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**ADDRESS BY
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Mesdames et messieurs, je tiens à remercier les organisateurs de cette conférence pour l'opportunité qui m'est offerte de vous présenter les grandes lignes du rapport du Comité spécial du Sénat sur les drogues illicites ainsi que de commenter les développements récents dans ce dossier plus particulièrement au niveau du cannabis utilisé à des fins thérapeutiques et du projet de loi C-38.

Ladies and gentlemen, when we tabled our report on September 4th of last year, we had a pretty good suspicion that the legalization of cannabis would make headlines.

However, it would have been wrong of us to restrict ourselves to merely recommending the creation of a criminal exemption scheme allowing controlled access to cannabis.

The report and its recommendations are much broader — I would say, far greater in scope — than the cannabis legalization itself.

Nous avons en effet posé les orientations d'une véritable politique publique, sur l'ensemble des substances psychoactives, médicaments, alcool et tabac inclus.

Nous avons appuyé ces orientations par une démarche de réflexion sur des principes directeurs et par un examen rigoureux des connaissances et de la recherche scientifique.

We also made a point of studying the situation in other countries and comparing various public policy regimes.

I will go into more detail on each of these points and conclude with the rationality for a policy allowing controlled access to cannabis.

Pourquoi devons-nous, nous doter d'une politique publique sur les substances psychoactives, qui soit, à la fois globale, responsabilisante et efficace ?

On pourrait tout aussi bien arguer, comme le font les tenants du libre marché, qu'il n'est aucun besoin de contrôles étatiques sur ce que les citoyens décident d'ingurgiter.

Indeed, what right does the state have to intervene in these matters, which are, up to a certain point at least, personal decisions?

The state already regulates many other social matters and consumer goods, from medication, beverages and food to the environment. And don't forget baby toys.

Il n'est cependant pas suffisant de procéder par analogie, puisque dans plusieurs de ces cas, les critiques de l'interventionnisme étatique, demandent que l'État se retire de ces champs et en laisse la régulation, au marché.

Because cannabis is the least harmful of all of the psychoactive substances and because there are few social prejudices surrounding it, cannabis is fertile ground for examining what justifies state intervention in this area.

In our report, we showed, among other things, that the use of cannabis does not lead to the use of other more dangerous and more harmful drugs, it does not lead to violence, it does not cause young people to become unmotivated or drop out of school, and it does not cause irreversible damage to the cognitive and brain functions of users.

Nous avons aussi montré que, même s'il s'installe un certain niveau de tolérance, et que même si une certaine proportion des usagers réguliers (environ 10 % d'entre eux) est à risque de développer une dépendance, celle-ci est beaucoup moins sévère que celle qu'entraînent d'autres drogues, incluant la nicotine et l'alcool.

Nous avons établi qu'il existe diverses formes d'usage, et que tous les usages ne sont pas des abus.

Accordingly, we distinguished between the uses.

The majority of users are experimental and regular users.

On one end, the majority of users. Their uses are experimental and regular.

At the other end, those who are at-risk and excessive users.

Of adults aged 18 to 65, we estimated that approximately 0.5% are at-risk users and 0.3% are excessive users.

Some 10% of this adult population, or approximately 2 million Canadians, have used cannabis in the past 12 months.

Nous avons aussi suggéré quatre critères permettant de mieux nuancer la différenciation des divers usages, soit :

- le contexte,
- la quantité,
- la fréquence et la durée, et enfin
- l'intensité.

Nevertheless, cannabis is a psychoactive substance, usually smoked, that can lead to a number of negative consequences, according to the way it is used, such as:

- a decrease in concentration and short-term memory,
- a decrease in motor coordination,
- a risk of cancer and bronchopulmonary diseases, and
- the possibility of harmful effects on young people under 16 years of age due to their immature cerebral system.

Moreover, combined with alcohol, as it often is by young people on festive occasions, cannabis significantly affects driving ability.

J'ajouterai enfin que la criminalisation du cannabis entraîne divers effets pervers :

- elle alimente les réseaux criminalisés qui sont eux, générateurs de violences et de corruption,
- elle met les acheteurs en contact avec des milieux potentiellement criminogènes, et
- elle ne permet pas un contrôle de la qualité ni du contenu en THC du cannabis.

