



K. 6/115 amended

INFLUENCING DRUG POLICIES AND WELL-BEING OF DRUG USERS IN HONG KONG AND EAST & SOUTHEAST ASIA

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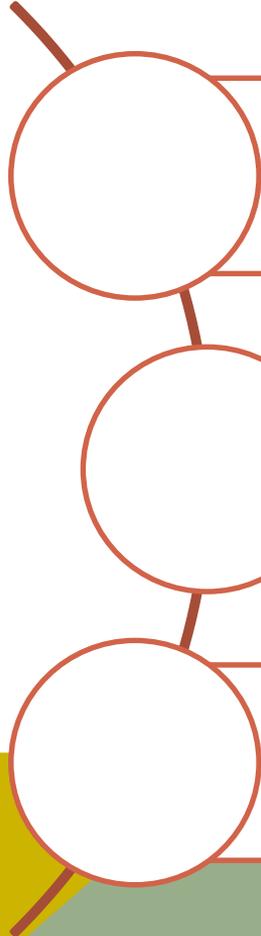
SUMMARY OF THE IMPACT

Professor Joe-Laidler's empirically grounded analyses challenges assumptions embedded in drug policy, promote understanding of the changing environs of drug use and needs of drug users and advocates policies to reduce drug related harms.

Key community and regional impact:

- Informed and shaped sentencing guidelines for drug trafficking in Hong Kong (with implications for the common law system)
- Southeast Asian professionals engagement with policy, advocacy and programs resulting from harm reduction training
- Local drug treatment organizations programs and services

UNDERPINNING RESEARCH



Longstanding focus on Hong Kong's drug market in regional and global context and impact on drug users & community;

Based on 13 peer reviewed competitive grants & contracts from 2000-2017, totaling HKD6.2 million (PI on 8).

Funded by United Nations Interregional Crime and Justice Institute, US National Institute on Drug Abuse, Hong Kong Narcotics Division, GRF and local NGOS.

UNDERPINNING RESEARCH – MAJOR THEMES OF SELECTED PROJECTS

Market Dynamics

How Young People Obtain their Drugs (GRF)

Illicit Drug Markets in HK: Global Study of Illicit Drug Markets (UNICRI)

Patterns of Use and Consequences

Meaning of Heroin Use in the Age of Psychoactive Drugs (GRF)

Understanding Drug Use & Its Associated Risk for HIV Infection among MSM in HK (AIDS Trust Fund)

Patterns of Use & Consequences of Club Drugs (NIDA)

Initiation, Continuation & Consequences of Drug Use among Females in HK (HK Narcotics Division)

Community – Treatment, Wellness and Costs

Social Costs of Drug Abuse (ACAN)

Evaluation of Project ACE (SRACP)

Evaluation of Residential Services & of Drug Education Programs (BARNABAS)

Buddhism and the Road to Recovery from Drug Dependence (Li Ka Shing Foundation)

