

10 September 2019

Dear Richard,

Thank you for writing, and for providing us with the opportunity to speak to the issues facing your community, and for your advocacy. Please find our answers below, with the French following the English.

Best regards,

Kat Lorimer
Policy Researcher
Green Party of Canada

1. Restoring funds to the federal HIV strategy

Canada has signed on to UNAIDS' targets for HIV prevention and treatment, which aim to achieve zero new infections, zero deaths from AIDS, and zero discrimination related to HIV in Canada, and to achieve the Sustainable Development Goal of ending AIDS globally by 2030. With more than 2400 new HIV diagnoses reported in 2017 (an increase of 17.1% since 2014), there is little hope of realizing such ambitious goals without adequately funding the HIV response. This includes the vital services and programs that offer HIV prevention and provide care, treatment and support to people living with and affected by HIV, and the programs that address social inequalities and advance the human rights of people living with HIV and communities particularly affected by HIV. In 2003, House of Commons Standing Committee on Health unanimously recommended that Canada double its HIV funding to \$85 million annually. In 2004, the federal government committed to largely reaching this target, with funding to increase gradually to \$84.4 million per year by 2008–09.

But as we outlined in our brief on "[The Missing Millions.](#)"; that committed funding increase was halted in 2007 and has flat-lined at the level of roughly \$70 million a year since. As a result, over the past 13 years, more than \$100 million committed to the HIV response have simply never been delivered. Services and organizations have closed or discontinued programs despite the clear need that exists. The federal government has just released a new federal action plan on HIV and other sexually transmitted and blood-borne infections, but so far it does not include firm targets and there is no commitment to adequately fund that plan. Reiterating the call for an adequately funded federal HIV strategy, in June 2019, the House of Commons Standing Committee on Health unanimously recommended an increase in federal HIV funding to \$100 million annually.

Question: Will your party commit to collaborating with HIV organizations in Canada to restore the diverted and lapsed resources needed to address the gaps in Canada's HIV response and adequately fund the new federal action plan on HIV?

Green Members of Parliament (MPs) are committed to consulting and working with HIV organizations in Canada to examine the gaps that exist in Canada's HIV healthcare. Greens want to reorient Health Canada's mandate towards mental health and addictions, health promotion, and disease prevention and work to base health transfers



to the provinces on demographics and real health care needs in each province. Green MPs are committed to adequately funding the new federal action plan on HIV.

Les députés verts se sont engagés à consulter et à travailler avec les organismes de lutte contre le VIH au Canada afin d'examiner les lacunes qui existent dans les soins de santé pour le VIH au Canada. Les Verts veulent réorienter le mandat de Santé Canada vers la santé mentale et les toxicomanies, la promotion de la santé et la prévention des maladies et s'efforcer de fonder les transferts en matière de santé aux provinces sur les données démographiques et les besoins réels en soins de santé dans chaque province. Les députés verts se sont engagés à financer adéquatement le nouveau plan d'action fédéral sur le VIH.

2. Protecting public health and saving lives through harm reduction services and smarter, evidence-based drug policy

Canada continues to experience an unprecedented overdose crisis; more than 11 500 people have died of opioid overdose in the past three years. Supervised consumption services (SCS) are evidence-based health services that provide a safe, hygienic environment where people can use drugs under the supervision of trained staff or volunteers, and have been proven to reduce the risks of HIV, hepatitis C and fatal overdose. Yet, service providers in Canada cannot confidently and sustainably offer SCS without a legal exemption protecting staff and clients from criminal prosecution for drug offences while accessing services. As we have documented in a recent [report](#), this exceptional regime remains a significant barrier to the rapid implementation of SCS across the country.

More generally, criminalizing activities related to personal use, such as possession, hinders the scale-up of SCS. It puts people who use drugs at increased risk of harm, including by impeding their access to vital services and emergency care in the event of an overdose. Meanwhile, the increasing toxicity of the illegal, and hence unregulated, drug market contributes to the ongoing overdose crisis; criminal prohibitions have contributed to this public health emergency and cannot solve it. As the opioid crisis continues to devastate communities and families across the country, the federal government must take immediate steps to protect the health and human rights of our family and community members who use drugs.

