

The Unheard Voices towards Women and Children in Indonesian Drug Law and Policy

Bogota, HR25

Asmin Fransiska
Eko Adi Prasetyanto

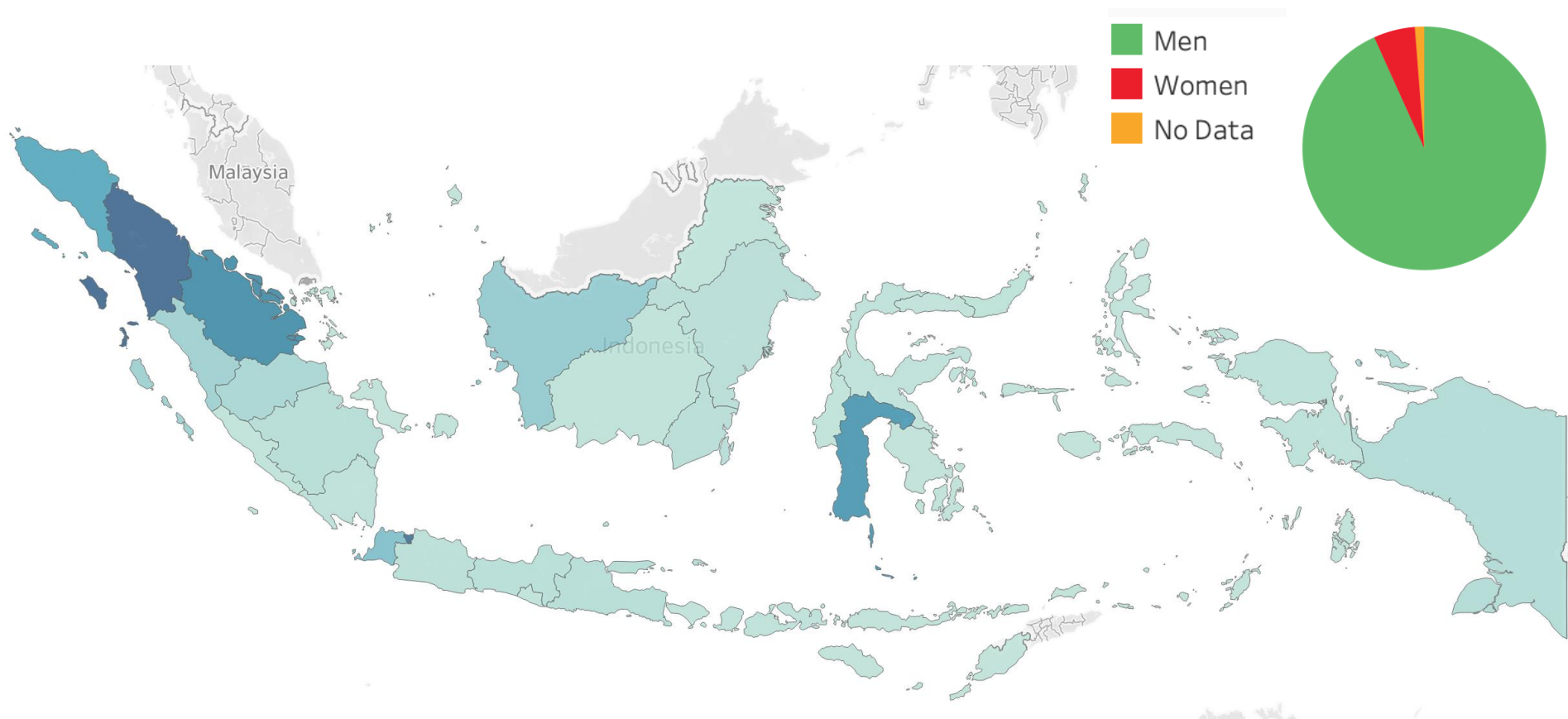
Research Outline

- The gender issue: Why is it important in Indonesian Drug Policy Discourse.
- The Human Rights Violations against Women and Children Who Use Drugs in Drug Law and Policy.
- Alternative Model in Drug Law and Policy: Better Law, Better Society with Evidence Based and Human Rights Approaches



