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Community Paralegals

*Developing Peer Legal Support for
People Who Use Drugs in Indonesia*

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- Number of people who use drugs: **5.6 million**, or 2.8% of Indonesia's general population, totaling 200 million
- Number of people who inject drugs (PWID): **74,326**
- Prevalence of HIV among PWID: **36%**
- Prevalence of HCV among PWID: **77%**

- Prevalence of HIV in 5 prisons in Indonesia: **3% (1-8%)**
- Prison overcapacity: **148%**
- No needle syringe programs (NSP) in prisons
- Opioid substitution therapy (OST) available in 8 prisons

Sources: National Narcotics Board; KEMENKUMHAM; Integrated Biological and Behavioural Surveillance among Prisoners, 2011; Ministry of Health.



Legal Context

- **2009:** Indonesia's new law on narcotic drugs (Narcotics Law no. 35/2009) introduces mechanisms for diverting people who use drugs *away* from prison and towards drug treatment
- But the new legal provisions are rarely implemented in practice
- The number of prisoners incarcerated for drug-related offenses has actually continued to rise:
 - **2002: 7122**, representing 10% of all prisoners
 - **2015 (August): 62,408**, representing approx. 35% of all prisoners with 145% over capacity in prison.
 - *These figures do not include those incarcerated for other crimes that may be drug-related (e.g. stealing to procure drugs, etc.)*

About PKNI (Indonesian Drug Users Network)



- PKNI is the national body that represents the priorities and needs of the Indonesian drug user community at the local, national and international levels
- Network of drug user organisations established in 2006 to address stigma, violence, discrimination and violations of human rights towards people who use drugs.
- 24 groups of former and current drug users across 19 provinces in Indonesia

Objectives of Paralegal Project

Since 2013



- **Increase** knowledge of the legal process among the drug user community
- **Improve** the community's capacity to engage in advocacy on legal issues
- **Empower** the drug user community to act as paralegals for their peers
- **Support** and **encourage** the fulfillment of human rights of drug users
- **Assist** community members who are undergoing the trial process to access and fulfill their rights to health care and rehabilitation
- **Promote** the creation of a more humane and evidence based drug policy
- **Advocate** for the implementation of existing laws which decriminalise drug users by diverting them from prison to treatment

Specific Aims of Paralegal Assistance Process



1. Discretion by the police (case is assigned to treatment/rehabilitation without going through trial process)
2. Diversion (case undergoes trial process and judge rules in favour of treatment/rehabilitation)
3. Develop stronger working relationships and formal collaboration with existing legal aid organisations at the provincial/local levels.

Empowering Community Paralegals



- **Workshop: Building the Capacity of the Community to Assist in the Legal Process**

27 February - 3 March, 2013
East Kalimantan

Community members from drug user organisations in 7 districts/cities

- **Tools for Monitoring and Documentation of the Paralegal Assistance Process by Drug Users for Drug Users**

14-17 June, 2013
Jakarta

Community members from drug user organisations in 5 districts/cities

Refreshing training, field visit and workshop

- Refreshing training to renew tools for documentation
- Advance training with Legal Aid organisation
- Field visit to 6 provinces to monitor the process (barriers and challenge) in the implementation
- National workshop to share the experience and lesson learned to the policy makers, Law enforcement and drug using community

Paralegal Training in East Kalimantan



Workshop : Developing tools for documenting paralegal assistance with legal counsel



Role Play : Trial process in Court



Project Results



- Total number of cases assisted over a period of 3 years
:
 - 2013 – 36 cases
 - 2014 – 65 cases
 - Till August 2015 – 69 cases
- One third getaway from imprisonment
- 20% are HIV +, 70% of them are in ART
- 5% receive MMT
- 1 client receive kidney surgery
- Average 15% to 30% drop out cases (due to bribery)

Challenges



- The absence of rules at the police level in terms of handling drug-related offense cases.
- Heroin case handling is easier than amphetamine type stimulants or marijuana.
- Law enforcement officials do not fully acknowledge community paralegals as legit and official assistants and advocates for victims of drug law cases.
- Community culture often means that the client arrested and/or their family, as well as those handling cases such as police and judges, prefer bribing and corruption.
- Paralegals are involved bribery / brokering cases.
- Recent swapping of the head of Indonesia National Policy – Criminal Reserse Beaureau and the Chief of Narcotic Board

Lessons Learned



- Confidence of community paralegals in handling cases increased
- Creating new collaborations with the Legal Aid Organizations and law enforcers
- Documentation of process shows that cases assisted by community paralegals were effective and efficient
- Development of baseline for advocating for the implementation of drug policy in Indonesia.
- The successful of paralegal program has been acknowledged and appreciated by the Global Fund by replicating it into the new funding model support for all key population

Thank you !
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