

RECOMMENDATION FOR UNGASS ON THE WORLD DRUG PROBLEM 2016: INDONESIA

The Universal Declaration of Human Rights establish that all human beings has civil, political, economics, social, and cultural rights. Those rights are being employed under international treaties. Those treaties are applied without exception thus including drug consumers. Economic rights emphasize that the drugs and all related natural resources shall be utilised for the development of all people, through the regulation and control by the state so as to prevent the abuse of authority and the trafficking of drugs through the black market.

Social rights especially touches drug consumers having been the target of repressive acts of the state pursuing "war on drugs". Therefore, the appropriate approach is to restore the consumers into a conducive social environment/resocialization through humanise education so as to appreciate the universal values before the public and not be dragged into the same circle, involved in illicit drug business .

The political rights are when people are entitled can make humanising choices that would not entrap victims into a "war" with nations, that is not necessarily consistent with the cultural values of the Indonesian people and is not necessarily beneficial to us as a sovereign nation .

Cultural rights are when all matters relating to the decision of a nation should refer and address cultural local wisdom. It is therefore important to understand our culture associated with the use and utilisation of drug or its raw materials as necessities of life. Indonesia has ratified the Universal Declaration of Human Rights as well as the covenants for economic, social, cultural rights and on civil and political rights since the values inscribed in these covenants are in accordance with human values espoused by the Indonesian people.

The matter pertaining regulation of production and consumption of drugs should take into account the general benefit of the people in accordance with the human rights covenants which has been ratified by Indonesia, since it is in accordance with the humanitarian values of our nation. On the other hand, current policies addressing drugs are contradictory because of crime and health contained therein. The dilemma arises from determining which aspects needs to be emphasized. Domestically, compulsory reporting to drug dependency rehabilitation facility is one of those paradoxical policy resulting from this dilemma.

At the world level, the international body handles drug issue has been combined with the world's crime issue. In result, UN resolutions produced are half-heartedly separating the problems of drug and crime. The perspective of human rights has been obscured by criminal law perspectives .

Instead, the handling of the issue of drugs is considered a transnational crime or an extraordinary crime and left to respective countries to regulate. Therefore it should be agreed on a resolution of the UNGASS on the World Drug Problem in 2016 to:

- Thoroughly correcting the UN Conventions on Drugs . According authority to the Eminent Persons established in the UNGASS to exercise these corrections within three years of time ;
- Using traditions and cultural approach in defining the dangers of drug consumption in addition the use of health scientific approach . It is time that the security approach are abandoned .

The following are the situations related to the UN Conventions on Drugs of 1961, 1971, 1988:

The last five years in Indonesia	We, the people of Indonesia, suggest the following
<p>Problems related to law enforcement:</p> <p>(1) There are a myriad practices of corruption, bribery to extortion by law enforcement officers : to facilitate businesses of illicit drug , buying and selling article to relieve even to free invidual from criminal sanctions , to provide conveniences within prison and / or rehabilitation facilities ;</p> <p>(2) Abuses of power are taking place (violence , abuse , rape) by law enforcers during raids and urinal testing and registration to rehabilitation facilities through the compulsory registration report (IPWL) . This criminalization process often revoke the right to education, employment, health as well as the presumption of innocence drug consumers ;</p> <p>(3) Prisons are filled with convicted drug cases, exceeding the capacity of its inhabitants and is often claimed as rehabilitation ;</p> <p>(4) Existing apparatus (tools of the state and the legal system) utilization to corruption and abuse of authority other officials related drugs is very limited;</p> <p>(5) A number of United Nations political declarations on drugs that are up to date and accommodating to current approaches besides sentencing , are not applied.</p>	<p>(1) For drugs to be controlled by the state through administrative laws not criminal laws;</p> <p>(2) The state to clearly differentiate between producer, trafficker and consumer/user of drugs based on a limited amount in possession (grammage);</p> <p>(3) Eliminate the criminalization of possession and consumption of drugs *below the threshold amount for private possession;</p> <p>(4) The State(National Commission on Human Rights, National Commission on Corruption, National Agency for Komnas HAM, National Agency for the protection of victims and witnesses) should have a complaint center for abuse of authority by state agents, that is accessible, friendly and protects the identity of the informant;</p> <p>(5) The legal system and state apparatus (KPK, PPATK, Propam, Kompolnas) must uphold and enforce justice against the abuse of authority when enforcing drug laws.</p> <p>*currently still inscribed as Schedule 1 in our law</p>