Method: Literature Review, Case Studies and analysis

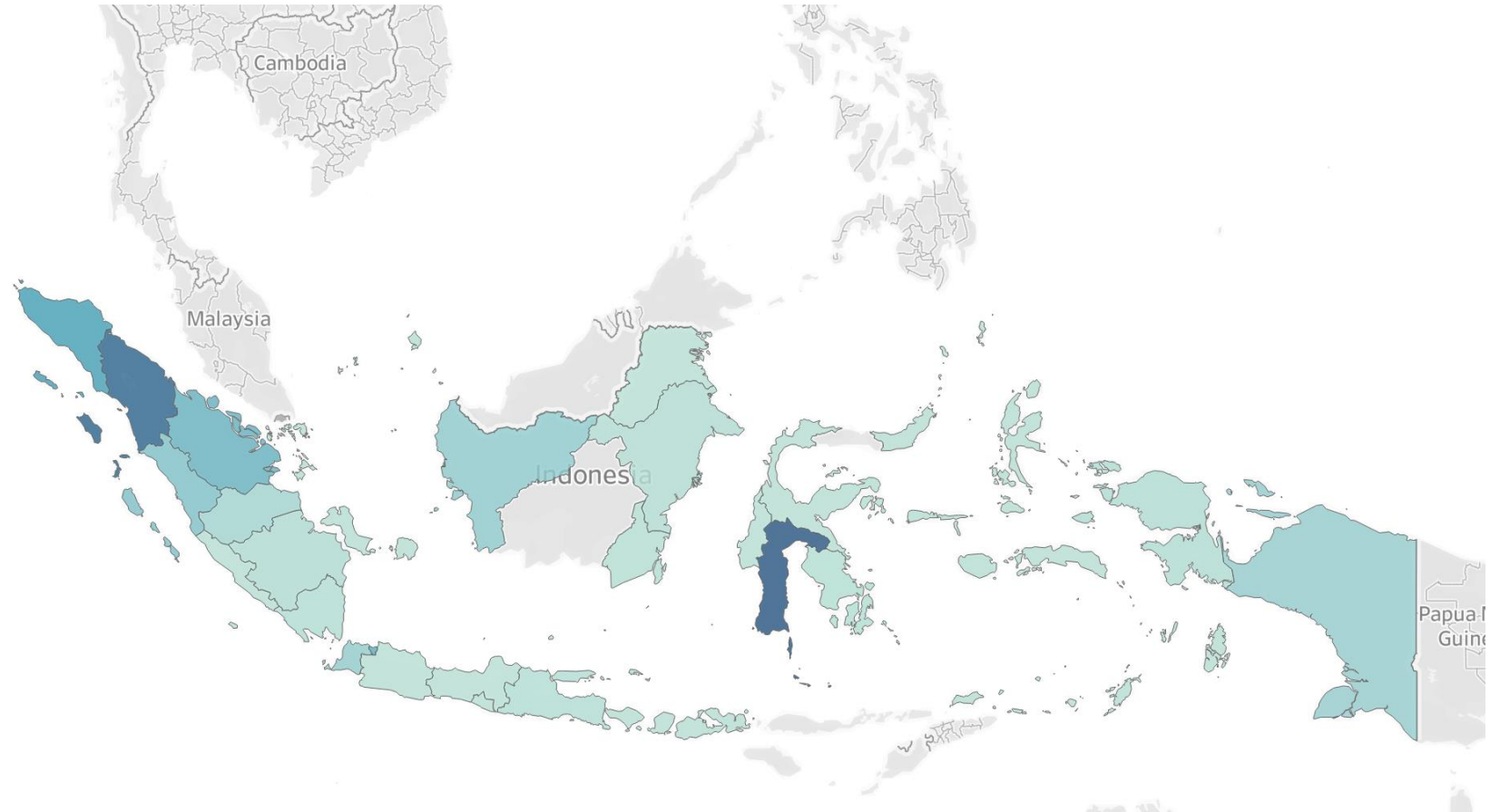
I. Indonesia Drugs Landscape



- Number of narcotics cases 2014-2023
- **216,413** total cases in our database
- **5,5% are women**
- Methamphetamine has continued to dominate the Indonesian drug market.
- Key transit points for various drugs, especially methamphetamine, due to its strategic location and various borders.

