

COLLATERAL DAMAGE

THE HIDDEN ROLE OF STIGMA TOWARDS
PEOPLE WHO USE DRUGS IN LAW AND POLICY

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AIVL

Australian Injecting &
Illicit Drug Users League

Acknowledgment of
country



Human rights we don't have

- Australia has no National Human Rights Act
- Australia relies on the same legal systems & policies for protection that criminalise people who use drugs
- Laws and policies produce and perpetuate stigma



How laws create stigma

71%

of respondents believe that society at large considers those who use drugs problematically to be **outcasts** or **non-community members**

- Terms like 'addiction' and 'dependence' are often undefined in law
- Used strategically - as mitigating factors or aggravating factors

“It’s always that tactic to try to see how they’re dealing with their ‘battle’, you know. ‘Addiction is very, very ugly, and it’s very, very lonely.” (Seear K., 2020)

- Laws and policies entrench stigma towards people who use drugs.

'Addiction' in legal discourse

- The law is not a response to 'addiction' but shapes our concept of it

"Alcohol and other drug treatment policy in Victoria does not merely identify and respond to a preexisting condition called 'addiction'; instead, it is one of the processes through which addiction is produced." (Moore D, Fraser S, 2013)

- Creates and reinforces the conditions that justify our exclusion



DO YOU INHALE?

Certainly...

7 out of 10 smokers inhale knowingly...
the other 3 inhale unknowingly

DO you inhale? Seven out of ten smokers *know* they do. The other three inhale without realizing it. *Every* smoker breathes in some part of the smoke he or she draws out of a cigarette.

Think, then, how important it is to be certain that your cigarette smoke is pure and clean—to be sure you don't inhale certain impurities!

Do you inhale? Lucky Strike has dared to raise this much-avoided subject... because certain impurities concealed in even

the finest, mildest tobacco leaves are removed by Luckies' famous purifying process. Luckies created that process. Only Luckies have it!

Do you inhale? More than 20,000 physicians, after Luckies had been furnished them for tests, *basing their opinions on their smoking experience*, stated that Luckies are less irritating to the throat than other cigarettes.