On the whole, while it is not especially harmful in itself, cannabis nonetheless presents risks for the health and well-being of users.

It is in the name of public health, that the state is therefore justified to intervene.

Une fois établi que l'État est justifié d'intervenir, se pose bien entendu la question de savoir quelle forme doit prendre son intervention.

C'est ici que notre réflexion sur les principes directeurs prend tout son sens.

Starting with four excellent working papers, which can be found on the Committee's Internet site, we considered the respective roles of ethics, governance, criminal law and science.

Selon le témoignage, devant notre comité, de la professeure Line Beauchesne, criminologue réputée de l'Université d'Ottawa, les commissaires de la majorité avaient adopté une position dite paternaliste, visant à protéger les usagers contre eux-mêmes, while Commissioner Campbell took a so-called moralistic position, aiming to impose the moral values of the majority, and Commissioner Bertrand took a so-called liberal position based on self-responsibility.

Nous avons conclu essentiellement qu'une intervention de l'État en matière de substances psychoactives doit se fonder sur les principes suivants :

- Un principe éthique d'autonomie réciproque et de responsabilité : en vertu de ce principe il ne s'agit pas de décider pour les autres, même au nom de leur bien-être, mais bien de favoriser la prise de décision autonome des uns et des autres ainsi que la reconnaissance de la différence inhérente de chacun;
- a principle of governance based on the need to facilitate human action: in other words, governing is not solely to control but to promote the reasonable exercise of individual liberties;
- a legal principle, whereby only actions involving significant harm to others should be matters of criminal law; and

- a scientific principle, whereby knowledge, always incomplete, and ever and necessarily being developed, can only help communities and governments make decisions.

Il découle de ces principes que l'intervention de l'État en matière de substances psychoactives – je tiens à répéter qu'il s'agit bien pour nous de toutes les substances- consistera principalement :

- à informer et éduquer **intelligemment** sur les diverses substances et leurs usages, leurs risques et leurs dangers,
- à soutenir ceux qui ont des consommations à risque ou excessives, et
- à lutter contre les trafics illégaux et la conduite de véhicules ou de tout autre machinerie complexe sous l'influence induite de ces substances.

This is why the Senate Special Committee recommended that Canada adopt a real integrated strategy covering the whole range of psychoactive substances.

Clearly, if Canada has to adopt a strategy, it obviously does not have one.

Unlike most other industrialized western countries, Canada does not have a place where true leadership can take root.

With all due respect to the political and administrative staff of Health Canada, this department is not and must not be the place.

Pour qu'une véritable « interministérialité » permettant de dépasser les clivages entre ministères, pour aussi assurer une visibilité nationale, voire internationale, à une politique publique canadienne sur toutes les « drogues », il est essentiel de créer un secrétariat national fort.

Nous nous sommes notamment inspirés de la pratique française, autour de la Mission interministérielle.

A national policy, in a federation like ours, cannot emanate only from nor be the sole responsibility of the federal government.

Its development and implementation necessarily requires the active participation of provinces, territories, municipalities, health and social service organizations and, of course, the police.

This is why we recommended that such a strategy provide for a national conference of all stakeholders to identify priorities for action, set goals, and propose indicators of success — every five years.

A national policy requires knowledge of trends and practices, epidemiological studies and basic research.

Among industrialized countries, Canada is again one of the only countries to not have a national monitoring agency and to not conduct regular surveys of the general population on their use behaviour.

Pour corriger ces lacunes graves ainsi que pour renforcer la coordination entre les paliers d'intervention, identifier les bonnes pratiques, et assurer l'évaluation, nous avons recommandé de refondre le Centre canadien de lutte contre l'alcoolisme et les toxicomanies et la création en son sein d'un véritable Observatoire.

Une parenthèse s'impose ici et questionnons l'actuel nom français du CCLAT.

Il est temps, plus que temps, d'abandonner cette terminologie de lutte et son pendant moralisateur.

On voit bien d'ailleurs les glissements lorsqu'on passe d'une langue à l'autre puisqu'en anglais le Centre se nomme *Canadian Centre on Substance Abuse*.