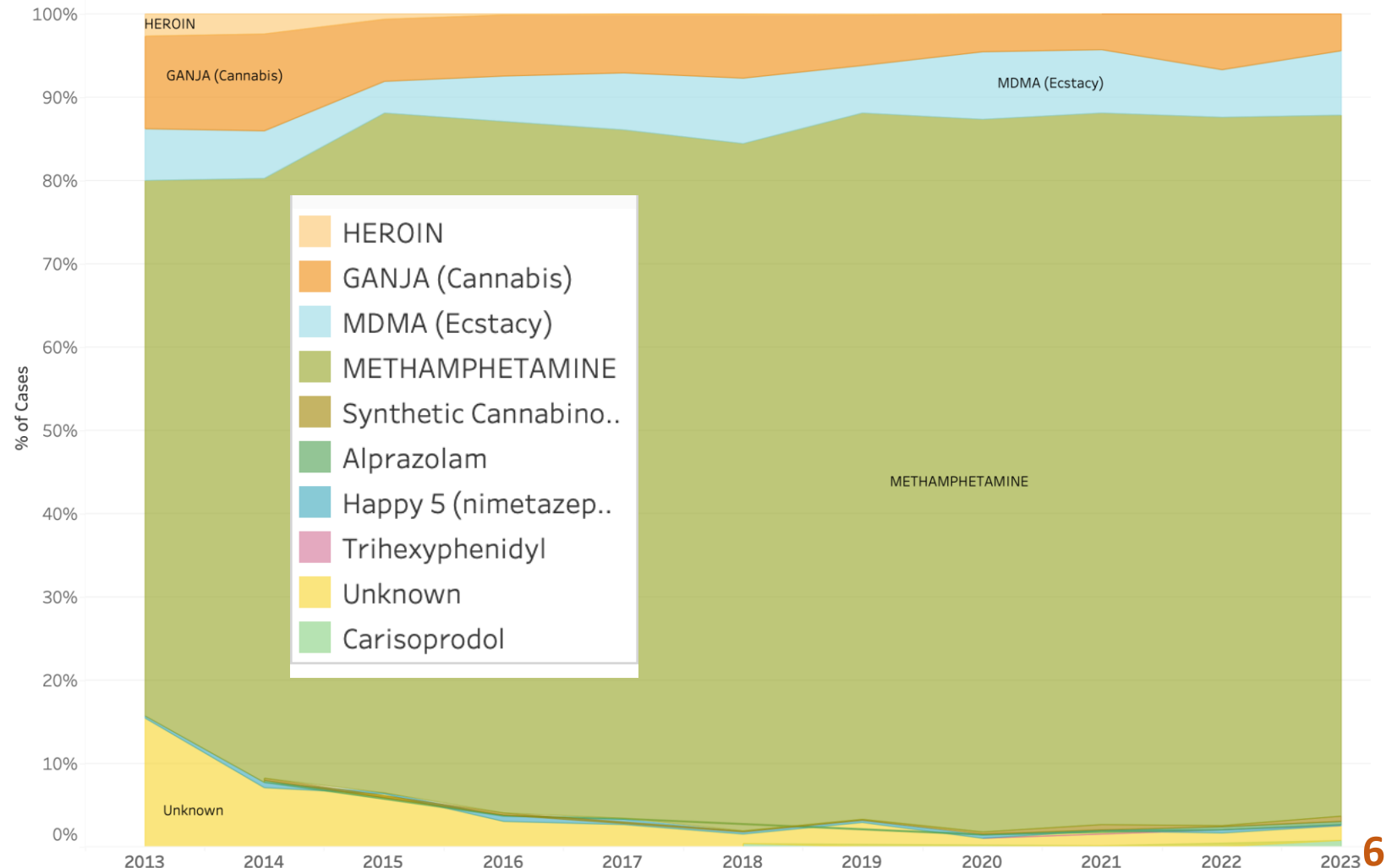
Children Cases in Indonesia

- 1.1% (2,382 cases out of 216,413 total cases in our database)
- 5.5% among them are girls
- 61% of cases end up in imprisonment
- Most of the cases are closed-trial.
- The evidence mostly are methamphetamine, marijuana, synthetic cannabinoid and ecstasy.