"It's toasted"
Your Protection—against irritation—against cough

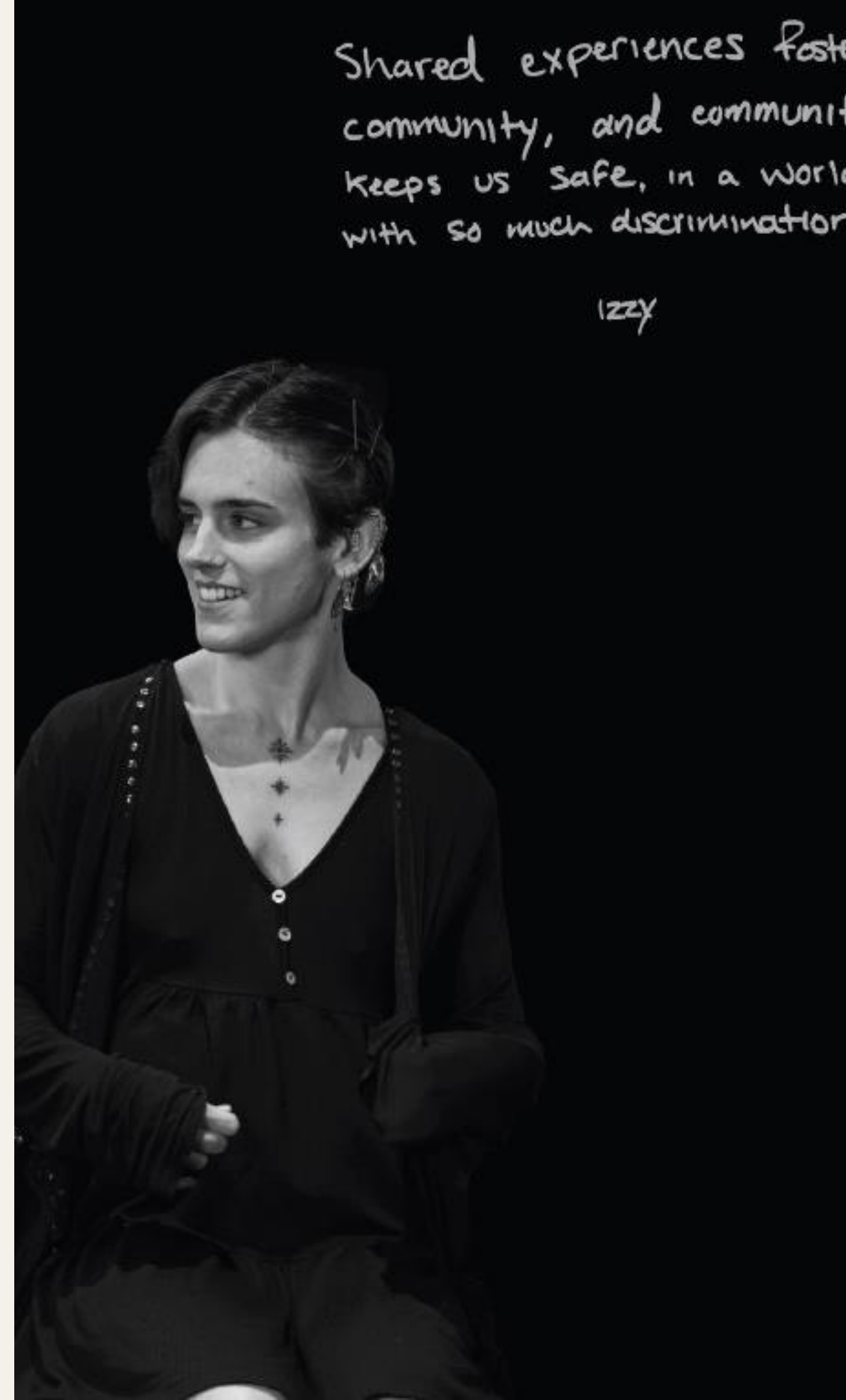
O. K. AMERICA

TUNE IN ON LUCKY STRIKE—60 modern minutes with the world's finest dance orchestras, and famous Lucky Strike features, every Tuesday, Thursday and Saturday evening over N. B. C. networks.

Copyright, 1932, The American Tobacco Co.

Background checks & peer work

- Peer workers are vital to hepatitis C response.
- Criminal history and WWC checks exclude candidates.
- WWC checks are deeper, broader, and disqualifying.
- Most affected: Aboriginal people, women, those with family violence histories.



Shared experiences foster
community, and community
keeps us safe, in a world
with so much discrimination

Izzy

What we deserve

- Employers avoid hiring people who inject drugs.
- Definitions of 'peer' are changed.
- Lack of appeal options reinforces silence.
- Stigma convinces people they don't deserve to challenge decisions.