On voit à quel point la dénomination anglaise est moins chargée de connotations idéologiques.

La richesse de la langue de Molière n'est certes pas la cause de ce défaut.

It is no longer a question of battle or war, de lutte, but of empowerment:

- empowering individuals to devise concrete prevention strategies respectful of those they target,
- empowering young people, among others, to make distinctions between substances and their uses and to regulate their use behaviour on a socially responsible basis, and
- empowering decision-makers to base their decisions on knowledge rather than myths and beliefs.

It is no longer a question of drug addiction but one of dependency.

We can no longer continue to equate any use of illegal drugs to abuse, simply because of their illegality, as we currently do.

D'ailleurs, c'est ce que les Canadiens nous ont dit via l'étude qualitative de leurs opinions que nous avons commandée: quelles que soient les décisions sur les législations, que l'on légalise, décriminalise ou même que l'on maintienne le statut quo, ils veulent un débat informé et non simplement qu'on continue à leur dire tout et n'importe quoi.

Nous pensons que c'est ce que notre rapport a réussi à accomplir de plus important : susciter un débat sur la base d'informations rigoureuses plutôt qu'à partir de mythes.

What legislation?

For the Committee, it is clear that legislation, particularly criminal legislation, is only one of the tools of a public policy on psychoactive substances.

Clearly, it has its place.

However, given that nobody would dream of limiting public intervention in connection with alcohol and tobacco merely to the provisions of the Criminal Code, we have to wonder why the Criminal Code and its application figure so prominently in any discussion on the “other drugs”.

One of the main and most important tasks of the Special Committee was to find why Canada a century ago decided to follow this approach exclusively. In other words, we had to do a detailed history of drug prohibition in our country. For this purpose we read hundreds of pages of Parliamentary Debates – better known as the Hansard –, several studies of Canadian researchers and, most important of all, all the bills adopted by the Federal Parliament on this matter.

Bien, qu’à première vue, cet exercice puisse paraître fastidieux, nous avons relevé ce défi avec enthousiasme.

In Canada, prohibition through the Criminal Code officially began with the coming into force of the *Opium Act* in 1908. Since then, our national illegal drug laws have always had ambitious objectives other than, as I’ve said before, the protection of public health.

I refer here to the protection of conservative moral values or the reach of a drug-free society.

That being the case, our report emphasizes the fact that beyond the declared official rationale for these laws, other factors such as racism, prejudice and myths, the development of the pharmaceuticals industry, and the machinery of an enormous nationwide government bureaucracy to enforce restrictive criminal laws for illegal substances, are what underpin prohibition.

In 1923, cannabis was quietly added to the Appendix of the *Opium and Narcotics Act* without any reasons being given by the federal government.

Since this time, this drug has been considered as dangerous as heroin or cocaine and made subject to most restrictive measures of the law.

Without ready access to sources of information independent of the government and the media, Canadians largely accepted prohibitionist arguments until the middle of the sixties.

This shortcoming also enable the Federal Parliament, **often without debate**, to impose severe prison sentences for simple possession of cannabis, to grant extraordinary police powers, and to permit wide-ranging policing procedures in terms of shadowing, searching, and the collection of evidence. Between 1908 and 1954, the Federal Parliament adopted a dozen Bills to strength prohibition in Canada!

Ainsi, jusqu'au début des travaux de la Commission d'enquête sur l'usage des drogues à des fins non médicales – la Commission Le Dain –, les considérations de santé publique et d'éthique ou le recours à des recherches scientifiques sérieuses pour appuyer les choix des législateurs furent évacuées du discours des autorités publiques.

Notwithstanding that fact, in the ensuing years, depenalization, decriminalization and controlled legalization of cannabis have slowly emerged as logical alternatives to prohibition.

Today, cannabis is regulated by the *Controlled Drugs and Substances Act* enacted in 1996. According to this Act anybody who is charged with **mere possession of less than 30 grams of cannabis** may only be prosecuted summarily and provides for a maximum term of six months' imprisonment, a maximum fine of \$1,000 or both.

Over this quantity, the Act defines **an hybrid offence**.