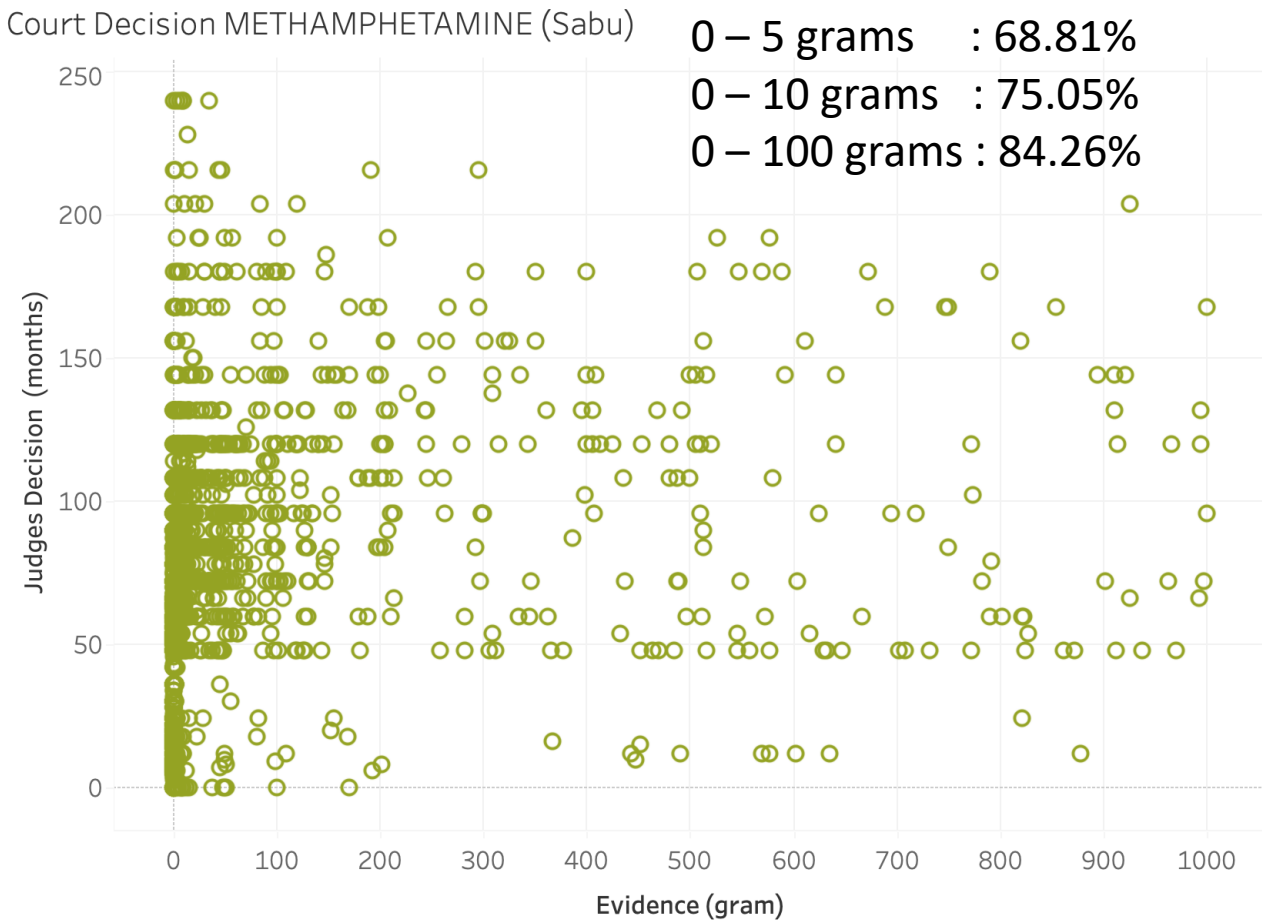