Question: Will your party adopt the following necessary steps to address the overdose crisis?

1. Decriminalize activities related to personal drug use, which would remove the need for SCS providers to obtain an exemption from criminal prosecution and allow SCS to open and operate in a similar fashion to other health services.

Green MPs are committed to addressing the opioid crisis as a health-care issue, not a criminal issue. The first step is declaring a national health emergency.



Greens would decriminalize possession, and ensure people have access to a screened supply and the medical support they need to combat their addictions. We would ensure these steps make it easier for SCS to open and operate.

Les députés verts sont déterminés à considérer la crise des opioïdes comme un problème de santé et non comme un problème criminel. La première étape consiste à déclarer une urgence sanitaire nationale.

Les Verts décriminaliseraient la possession et veilleraient à ce que les gens aient accès à un approvisionnement contrôlé et au soutien médical dont ils ont besoin pour combattre leur dépendance. Nous veillerions à ce que ces étapes facilitent l'ouverture et le fonctionnement des SCS.

2. Secure existing SCS and scale up services by:

- (a) granting an ongoing class exemption to any SCS that meet minimum required conditions, instead of the current, onerous case-by-case application process; and
- (b) committing federal funds to support SCS, including in provinces and territories where authorities are unwilling to fund these essential services.

Greens are committed to funding community SCS where needs are not currently being met and to decriminalize possession to ease current application processes.

Les Verts se sont engagés à financer les SCS communautaires là où les besoins ne sont pas actuellement satisfaits et à décriminaliser la possession pour faciliter les processus de demande actuels.

3. In consultation with people who use drugs, implement various options for ensuring a safe supply of controlled substances to those who are otherwise at risk of potentially fatal overdose, and other serious injury, from a toxic illegal drug market.



Green MPs are committed to ensuring people have access to a screened drug supply and would increase funding to community-based organizations to test drugs and make Naloxone kits widely available to treat overdoses.

Les députés verts sont déterminés à faire en sorte que les gens aient accès à un approvisionnement de médicaments soumis à un dépistage et augmenteraient le financement des organismes communautaires pour tester les médicaments et rendre les trousseaux de Naloxone disponibles pour traiter les surdoses.

3. Protecting prisoner and public health by supporting effective prison-based needle and syringe programs

For more than 27 years, needle and syringe programs have been available in prison systems around the world and have been endorsed by numerous health and human rights organizations in Canada and internationally. Evaluations of these programs have consistently demonstrated that they reduce needle-sharing and the risk of HIV and hepatitis C infection, do not lead to increased drug use, reduce overdoses, facilitate referrals of users to drug treatment programs, and have not resulted in needles or syringes being used as weapons.

Acknowledging the health benefits of needle and syringe programs in prison, the Correctional Service Canada began implementing a prison needle exchange program (PNEP) in federal prisons in 2018. While this is a welcome development in principle, details of the PNEP reveal serious deficiencies that are not in keeping with public health principles or professionally accepted standards for such programs. Moreover, despite research indicating that occupational safety is better where these programs exist (because staff are far less vulnerable to accidental needle-stick injuries and less likely to experience such an injury from a needle/syringe that has been shared by many people), some correctional officers continue to oppose the PNEP, and the program remains vulnerable to cancellation.

Question: Given the overwhelming evidence regarding the effectiveness of prison-based needle and syringe programs, will your party support their continued implementation in Canada's federal prisons, and commit to consulting with prisoners, researchers and community organizations with expertise in prison health to fix fundamental problems with the current program so that prisoners who need this health service can gain effective access?

The Green Party is committed to evidence-based decision making and consultation with stakeholder communities. We would support consulting with prisoners, researchers and community organizations to fix the problems with the current PNEPs.



