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Visual AIDS: Standard of Caring

Dan Small reflects on the Supreme Court's unanimous ruling last fall to keep Insite open.



This photograph of the marquee of a humble inner-city church in Vancouver was taken when the continent's only supervised injection facility, [Insite \(http://supervisedinjection.vch.ca\)](http://supervisedinjection.vch.ca), was under threat of closure by Canada's Conservative federal government. Some years earlier, this same church held a memorial for a much-loved member of the community who passed away from AIDS because supervised injection and adequate harm reduction came too late for him. The pastor asked those

present to “thank God for the supervised injection site.”

As a last resort to protect the life-saving facility, the non-profit agency that operates Insite, the PHS Community Services Society, turned to the courts. This high-stakes strategy forced an examination of whether addiction was a criminal matter or a healthcare matter. What ensued was a struggle between the government of Canada, which deployed extensive legal resources, and a charitable organization that relied on pro bono lawyers to defend Insite. If the case were lost, Insite, a place that helps prevent deaths from overdose, HIV and hepatitis C, would be closed. It was winner take all.

On September 30th, 2011, Canada’s highest court ruled unanimously in favour of Insite and decreed addiction a matter for the Chief of Medicine rather than the Chief of Police. The court sent a message: Political power cannot be used arbitrarily when lives are at stake. The federal health minister was ordered to allow Insite to remain open.

[This ruling \(http://scc.lexum.org/en/2011/2011scc44/2011scc44.html\)](http://scc.lexum.org/en/2011/2011scc44/2011scc44.html) opens the door for supervised injection in other communities, as part of the standard of care to fight overdoses, hepatitis C and HIV. Medical, scientific and legal evidence support the efficacy of supervised injection. The Supreme Court of Canada has shown ours to be a country where everyone—even the most wounded injection drug user living in the shadows of life—is a member of the human family with fundamental rights to the security of their person provided by life-saving healthcare. The ruling has done more than stress a standard of care; it has highlighted a standard of *caring*.

Dr. Dan Small, a senior manager with the PHS, has been involved in setting up, implementing and advocating for Insite.