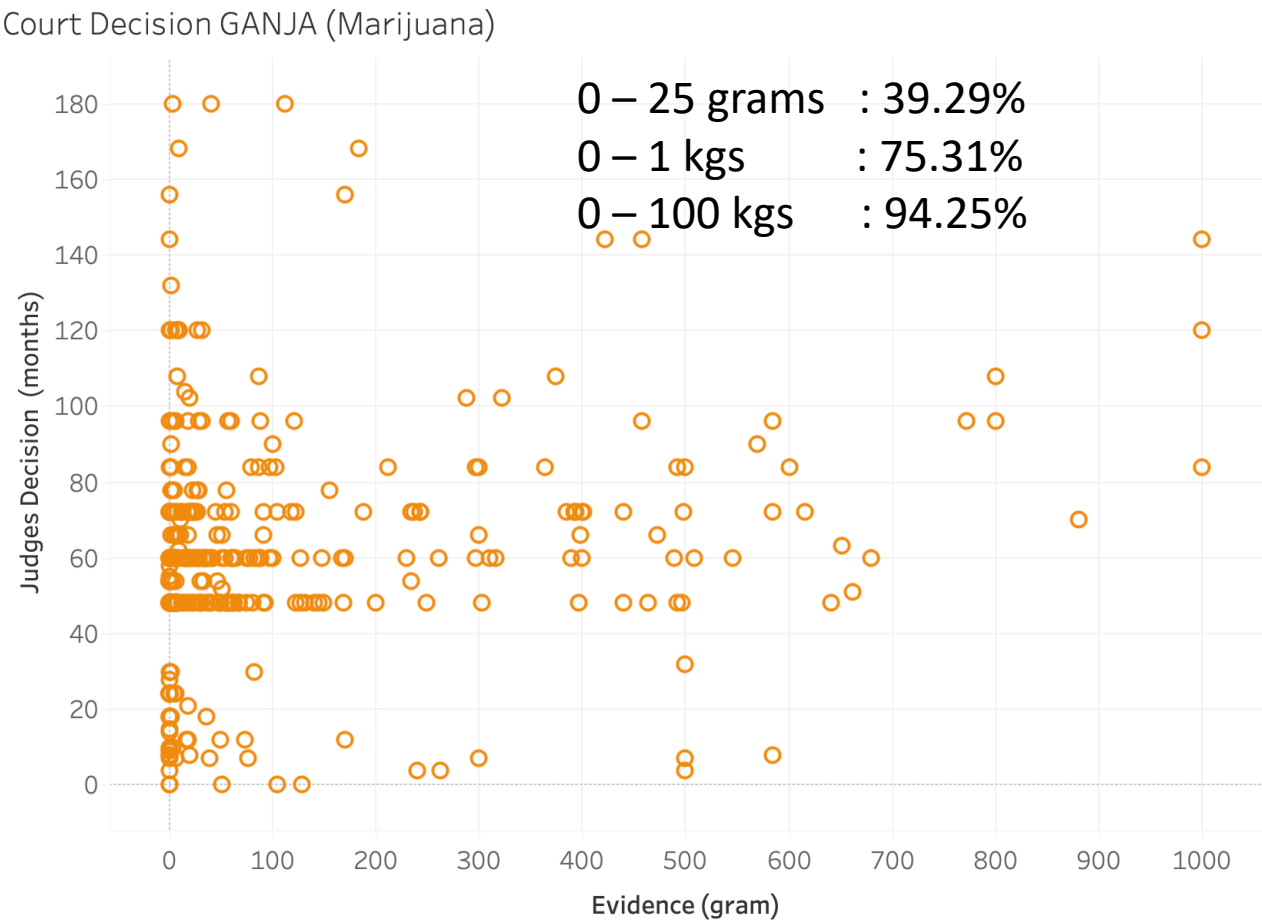


