

## **Getting High on Human Rights: Exploring Country Strategies on Drug Use Prevention and Recovery from a Human Rights Perspective**

### **I. The GIST Proposal**

My GIST proposal intends to make a survey of the legal and policy environments on drug use and recovery in Thailand and Myanmar and examine whether these are framed and enforced in a manner that is compliant with international human rights standards. Along this line, I will be searching for a positive deviance and hope to identify policies and enforcement strategies consistent with human rights standards that can be adopted by other ASEAN countries, especially the Philippines.

These 2 countries were chosen given the prevalence in drug use in these countries, and the divergence of their approaches to addressing the drug problem. Notably, Myanmar and Thailand are part of the Golden Triangle, known as one of the region's busiest drug producing area. Both countries are also in the process of reviewing their policies on illegal drugs, drawing from lessons learned in the past.

### **II. Background and Context**

The UN Office on Drugs and Crime (UNODC) estimated that there are over 3 million heroin users and 5 million methamphetamine users in East and Southeast Asia.<sup>1</sup> Between 2009 and 2014, the quantity of methamphetamine seized in East and Southeast Asia almost quadrupled.<sup>2</sup> In fact, the 2016 World Drug Report of the UNODC states that methamphetamine was the primary drug of concern in 6 of the 10 ASEAN countries.<sup>3</sup> The 10-year work plan to fight the drug menace in the region that was adopted by the ASEAN states recently thus seems timely and in line with the ASEAN 2020 vision of keeping the region drug free.

It is undeniable, however, that in pursuing this vision, there has been a high cost to human rights in the enforcement of anti-drug strategies of the different ASEAN countries. Myanmar, for example, enforces very strict drug laws that oftentimes lead to situations undermining human rights of persons who use drugs (PWUDs). In a report, the Trans-National Institute (TNI) found that PWUDs in Myanmar are sentenced with excessively long jail terms and are overcrowding prisons and labor camps, which are known for its harsh conditions. In the Philippines, there has been a surge in killings pursuant to its policy of an all-out war on drugs. Philippine National Police data shows that 1,273 "drug personalities" have been killed in police operations from July 1 to October 2016. This is similar to the war against drugs enforced by Thailand in 2003, which saw 2,500 people killed in the first three months, of which over half had no links to drug trade.<sup>4</sup> Thailand is presently in the process of reforming its drug laws and policies, drawing from lessons on the country's failed drug war.

Ironically, the ASEAN States unanimously adopted the ASEAN Human Rights Declaration in 2012, and in doing so, reaffirmed their commitment to the adherence to the Universal Declaration on Human Rights. It is thus imperative that national programs designed to counter drug use should be framed and enforced in a manner that is mindful of and compliant with human rights standards. This becomes even more important as the UNODC points out in the 2016 World Drug Report that the drug problem is closely intertwined with all aspects of the sustainable development goals.

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<sup>1</sup> <https://www.unodc.org/southeastasiaandpacific/en/what-we-do/toc/drugs-and-precursors.html#>

<sup>2</sup> 2016 World Drug Report

<sup>3</sup> Brunei Darussalam, Cambodia, Indonesia, Philippines, Laos and Thailand.

<sup>4</sup> <http://www.economist.com/node/10566797>

### **III. Specific Outcome**

At the end of this research, my specific outcomes will be:

1. A story map that will present a picture of how the different legal and policy approaches to drug use are being enforced in a manner that may or may not be consistent with international human rights standards; and
2. A briefing paper or policy paper that will: (a) summarize my findings on how the different policy approaches to drug use positively or negatively affects the PWUDs and his/her community; and (b) give policy recommendations for legislative bodies and other policy-making agencies of the ASEAN countries that can be used to re-shape national drug strategies to make them more responsive to human rights standards.

### **IV. Methodology**

Using the appreciative inquiry model, it is hoped that my study will be able to identify a positive deviance in terms of policies and practices that address drug use and recovery. I will be conducting site visits, informational interviews and focus group discussions with advocacy groups and government policy makers. The study will not delve into drug supply routes and trafficking. As an added precaution for safety, I also intend to be working closely with local NGOs as I go around conducting my research.

1. My study will be approached primarily using a societal lens. With the help of local organizations, I will be doing site visits, informational interviews and focus group discussions (CSOs/NGOs and PWUDs) to study how big a factor the “modes of knowing” lens is in influencing the national strategies for drug use in these countries. My premise is that more than socio-economic and political considerations, cultural and societal norms play a large part in shaping the laws and policies of a country. Thus, are PWUDs treated as criminals or as victims? Is there a stigma against PWUDs? Does ethnicity, religion or even political environment influence the way drug laws are implemented? What are the cultural biases that affect the drug control strategy of the country? Are “culturally-appropriate” treatment to drug use more effective?
2. I believe that governance is a crucial element in seeing to it that adherence to rule of law is done in a manner that still guarantees full respect of human rights. Thus, as a secondary tier, I will be approaching my study from an institutional lens. However, I will be limiting the scope to only two things: (a) making a survey of the institutional mechanisms in place that safeguard human rights in the course of enforcing each country’s drug laws and policies; and (b) looking at the context of how each country are presently reforming their drug use laws and policies. I will be doing this mostly through a review of related literature and by conducting a few interviews with key resource persons from government and international organizations. Interview questions will delve around the following subjects: What are the lessons learned from past practices that the countries are trying to integrate into present policies? What are the elements contributory to the failure or success of each country’s drug policies? What are the good practices that other countries can adopt as a strategy for addressing drug use?