Le Parti vert s'est engagé à prendre des décisions fondées sur des données probantes et à consulter les collectivités des intervenants. Nous appuierions la consultation auprès des détenus, des chercheurs et des organismes communautaires pour régler les problèmes que posent les PÉSP actuels.

4. Limiting the “overcriminalization of HIV”

People living with HIV currently face a maximum penalty of lifetime imprisonment for aggravated sexual assault — one of the most serious criminal offences in the Criminal Code — and a lifetime designation as a sex offender for not disclosing their HIV status to sexual partners, even in cases where there is little or no risk of transmission. This means a person engaging in consensual sex that causes no harm, and poses little or no risk of harm, can be prosecuted and convicted like a violent rapist. To date, approximately 200 people across Canada have been charged, including in cases when there was little or no risk of passing on the virus.

Numerous HIV organizations across Canada and internationally oppose criminal charges for non-disclosure in cases of otherwise consensual sex, except in limited circumstances (such as when people are aware of their status and maliciously infect others). Recognizing the need to limit the “overcriminalization of HIV” in Canada, in December 2018 the Attorney General of Canada directed federal Crown attorneys (who handle such criminal cases in the three territories) to stop prosecuting people whose HIV viral load is suppressed. She also directed prosecutors to “generally” not prosecute people who used a condom, took HIV treatment as prescribed, or just had oral sex, because she concluded that there is “likely no realistic possibility of transmission” in these circumstances. While this is a step in the right direction, law reform is necessary to end unjust prosecutions and remove HIV non-disclosure from the law of sexual assault, as recommended by the House of Commons Standing Committee of Justice and Human Rights in its [report](#) released in June 2019.

Question: Does your party commit to implementing the recommendations of the Standing Committee to:

(a) reform the Criminal Code in consultation with the HIV sector (including removing HIV non-disclosure from the reach of sexual assault laws), and

b) engage with provincial counterparts to develop improved, and consistent, prosecutorial policy across the country?

Yes. The Green Party of Canada agrees with the recommendations of the House of Commons Standing Committee of Justice and Human Rights and is committed to both of these measures.



Oui, le Parti vert du Canada est d'accord avec les recommandations du Comité permanent de la justice et des droits de la personne de la Chambre des communes et s'est engagé à appliquer ces deux mesures.

5. Protecting the health and human rights of sex workers

In December 2013, the Supreme Court of Canada unanimously struck down several sections of Canada's Criminal Code dealing with prostitution as unconstitutional, because they violated the rights of sex workers by undermining their health and safety. Despite calls from sex worker groups and their allies for critical discussion and collaboration to propose legislation in keeping with the Court's decision, the federal government passed the Protection of Communities and Exploited Persons Act in 2014, re-introducing many of the very harms the Court had struck down as unconstitutional. For more than four years, sex workers and health and human rights advocates have repeatedly called on the federal government to repeal this law, yet there has been no legislative change and sex workers continue to face violations of their health and human rights. Sex worker organizations across Canada have developed extensive recommendations for law reform, including changes to the federal criminal law, that would better protect their health and rights.

Question: Will your party support the repeal of all sex work-specific criminal laws, including the Protection of Communities and Exploited Persons Act, and meet with sex workers to develop a holistic vision of law reform that will improve their health and safety?

The Green Party would reform sex work laws in Canada with a clear focus on harm reduction, given the dangers that sex trade workers face. Green MPs would repeal C-36 (the 'Protection of Communities and Exploited Persons Act') and pass legislation that develops regulations for legal prostitution between consenting adults. We firmly believe that sex workers must be consulted on any policy development that affects them.

Le Parti vert réformerait les lois sur le travail du sexe au Canada en mettant clairement l'accent sur la réduction des méfaits, étant donné les dangers auxquels les travailleuses et travailleurs sexuels font face. Les députés verts abrogeraient le projet de loi C-36 (Loi sur la protection des communautés et des personnes exploitées) et adopteraient une loi qui régulerait la prostitution légale entre adultes consentants. Nous croyons fermement que les travailleuses et travailleurs sexuels doivent être consultés sur toute politique qui les touche.