Women Sentenced for Drug Offences

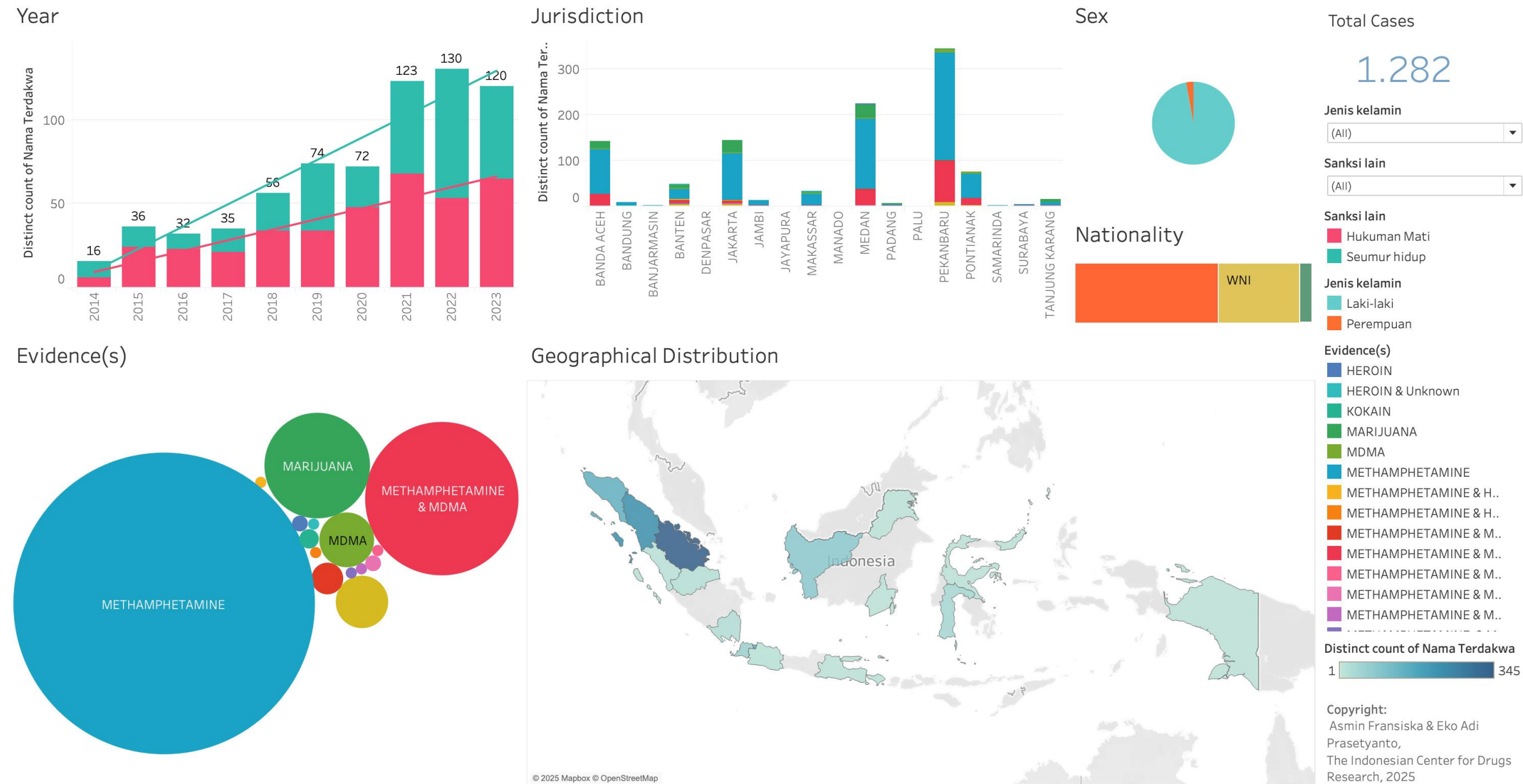
- Methamphetamine dominated for the last 10 years.
- Heroin cases diminished in 2016.
- The percentage of female drug offences who use MDMA is double compares to male.



