



HEALTH  
JUSTICE



## News Release

July 22, 2020

### Lack of Planning in Bill 22 Would See Increased Drug Fatalities for Indigenous Youth in the Midst of Opioid Crisis

((X̱w̱məθkw̱əy̱əm (Musqueam), Sḵw̱x̱w̱ú7mesh (Squamish) and sə̱lilw̱ətaʔṯ/sə̱lilwitulh (Tsleil-Waututh)/Vancouver, B.C. – July 22, 2020) Indigenous rights, health, and civil liberties organizations are extremely alarmed that the Province of BC remains committed to pushing Bill 22 through the Legislative Assembly. Bill 22 proposes a number of amendments to the *Mental Health Act* that raise numerous concerns about the dangerous impacts on the health, safety and rights of youth. The organizations are deeply disappointed and discouraged by the lack of engagement with advocacy groups, health professionals, and impacted parties. Further, the lack of consultation with Indigenous peoples, most directly impacted by this bill, is a complete contradiction to the principles of BC's own *Declaration Act on the Rights of Indigenous Peoples*.

Article 7(1) of the *United Nations Declaration on the Rights of Indigenous Peoples*, which the governments of Canada and BC have adopted and committed to implement, states that all Indigenous peoples have the rights to life, physical and mental integrity and security of person.

“To see this legislation tabled during a time when the reality of systemic and blatant racism towards Indigenous peoples and other people of colour is undeniable, is extremely troubling and emblematic of a system that seeks to oppress rather than to support,” stated **Kukpi7 Judy Wilson of the Union of BC Indian Chiefs**. “Our families and communities require culturally-safe, wraparound services – not additional legal mechanisms to detain our youth and ignore our rights. We will not accept unilateral processes imposed by provincial government that places additional risks on our children’s lives, including increased fatalities and the further intrusion of child welfare agencies.”

Multiple experts have warned that Bill 22 could result in increased fatalities for youth using substances who may overdose after being released from detention with reduced tolerance levels or who may choose not to call 911 in the event of an overdose for fear of being detained. Further, the proposed amendments are inconsistent with any current evidence regarding substance use. The overemphasis in our mental health and addictions system on involuntary treatment exacerbate the ongoing opioid health crisis.

“In addition to the illogical public policy approach being taken - due to the inherent risk of increased fatalities - the proposed law imposes a coercive treatment regime on youth, which is unacceptable. Involuntary interventions and health care detention should only be used as a last resort,” stated **Meghan McDermott, Senior Staff Counsel with the British Columbia Civil Liberties Association**. “We are incredibly concerned that Indigenous youth will be disproportionately impacted by this model, as is the case in other jurisdictions. The bill is also lacking crucial

procedural safeguards, such as access to legal counsel and to an independent review of detention decisions.”

“BC is one of the few provinces in Canada that does not provide access to independent legal advice and assistance for people detained under the *Mental Health Act*,” stated **Laura Johnston, Legal Director of Health Justice**. “This government committed to establishing that service last year – not only has government failed to fulfill that commitment, it is moving to create yet another form of detention for youth with no way to access legal advice and assistance.”

The organizations demand Bill 22 be withdrawn, and that the Province of BC immediately engage with Indigenous leaders, impacted parties, and advocacy groups to develop a robust and meaningful plan for reforming BC’s mental health and substance use policies. Bill 22’s approach, and the complete lack of engagement with those who will be most affected, means this bill should not be implemented. Amendments at this time are inadequate in addressing the numerous and significant concerns. Complete and systematic change, including the reallocation of resources to voluntary, culturally safe, and wrap-around services, is the only meaningful solution to this crisis of youth overdoses.

**Media inquiries:**

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