LIBERALISM

Liberalism constitutes a wide range of beliefs that emphasize the importance of equal rights for all. Liberalism beliefs are all centred on freedoms such as in constitutionalism, human rights, liberal democracy, and free elections among others. The liberation perspective was implemented fully during the age of Enlightenment, when earlier government theories held were rejected, for instance, absolute monarchy, and nobility. The right to life, liberty, and property became fundamental rights for all people. The adoption of liberalism became a key tool that led to the overthrow of tyrannical rules and the establishment of liberal governing in most countries. In the contemporary society, liberalism has manifested itself in many forms, becoming a powerful force in politics and exerting its influence globally. Today, there is an emergence of new liberalism that focuses on the idea of timeless freedom, whereby through proactive actions today, the future generation’s freedom is guaranteed.

The foundation of liberalism is based on the provision of freedom and equal rights for all. Liberalism argues that absolutism in leadership should be replaced by the rule of law to ensure all exercise the fundamental rights to life and liberty. The ideology of liberalism focuses on the commitment to the individual and society that can allow its people to pursue and achieve their interests at all levels. Some central liberal values enhance civil liberties as well as individual freedoms in our societies. They include individualism, rationalism, justice and tolerance, rationalism, and freedom. These liberal values are core components in the implementation of liberalism ideologies in different areas of the society.
Liberalism is also based on rationalism, especially where the rule of law and constitutional provisions limit the access to liberty and the right to life. Liberalism advocates for the individual values as well as those of the society in general. Independence is viewed from a liberalism perspective as a key component of expressing individual needs and according people an opportunity to exercise their freedoms at all levels as long as they restricted in the confines of the principles of fundamental justice. Therefore, liberalism believes in according freedom to individuals without discrimination in an endeavour to provide equal human rights at all levels.

A close analysis of the case from a liberal perspective evidences the implementation of equal rights for all, which is a central concern of liberalism. Firstly, the lower class and vulnerable people in Canada inhabited the Downtown Eastside of Vancouver. Majority of the population in this area were drug users, who used intravenous injections and became addicted. This increasing issue became a major health concern for the different parties, especially the health care fraternity, which came up with a solution. Liberals advocate for equal freedoms for all these individuals as well as groups. Therefore, the establishment of the Insite health care facility for the drug addicts was based on the principles of liberalism, on the importance of liberty and equal rights for all. Further, the facility offered supervised drug administration to the clients as well as health care information. Health care is basic human right; this was extended to cater for drug addicts through a safe injection facility that is regulated by strict rules and policies.

Government liberalism is also evident in the exemption provided to the Insite safe injection facility in the Downtown Eastside of Vancouver. Different authorities from the local level took part in developing a legal framework that could govern the operations of the injection facility. The government provided the freedom to inject drugs under supervision of professionals in health care and eliminated fears of prosecution or arrest. All these were liberalism forces
that sought to get a solution to drug use by the marginalized people of Downtown Eastside of Vancouver (DTES).

The government failure to extend the facility’s exemption was also challenged. The facility wanted exemption extension from the operation of criminal laws contained in the Controlled drugs and substances act. The facility was supposed to stop providing its services but the claimant took an action for declaration that demonstrated that the Controlled drugs and substance act was not applicable to the health care facility. There were claims of the violation of the plaintiffs’ s.7 rights, as evidenced in the Canadian Charter of Rights and Freedoms. It was asserted that the Federal Minister of Health denial for an extension was a violation of the plaintiffs’ s.7 rights. This reveals yet another liberal perspective in pushing for appropriate exemptions for the running of the facility. The Minister was finally ordered to grant the health care facility an extended exemption. Liberals believe in protecting human rights by offering exemptions to the law to those who are affected in order to allow them exercise freedoms in their own way. The argument for this is that, the Minister’s denial of an exemption violated the s.7 of the charter and was not justifiable under s.1. Liberalism is employed in all perspectives to fight for the rights of the drug users in an attempt to put across measures that would enable the drug addicts lead better and improved lives. This is evidenced by the extent to which the facility served as an effective facility preventing the spread of HIV/AIDS and Hepatitis C. It also reduced the death rate from drug overdose in the Downtown Eastside of Vancouver. Liberalism was used in the judgements of the case to ensure fundamental human rights were delivered to the population of DTES.

Liberalism is also concerned with constitutionalism issues. In this case, the constitutionality of CDSA was analysed to investigate whether the Minister’s denial of an exemption was in accordance with the constitution, whereby it was demonstrated that the Minister’s decision violated the Charter rights and failed to act in accordance with the Constitution. Liberals were keen on ensuring
justice would prevail in the search for a solution to the population of Vancouver eastside downtown, where fair judgement was to be guaranteed.

The judgement discovered that the most of the health related risks were actually caused by unhygienic practices rather than the drug themselves. Therefore, it was concluded that it is the denial to appropriate health care that lacked in the exemption, which violated the right to life and the right to liberty of the clients as well as the staff of the health facility. The trial judge in the case discovered this.

The court was convinced of a federal exemption with respect to the provisions of CDSA that required implementation in the Insite to facilitate the operations of both the staff and the clients in the facility. The court, therefore, was to establish whether the claimants were accorded limited rights against what was contained in the Charter or not. The provision of the said exemption would thus deny the affected the right to liberty, life as well as security. From a perspective of liberalism, these are the key issues advocated by liberals. The lack of constitutional powers hinders implementation of certain fundamental principles, in which only liberals can intervene and achieve equal rights for all.

