

INFORMATION DIGEST

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ENPUD
country news

AIDANA FEDOSIK: **YOU'RE THE LAW!**



First Eastern Europe and Central Asia Regional Judges' Forum on HIV, Human Rights and the Law was held on 3-4 October in Chisinau, Moldova. The aim was to explore how the law can better protect the rights of key populations, particularly people who use drugs. We are the first countries in the region to be subject to the state repressive measures.

Aidana Fedosik, lawyer, member of the ENPUD secretariat, coordinator of the project "Health and rights of prisoners", director of the NGO "Rights of everyone", Russia, spoke at this forum from our community (we publish part of her speech).

AIDANA FEDOSIK: **YOU'RE THE LAW!**

"Please forgive my excitement. It is said that there are judges here. From my past experience: all face-to-face meetings with judges, if I did not act as a lawyer, ended badly. For me. I hope that this time it will be done. Today I speak not as a lawyer and human rights defender. I speak as a woman, who was followed by a repressive drug policy rink.

So. I am Aidana Fedosik from a small provincial town in Russia, Orenburg, on the border with Kazakhstan. Drug trafficking from Afghanistan, and now from China, passes through our region. In 1996, I became a mother, a difficult delivery, prolonged depression, panic attacks, self-medication attempts, shame, fear and the result - drugs.

At first, as a successful (I thought so then) way to get rid of psychological problems. By 1998, there was a strong dependence. Despite this, I was engaged in private practice, studied at the institute and regularly paid taxes. I did not apply for drug treatment: the same shame and fear, but raised to the tenth degree. Ask for narcological help - immediately put on drug accounting, which in Russia entails serious defeats in rights.

One of the most egregious: according to the current Family Code of the Russian Federation, the diagnosis of drug addiction is an unconditional ground for deprivation of parental rights. It is clear that there was no thought of seeking treatment. In the context of punitive drug policy in Russia, my fate was predetermined: prison or death from overdose, as neither opioid substitution therapy nor harm reduction programs are available.

In 2002, the judge who sentenced me for the first time was convinced that she was saving my health (and indeed my life) by prescribing a real prison sentence. And that prison would definitely "cure and rehabilitate" me.

I won't tell you all the horrors. I will say one thing, that I survived by a miracle. No kidding. And I am convinced that in order to get rid of addiction, it is not necessary to go through all the circles of hell, lose health and possibly life. It's like to "treat" a sick finger or to distract a person from pain in this finger, they break his head with a sledgehammer.

AIDANA FEDOSIK: YOU'RE THE LAW!



One hundred percent your finger will stop hurt. I will especially note - in prison I have never received any medical care in connection with my diagnosis. Despite the fact that the diagnosis of “addiction” was the reason for my stay in prison.

In each case, when I sentenced me, the judge made a decision based on the letter of the law. But each time, having the procedural opportunity to impose a punishment that was not related to imprisonment, the judges consistently deprived me of their freedom. “There is little jurisprudence on alternative punishments for drugs,” one judge said.

“There is nothing to be done - such is the law,” said another. And only one judge took the liberty and, contrary to the opposition of the prosecutor’s office, the administration of the institution canceled another refusal of my parole. That was my deadline. At that time, I spent a total of 8 years and 9 months in prison.

“Do not cure or correct. Ditch soon. You do not let go. I - THE JUDGE and I - RELEASE. Let it work, pay taxes and give birth to children.” Very harsh woman. Brave and stern woman. And her courage changed my world.

Turning to those judges, I will say here: YOU - those who create judicial practice, YOU - THE LAW. And I wish us all the courage to change this world! ”

RUSSIA: WHO IF NOT US



The NGO Center for Systemic Solutions “Step Towards” organizes a non-medical service for people who use drugs, for people living with HIV, for sex workers, for people released from prison, in order to maintain their health and improve their quality of life.

The organization's motto is “Who if not us !!!”

Indeed, in the city of Naberezhnye Chelny, such an organization that would work on a peer-to-peer basis, outreach, provide social support and organize a low-threshold center for people who use drugs outside the walls of state institutions - no more.