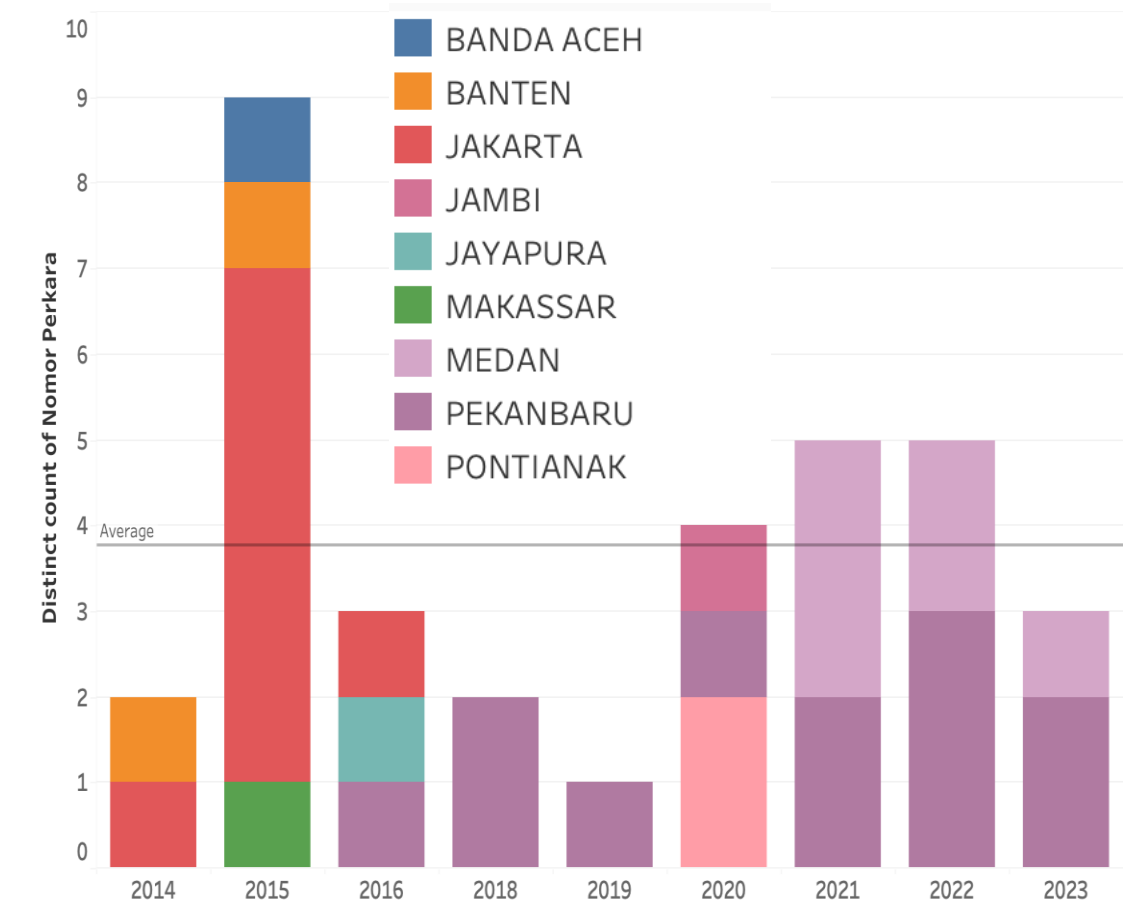
Evidence vs. Sentence toward Female Drug Offences



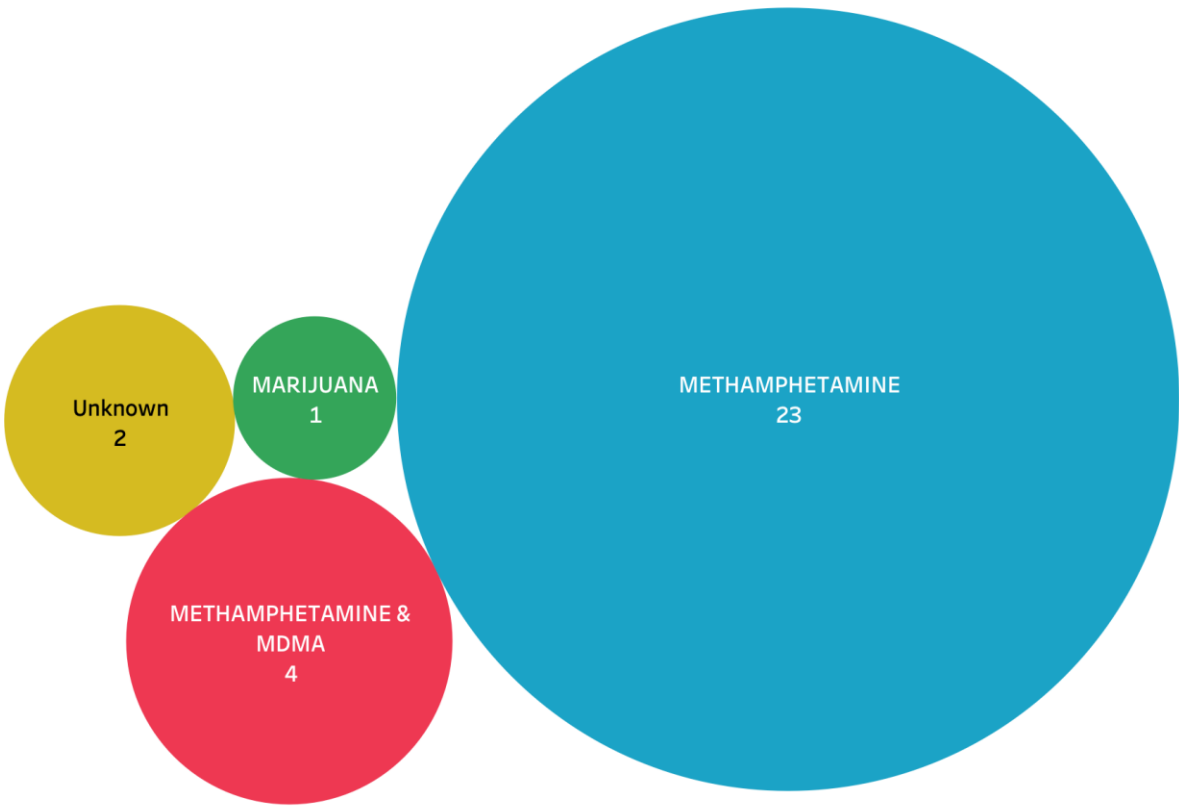
Death Penalty & Life Imprisonment on Drug Cases



