



THE RIGHT TO TREAT YOUR HEALTH NATURALLY IS UNDER THREAT. THE CHARTER OF HEALTH FREEDOM CAN PROTECT YOUR ACCESS TO NATURAL HEALTH PRODUCTS & PRACTICES

Most of us were brought up to be law-abiding citizens. When we hear about crime, our instinct is to hope that the perpetrators are brought to justice. We do not think of ourselves as criminals and we would be horrified to find ourselves in a position where we felt we had to break the law. Sadly, more and more of us are going to find ourselves in the position where we will be compelled to break the law and become health criminals. This will happen for two reasons. First, because we are losing access to products we rely on for our health or, in some cases, for our very lives. Second, the Federal Court has recently made it more difficult to legally access vital natural medicines. For some of us, products that are essential to manage very serious health conditions, or that are essential for us to stay alive, are taken away.

The Charter of Health Freedom is a proposed law drafted by Shawn Buckley, a constitutional lawyer with expertise in the Foods and Drug Act. The Charter of Health Freedom honours the 53 recommendations that the Canadian public asked for, and won, in 1999. These recommendations were accepted by Parliament. Canadians said they wanted continued and increased access to natural health products (NHPs). They were a result of coast to coast hearings by a committee the government formed to find out what people wanted. After some time, this Committee concluded that *natural remedies should not be regulated as dangerous synthetic drugs since they are neither dangerous, nor synthetic*. It was accepted that they need a category of their own.

Yet, after several years of considering what they had learned from the hearings, Health Canada came out with a new policy: *Regulate NHPs with drug-style regulations*. These NHP Regulations have resulted in far less access to the NHPs many Canadians relied on and took away your right to decide what health care options you would prefer. The Charter of Health Freedom is supported by a broad cross-section of Canadians, including NHP consumers/citizens, Western Herbalists, Ayurvedic and Chinese Traditional Medicine

Doctors, First Nations Medicines, NHP Manufacturers, Retailers, Distributors, Multi-disciplinary/Cultural Practitioners and NGOs.

We envision this health care system to be fully sustainable, culturally diverse and encompass natural, traditional and conventional medicine. Canadians would be free to choose what form of health maintenance, prevention or crisis treatment we would like to receive and have confidence in knowing that both are being regulated well.

There is no question that the current NHP Regulations:

- Caused many NHPs to disappear;
- Caused many NHPs to become less effective by forcing manufacturers to reduce the amount of therapeutic ingredients;
- Stifled innovation of novel multi-ingredient products;
- Caused many small- and medium-sized high-quality firms to close, as they could not afford the costs of compliance;
- Restricted choice by causing mainly premium US and European companies to stop selling into Canada;
- Restricted access by driving up the price of NHPs, meaning that persons with low income cannot access them;
- Removed and restricted longstanding practices and treatments of alternative and traditional practitioners, and;
- Could force cost recovery measures by imposed fees driving even more NHP producers out of the market and increasing prices of NHPs making them even more unaffordable.

LAW FOR NATURAL MEDICINES

The Charter of Health Freedom is a proposed legislation that gives natural health products and practices their own Act and creates a separate **Ministry of Wellness**, whose purpose is to protect and promote access to natural treatment options. This proposed Ministry: takes the regulation away from Health Canada, which has a “drug” regulation culture; is given more powers than Health Canada to protect consumers against real dangers, such as fraud and adulteration; would oversee natural medicines, therapies and treatments and natural healing arts while The Ministry of Health/Health Canada would oversee conventional medicine; has been put forward as an alternative, and partner, to the current Ministry of Health/Health Canada. Given the track records and

differences between conventional medicine and natural medicine, it is quite evident that they should be regulated separately. The Ministry of Wellness concept is unique to Canada and would serve as a solution that would accommodate all parties and honour the multiple Supreme Court of Canada decisions which consistently reinforce the notion of sovereignty over one's body.

