greater chance of success in limiting harm. As well, an increase in incarceration rates for drug offences may mislead the Canadian public into thinking that the criminal justice system is resolving the drug problem. The public may then see less need for measures that have been shown to reduce harms and help resolve drug-related problems.
- » Despite the dearth of evidence showing benefits of mandatory minimum sentences for society, the federal government has refused to abandon this as the centerpiece of its

approach to drugs. It has also been unwilling to accept evidence of the ability of other measures to reduce harm. Ideology has compelled the government to employ methods that have not worked and cannot work. It has led the government to ignore evidence-based strategies for reducing the possible harms relating to drug use such as social development, housing and mental health issues.

- » Lengthier sentences for drug offences—the almost inevitable consequence of introducing mandatory minimums—also significantly harm the communities around those who are imprisoned. Imprisoned drug users, sellers and producers may have families. Lengthy periods of incarceration may deprive those families of the guidance of a parent or breadwinner. Being a drug user, producer or seller does not alone make an individual a bad parent. Once released from prison, these individuals will have trouble finding work because of their criminal records. This will limit their ability to support their families and lead to increased demands on social welfare systems.
- » The previous federal government introduced a bill, virtually identical to the drug provisions of the *Safe Streets and Communities Act* that was introduced on September 20, 2011. The Minister of Justice

described the previous bill as “specifically [targeting] gangs and other organized criminal groups who participate in the illegal drug trade.” He further stated that “drug lords should pay with jail time.”<sup>8</sup>

A background document released on September 20, 2011, about the *Safe Streets and Communities Act* again stated that the drug provisions were intended “to address serious organized drug crime.”<sup>9</sup>

- » Unfortunately, as with previous applications of the criminal law against certain drugs, it is not large criminal organizations that will be most heavily affected by this more punitive law. The history of drug law enforcement in Canada strongly suggests that the smaller players in the drug market, including dependent users who sell drugs to help them finance their own habits, and minority groups, will disproportionately bear the brunt of the revised law and its lengthier sentences. The result will be more small players and minority members in prison, for longer periods, while large criminal organizations remain relatively untouched by the very legislation which purports to target them.
- » The current federal government is greatly increasing prison and criminal justice expenditures. The increase in expenditures will total several billion dollars over the coming years.

A significant portion of those increased expenditures will be required to detain those convicted under proposed mandatory minimums. Provincial governments will also be forced to spend more to maintain their jails. This will almost certainly deprive other programs of the resources that have significantly greater chances of success in dealing with drug-related harms.

» What will increased penalties for drug offences and other recent criminal justice initiatives do to the cost of running Canada's federal penitentiary system?

- *The projected Correctional Service of Canada (CSC) budget allocation for 2013-14 is \$3.15 billion, almost double the budget expenditure for 2005-06;*
- *The projected CSC Capital Expenditures budget for 2013-14 is \$386 billion, almost three times the budget expenditure for 2005-06;*
- *The CSC staffing projection for 2013-14 is 22,061, a 50 per cent increase since 2005-06.<sup>10</sup>*

» These expenditure and staffing increases address only the federal penitentiary system. Provincial governments will also face significantly increased costs to house the additional individuals who will be incarcerated because of harsher drug laws and other criminal laws.



Photo: Jay Black



## 7. Increases the Risk of Disease in the Prison Environment

- » The inflated drug prices caused by the illegal market drive some people who use drugs to criminal activity to support their use. In some cases, these people will be prosecuted for those offences, or for drug offences themselves, and incarcerated. Putting more people who use drugs in prisons, and for longer terms—the inevitable outcome of Bill C-10—will only increase the risk of disease spreading in prisons.<sup>11, 12</sup>

The health of individuals entering prison is often worse than that of those outside the criminal justice system. New prisoners are much likelier to have an existing HIV or Hepatitis C infections—not surprising, given that many individuals who inject drugs are being sentenced to prison.<sup>13</sup>

Fewer means are available in prison than in open society to prevent the spread of disease, despite extensive drug use within prisons and the concentration in very close quarters of many people who use drugs. Many individuals will continue to use, or start to use drugs, including by injection, while in prison.<sup>13</sup> Unlike in some countries, Canadian prisoners have no access to clean syringes to inject drugs.

The availability of illegal drugs in prisons, the lack of access to clean equipment, the incentive to use drugs to cope with the harsh prison environment and the mental illnesses suffered by many inmates, create conditions ripe for the further spread of disease. Prisons become “incubators” for disease.

A failure by government to protect the health of those in prison also places communities outside prison at risk of disease, since most prisoners are eventually released into the community.

### Assessing Proposed Changes to Canada’s Drug Laws

As this document makes clear, the Canadian Drug Policy Coalition is opposed on many grounds to continuing a failed criminal justice approach to currently illegal drugs. Coalition members acknowledge the dominant position of the current government in Parliament and its ability to press forward with legislation such as Bill C-10, the *Safe Streets and Communities Act*, as it sees fit. Still, any such legislation should undergo a comprehensive impact assessment. The assessment should address the fiscal impact of the proposed legislation, as well as its racial and ethnic, gender and youth impact.