Problems related to occurrence of death and to health:

- (1) The deaths occurred due to lack of maintenance also handling drugs overdose and poisoning mixed materials and related drug consumption;
- (2) Settlement of diseases that are categorized as self-inflicted (compulsive drug consumption and dependence) because it does not bear the national health insurance system;
- (3) Infectious diseases still threatened the drug consumers due to non-availability of health services for drug harm reduction (HR);
- (4) The health authorities are not willing to provide services related to the drug group 1 on keterlarangannya for treatment .

- (1) Classification of drug in policies must be based on scientific evidence ;
- (2) The State to provide universal health access;
- (3) Ensure the availability of drug overdose treatment, drug poisoning, agonist substitution therapy and other drug treatment , including medical equipment to prevent infectious diseases to be borne by the National Health Insurance;
- (4) Making cannabis and other Schedule 1 drugs to be available for medicinal purposes.

Social and political issues:

- (1) Political leaders and state institutions often take advantage of the criminalization of drug for their appearance, often making repressive statement- thus facilitating the illicit business of drugs;
- (2) News coverage using criminalizing perspective fosters the stigmatization of drug and its consumers, increasing the attractiveness of the drug business to the public ;
- (3) The arbitrarily treatment of state apparatus and by society towards drug consumers further strengthen stigmatization ;
- (4) More people, especially children, women , the poor, the unemployed, the disabled are entangled in this illicit businesses as media exposure of drug crimes increases

- (1) The discourse about drugs in education and the media should be balanced through proper drug classification based on scientific evidence ;
- (2) Greater role of the state apparatus in the preservation of human rights, children, women , the poor , migrant workers , and people with disabilities in amended or reformed national drug policies

Social economic issues:

- (1) The socio-economic cost of drugs continues to rise : budget prisons, rehabilitation and law enforcement (i.e. raids) while the current law despite imposing a death penalty does not deter;
- (2) There are overlapping roles and budgets for the implementation of the national drug

- (1) The state denied budget allocated to meet the needs of drug users in the country by producing and cultivating raw materials to "war against drugs" programs;
- (2) Redefining drug control function by the state and revising the excessive role of the National Narcotics Board (BNN) in the implementation P4GN;

<p>policy program (P4GN) between BNN (National Narcotics Board) and other agencies in handling law enforcement, prevention, treatment, rehabilitation and drug research;</p> <p>(3) The eradication of traditional drugs and natural materials (commodities) e.g. khat, mushrooms, cannabis has actually increased economic value;</p> <p>(4) More derivatives in the form of mixed drugs, chemical compounds and new types of drugs</p>	<p>(3) The State must exploit the potential of the plants categorized as Schedule 1 drugs for medicinal purposes, industry and the national economy ;</p> <p>(4) The State to monitor and maintain the quality of drugs consumed in country;</p> <p>(5) Assess the potential of drugs that has not been utilized for the welfare of society.</p>
<p>International collaborations issues:</p> <p>(1) "Extraordinary" crimes are taking place in the form of production and distribution of drugs across national borders as a result of the implementation of the UN Convention on drugs of 1961, 1971 & 1988;</p> <p>(2) The merging of drugs and crimes through UNODC</p>	<p>(1) Indonesia claimed responsibility for the United Nations on the adverse effects that the application of the Convention can not be handled by national law ;</p> <p>(2) Review Indonesia to revoke the signature and ratification of the UN Drug Conventions;</p> <p>(3) To review the institutional UNODC: separating drugs and crime</p>

CONTRIBUTORS

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- Pusat Penelitian HIV Universitas Atmajaya
- Indonesia AIDS Coalition
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