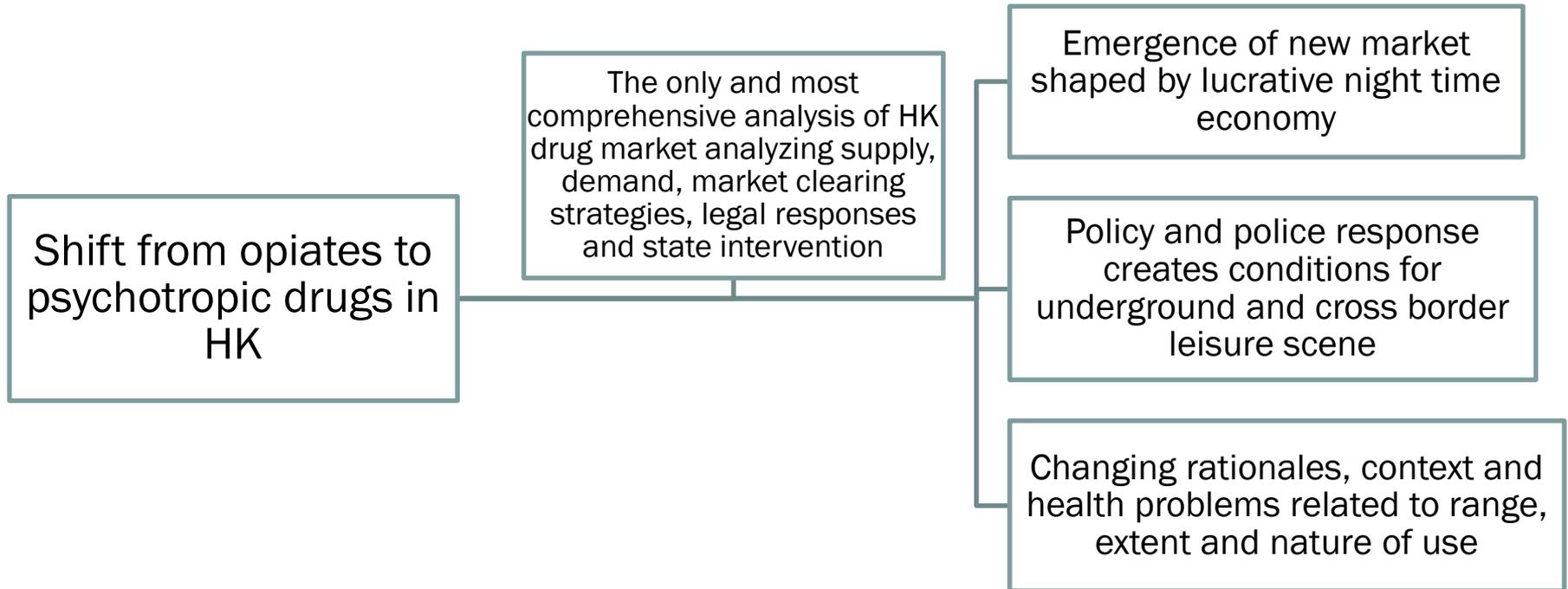
UNDERPINNING RESEARCH

Distinguished by use of ethnographic fieldwork and qualitative methods

- Interviews with over 500 users & dealers
- 25 interviews & 26 focus groups with frontline workers (police, drug treatment workers, teachers, etc.)
- Ethnographic observations of entertainment venues, streets sales, and other locales

UNDERPINNING RESEARCH

Key Insights



UNDERPINNING RESEARCH

Key Insights

Changing patterns of drug supply & trafficking in Southeast Asia & beyond

Market diversification related to changes in drug preferences, importation methods and locales, and global supply chains.

Shift in drug trafficking transactions from public to private – flexible, discrete, and mobile to reduce risks and accommodate to drug use settings.

Significance of social supply as a new layer in drug transactions and exchange. Legal response to social trafficking in HK counter to UK and other countries.

UNDERPINNING RESEARCH

Key Insights

Drug treatment services must respond to changing needs of drug users

Health and social needs of psychotropic drug users differ from traditional heroin user –consider gender, ethnic and spiritual differences

Natural recovery programs based on Buddhist principles may provide an alternative to existing treatment.

Chem-sex goers (men who have sex with men who use drugs in party settings) are a hidden population unaddressed by existing policies, and who are at increased risk of HIV.

ENGAGEMENT



ENGAGEMENT PROCESS

TRAINING



Malaysian, Singaporean & Indonesian attorneys working on death penalty drug trafficking cases