- First, it prescribes on summary conviction a maximum fine of \$ 1,000, six months in prison or both and, for a subsequent offence, a maximum fine of \$ 2,000, one year of imprisonment or both.
- Second, under an indictable offence, it prescribes a five years' imprisonment less a day.

For the **production of cannabis**, the Act set out an indictable offence with a penalty of no more than 7 years of imprisonment.

Over the past four years pressure from the courts, not from politicians, forced the federal government to redefine for the first time in Canadian history its policy on cannabis to bring it in line with the modern and fundamental values of the Canadian society rather than the myths of the past.

Because of the lack of leadership of politicians from all sides of the political spectrum, there has been unhealthy confusion in Canada on the constitutionality of criminal prohibition of the recreational or therapeutic use of cannabis.

In light of recent Ontario Court of Appeal decisions in the *Hitzig* and *J.P.* cases, I would briefly like to remind you over the next few minutes of the legal and historical context in which this court handed down these two judgments.

For everyone to understand, it is highly necessary to grasp the intricacies of this whole subject, which have been addressed by the Court of Appeal.

Cette longue saga judiciaire a débuté en juillet 2000 lorsque la Cour d'appel de l'Ontario, dans l'affaire *Parker*, a déclaré que l'interdiction générale de posséder du cannabis au Canada était inconstitutionnelle puisqu'elle interdisait l'utilisation de cette substance psychoactive à des fins thérapeutiques.

Indeed, with respect to those suffering from serious illnesses who use the drug to alleviate pain, the court said that cannabis use posed much less of a health risk than cannabis prohibition.

The Court declared that prohibition was, in fact, contrary to the principles of fundamental justice enshrined in section 7 of the *Canadian Charter of Rights and Freedoms*.

In order to allow the federal government to change the legislation, the court suspended the application of its judgment until July 2001.

Suivant cette décision, le gouverneur en conseil a adopté, en juillet 2001, le Règlement sur l'accès à la marijuana à des fins médicales, une première mondiale. À l'époque, Santé Canada croyait bien avoir résolu cette problématique soulevée par l'affaire *Parker*.

Even though this initiative was roundly condemned by the United States, it was in no way inconsistent with international conventions, which already provided for such exceptions in order to comply with the specific legal and constitutional characteristics of the signatory countries.

In January 2002, two Ontario court decisions complicated the situation. First of all, arguing that Health Canada was refusing to provide cannabis to patients with federal authorization for medical use, who were therefore being forced to get their supply through the black market, with all the attendant risks, the Ontario Superior Court of Justice found, in the *Hitzig* case, that the July 2001 regulations were unconstitutional.

Second, and at almost the same time, an Ontario lower court, in Windsor, this time, heard the *J.P.* case — initials are used because this was a young offender who cannot be identified — and found that the July 2001 regulations did not constitute an adequate legislative response to the decision in *Parker*.

Pour être valide, la nouvelle politique gouvernementale en matière de cannabis thérapeutique aurait dû, selon le tribunal, faire l'objet d'amendements à la loi.

This decision was confirmed by the Ontario Superior Court of Justice in May 2003. The combined effect of these two decisions was that, from July 2001 onward, there was quite simply no prohibition, in Ontario at least, of simple possession of cannabis, whether for recreational or therapeutic use.

The confusion created by these two decisions resulted in a number of police forces in Ontario ceasing to enforce the law on this.

The federal Solicitor General appealed these two decisions to the Ontario Court of Appeal. The Confusion has been, at least at the judicial level, has been ended with a two important decisions to overturn the lower courts rulings.

The Ontario Court of Appeal achieved this by declaring in the *Hitzig* case only certain provisions of the regulations unconstitutional because they imposed arbitrary limits on patients wishing to obtain cannabis produced for therapeutic purposes.

This ruling dismisses: the need in certain cases for a second physician's opinion favouring the use of cannabis; the restriction preventing consumers from compensating suppliers; and the restriction regarding the number of producers who may supply cannabis to one patient.

With its ruling, the court has killed two birds with one stone; not only has it confirmed the validity of the regulations and indirectly legitimized the activities of compassion clubs, but it has also struck down the Superior Court's decision in the *J.P.* case by reinstating the ban on possessing cannabis for recreational purposes in Ontario.

