HIV Cooperation Program Indonesia: **DIVERSION**

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Developing drug diversion policy in Indonesia

The HIV Cooperation Program for Indonesia (HCPI) has been working with a wide range of partners to develop a system for diverting people who inject drugs (PWID) from incarceration in prisons to voluntary attendance at effective drug services.

Approximately 60% of Indonesian prisoners are sentenced for drug-related offenses. Their situation in jail can be quite desperate as most prisoners have poor access to health care, since the prison system spends less than one dollar per prisoner per year on health care. A PWID is more than twice as likely to contract HIV in a narcotics prison as when living in the community.

Indonesia's 2009 Narcotics Law aimed to facilitate referral of drug users into treatment, but inconsistent interpretation of the law meant that more drug users were arrested and incarcerated while the number of people accessing drug treatment through this law did not increase. This situation led the National Narcotics Board (NNB) to explore different approaches for dealing with narcotics users in order to develop a system better able to accommodate their needs. NNB approached HCPI for assistance to observe examples of effective treatment referral.

Study vists were carried out to understand diversion programs in Sydney and the impact of decriminalizing narcotics and increasing drug treatment access in Portugal.

Government departments showed leadership in developing policies to resolve legal challenges and the need for treatment required by a diversion system. This process drew the attention of Indonesia's then- president Susilo Bambang Yudhoyono, as reported in the Jakarta Post.

Study visits encouraged delegates from government institutions including the Criminal Justice System (CJS) to develop a model for diversion. CJS participation in developing the necessary policies has been productive, especially the Attorney General's Office and the Supreme Court. The NNB is the key government agency appointed by the President to deal with narcotics, led the process of drug law reform.

A huge breakthrough occurred in March 2014 with final endorsement of a joint regulation amongst the CJS, NNB, Ministry of Health and Ministry of Social Affairs. NNB facilitated developing the regulation which involved a consensus amongst the seven signatories. It determined that an assessment committee can decide upon the best course of action for drug cases. This advice provides judges with a basis to refer drug offenders to the most appropriate treatment services. In the past PWID had to be incarcerated or sent to compulsory treatment in government-run clinics, now they can attend community-based services run by NGOs that are more likely to meet their needs and be able to provide effective aftercare – an essential aspect of the recovery process. The HCPI Annual Client Survey 2014 revealed that a small percentage had already been sent to rehabilitation by the CJS.

Challenges remain with institutional arrangements (NNB and the Indonesian National Police are not used to sharing roles), but the HCPI Client Surveys of 2013 and 2014 show that 29% and 27% of prisoners, respectively, had received drug-related or HIV-related services while in police custody.

In order to implement an effective diversion system, a massive scale-up in capacity is required for both CJS and drug treatment services. Efficiently processing narcotics cases and access to evidence-based treatment are essential to ensure good diversion outcomes and can provide significant budgetary savings compared to incarcerating PWID.

> "These young folks who have become drug addicts have lost their past and present, so we should not allow them to lose their future. We should guide them back. They don't belong in a penitentiary, but in a rehabilitation centre.

- Indonesia's then president Susilo - Bambang Yudhoyono, Jakarta Post, June 2013