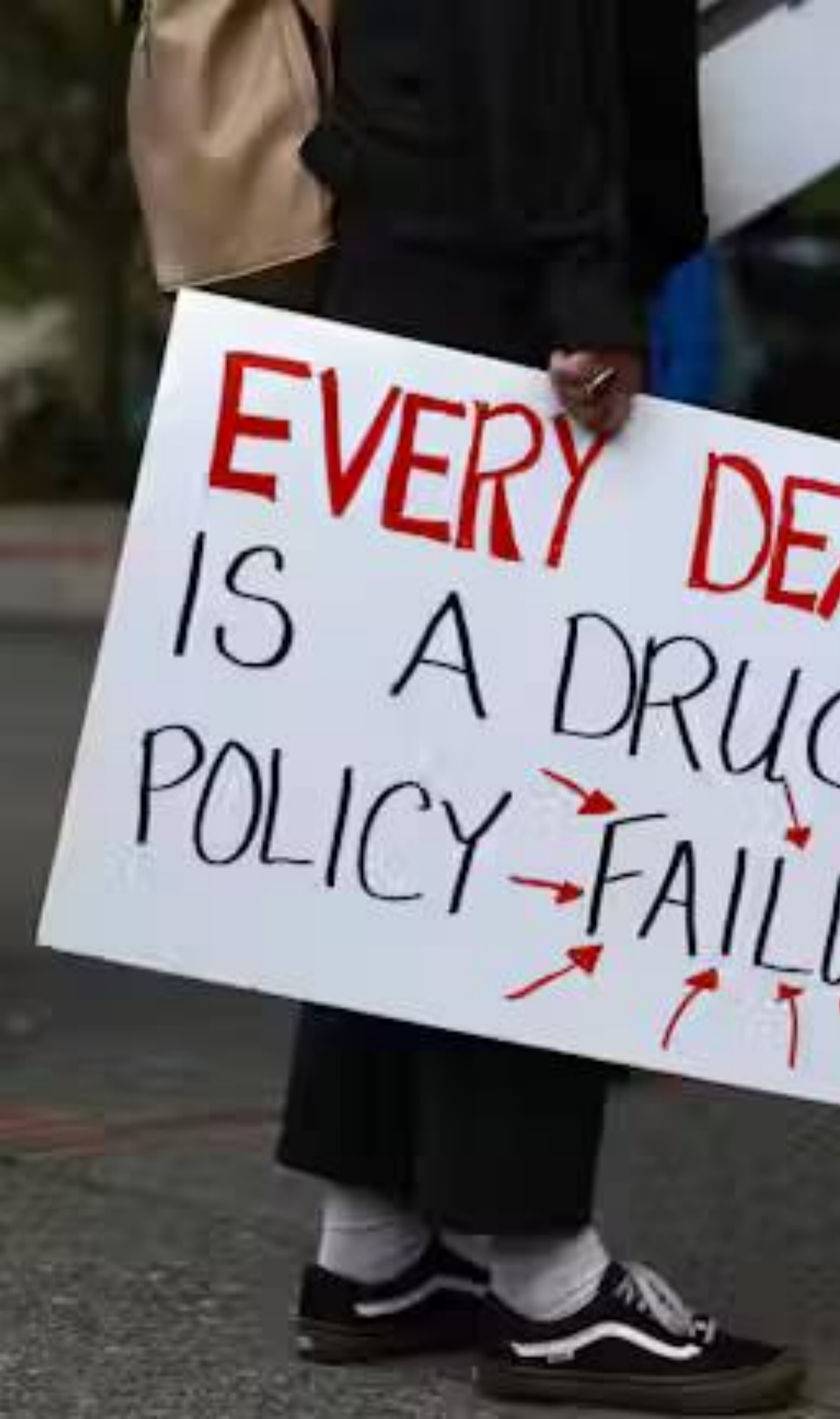
PEER WORKFORCE:

A PRACTICAL NATIONAL FRAMEWORK FOR EMPLOYING
PEOPLE WITH LIVED-LIVING EXPERIENCE OF USING DRUGS
AS HEALTH, HARM REDUCTION AND AOD WORKERS