Toutefois, dans les provinces de la Nouvelle-Écosse, de l'Île-du-Prince-Édouard et de la Colombie-Britannique, où les tribunaux ont rendu des décisions semblables à celles des juges ontariens, l'incertitude quant à la validité de cette interdiction persiste.

That said, the Ontario Court of Appeal has sent a very clear message to us, Senators and Members of Parliament, regarding the fact that we have to get our act together in this file.

Nous devons cesser de tergiverser dans ce dossier. Nous devons, en tant que parlementaires responsables faire preuve de leadership.

We should stop procrastinating on this subject and shoulder our responsibilities, in order to eliminate any confusion surrounding the use of cannabis, whether for therapeutic or recreational purposes.

If we don't do that, the Supreme Court of Canada may force us to do so in the next following weeks, in either way, considering that it have to decide especially in the *Malno-Levine* case if prohibition of mere possession of cannabis is constitutional.

As you are already aware, the House of Commons debated over the last weeks Bill C-38 that died on the Order Paper two weeks ago following the prorogation of the Second session of the Thirty Seventh Parliament.

This Bill which, using the words of the Minister of Justice, Martin Cauchon, would have modernized penalties over for the mere possession of small amounts of cannabis.

Ainsi, le projet de loi modifiait la *Loi sur les contraventions* de manière à l'harmoniser avec les changements proposés à la *Loi réglementant certaines drogues et autres substances*.

Ces changements auraient permis aux représentants de la force publique de remettre dans certaines circonstances des contraventions aux gens surpris en possession de petites quantités de cannabis plutôt que des les accuser d'une infraction criminelle comme c'est le cas actuellement.

Consequently, the proposed legislation would not, in any way, decriminalized simple possession of small amount quantities. It would have depenalized it. In other words, it means that simple possession would still remain a crime, but in some circumstances, the police would use alternative means to the justice system as a ways to punish it.

According to Bill C-38, possession of 15 grams or less of cannabis would result in a ticket, with a fine of \$150 for an adult offender or \$100 for a youth offender.

At police discretion, possession of between 15 grams and 30 grams of cannabis would have resulted in a ticket, with a fine of \$300 for an adult offender or \$200 for a youth offender or the offence could be treated as a summary conviction accordingly to the *Controlled Drugs and Substances Act* that I've quoted earlier.

Production of cannabis would have also remained a criminal offense. Cultivation of 1 to 3 cannabis plants would result in a ticket. Cultivation of 4 to 25 cannabis plants would be dealt in the following manner:

- Upon summary conviction, the offence would have carry a fine of up to \$25,000, the offender could face up to 18 months imprisonment or both.
- Upon indictment, it would result in a maximum penalty of 5 years less a day of imprisonment.

Cultivation of 26 to 50 cannabis plants would result in an indictment, with a maximum penalty of 10 years imprisonment.

Finally, over 50 or more cannabis plants, it would have resulted in an indictment, with a maximum penalty of 14 years imprisonment.

Plusieurs ont qualifié cette initiative de pas dans la bonne direction qui permettra à la société d'acculturer le cannabis.

Si elle avait été adoptée, cette initiative aurait marqué certes une amélioration notoire par rapport à la situation qui prévaut actuellement.

Or, cette solution qui peut-être acceptable d'un point de vue juridique ou politique comporte plusieurs failles et ne contribue aucunement à mettre un terme aux effets pervers engendrés par la prohibition du cannabis.

À mon avis, l'approche proposée par le projet de loi C-38 est en fait le scénario du pire puisqu'elle prive l'État d'un outil de régulation nécessaire sur l'ensemble du processus de production, de distribution et de consommation, en même temps qu'elle transmet un double message au fond plutôt hypocrite. Voici pourquoi.

First of all, it is obvious that criminal legislation still remains the privileged way use by which the federal government to deal with cannabis use phenomena.

In fact, even if Bill C-38 would had been part of a major reform of the outdated Canada's Antidrug Strategy adopted in 1987, it is not aimed at dramatically reducing the amount of people, especially the youths, arrested each year for simple possession or cultivation of small amounts of cannabis or to finally enable personal autonomy and enlightened decisions.

