

Muslim Education and Welfare Association (MEWA)



Protection of Health and Human Rights of PWUDs by involving
Judiciary and Law Enforcement Agencies
in Mombasa, Kenya.

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MEWA Paralegal and Advocacy

Criminalization of Drug Use

- Criminalization of drug use, denial of health services, gross human right violations by law enforcers and community increases PWUD's risk of **premature death and morbidity**.
- Kenya's estimate 18,327 (PWIDs) / 8500 are in Coast Region.
- HIV Prevalence is 18.6% compared to 5.6% for general population.
- **Executive Directive** to control the drugs problem in Mombasa: indiscriminate massive arrests of PWUDs to safeguard the Country.
- Outreach workers also **risked arrest**, further hampering Harm Reduction service delivery.

MEWA Response

- MEWA, an NGO initiated Paralegal and Advocacy Program,
- MEWA staff, Judiciary and law enforcers were trained on health and human rights of PWUDs in accordance to Kenya Constitution.
- **Consistent community engagement** : village elders, religious leaders, women leaders, youth, area chiefs.
- Provision of Legal aid and hygiene kits in prisons .
- Regular communications/follow ups with Law Enforcement Agencies.
- Entry to court users committee attending quarterly meetings.
- A Paralegal staff attached at the law courts to identify drug users for an alternative sentences.

Achievements

- MEWA with Judiciary and Kenyan Prison Services established a framework for improved PWUDs access to justice and fair trials
- A total of 2493 (F:365M:2128) PWUDs reached with biomedical and harm reduction services, 305(F:53-M:252) with legal aid and 194(F:14M:180) economic empowerment and 99(F:15M:84) supported to receive National identity cards and 5 male children with birth certificates.
- Alternative sentences/decongestion > **500 PWUDs** benefited.
- PWUDs understand their constitutional rights, can now vote, access revolving funds and freely move without police harassment.

Cont...

- Partnership with Probation services referrals
- Leading the Drafting of **The Mombasa County Drugs and Substance Abuse Control Bill, 2018.**
- Facilitation and review the development of a **National Alcohol and Drug Abuse Policy 2018.**

Challenges

- Rogue law enforcers and routine public servants transfer undermines effective service delivery.
- The laws on Drugs conflicting with Public Health policies (NSP Program VS Laws against possession of drug use paraphernalia's)
- Most human rights organization are publicity/headline seekers.
- Most drug users are afraid to press for charges against people who violated their rights.

CONCLUSION

Involvement of grassroots stakeholders is an effective tool for influencing Legislators and Policy makers towards adoption of conducive Policies.

The Obligation to Act

ORDER

- **MAT Kisauni Clinic to proceed to clinic and induct prisoners in need of MAT services**
- **MEWA is requested to provide Counselling in that sense**
- **Shimo La Tewa OIC to ensure compliance**
- **Court to review regularly**

REPUBLIC OF KENYA
IN THE SENIOR PRINCIPAL MAGISTRATE'S COURT
AT SHANZU
CRIMINAL CASE NO. _____ OF 2017
REPUBLIC.....PROSECUTION
=VERSUS=
.....ACCUSED
(IN OPEN COURT BEFORE D. MOCHACHE-SPM ON THE _____ 2017)
ORDER
IT IS HEREBY ORDERED:
1. **THAT** the O.I.C Medically Assisted Therapy Programme (MAT) Kisauni is **ordered to proceed to prison and place the convict on the methadone programme immediately.**
2. **THAT** O.I.C MEWA to commence counselling immediately
3. **THAT** the O.I.C Shimo la Tewa Prison to ensure compliance of Order 1 and 2 above.
4. **THAT** the status of the rehabilitee should be periodically conveyed to the Court.
GIVEN under my hand and the Seal of this court this.....day of.....2017

HON. D. MOCHACHE
SENIOR PRINCIPAL MAGISTRATE
SHANZU LAW COURTS
ORDER
ISSUED at Shanzu this.....day of.....2017

PARALEGAL WORK IN COURTS



Prison visit services



Psychosocial support in Prison



Review National Drug Policy



SENSITIZATION OF GOVERNMENT OFFICIALS



AHSANTE SANA