

Terms of reference



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GENERAL INFORMATION

Title: Consultant to conduct assessment on national drug policy legal framework

Project Name : UNODC Sub-Programme 5

Reports to: National Programme Officer (INDA06)

Duty Station: Jakarta

Expected Places of Travel (if applicable): Jakarta

Duration of Assignment: From 1 May 2015 to: 20 August 2015

REQUIRED DOCUMENT FROM HIRING UNIT

	TERMS OF REFERENCE
5	CONFIRMATION OF CATEGORY OF LOCAL CONSULTANT , please select : (1) Junior Consultant (2) Support Consultant (3) Support Specialist (4) Senior Specialist (5) Expert/ Advisor CATEGORY OF INTERNATIONAL CONSULTANT , please select : (6) Junior Specialist (7) Specialist (8) Senior Specialist
	APPROVED e-requisition

REQUIRED DOCUMENTATION FROM CONSULTANT

x	CV
x	Copy of education certificate
x	Completed financial proposal
x	Completed technical proposal (if applicable)

Need for presence of IC consultant in office:

☐ partial (explain)

☒ intermittent (explain) : **attendance for meeting if needed**

☐ full time/office based (needs justification from the Requesting Unit)

Provision of Support Services:

Office space: ☐ Yes ☒ No

Equipment (laptop etc): ☐ Yes ☒ No

Secretarial Services ☐ Yes ☒ No

If yes has been checked, indicate here who will be responsible for providing the support services: < Enter name >

Signature of the Budget Owner:.....

I. BACKGROUND

Prison population around the world are increasing, placing enormous financial burdens on government. The majority of prisoners come from economically and socially disadvantaged background. Poverty, unemployment, lack of housing, broken families, domestic violence, histories and psychological problems and mental illness, including drug and alcohol abuse is realities that are likely to be found in most offender lives. Many are in prison for non-violent or minor offences. By using prison as an answer to all offences committed by such individuals, not only the issue of safety in the community not addressed in any sustainable manner, the cycle of impoverishment, loss of jobs, wakening of employment chances, damage relationships, worsening of psychological and mental illness and continued drug user is perpetuated. There are also many health risks associated with overcrowded prison, including the spread of infectious disease, such as tuberculosis and HIV. In many country violence is a common element of prison life, especially where there is overcrowding.

In practice, the imprisonment is already overused and may not be suitable for all of the prisoners, especially those who sentences for petty or non-violent offences, so does in drug addicts case.

By most accounts, narcotics-related offenders in Indonesia account for roughly 35 percent of prisoners of the total prison population, which is approximately 160,000. Most of these convicts are drug users who were convicted for drug possession and have little access to quality rehabilitation services behind bars.

Table 1: Prison overcapacity in Indonesia

	Dec 2012	Dec 2013	Dec 2014	Dec 2015
Detainee	48,309	51,293	52,992	53,014
Convict	102,379	108,668	110,482	111,845
Prison	440	459	463	464
Capacity	102,040	107,359	109,573	110,098
Overcapacity (%)	148%	149%	149%	150%

Source: <http://www.hukumpedia.com/erasmus70/over-kapasitas-lapas-dan-rutan-jumlah-penghuni-dan-masalah-utama>

Overcrowding can be decreased either by building new prisons or by reducing the number of people staying in them. Practice shows that trying to overcome the harmful effects of prisons overcrowding through the construction of new prison does not provide a sustainable solution. Indeed, a number of European countries have embarked on extensive programme of prison building, only to find their prison populations rising in tandem with the increased capacity acquired by their prison estates. Indonesia is experience most likely the same situation on this matter (see table 1).

Building a new prisons and maintaining them is expensive, putting pressure on valuable resources. Instead, numerous international instruments recommend a rationalization in sentencing policy, including the wider use of alternative to prison, seeking to reduce the number of people being isolated for long periods. In order to meet the objective of reducing the number of prisoners, comprehensive reform of criminal legislation needs to be undertaken and sentencing practices need to be changed.

However, the goal of introducing alternative to prison is not only to address the problem of overcrowding in prisons. The wider use of alternatives reflects a fundamental change in the approach to crime, offenders and their place in society, changing the focus of penitentiary measures from

punishment and isolation, to restorative justice and reintegration. When accompanied by adequate support for offenders, it assists some of the most vulnerable member of society to lead a life without having to relapse back into criminal behaviour patterns. Thus, the implementation of penal sanctions within the community, rather than through a process of isolation from it, offers in the long-term better protection for society.

In the context of developing an integrated and balanced strategy between law enforcement and public health approach regarding drug-related issues, the Government of Indonesia continues its commitment to establish a mechanism on alternative to incarceration for drug dependent people and provision access to rehabilitation and social reintegration services in the country. One of the main achievements aiming to harmonize governmental responses after the new narcotics act number 35 passed in 2009, occurred in March 2014; seven governmental institutions (Supreme Court, Ministry of Law and Human Rights, Ministry of Health, Ministry of Social Affairs, Attorney General Office, Indonesia National Police and National Narcotics Board) reached consensus in signing the joint ministerial regulation on Handling Drug Addicts and Victims of Drug Abuse into Rehabilitation Centres.

Alternatives to imprisonment in the context of drug users follow the same general reductionist strategies as for other crimes. In order to assist the government of Indonesia and provide a full picture of its strange, challenge and opportunities to fully implements alternative to imprisonment for drug dependent people, UNODC plan to conduct a comprehensive assessment of the national drug policy legal framework using UNODC criminal justice assessment toolkit on alternative to incarceration

II. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

Under the supervision the National Programme Officer and the Advisory Committee the consultant will:

- Develop a detailed design and timeline
- Collection and review of general statistical and data on prison population, number of offenders sentenced to non-custodial sanctions, and overall capacity of the criminal justice system in Indonesia.
- Collection and review of the legal and regulatory framework (the criminal/panel and criminal/panel procedure codes; the prison act; the probation act; the juvenile court act; and or any similar documents) including on the aspect of management and budget and partnership and coordination for the availability of alternatives to prison at different stages of the criminal justice process.
- Consult with relevant stakeholders to get inputs on the development and finalization of the report.
- Finalize and submit final assessment report
- Conduct a dissemination workshop
- Perform any other tasks deemed necessary to ensure the success of the project.

III. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

SHORTLISTING CRITERIA

I. Academic Qualifications:

Master degree in law or other related field.

II. Years of experience:

- At least 8 (eight) years of experience in law and legal field, preferably with a UN Agency.
- Experience providing legal aid support to drug dependent people
- Strong knowledge on national and global drugs policies and regulations
- Knowledge on conduct legal assessment and legal review
- Excellent report writing, communication and presentation skills ((kindly provide the sample of reports)
- Proficient in English language, spoken and written.

III. Competencies:

- Ability to operate MS-Office, media development software and other office equipment.
- Strong motivation and good team player.
- Familiarity with the UN rules and regulations.

IV. EXPECTED RESULTS

Final report of the national drug policy legal framework on alternative to imprisonment towards drug user

Deliverables/ Outputs	Target Due Dates	Percentage (%)
Submission of first draft of assessment report within 15 working days	30 th June 2015 15 working days	50%
Submission of final assessment report within 15 working days	20 th August 2015 15 working days	50%