RUSSIA: WHO IF NOT US

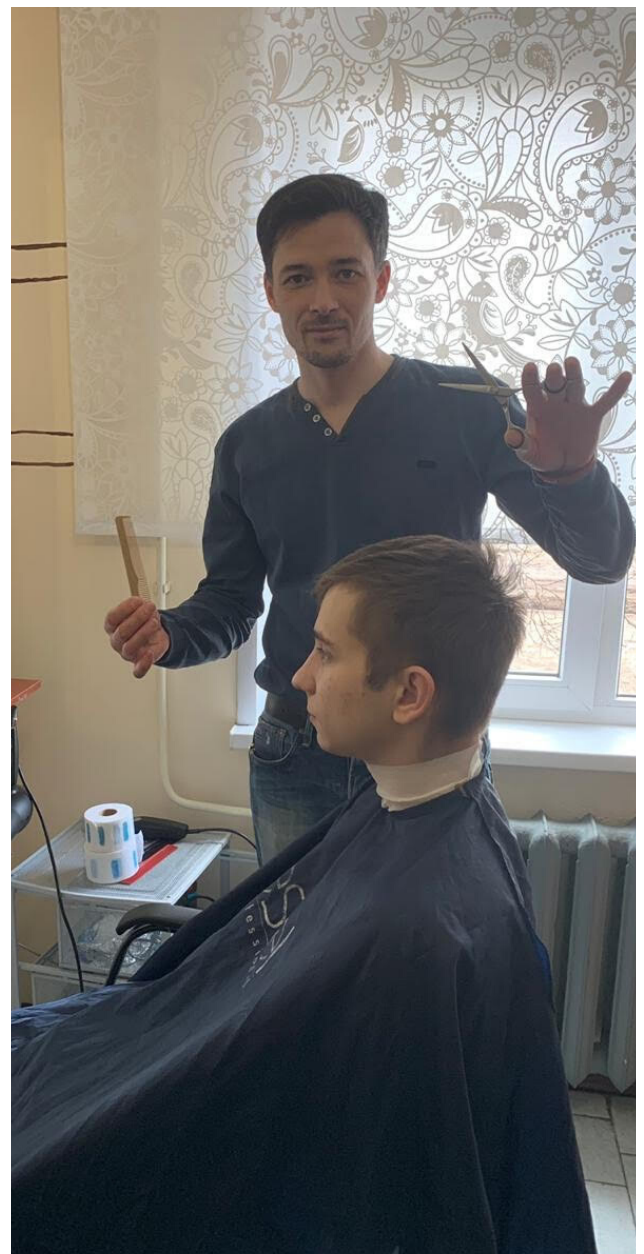
As a team of like-minded people, activists have been engaged in the prevention of HIV, viral hepatitis, tuberculosis, STIs among key populations since 2007. Previously, it was the Timur Islamov Fund, but due to the fact that the Fund was recognized as a “foreign agent” in Russia, activists had to open a new organization.

One of the "Step Toward" projects is the unique Social Barber Shop for people who use drugs. Once a week, a hairdresser comes to the organization and cuts clients for free.

Clients of the organization do not always find time to attend seminars or receive individual consultations on topics of harm reduction, health protection, protection of rights, diagnosis and treatment of diseases, etc. So during the haircut this problem is not. They are ready to listen and communicate, at least during a haircut. This is a golden time!

During these 15-20 minutes they receive vital information and put their heads in order! A volunteer hairdresser is a person from the community. After a haircut, everyone can get reduction services, take tests, etc.

Currently, the guys work without financial support, purely on bare activism. They are confident that this difficulty will make them stronger and rally as a team.



UKRAINE: CANNABIS MARCH OF FREEDOM



On October 26, the “CANNABIS MARCH of FREEDOM” was held in Kiev, the participants of which demanded that the authorities legalize cannabis for medical use. About 500 people gathered for the action, in particular, activists of several public organizations, including the Ukrainian Network of People Who Use Drugs (VOLNA).

The march began near the Government House. Activists demanded that the authorities allow the use of marijuana in the treatment of seriously ill people, as well as decriminalize the possession of cannabis without a marketing purpose. According to the declaration of intent published on the event page on Facebook, the protesters also demanded a complete reorganization of the drug control and anti-drug bodies.

UKRAINE: CANNABIS MARCH OF FREEDOM



First of all, this concerns the National Police Anti-Drug Crime Unit. This should be done under public control and with the priorities determined by the State Drug Strategy.

“It is important that the authorities implement the Action Plan for 2019–2020 approved by the Cabinet of Ministers of Ukraine on the implementation of the State Drug Policy Strategy. In 2019, the action plan provided for the development of new standards for establishing the size of drugs and increasing their threshold quantities. However, things are still there. At the same time, the life of drug-addicted people is only getting harder”, - said Vielta Parkhomenko, consultant on VOLNA mobilization.

The march ended with a rally at the parliament building. The “CANNABIS MARCH of FREEDOM” was supported by VOLNA activists in many cities of Ukraine.