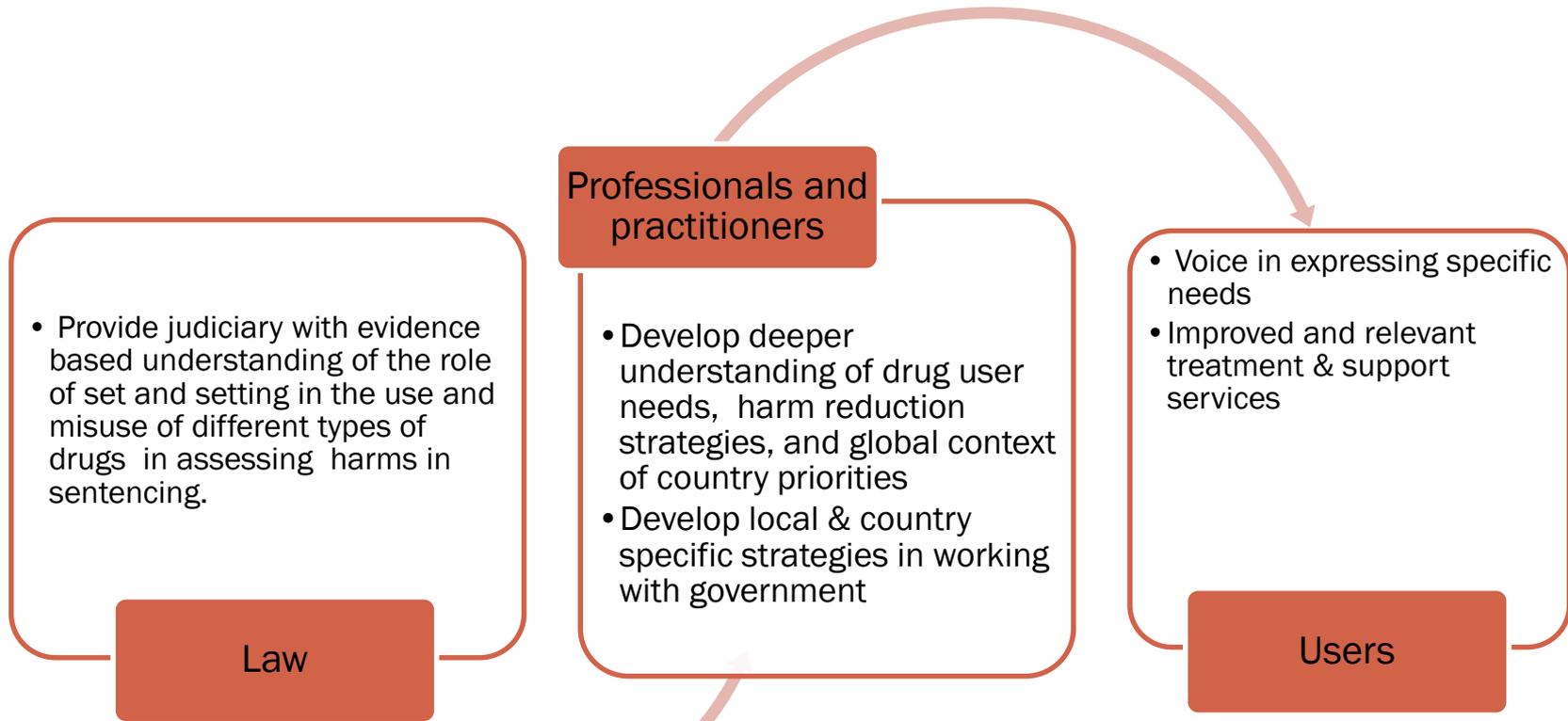
NETWORKING



Harm reduction and drug policy training alumni from around the region

IMPACTS ACHIEVED

Beneficiaries -



IMPACTS ACHIEVED

Nature and extent of impact

1. Influenced sentencing guidelines for drug trafficking

In 2005, Joe-Laidler's expertise was recognized by the Court of First Instance with the prosecuting counsel seeking expert evidence in the case of *HKSAR v Hii Siew-Cheng*



The court's primary query: should the existing rationale and sentencing principles for ecstasy continue to be used for ketamine given recent scientific discoveries about the two drugs and changes in use patterns.

In 2007, the Secretary for Justice appealed the decision, calling for a review and separation of the sentencing guidelines for ecstasy and ketamine trafficking. The Secretary for Justice requested Joe-Laidler for an update.

In its review of her and others' updated expert evidence, the Court of Appeal established the precedent for separate guidelines for the two drugs, that the sentences be the same, but higher than those outlined by prior precedent.

IMPACT ACHIEVED

1. Influenced sentencing guidelines for drug trafficking

Specific guidelines established in the Hong Kong Law Reports and Digest in 2009, becoming precedent case and cited as one of the most notable cases in 2008-2009.

The rationale and guidelines have been cited in *nearly 700 cases* on drug trafficking.

In 2017, the court requested further updates from Joe- Laidler in an appeal to the high court, in the cases of *HKSAR and CHAN Ka Yiu* and *HKSAR and Leung Lok Yi* (CACC147/2016). The court cited and affirmed Laidler's report.

IMPACT ACHIEVED

2. Change in professionals & practitioners, programs and policies from drug policy and harm reduction training in Asia

Research dissemination has resulted in becoming key partner in global network of drug policy advocates and in establishment of drug policy and harm reduction training program for Southeast Asia (with Open Society Foundations) since 2015.