According to a former deputy minister in the Department of Justice, Richard Mosley, the main objective of this bill is to give more tools to police officers to catch these people. This is what we call the net-widening effect.

En d'autres mots, le gouvernement fédéral souhaite dissuader la consommation de cannabis, mettre fin au non-respect de la loi, et, surtout, inciter les policiers et les tribunaux à appliquer la loi en élargissant le filet mis à leur disposition pour intercepter les usagers par le biais de sanctions administratives ou pénales plus diversifiées et adaptées à la gravité de l'infraction.

Furthermore, instead of putting an end to the problems related to the development of secure source of access to cannabis and the growth of the organized crime, Bill C-38 would have boosted the expansion and the enrichment of criminal organizations across Canada.

While police officers would have more resources to deal with the big producers and traffickers of cannabis, the adverse effect could be to significantly raise the risk premium usually associated with those two illegal activities bringing more people especially youth into those gainful "businesses".

In the end, this situation will be profitable to organized crime that will be able to plow back huge profits into money laundering and develop new technologies to frustrate police investigation procedures.

Il y a fort à parier qu'avec le projet de loi C-38, les criminels envahiront davantage les champs d'agriculteurs, les immeubles à logements ou les sous-sols de maisons unifamiliales au cours des prochaines années un peu partout au Canada pour produire du cannabis. Est-ce vraiment ce que souhaitent les décideurs politiques et les Canadiens?

On peut bien vouloir bricoler ici et là avec la loi pénale, on pourra d'ailleurs bricoler tant qu'on voudra, n'empêche qu'elle ne sera jamais que d'une utilité limitée dans toute

politique sur les substances psychoactives; et qu'elle entraîne souvent plus d'effets pervers que de bénéfiques.

À la lumière des travaux parlementaires entourant le projet de loi C-38, il est fascinant, j'oserai dire troublant, de constater à quel point toute discussion sur les drogues illicites pose le droit pénal en son centre.

Ayant établi que le droit pénal ne doit intervenir que lorsqu'un préjudice significatif risque d'être causé à autrui, ayant aussi établi qu'une politique publique sur les substances psychoactives doit d'abord viser la santé publique, ayant enfin établi les caractéristiques du cannabis, il n'était donc pas étonnant que le Comité conclue que le droit pénal avait peu à y voir.

I will like to answer concerns raised by some Members of Parliament, Justice Department Officials and witnesses during the recent study of Bill C-38 regarding the fact that legalization of cannabis would lead to major chaos in our society.

Despite everything, some people maintain that criminal prohibition is the last defence against an explosion in consumption.

However, we have clearly shown that the severity of criminal legislation is not in any way related to patterns of use.

Rates of usage in restrictive countries such as the United States, Canada and Sweden place the first two at the top in this category and Sweden at the bottom.

Des pays aussi tolérants que l'Espagne, l'Italie, les Pays-Bas ou le Portugal, ont des taux, dans la moyenne européenne, pour les trois premiers et en queue pour le dernier.

Les tendances d'usage varient selon des facteurs que nous ignorons certes, mais qui relèvent d'une autre logique que l'interdiction.

In Canada, we estimated that more than 13% of the population used cannabis in the past 12 months.

Even more significant is our estimate that approximately 225,000 young people between 12 and 17 years of age use cannabis **daily**, that's right, each day.

I cannot say if it is in large or small quantities, or if it is before going to school or to bed, but each day they use it.

They represent close to 10% of all people in this age group.

And they do this knowing that they may be arrested, that police investigations take place at school and that police forces spend millions of dollars on the DARE program, an American concept for prevention among youth and known to be quite ineffective.

It seems to me that these facts speak for themselves — criminal prohibition is not the last defence against an explosion in consumption.

Un rempart face à la disponibilité, me direz-vous?

Des ressources policières imposantes, des pouvoirs policiers draconiens, tels que nous le connaissons au Canada, n'y changent rien : le cannabis n'est pas moins disponible, et ce, où que l'on soit au pays.

Trente ans après le rapport de la Commission Le Dain, il est au moins permis de dresser à cet égard des constats non équivoques : quiconque, surtout les jeunes, peu à sa guise se procurer du cannabis.

What about a defence against availability, perhaps?