The Minister of Health decision on the case was described as “arbitrary and grossly disproportionate in its effects”; from a liberal perspective, the decision was reached in accordance with the principles underlying fundamental justice and equal rights for all.

In conclusion, this case is based on the advocacy of liberalism in the provision of health care to the marginalized population of Downtown Eastside of Vancouver. Liberalism is manifested in most aspects of the case, whereby freedom is sought in many areas through the collaboration of different parties. They include the health care authorities and the government who came up with a creative initiative to offer solution to the marginalized population that was
being faced by numerous health issues due to intravenous use of drugs, which compounded their problems. The decision of implementing a supervised safe injection facility for the drug users was purely from a liberalist point of view. Ordinarily, the law is supposed to punish drug abusers, but in this case, the authorities are developing a remedy to help the victims acquire safe and supervised injections in a facility under close supervision. The case illustrates absolute liberalism in developing sustainable solutions to the marginalized Canadian population of Vancouver’s Downtown Eastside. Liberals advocate for appropriate interventions in an endeavour to provide equal human rights for all. The numerous interventions evident in this case evidence the importance of liberal democracies not only in the particular nations but in the world in general. Finally, liberalism is a powerful force guided by rationalism in the advocacy of absolute freedom for all people. A manipulative force leads to transformations in major issues in the society.
APPENDIX I

CASE SUMMARY

This case involved the rights of a marginalized Canadian population in the Downtown Eastside Vancouver that had used intravenous injection drugs to a crisis level creating concern in the different healthcare authorities. The case involved the Attorney General of Canada and the Minister of Health for Canada as the respondents on cross-appeal, PHS Community service society, Dean Edward Wilson, Shelly Tomic, and Attorney General of British Columbia as the respondents. The appellants on cross-appeal were the Vancouver Area Network of Drug Users. Others interveners in the case included the Attorney General of Quebec, the Vancouver Coastal Health Authority, and the Canadian civil liberties Association. However, the provision of fundamental rights for justice was triggered by the need to provide safe and healthy intravenous injection to the population of Vancouver’s downtown eastside (DTES), who were addicts and needed a lasting solution of acquiring appropriate health care. Another health related risk was also an issue that aggravated the health crisis. Numerous cases of HIV/AIDS and Hepatitis were prevalent in this marginalized population. The need for equal rights in the provision of health care was paramount.

The judgements of the supreme court of Canada on the case, titled Canada (Attorney General) v. PHS Community Services Society, 2011 SCC 44, [2011] 3 S.C.R. 134, reveal a wide array of views from a liberalism perspective. The case involves the use of drugs in Vancouver that had reached a crisis level, being declared a health emergency in September1997. This was specifically in Vancouver’s downtown eastside (DTES) that constituted the marginalized population that suffered complex psychological and physical health complications due to drug abuse. Health care authorities felt the need to develop a creative solution that would solve this problem. The heath care authorities, through research and consultations, came up with a scheme that
sought to provide comprehensive care for the drug users in the treatment of their illnesses. The scheme incorporated supervised facilities of drug consumption for the drug users.

Ordinarily drug abusers are usually punished; however, this case presents a different point of view that seeks to provide freedom to drug users by allowing them exercise their rights. The solution provided in the Insite facility allows the drug uses freedom to use the drugs on supervision. This demonstrates that liberty is accorded to this marginalized population as a remedy to the persistent use of drugs. However, many interventions in the facility guide the use of drugs. The facility was granted a conditional exemption and hence, it was later opened, providing safe injection under supervision. This regulated health care facility employed strict policies to its personnel. The clients are monitored closely after and during the administration of drugs. The clients are also offered information on proper health care, counseling as well as referrals. The facility provided an effective remedy towards improved health and crime reduction in Vancouver’s downtown eastside. According to the (Judgments of the Supreme Court of Canada), the case is based on the principles of providing fundamental justice to the drug users as well as ensuring they are not deprived the right to life, right to liberty, and above all, the right to security in accordance with the principles that are based on fundamental justice.

The case appeal and cross appeal were dismissed and exemption was granted after the Minister of Health was ordered to do so. The Constitution evidenced the validity of the criminal prohibitions laid on the handling and trafficking contained in the CDSA. Since federalism is one of the Canadian foundational principles in the Constitution, the Supreme Court of Canada was faithful to the federal principle and the case was given equal weight to safeguard the basic objectives of the Constitution. Liberalism was applied in major areas to deliver a solution to the affected population as evidenced by the numerous interveners in the case.
APPENDIX II

CASE HEADNOTES
Insite is a health facility offering supervised and safe injection in Vancouvers Downtown Eastside (DTES) drug users. The facility operates under an exemption from the prohibition on handling of illicit drugs contained in the Controlled Drugs and Substances Act. The case was initiated by the failure of the Minister of Health to provide an extension of the CDSA exemption. The claimants in the case complained of violation of their s. 7 rights and the inapplicability of the federal Controlled Drugs and Substances Act prohibitions in the operation of Insite staff and clients. The limitation of the claimants s.7 Charter rights made the court agree that the Minister of Health did not act in accordance with the principles of fundamental justice. The court was also keen on the prohibition of possession of illicit substances act that could lead to imprisonment when breached. The court decision ruled the granting of an exemption to Insite was necessary and the Ministers decision was grossly disproportionate since the goal of CDSA is to protect and provide health and public safety.