RUSSIA: HOW TO REDUCE THE HARM FROM "NEW PSYCHOACTIVE SUBSTANCES"



Activists Andrey Rylkov Foundation for Health and Social Justice has developed harm reduction guidelines for the “new psychoactive substances”. This information will be useful for social workers, volunteers and activists working with people who use drugs. If someone needs print files, write to Maxim Malyshev maksma177@gmail.com. The file about mephedrone can be downloaded through the Googledisk at the link: https://drive.google.com/file/d/1mHV2kW_iBHYR-wzRRP0Pm9n01z8CRqf/view?usp=sharing

BELARUS: REDUCTION OF OST PROGRAMS



The study of the organization “Your Chance” within the framework of the project “Define and influence the readiness of the OST program to accept people with combined addiction” showed that the number of participants in OST in the Republic continues to decline.

“Your chance” gathered evidence of people who use street opiates and stimulants about what substances they are currently using, their state of health, their state of social conditions (housing, food, and resources for life).

A needs analysis was conducted to monitor the extent to which the drug treatment service and social programs are ready to respond to the needs of new OST program participants (to include more potentially interested people in the OST program).

When conducting surveys among drug users, special attention was paid to the existing experience in reducing risks, the experience of contacting drug treatment services, the desire to come to OST and on what conditions.

Also, the study involved people who use street salts and spice. The experience of reducing the risks of these people is documented (for evaluation and use in information materials).

Activists are awaiting the final approval of a more progressive OST guidance document. Its implementation will facilitate the inclusion of new clients in the substitution therapy program and improve the conditions of stay in it.

The research results can be found here:

<http://yourchance.by/wp-content/uploads/2019/10/Rezultaty-issledovaniya-kniga11.pdf>

BELARUS: GET INTO POWER



Protests, services, advocacy, etc. - all this is important. But drug policy can and should be changed by get into power at all levels. Community members themselves must be involved in changing existing laws.

So, in early October, activists of the Association of Belarusian Students, the initiatives “Study is more important”, as well as Legalize Belarus created the “Youth Bloc” to participate in the parliamentary elections. Eight candidates were nominated from the Belarusian Social Democratic Party - election commissions all registered them.

BELARUS: GET INTO POWER

Legalize Belarus prepared and submitted a draft law on decriminalization of the “narcotic” 328th article of the Criminal Code in the Republic of Belarus. The basic requirement is the partial decriminalization of the responsibility of people who use drugs.

Legalize Belarus Draft Law “On Amending Art. 328” includes about 10 progressive points, including: decriminalization of criminal liability for consumers of psychoactive substances (replacing administrative responsibility), clarification of the concept of “marketing” and delimitation of criminal liability depending on the volume of the substance found. “We propose to differentiate consumer responsibility depending on the volume of the substance. It is necessary to introduce the concept of a significant amount of substance. Part 1 of article 328 in our edition defines the responsibility for the manufacture, processing, acquisition, storage, transportation of substances in a significant amount. There should be various measures of responsibility for a significant and large size. If the size is lower, we propose decriminalization, that is, only administrative liability: fines and property compensation,” says lawyer Igor Brek.

According to the developers of the bill, it is necessary to clarify the concept of marketing, which is interpreted very widely.

BELARUS: GET INTO POWER



“If a teenager just shared with a friend, this should not be considered a sale. Sales are only if there is a goal of making a profit, if there is a property gain”, - says Legalize Belarus activist Stas Khorek. Now in the Republic of Belarus both dealers and teenage mortgages get equally long periods. Moreover, adolescents are given longer sentences for crimes in an organized group. Activists also suggest increasing the age of responsibility for drug crimes from 14 to 16 years.

The text of the bill is available at:

<https://docs.google.com/document/d/14xFSdkIS-yBxZ21J8-Bn-AuhJ6YOc7X9P0YPiGkfvKQ/edit>

MOLDOVA: KILL YOUR SON



Jacob Huber, a Swiss drug policy expert, visited the "Pulse" initiative group, which brings together people who use drugs in the city of Balti. While talking with activists, he told how he helps people who use drugs with colleagues to avoid overdose through tests on the quality of the substance, i.e. for the presence of hazardous impurities.

MOLDOVA: KILL YOUR SON

To do this, they use an online application, which, if you take a small amount of your substance and take some simple steps using a tablet, you can find out not only the presence of an impurity, but also its amount. When a dealer appears in the area who sells a hazardous substance or a low-quality substance, they alert the community through various methods.

Activists also talked about the role of the community and innovative approaches to prevention. About what interventions are lacking in Moldova, which for many years have proven their effectiveness in developed countries. The role of top officials, such as Ruth Dreyfus, who, as president of Switzerland, has taken the path of drug policy and healthcare reform, relying on humane and effective approaches based on scientific evidence and human rights. She paid particular attention to preventive measures, establishing safe places where people who use drugs could meet, and where they could be given assistance in terms of rehabilitation and social reintegration.