The Charter gives us a voice by creating the Health Freedom Ombudsman to ensure your rights and choices come first. This would be your first line of defence and who you would turn to when essential treatments are threatened and protect your right to make personal health decisions. Parliament can also ask the Ombudsman to investigate situations and make recommendations. The Charter considers people first, not profits, corporate interest or trade agreements. It would protect us from the inherent risks in the secret trade deal underway between Canada and the European Union, which may result in even more restrictive EU regulations being applied in Canada. This pending trade deal makes the Charter even more vital than when it was first drafted. It offers an appropriate, healthy, beneficial, safe change for regulating the nation's NHP industry. It will ensure that there is always a balanced risk analysis when determining the safest course possible when legitimate risks are identified. It ensures that no NHP can be taken away if the risk of removing the NHP exceeds the risk of leaving it on the market and available to Canadians who depend on it for their health and wellbeing. The Charter will ensure the rights and freedoms of Canadians are protected by law. It will protect our right to make personal health decisions and presumes that we are competent to make those decisions without State interference. By law Canadians are entitled to the freedom to decide how we will prevent illness, address injury or illness in our own bodies, and the right to refuse treatment. A key principle in the Charter is that it presumes that we ourselves are the best source of determining if a treatment is effective and right for us.

The Charter of Health Freedom privileges our own personal experience in determining what's best for us and will uphold this as priority in future risk analysis and court proceedings. With the current NHP Regulations this does not happen. Health Canada has removed NHPs from market without consideration of the people who depend upon them. An example of this is the EMPowerplus case in 2003 when Health Canada tried to restrict access by seizing shipments at the border. Desperate for their NHP access, Canadians who relied on EMPowerplus called Health Canada to voice their concerns – so many that Health Canada had to set up a dedicated phone line for issues related to this one product. Over 700 pages of consumer transcripts from these phone calls were presented to the Court, stating they were in fact helped by this NHP for their mental health conditions, such as bi-polar and major depressive disorders, and depended on it for their lives. This evidence was excluded and without the evidence there could not be a finding that the Charter of Rights and Freedoms had been violated. We need a balanced set of laws, a legal foundation designed to protect NHPs, the natural health community, and privilege your personal experience and right to choose. We cannot experience the health freedom that our constitutional rights tell us we have if there is restricted access to safe, effective and high quality NHPs.

The Charter of Health Freedom ensures that traditional and ancestral methods for gathering, manufacturing, preparing, preserving, performing, packaging or storing a treatment are protected and privileged. It ensures that NHPs, treatment devices, traditional medicine and other health practices are not subject to drug-style clinical trials to determine their effectiveness and safety. It assumes NHPs, practices and treatments are safe, that they are innocent until proven guilty. We envision a health care system that

respects our legal and ancestral rights and has the potential to set us apart as one of the most progressive countries in the world introducing this visionary proposal.

PRODUCTS VS PRACTICE

The Charter of Health Freedom is a proposed Federal Law. The federal government does not have the jurisdiction to regulate health care practitioners. However, practitioners across the country are being directly affected by the NHP Regulations in that natural health products are being removed from their practices as valuable tools to treat their clients and patients.

ECONOMICS

The greatest crisis facing Canadians in our health care system is the growing tension between constantly rising costs and declining outcomes. When Canadians use NHPs we ease the burden on the health care system. This deserves to be recognized by our Members of Parliament. Why is it not public policy to support such tendencies, dollar against dollar, measure against measure – benefits, adverse effects, compliance – NHPs deliver a better return on investment than drugs. It should be the case that the widest possible use of NHPs is formally promoted.

TAX & FINANCIAL POLICY UNFAIR

Why are health-conscious Canadians being punished? When governments want to reduce a behaviour they make it costly by taxing it. So why is our federal government using taxation to encourage use of prescription drugs (exempt from tax) and discourage us from taking natural supplements and engaging in the use of other preventative health practices which are both subject to taxes? If you go through Health Canada's prescription drug list and see the myriad drugs that treat symptoms rather than prevent illness, you will see that our medical system is allopathic focused. By contrast, natural health practitioners and NHPs focus more on prevention. We don't pay to see medical doctors, but we pay to see natural health practitioners. Prescription drugs paid for by medical plans are not taxable benefits, but most supplements and treatment devices are. This is poor policy for several reasons. First, most people want to prevent illness rather than treat symptoms. Second, despite some benefits, drugs are almost always more risky than NHPs. Encouraging risky treatments is unsettling behaviour on the part of a government. Third, Canadians should have the right to choose how we are going to treat ourselves. Instead, government policy chooses for us, especially the poor, even in those cases where natural remedies would be more effective. Finally, we should be encouraging Canadians to live a healthy lifestyle and to be proactive with our health. Current federal policy discourages this.

Would you not want natural health supplements and treatments to be on a level playing field with prescription drugs and allopathic treatments when it makes sense to reduce risk and potentially have more effective outcomes?

INTERACTIVE CHARTER

We made understanding the Charter as easy as possible. You'll find that we have inserted video clips next to each section of the Charter on our website so that you can watch the Charter be explained by its author, Shawn Buckley LL.B.