

CANADIAN ASSOCIATION OF PEOPLE WHO USE DRUGS

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The Canadian Association of People Who Use Drugs (CAPUD) and Four Individuals File *Charter* Lawsuit Against the Government of Canada Seeking Decriminalization of Drug Possession and Necessity Drug Trafficking

For Media Release:

September 2, 2021

On International Overdose Awareness Day (August 31, 2021), the Canadian Association of People who Use Drugs (CAPUD), Canada's national persons who use drugs (PWUD) advocacy group and network, and four individual plaintiffs, Deb Bailey, Charlene Burmeister, Paul Choisil, and Hawkfeather Peterson filed a lawsuit against the Government of Canada in British Columbia Supreme Court in Vancouver. The individual plaintiffs are all PWUDs or family members of PWUDs resident in BC. CAPUD is a non-profit society that seeks solutions to the ongoing devastating overdose crisis, by representing and raising the voice of people who use(d) drugs throughout Canada in drug and health policy discussions. CAPUD is made up of 560 members in all provinces and two territories, all of whom are current or former drug users.

The lawsuit seeks to vindicate the human rights of PWUDs. The Plaintiffs ask for declarations that the federal *Controlled Drugs and Substances Act (CDSA)* sections prohibiting drug possession be declared invalid and struck. They further ask that the section prohibiting drug trafficking be read down to exclude criminal penalties for circumstances of drug trafficking due to necessity, ie. the sale of drugs to support oneself, for the high costs of drug use, or to provide a safe supply given the widespread toxic contamination of the current illicit drug supply. The plaintiffs seek to decriminalize these drug-related activities with respect to all drugs controlled under the *CDSA*. The plaintiffs rely on their *Canadian Charter of Rights and Freedoms* rights to life, liberty, and security of the person (section 7), equality rights (section 15), and rights to not be subjected to cruel and unusual treatment or punishment (section 12).

The Plaintiffs assert that drug criminalization actively creates overdose dangers, as the illicit drug market left in the regulatory vacuum has become lethal. Further, they assert that the coercive force of the criminal laws on PWUD behavior, through fear of persecution by law enforcement and the laws stigmatizing effects on PWUDs, actively restricts them from accessing harm reduction services that could prevent overdoses.

The failure of governments to adequately respond to the devastating human toll of the ongoing overdose epidemic, which has claimed nearly 24,000 lives since 2016 (when fentanyl contamination was first widely observed) has prompted the Plaintiffs to take the drastic step of initiating this litigation.

The plaintiffs are currently represented by Klaudt Law.

To learn more about the litigation and the drug decriminalization movement, please visit <http://drugdecrimcanada.com/> or CAPUD's GoFundMe page (<https://www.gofundme.com/f/Support-CAPUD-in-its-Drug-Decrim-Action>).

CAPUD's online press conference on September 2, 2021, is available on [Youtube](#).

Further media inquiries can be directed to CAPUD's legal counsel:

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