The training program has a network of 98 alumni engaged in advocacy and change in their countries. As examples of impact,

* International level - preparing regional stakeholders – government and civil society- with the necessary knowledge to engage in the negotiations of the 2016 UN General Assembly Special Session on drugs and at the regional level – in building civil society capacity for evidence led policymaking. (Refer to OSF & Alumni testimonials)

IMPACT ACHIEVED

2. Change in professionals & practitioners, programs and policies from drug policy and harm reduction training in Asia

* Country level – In Philippines, as one of many examples,

a) alumni have joined together to work with legislators on drafting Senate bill 1313,

b) led one of the key civil society organizations – NoBox - to take a key role in education and advocacy of harm reduction in the country,

c) led to the establishment of Street law PH (three alumni who joined from the program) providing legal aid for drug users, technical advice on policy advocacy, developing strategic litigation, and educating law students on drug related issues,

d) led one alumni to produce investigative reports/documentaries on the drug related issues and harm reduction

<https://www.youtube.com/watch?v=rzpJ33ho4iw&feature=youtu.be%29;>

IMPACT ACHIEVED

3. Improved community drug treatment services in local community

Local NGOs have sought assistance in evaluating and advising on drug treatment services.

Evaluations with small and large NGOs (e.g., Barnabas and the Society of Rehabilitation and Crime Prevention [SRACP]) have provided timely information for addressing the specific needs of psychotropic drug users taking into account gender, age and spiritual needs.

SRACP, the largest Hong Kong NGO service provider for rehabilitation and treatment for (ex) prisoners, has adopted our recommendations for strengthening services, and found them to be effective.

IMPACTS ACHIEVED

Evidence or indicators or improvements made – Court Decisions & Precedent Setting

1. Court judgement and case reporting/citing expert witness testimony in High Court, Court of First Instance *HKSAR v Hii Siew Cheng* (HCCC 121 of 2005) and Case Report
2. Court judgement reporting/citing expert witness testimony for the Court of Appeal *Hii Siew-Cheng* (CAAR 7/2006) and Review report of said case.
3. Secretary for Justice and Hii Siew Cheng (Court of Appeal: Application for Review No. 7 of 2006 and Criminal Appeal No. 126 of 2007) Hong Kong Law Reports and Digest (2009) HKLRD p. 1-34.
4. Court judgement reporting/citing expert witness testimony in *HKSAR and CHAN Ka Yiu and HKSAR and Leung Lok Yi* (CACCI47/2016)
5. Archive of 681 cases citing precedent case in which expert witness testimony given

IMPACTS ACHIEVED

Evidence or indicators or improvements made – Justices Zervos & Barnes testimonials on legal impact

高等法院上訴法庭
薛偉成法官



The Hon Mr Justice Zervos
Justice of Appeal of the Court of Appeal
The High Court

12 April 2019

Her evidence was of critical importance in the formulation and structure of sentencing guidelines for offenders of drug trafficking in Ketamine. She is regularly called upon to provide expert evidence in cases to reflect and explain the work of the Centre for Criminology of which she is the Director.

高等法院原訟法庭
張慧玲法官



The Hon Mrs Justice Barnes
Judge of the Court of First Instance
The High Court

The opinion of experts like Professor Laidler is significant and invaluable in assisting the courts to learn more about the effect, harm and impact of a particular drug on the abusers, and on our society at large, so that proper considerations can be given when considering the appropriate sentence to be imposed.

IMPACTS ACHIEVED

Evidence or indicators or improvements made – Testimonial of change by legislative officer in the Philippines as a result of drug policy training.



2. The workshop helped me in my work as a legislative officer. I was able to deliver policy presentations on the alternative to the drug war to community members, local leaders, students, women and other groups. I was able to attend conferences and meetings on drug policy reform both local and international. I became immersed in the movement against extrajudicial killings in the Philippines.
3. Because of the workshop, we became conscious of involving people who use drugs in conversations about drug policy and HIV and AIDS. We reached out to networks of drug users to help us in crafting policies, designing activities, and implementing programs. For our work for the new HIV and AIDS policy, we made sure that the rights of the People Who Inject Drugs are not set aside. We were successful in coming up with a new HIV and AIDS policy which is inclusive of the concerns of the PWIDS.

IMPACTS ACHIEVED

Evidence or indicators or improvements made – Executive Director of SRACP's testimonial of impact of research & evaluation.



香港善導會
The Society of Rehabilitation and
Crime Prevention, Hong Kong

The Society of Rehabilitation and Crime Prevention, Hong Kong Testimonial for HKU's Research Assessment Exercise

The Society of Rehabilitation and Crime Prevention, Hong Kong (SRACP) has been working with The University of Hong Kong (HKU) for various projects and conferences over the years. The collaborations with HKU's Centre for Criminology on evaluation of therapeutic groups in adult correctional institutions of Correctional Services Department (CSD) and Professional Symposium posed significant impacts on the service users, frontline workers and community as a whole.