It should also examine the impact of the proposed legislation on gangs and other organized criminal groups—the stated target of Bill C-10.

The assessment would forecast the impact of the proposed legislation on each of these areas before its passage. Impact assessments should also occur within two years after the legislation is enacted. The resulting reports should be submitted to the House of Commons and the Senate for review and should also be made public.

If the government is so firmly persuaded of the value of its approach to drugs, it should have no objections to such assessments.

There may also be merit in introducing “sunset” clauses that would see some of the most controversial and unproven changes made by the proposed legislation lapse after a certain period unless Parliament later permits an extension.


## A Vision for the Future

It is not necessary to turn everything of which one disapproves into a criminal offence. Society has many other vehicles for expressing concerns about and discouraging objectionable activities.

The CDPC joins in the call for a new approach to drug policy in Canada based on peer-reviewed evidence, principles of public health and respect for human rights. Drug laws and policies should not be based simply on “conventional wisdom,” ideology and political opportunism.

Many organizations in Canada and abroad have designed and proposed regulatory models and health-based responses for reducing the harms associated with drugs. Increasingly, governments elsewhere—including in Europe and Latin America—are introducing these measures and moving away from a criminal justice approach. Canada can learn much from reform efforts elsewhere. But in Canada the lynchpin and the stumbling block for these more effective measures is Parliament.

Many effective and humane measures will not be introduced as long as Parliament retains an approach based on criminal prohibition.



The Global Commission on Drug Policy set out principles for reform in its 2011 report:

End the criminalization, marginalization and stigmatization of people who use drugs but who do no harm to others...

Encourage experimentation by governments with models of legal regulation of drugs to undermine the power of organized crime and safeguard the health and security of their citizens...

Offer health and treatment services to those in need. Ensure that a variety of treatment modalities are available... Implement syringe access and other harm reduction measures that have proven effective in reducing transmission of HIV and other blood-borne infections as well as fatal overdoses. Respect the human rights of people who use drugs... Apply much the same principles and policies stated above to people involved in the lower ends of illegal drug markets, such as farmers, couriers and petty sellers...

Arresting and incarcerating tens of millions of these people in recent decades has filled prisons and destroyed lives and families without reducing the availability of illicit drugs or the power of criminal organizations...

Invest in activities that can both prevent young people from taking drugs in the first place and also prevent those who do use drugs from developing more serious problems. Eschew simplistic 'just say no' messages and 'zero tolerance' policies in favor of educational efforts grounded in credible information and prevention programs that focus on social skills and peer influences...

Focus repressive actions on violent criminal organizations, but do so in ways that undermine their power and reach while prioritizing the reduction of violence and intimidation...

Begin the transformation of the global drug prohibition regime. Replace drug policies and strategies driven by ideology and political convenience with fiscally responsible policies and strategies grounded in science, health, security and human rights—and adopt appropriate criteria for their evaluation....

Break the taboo on debate and reform.

**The time for action is now.**



In March 2011, the organizations that formed the Canadian Drug Policy Coalition committed to advance public dialogue and discussion of alternative approaches to the harms from substance use and the drug trade in Canada.

The CDPC is based at Simon Fraser University's Centre for Applied Research in Mental Health and Addictions in Vancouver.

Its founding members include HIV/AIDS service organizations, research institutions, public education groups, concerned parents, people who use drugs, public health professionals & educators.

# Key Policy & Program Areas

Canadians need to talk about how best to manage the many drugs, both illegal and legal, that are part of the Canadian landscape today and that will be part of the landscape in the future. Too often, relying on government alone to manage these matters has not produced sensible, humane or effective drug laws and policies.

For this reason, the CDPC has initiated a program of public discussions across Canada about the appropriate shape of our drug laws and policies. These discussions will focus on five key policy and program areas that are critical to developing a comprehensive response to substance use.

## 1 Adopting a comprehensive health, social and human rights approach to substance use.

Federal, provincial, territorial and municipal governments should emphasize a “population health” and human rights approach, which aim to improve the health and social well-being of the entire population and to reduce health inequities among population groups.

These approaches consider a broad range of factors that affect the health and social well-being of individuals and communities. The factors include employment, income, social support networks, housing, the economy, working conditions, education, access to health services, gender and culture.

This comprehensive approach acknowledges that problematic substance use takes place within a broader context and that health promotion, preventing problematic use, treatment and policing strategies aimed at reducing the harms from drug use must take these into account. It also explicitly acknowledges that a reduction in social and material inequities is required to reduce health inequities in society.

## 2 Providing leadership in harm reduction.

Harm reduction is a key pillar of strategies to address the harms related to problematic substance use. The CDPC sees the reduction of harm to individuals, families and communities as the fundamental goal of drug policy and the standard against which all drug policies should be evaluated. Harm reduction involves a pragmatic, multidisciplinary, non-judgmental approach that values the human rights of people who use drugs and affirms that they are the primary agents of change for reducing the harms of their drug use.