Death Penalty & Life Imprisonment Cases among Females



Evidence(s)





II. Challenges

1. Indonesian Drug Law

- Minimum sentences (4 years) for all activities relates to drugs (Use, possession, cultivation, trafficking, etc.)
- Minimum standard of proof, with no “intention” requirement
- The prohibition of drug under schedule I for health care and services
- The limit the research on drugs only for law enforcement benefit.
- The forced rehabilitation for people who use drugs
- High fine for drug offences (including the PWUDs)
- The death penalties for drug possession.
- Limited Harm Reduction (youth mostly)
- Forced Rehabilitation.
- Criminal record

2. The Indonesian Drug Threshold (Drug TQs)

1. The most 3 Type of Drugs :
 - a) **Methamphetamine** (79,2 %)
 - b) **Cannabis** (9,7%)
 - c) **MDMA** (3,1%)
2. Based on The Supreme Court Circulation Letter on PWUD (04/2010):
 - a) **≤1 gram Methamphetamine**: 38,8% out of all cases
 - b) **≤5 grams Cannabis**: 1,8% out of all cases
3. Meaning: **40,6% or 2 out of 5 drug cases** in Indonesia consists under personal Drug TQs on Methamphetamine or Cannabis , punish with
 - a) **MINIMUM SENTENCES 4 YEARS IMPRISONMENT** and
 - b) **MINIMUM FINE Rp. 800 Mo (52.000US\$)**

CALCULATING NUMBERS WITH STORIES & NARRATIVES

3. The Absence of Definition and Human Rights Approached

Simplicity & Generalized Approach

- Women and children in the context of war on drugs
 - Forced abortion
 - Unfit as parents
 - Children and Youth Autonomy
 - Violence and low-income family/community
- Negative Life Caused from Drug Prohibitionist
 - Human Rights Violations from civil and political rights to economic, social and cultural rights

The Absence of Drug Mules Phenomenon

Who are They?

- Person (mostly Female or youth) in the drug net without or less economic incentive/benefit
- Without control on drugs, route or ways of distribution
- Mostly as a victims of trafficking in persons, economic marginalization, vulnerabilities based on gender.
- In some region: combination of other crime: illegal weapon or violence method

The issues:

- Patriarchy court system: evidence based on drug possession
- The lack of witnesses: DPO (Black-listed person)

The background is a solid blue gradient. Overlaid on this are numerous thin, white, curved lines that sweep across the frame from the bottom right towards the top left. These lines connect various small, white, circular nodes. Some nodes are simple outlines, while others have a small dot in the center. The overall effect is a sense of dynamic movement and interconnectedness, typical of a network or data visualization.

III. RECOMENDATIONS

Drug Law Reform:

1. Reform the criminal punishment on drug offences:
 - a. **Eliminate the minimum sentences, and fine for PWUD:**
 - i. Introduce the alternative/non-criminal punishment
 - ii. The feasibilities studies on fine and other social context of penalties.
 - b. **Reform the problematic articles In Indonesian Drug Law.**
2. **Reform the method of rehabilitation for PWUD.**
3. The Evidence based approach for creating the Scientific with health approach and Social Context towards Indonesian Drug Threshold (Quantity and Quality) **and:**
4. **Counter of War in Drugs Narrative** through inclusivity of women and youth with evidence-based approach (data and more research) and Gender perspective in the criminal justice system

Thank You

<https://icdr.or.id>

