



November 23, 2020

Vancouver City Council:

Mayor Kennedy Stewart
City Councillor Rebecca Bligh
City Councillor Christine Boyle
City Councillor Adriane Carr
City Councillor Melissa De Genova
City Councillor Lisa Dominato
City Councillor Pete Fry
City Councillor Colleen Hardwick
City Councillor Sarah Kirby-Yung
City Councillor Jean Swanson
City Councillor Michael Wiebe

Regarding Motion B4 – Work with Senior Governments to Address the Overdose Crisis

Dear Mayor Stewart and Vancouver City Councillors,

We are writing to you on behalf of the British Columbia Civil Liberties Association to express our support for Motion B4 appearing before Vancouver City Council on Tuesday November 24, 2020.

We emphatically support and stress the importance of the resolution to “direct the Mayor to consult with the VCH Chief Medical Health Officer and then write to the federal Ministers of Health, Public Safety and Emergency Preparedness, and Justice and Attorney General to request a federal exemption from the *Controlled Drugs and Substances Act* to decriminalize personal possession of illicit substances within the City’s boundaries for medical purposes, in order to address urgent public health concerns caused by the overdose crisis and COVID-19.”

The British Columbia Civil Liberties Association is the oldest and most active civil liberties organization in Canada. Our mandate is to defend and extend civil liberties & human rights for all in BC and Canada, while paying particular attention to the needs of oppressed communities. We engage in litigation in the courts, law and policy reform with government, and public legal education. Since the 1980’s, the BCCLA has advocated against various federal, provincial and municipal laws, bylaws and regulations criminalizing substance use and possession.



We commend the longstanding efforts of frontline community groups like Vancouver Area Network of Drug Users, Western Aboriginal Harm Reduction Society, BC/Yukon Association of Drug War Survivors, Moms Stop the Harm, Overdose Prevention Society, and many others who have been advocating for the immediate and full decriminalization of simple drug possession for decades. We also support our colleagues in the HIV Legal Network, Pivot Legal Society and the Canadian Drug Policy Coalition who are leading advocacy efforts calling on the federal government to exercise its section 56 power under the *Controlled Drugs and Substances Act* to exempt all persons in Canada from the criminal prohibition on simple drug possession.

The BCCLA was one of the 170 organizations who signed the [joint letter to the federal Minister of Health](#) calling for immediate action to decriminalize simple drug possession. As you know well, there is an urgent need to adopt evidence-based policies to support the health and safety of people who use drugs. Since 2016, over 14,700 people have died by accidental overdose in Canada, with 1,500 lives tragically claimed in Vancouver alone. Now, the concurrent effects of two public health emergencies, the COVID-19 pandemic and the overdose crisis, have escalated the crisis of overdose deaths in the absence of decriminalization and the lack of safe supply. There are decisive steps every level of government can and must take to protect the health, dignity and freedom of people who use drugs.

We further emphasize that full decriminalization means removing all criminal sanctions *and* other regulatory measures — such as administrative penalties, fines, drug seizures, involuntary treatment or coerced diversion programming — for the possession of substances for personal use. A recent article in the Tyee [reveals](#) that even when people are not arrested for simple possession of drugs, police do still stop and confiscate small amounts of drugs without charging people with any offense under the *Criminal Code*. Given the omnipresent reality of police and law enforcement disproportionately targeting Indigenous, Black, homeless, sex worker, undocumented migrant, two spirit and trans people who use drugs for street checks, profiling, surveillance, and intimidation, it is vital that there are no criminal or administrative sanctions for personal drug possession. Reducing stigma, ending police harm, increasing access to justice, meaningful commitments to anti-racism, and saving lives all require full decriminalization.

Sincerely,

A handwritten signature in black ink, appearing to read 'Harsha Walia', written over a light blue horizontal line.

Harsha Walia
Executive Director

A handwritten signature in black ink, appearing to read 'Meghan McDermott', written over a light blue horizontal line.

Meghan McDermott
Interim Policy Director