Harm reduction provides skills in self-care (and care for others), lowers personal risk, encourages access to treatment, supports reintegration, limits the spread of disease, improves environments and reduces public expense. It also saves lives. The evidence supporting harm reduction strategies is significant. All jurisdictions need to consider how best to incorporate harm reduction into public health measures for people who use drugs.

### 3 Pressing for an end to the criminalization of people who use drugs.

Criminalizing people who use drugs, especially those who develop problems with use, is counterproductive. It actually impedes rather than helps the process of creating healthy communities. Using the criminal law stigmatizes and marginalizes people and reduces their opportunities in life. Governments in many other countries are beginning to acknowledge this. Some are eliminating criminal penalties for possessing small amounts of drugs and increasing their focus on health care responses.

### 4 Looking beyond drug prohibition to alternative approaches to regulating and controlling drugs.

The CDPC calls for a responsible national dialogue on alternatives to the criminal law as the central focus of efforts to control drugs and address drug-related problems.

The CDPC is committed to examining the range of options for regulating and controlling psychoactive substances in an effective and humane manner. This process will require time and expertise. Most important, it will require the courage of political leaders to look beyond political opportunism and ideology and to participate honestly and openly in exploring alternative models.



## 5 At the local, national and international level, promoting the human rights of people who use drugs.

Mass incarceration, long terms of forced labour and the death penalty are only some of the human rights abuses experienced in other countries by people who use drugs and by those around them.

Too little attention is paid to the suffering and loss caused by criminalizing those who use drugs.

Children are often most at risk, many of them orphaned when their parents die from overdoses, HIV/AIDS or other drug-related diseases. Many are effectively orphaned by child apprehension measures and criminal justice systems that incarcerate, and in some countries execute, their parents for non-violent drug offences.

Canada should play a more significant role in defending the human rights of people here and in other countries who use drugs. It should also make greater efforts to protect the interests of family members, especially children.

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These five policy areas will be central to the Canadian Drug Policy Coalition national dialogue process that will focus on advancing a comprehensive response to substance use in Canada.

It is time to move beyond the rhetoric of the war on drugs, acknowledge the complexity of substance use in contemporary society and bring Canadians together to work towards a drug policy that is based on evidence, principles of public health and human rights, and social inclusion.

**We hope you will join us in this process.**

# Notes

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- 3 Yuri Fedotov, Executive Director, UN Office of Drugs and Crime, speech: UN Security Council Briefing on Emerging Challenges to International Peace and Security, November 23, 2011
- 4 "The drug war hits Central America," *The Economist*, April 14, 2011: <http://www.economist.com/node/18560287>.
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- 6 Public Health Agency of Canada, *HIV/AIDS Epi Updates*, July 2010, chapter 8, p. 1: [http://www.phac-aspc.gc.ca/aids-sida/publication/epi/2010/pdf/EN\\_Chapter8\\_Web.pdf](http://www.phac-aspc.gc.ca/aids-sida/publication/epi/2010/pdf/EN_Chapter8_Web.pdf).
- 7 Bruce Alexander. *The Globalization of Addiction: A study in the poverty of the spirit* (Chapter 8, pp. 173-204). New York, Oxford Press, 2010
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- 12 Canadian HIV/AIDS Legal Network (2010). *Under the Skin: A peoples case for prison needle and syringe programs*.
- 13 "[A] minority of inmates report engaging in risk-behaviours during the past six months in prison: 34% of men and 25% of women used non-injection drugs, 17% of men and 14% of women injected drugs.... Men were more likely than women to report risky injecting practices...." Correctional Service Canada, Summary of Emerging Findings from the 2007 National Inmate Infectious Diseases and Risk-Behaviours Survey (2010 No R-211, March 2010).

# Suggested Further Reading

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- » Global Commission on Drug Policy, *War on Drugs: Report of the Global Commission on Drug Policy* (June 2011): <http://www.globalcommissionondrugs.org/Report>
- » Health Officers' Council of British Columbia, *Public Health Perspectives for Regulating Psychoactive Substances*, 2011
- » Transform Drug Policy Foundation, *After the War on Drugs: Blueprint for Regulation* (2009): <http://www.tdpf.org.uk/blueprint%20download.htm>
- » Bruce Alexander, *The Globalization of Addiction: A study in the poverty of the spirit*. New York, Oxford Press. 2010
- » The Vienna Declaration  
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- » The Lancet Special Edition: *HIV in people who use drugs 2010*  
<http://www.thelancet.com/series/hiv-in-people-who-use-drugs>
- » The Lancet: *Addictions 2012*  
<http://www.thelancet.com/series/addiction>
- » The Supreme Court of Canada decision on Vancouver's Supervised Injection Site - Insite  
<http://scc.lexum.org/en/2011/2011scc44/2011scc44.html>
- » *LEARNING FROM EACH OTHER:*  
*Enhancing Community-Based Harm Reduction Programs and Practices in Canada*  
<http://www.canadianharmreduction.com/project/index.php>





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