Massive police resources, draconian police powers—by Canadian standards at any rate—change nothing: cannabis is no less available wherever you are in the country.

Thirty years after the report of the Le Dain Commission, some findings remain unequivocal: anybody, especially young people, can obtain cannabis when and where they wish.

On argumentera que les ressources policières sont insuffisantes.

Mais jusqu'où doit-on aller plus loin ?

L'intervention du système de justice canadien en matière de drogues illicites représente déjà, plus de 90% des toutes les dépenses publiques en la matière.

Nous avons estimé que les coûts en matière de drogues illicites, le principal étant les coûts policiers, s'élèveraient à environ 1,5 milliards \$, c'est-à-dire à environ 50 \$ par habitant.

Plus de 25 000 Canadiens sont condamnés chaque année pour possession simple de cannabis, et dans chacun de ces cas, contrairement à la rhétorique souvent répétée, la possession simple **est** la principale infraction.

Nous sommes aller assez loin!

Il est sûrement possible de faire preuve d'un peu d'imagination et de créativité, et de se dire qu'on pourrait améliorer l'efficacité des actions publiques en matière de substances psychoactives en procédant autrement.

Et c'est pourquoi le Comité a recommandé un régime d'exemption pénale permettant un accès contrôlé au cannabis.

People say that the number of users will increase.

This is highly likely.

Over the short-term, there will be an increase, especially in the adult population, and then, as the experience of other countries has shown, there will be a levelling off and even a decrease.

During this time, we can finally take real, intelligent prevention measures based on at-risk use, and stop pretending that abstinence-based messages such as “just say no” have an effect.

L'échec scolaire augmentera pense-t-on.

Lorsqu'il y a échec scolaire, ce n'est pas à cause du cannabis mais bien parce que d'autres facteurs sous-jacents sont présents, que le cannabis vient exacerber ou, dont il témoigne.

Des outils de prévention des usages à risque, habilitant les personnels enseignant à reconnaître les signes et, accompagnés de véritables ressources d'aide aux jeunes en difficulté, sont beaucoup plus appropriés que la menace de la sanction pénale.

You are giving up and sending contradictory messages to young people.

Let's be clear—we are not encouraging cannabis use.

We acknowledge it.

We want to give society the tools to make people take responsibility for their actions, rather than blame them and make them feel guilty.

C'est immoral de laisser les jeunes fumer une substance psychotrope.

Il est encore plus immoral de faire le jeu du crime organisé et d'entretenir un cercle vicieux de lutte sans fin, de corruption, de violence et de pouvoir d'attraction auprès des jeunes en raison de l'argent facile qu'il fait miroiter.

Mais quoiqu'il en soit du choix qui sera fait d'une législation, souvenons-nous au moins qu'elle n'est que l'une des composantes de l'intervention publique et qu'il faut, dans une société libre et démocratique, équilibrer le nécessaire contrôle de l'État avec les droits et libertés fondamentaux des citoyens.

Moreover, in a modern and so-called advanced society, where we can decide on our individual destiny without the traditional tenets of religion or a singular morality, society is a place of responsibility and choosing to be part of the community. It is up to us to foster this.

Nous émettons enfin le postulat suivant qui est la thèse fondamentale qui sous-tend notre rapport : ***dans une société libre et démocratique qui reconnaît fondamentalement mais non exclusivement la primauté du droit comme source de règles normatives, et où la puissance publique doit le plus possible favoriser l'autonomie et conséquemment utiliser avec parcimonie les outils de contrainte, une politique publique sur les substances psychoactives doit s'articuler sur des principes directeurs respectant la vie, la santé, la sécurité et les droits et libertés de chaque individu qui, naturellement et légitimement, recherche son bien-être et son épanouissement, et a la capacité de reconnaître la présence, la différence et l'équivalence de l'autre.***

I will conclude by underscoring my pride in our Committee's work.

Having limited resources and restricted to a tight schedule of 28 months, we successfully established the terms for a more rational debate on psychoactive substances and gave Canadians more balanced information and thoughtful options.

I hope our report will **not only** benefit Canadians **but also** be a source of inspiration and reflection within the international community for policies on psychoactive substances that go beyond the obvious.

I will be happy to answer your questions.