## **V. Relevance of the Study**

The primary stakeholders in this research proposal are the PWUDs, the country's policy makers and law enforcement agencies, and human rights organizations/CSOs advocating for drug policy reform. Having said that, it is to be stressed however that the problem of drug use affects not just the primary stakeholders I identified, but has far-reaching implications on the community and the development efforts of a country as a whole. This study will be valuable as it will be able to provide the following: (1) good practices in terms of country strategies to address drug use that can be adopted; (2) policy recommendations that can be considered for amending existing laws that are not compliant with human rights standards; (3) identification of gaps in law enforcement practices. The desired goal is that this study will contribute to making way for needed reforms in existing legal frameworks and enforcement practices. Beyond the countries subject of my study, this report will be a valuable tool in my home country, given the rise of human rights violations being committed in the name of the ongoing "drug war". It is hoped that this study be used by the legislators and human rights advocacy groups to push forward a recalibration of our country's strategy on the drug menace.

Further, this project also advances East-West Center's mission of promoting a peaceful, prosperous and just Asia Pacific community as the recommendations it aims to submit can be used by the ASEAN countries to build a community where there is respect for the human dignity, human rights and rule of law, and consequently becoming more conducive to developmental growth. This is also an opportunity to expand the connections of EWC to an even broader base in the network of human rights, law reform advocacy and good governance, as I interact with these groups during the length of my research.

On a personal note, as a lawyer, I am deeply passionate about human rights, rule of law and good governance. Having left government service immediately before going to Hawaii, I see myself transitioning back to my first line of legal practice after the program – that is, human rights work. I strongly feel that the field of human rights and good governance is where I can best put my legal knowledge and skills, given the context of my country today. Doing this project will give me an opportunity to expand my human rights network, which will be valuable as I intend to pursue a career in this track. This network will be a good resource especially as my cohort, Jeremi and I, plan to establish an NGO doing legal advocacy work. I will also have the chance to learn, keep abreast of and gain a deeper understanding of the human rights situation in the region today. This research will be my avenue to put into practice and test my application of the various leadership tools and principles I learned from APLP. Finally, I will be given more time and space to develop and enhance my critical analysis and networking skills, both of which I believe I need to work on.

## **VI. Resource Persons/Organizations**

1. Atty. Ray Paolo Santiago  
Secretary General, Working Group for ASEAN Human Rights Mechanism  
rsantiago@ateneo.edu
2. Atty. Luis Gascon  
Chairman, Commission on Human Rights, Philippines

### **Thailand:**

1. Ms. Gloria Lai  
Senior Policy Officer, International Drug Policy Consortium (IDPC)  
[glai@idpc.net](mailto:glai@idpc.net); +66.826.960334  
- Global network of NGOs focused on issues related to drug production, trafficking and use.

2. Oliver Lermet  
Regional Adviser, Drugs and Health, and Alternative Development  
UN Office on Drugs and Crime  
United Nations Building, 3<sup>rd</sup> Fl., Rajdamnern Nok Avenue, Bangkok  
[oliver.lermet@unodc.org](mailto:oliver.lermet@unodc.org), [fo.thailand@unodc.org](mailto:fo.thailand@unodc.org)
3. Thanit Hlek Kongkaew (APLP Alumni)  
Doi Tung Development Project, Mae Fah Luang Foundation  
Multipurpose Building, Doi Tung Villa, Chiang Rai  
[thanit@doitung.org](mailto:thanit@doitung.org); +66.85.047.4445
  - The project provides people with sustainable and licit livelihoods, working on the premise that poverty and lack of opportunity are root causes of social ills such as drug addiction.
4. DARE Network (Drug and Alcohol Recovery Education Network)  
[drugfree@darenetwork.com](mailto:drugfree@darenetwork.com); +66.89.999.6063
  - Community-based grassroots organization providing culturally appropriate treatment and prevention programs to reduce substance abuse; has field offices located in Mae Hong Son and Tak provinces of Thailand
5. Asian Network of People who Use Drugs (ANPUD)  
Interchange 21, 399 Sukhumvit Rd., Bangkok  
[contact@anpud.org](mailto:contact@anpud.org); +66.98.250.0450
  - Community-based network representing people who use drugs and engaged in advocacy in regional forums; main office in Bangkok, Thailand
6. Narcotics Control Board  
No. 5 Din-Daeng Rd., Phayathai, Bangkok  
+66.2.247.0919; +66.2.246.8526
7. Nok Boonmavichit, APLP Alumni, [boonmavivchit@hotmail.com](mailto:boonmavivchit@hotmail.com)

