

Statement Déclaration

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HEALTH AND HUMAN RIGHTS COALITION APPLAUDS SUPREME COURT DECISION IN DRUG-SENTENCING CASE

April 15, 2016 — As a coalition of interveners* in the Supreme Court of Canada case, *R. v. Lloyd*, we applaud the Court for recognizing that a mandatory minimum sentence (MMS) for certain drug offences is not only harsh and damaging, but also unconstitutional. We hope that this decision is one more step towards ending Canada's harmful, punitive approach to drugs, and promoting instead an approach based on public health and human rights.

Under the previous federal government, Canada's *Controlled Drugs and Substances Act* was amended to mandate a minimum one-year sentence for certain drug offences. This change was pushed through despite objections from opposition lawmakers and legal and medical experts, and despite [overwhelming evidence](#) about the harmfulness and ineffectiveness of MMS laws.

As we [argued in Lloyd](#), and as the Court concurred, the MMS before the Court unjustifiably violates the right to be free from cruel and unusual punishment, per section 12 of the *Canadian Charter of Rights and Freedoms*. We are pleased that the Court recognized the fact that individuals caught by the MMS law may be drug-dependent, and sentencing them to a one-year MMS could be grossly disproportionate, including because it may undermine treatment for their drug dependency.

However, it is also important to note, as the coalition did in our argument, that many such individuals might also be living with HIV and/or hepatitis C virus (HCV). Mandating prison time for these individuals can mean disruptions in treatment because of inadequate health care in prisons. Furthermore, prolonging incarceration puts people who use drugs at increased risk of returning to their communities with HIV or HCV, and of suffering fatal overdose because of lack of adequate prison-based harm reduction services. Not only do MMS laws cause these negative health consequences, they completely fail to deter drug-related crimes or protect public health.

The Supreme Court's decision presents an opportunity for the federal government to undo Canada's punitive arsenal of harmful drug laws. The federal government has already expressed support for a new approach to drug policy based on human rights and public health. This approach should include eliminating all MMS laws for drug-related offences, ensuring access to comprehensive harm reduction services and medical treatment for drug dependence and infection with HIV and HCV, both inside prisons and out, and decriminalizing possession of all drugs for personal use.

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– 30 –

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