"If we are truly responsible for the younger generation, then we cannot follow the example of Stalin when he, in his answer to Hitler, allowed to kill his son," Jacob Huber cited such an example when he said that in Moldova he was from officials constantly heard, "I am not responsible for this, another is responsible for this." Drug policy reform will happen when everyone takes responsibility in this matter. The community of people who use drugs has already taken this responsibility, the turn - for the state and officials.

KYRGYZSTAN: ASSESSMENT BY THE COMMUNITY OF THE RESULTS OF DRUG REFORM



On October 24, a round table was held in Bishkek to discuss the results of public monitoring of innovations in the framework of the judicial reform for people who use drugs and alternative penalties. The event was attended by representatives of law enforcement and supervisory structures, members of the expert working group, international donors and civil society.

So, in Kyrgyzstan from January 1, 2019, new codes and laws that were developed as part of the judicial reform began to operate. The new legislation was positioned as liberal in comparison with the old version. However, as practice has shown, in relation to drug users, the innovations turned out to be completely non-humane: instead of supporting and weakening repressions, people began to receive heavy fines and even longer prison sentences.

KYRGYZSTAN: ASSESSMENT BY THE COMMUNITY OF THE RESULTS OF DRUG REFORM

The round table began with a presentation by the head of the Harm Reduction Network Association Sergey Bessonov. He presented interim results from monitoring by the community of people who use drugs of the innovations in the judicial reform against people who use drugs, effective from January 1, 2019.

During the monitoring, 100 court decisions were analyzed in Bishkek and Osh. To date, the minimum fine for the illegal purchase and possession of narcotic drugs without a sale target in small amounts has increased 60 times: from 5 calculated indicators to 300 (estimated figure is 100 soms).

Analysis showed that 89 out of 100 people were convicted of marijuana use. For many, the court has prescribed compulsory treatment for marijuana addiction (?!). 53% of convicts previously had no criminal record.



KYRGYZSTAN: ASSESSMENT BY THE COMMUNITY OF THE RESULTS OF DRUG REFORM

Most of them were sentenced to the following types of punishment:

- Payment of a fine of 30 thousand soms - 7%.
- Payment of a fine of 50 thousand soms - 20%.
- Application of probation and payment of a fine of 50-70 thousand soms - 16%.
- Payment of a fine of 100 thousand soms - 7%.

A sentence of imprisonment of 2.6–3 years and a fine of 30–50 thousand soms was received by 5% of convicts.

The study showed that the fines are so high and the terms of their payment are so small that even for a person who is socialized enough and has a permanent job, it is very difficult to pay them on time. High fines have become unbearable for people with drug addiction, who, as a rule, do not have a permanent job. The fact that in case of non-payment of the fine the drug user may end up in prison, pushes him to commit a crime.

In practice, during meetings, some judges ask if the defendant can pay a fine, and in case of refusal, the punishment is replaced by imprisonment.

According to the head of the organization, Sergei Bessonov, of all drug cases, 80% were without a sales target. Only a third of those punished could pay a fine, the minimum amount of which is 20-30 thousand soms. Often fines are a burden on the shoulders of relatives, because the drug user himself is unemployed.

Thus, community research showed that, according to new codes and laws, instead of planned liberalization, the situation only worsened. Today, every fifth person convicted in Kyrgyzstan is a person who has committed a drug crime without a sale goal.

KAZAKHSTAN: WITHOUT A SPECIFIC PLACE OF RESIDENCE



REQUISITES

Account Numbers:

5356502006879146

5483191933300180

JSC Halyk Bank:

KZ456017131000051457

BIN 171240025533

PF Social Assistance Fund
Revenge

Tel.: +7 (705) 326 97 01

Attention SOS !!!

In the city of Almaty, there is the only Center for comprehensive support "Revenge", where people who find themselves in difficult life situations receive help. This is a house where people thrown over the side of life, with and without children, who have lost all hope, can feel that there is light at the end of the tunnel.

In the Revenge, people from socially vulnerable segments of the population, including people who use drugs, can receive assistance in obtaining documents, psychological, legal and social assistance, counseling on a variety of issues, assistance in finding work, in obtaining disability, and targeted assistance. And since this is a home - here they can get a temporary shelter.

Currently, the Center operates without support and funding. People who live on the territory may again be on the street.

Today the Center urgently needs help !!!

Funds are needed to pay the rent of the building. If possible, help this house resist.

CONTACT INFORMATION



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