### **Myanmar:**

1. Troels Vester  
Country Manager, UN Office on Drugs and Crime, Myanmar  
[troels.vester@unodc.org](mailto:troels.vester@unodc.org); +95.1.9666903
2. Asian Harm Reduction Network – Myanmar  
No. 135 (G) Mawyawaddy Street, Pyay Road, 8 Mile, Mayangone Trp, Yangon  
[contact.ahrn@gmail.com](mailto:contact.ahrn@gmail.com); +95.1.666731; +95.1.652903
  - Focuses on 2 interventions: harm reduction based service delivery through drop in centers/outreach, and referral networks with Department of Health or international organizations; Has field offices/drop in centers in Kachin and Northern Shan States
3. Dr Nang Pain Ei Khan,  
Coordinator, Drug Policy Advocacy Group  
[coord.dpag@gmail.com](mailto:coord.dpag@gmail.com)
4. Myanmar Anti-Narcotics Association (MANA)  
Buidling No3, Rm 101/102, Myaing Hay Wun Housing Estate,  
Kyaik Waing Road, Mayangone Township Yangon  
+95.502893; +95.502892
  - Government-owned organization working on drug use prevention, treatment and rehabilitation; main office in Yangon, Myanmar

5. Kelsey Atwood  
Deputy Director, Equality Myanmar  
Nawarat Centre, 52<sup>nd</sup> St, Pazundaung Township, Yangon  
[kelsey.atwood.eqmm@gmail.com](mailto:kelsey.atwood.eqmm@gmail.com); [kelsey.atwood@equalitymyanmar.org](mailto:kelsey.atwood@equalitymyanmar.org)  
+95.9.7849.01336
6. Central Committee for Drug Abuse Control  
Myanmar Ministry of Home Affairs
7. Ni ni Win, APLP Alumni, [aajima07@gmail.com](mailto:aajima07@gmail.com)
8. Nang Sengaye, APLP Alumni, [nangsengaye@gmail.com](mailto:nangsengaye@gmail.com)

## **VII. Logistics**

### 1. Itinerary

Dates	# of Days	Location	Activity
Jan 2-Jan 29 [Pre-GIST]	28	Philippines	Review of related literature; Interview with resource persons for materials and networking
Jan 30-Feb 5	7	Bangkok, Thailand	GIST Launch
Feb 6-14	9	Bangkok, Thailand	Connect with local organizations for interviews and to explore/tie up for possible site visits; Connect with international organizations for interviews and networking; Dialogue with government officials
Feb 15-March 5	19	Chiang Rai and/or Mae Hong Son, Thailand	Connect with local orgs for interviews and focus group discussion; Observe and look out for best practices
Mar 6-11	6	Thailand	Buffer Week
Mar 12-17	6	TBD	Mid-point Rendezvous
Mar 18-31	14	Yangon and Naypyidaw Myanmar	Connect with local organizations for interviews and to explore/tie up for possible site visits; Connect with international organizations for interviews and networking; Dialogue with government officials
Apr 1-17	17	Shan and Kachin States, Myanmar	Connect with local orgs for interviews and focus group discussion; Observe and look out for best practices
Apr 18-23	6	Myanmar	Buffer Week
Apr 24-30	7	TBD	Debrief and closing

#### Notes:

- a. Itinerary is very flexible depending on emerging opportunities and activities
- b. Number of days estimated in each area includes travel days

2. Budget

			Estimated cost	
Thailand	Plane Fares	Manila – Bangkok	\$130	
		Bangkok – Chiang Rai	\$40	
		Chiang Mai – Mae Hong Son	\$60	
		Son	\$150	
		Thailand – Rendezvous		
	Hotel	34 nights x \$25	\$850	
	Food and other living expenses	34 days x \$20	\$680	
	Local Transportation	34 days x \$10	\$340	
	Contingency		\$500	
Myanmar	Plane/Bus Fares	Rendezvous – Yangon	\$150	
		Yangon – Naypyidaw (RT)	\$30	
		Yangon – Shan (Lashio)	\$50	
		Yangon – Debrief location	\$200	
		E-Visa Fee		\$100
		Hotel	37 nights x \$30	\$1110
	Food and other living expenses	37 days x \$20	\$740	
	Local Transportation	37 days x \$20	\$740	
	Contingency fund		\$500	
			<b>TOTAL: \$6370</b>	
			<b>Less: EWC Funds: \$3000</b>	
			<b>c/o Personal Funds: \$3370</b>	