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NCETA

Good intentions, hidden stigma



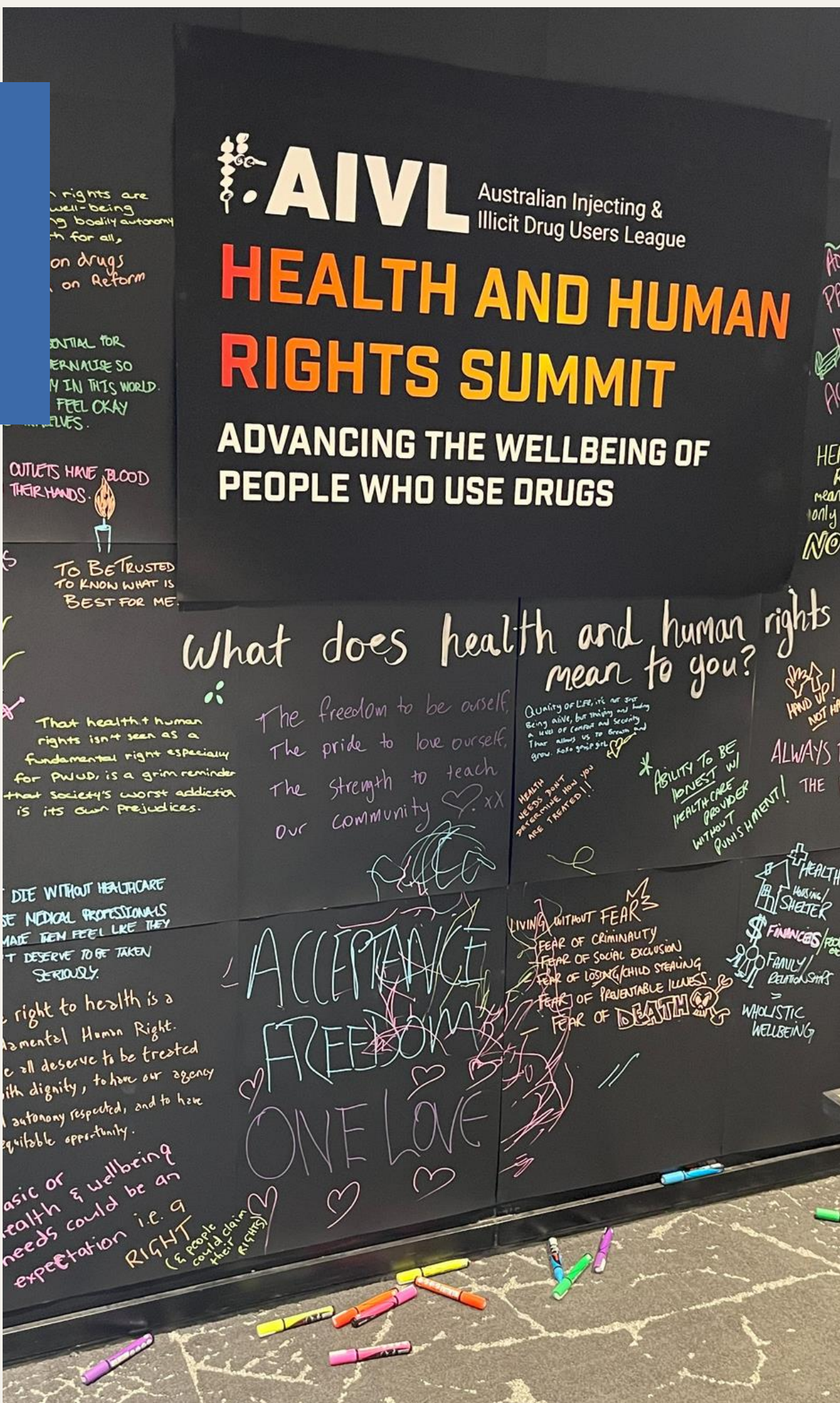
- Stigma is hidden in language and concepts of care and concern, protection of the innocent
- Stigma allows the people concerned to be kept from the conversation
- Stigma confirms people who inject drugs as dangerous, out of control, undefined and undefineable

Rights, health, equity

- We are criminalised, excluded, and stigmatised.
- Our contributions to community and health are blocked.
- Legal protections often do not apply to us.

Anti-Discrimination Act 1977 (NSW) provides specific exemptions from antidiscrimination protections for 'persons addicted to prohibited drugs'. In other words, in specific contexts, it is lawful to discriminate against persons addicted to prohibit drugs.

(Seear, 2020. Addiction and the law)



What Needs to Change

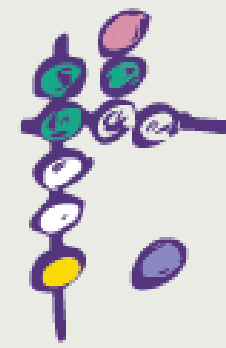
- 1. Genuine action to respond to stigma** - led by us
- 2. Reform employment processes** - to ensure PWID are part of viral hepatitis responses
- 3. Pass a National Human Rights Act** - that explicitly protects us as people with rights, dignity and agency
- 4. Support real drug law reform** - informed by us and not discretionary
- 5. Train decision makers** - to understand drug use and the role of stigma
- 6. Listen to us**



In conclusion

- The harms that happen to us are predictable
- Stigma is part of our systems
- people who use drugs deserve dignity, rights, agency
- To end stigma, we must confront and change the structures that perpetuate it





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THANK YOU

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