

THE STORY OF FILIPINOS WHO USE DRUGS

IDUCARE Policy Brief

A. Experiences of Filipinos Who Use Drugs

“Not a lifestyle, but a trip.”
-A poly-drug user and musician from Davao

During the nationwide consultations conducted by IDUCARE in three key cities in the Philippines, Filipinos who use drugs were able to tell stories about the substances they use and the personal circumstances surrounding their introduction to and consumption of certain drugs.

Most participants from Luzon and Mindanao identified as cannabis users. They were organized in different groups such as the Medical Cannabis Party and Sensible Philippines. Most of them started using cannabis during their teenage years and continued until adulthood. Their use orbits around issues about wellness, peer influence, mental health, and creative pursuits. A mother of two children from Metro Manila shared that she likes using cannabis regularly because it makes her feel centered and balanced. It was also pointed out that access to cannabis is relatively easier and safer due to local cultivation in the northern part of the Philippines and some discreet home growers. Cannabis is available to them mostly as *kush*, oil, and sometimes as brownies, they themselves bake.

Cannabis users brought up the moral ascendancy of people who use marijuana over people who prefer other substances. Most of them usually defend their use citing the medical benefits of cannabis and the legal status it has in other parts of the world. Some of them do not identify themselves as “people who use drugs” claiming that what they are putting into their bodies is not a drug, but a plant. Thus, their use of the phrase *“don’t panic, it’s organic.”* This mindset creates tension in the drug using community whenever cannabis users would alienate other people who use drugs with statements such as *“at least, hindi ako nagsha-shabu.”* (At, least I am not using *shabu*.)

Identifying as a person who uses drugs is also an issue among certain drug users due to the stigma drugs is loaded with. A participant in Davao, who plays music and practices yoga, characterized his use not as a lifestyle but a trip. A phase in his life he should not be reduced to or solely identified with.

Internalized stigma is a shared burden among all of the participants across the country. But it is deeply felt by people who use methamphetamine, locally called *shabu*, as they sometimes refer to themselves in public as “reformed drug users.”

A meth user from Caloocan, who is a mother to five children and lives in an urban poor community, shared positive stories of how methamphetamine became part of her life. She is able to finish work, do household chores, and take care of her children especially the small ones. It helps her become productive. It helps her family pay the bills and survive. There is food on the table and her kids can go to school. Meth helped her as a provider. Plus, *“masarap mag-shabu!”* (taking *shabu* feels great), she quipped.

But it was also common knowledge in her community that she and her former partner were using and selling illegal drugs. In 2016, at the early days of Former President Rodrigo Duterte's campaign against drugs, her and her former partner's name were listed in their community's "tokhang dropbox." It was pursuant to an order implemented by local government units to solicit names from community members who they think are the people who use and sell drugs in their neighborhood. These names will be part of a highly guarded registry and will be subjected to "Oplan Tokhang", where police officers would knock on their houses and force them to surrender to their local government's anti-drug abuse program.

The mother from Caloocan was forced to go to a community-based rehabilitation program bringing along her small children. She did community service. After six months, she was released to an aftercare program where she met other women who use drugs. They organized themselves and are now actively volunteering in the community. She was expected to abstain from using meth.

Another meth user shared his experience of going in and out of rehabilitation for years. Before he was subjected to "Oplan Tokhang", he voluntarily went to a rehabilitation facility but the program didn't work and eventually he went back to using *shabu*. When he became part of the drug list in Caloocan, he was forced to attend the community-based program run by the city government. This time he kept himself busy working as a Grab driver. He stopped using eventually and has stayed away from methamphetamine. But since joining the rehabilitation program, he was put under *barangay's* surveillance. Even after going back to the community as a "reformed addict", as he called himself, he is still part of the drug list. He still does not feel safe.

Rehabilitation programs in the Philippines contribute to the internalized stigma experienced by Filipinos who use drugs. Members of the drug using community highlighted the issue of lack of voluntariness in entering rehabilitation facilities, even the community-based programs run by local governments. In some cases, they are mandated to attend and finish a six-month program plus an eighteen (18)-month aftercare by virtue of a court order applying the plea bargaining rules or granting a petition for rehabilitation, family members of people of who use drugs usually apply for in court.

These rehabilitation programs require abstinence. Continued use of substances merit expulsion and in some instances, even jail time. Urine testing is randomly administered to ensure compliance.

Agency is also lost when a drug user enters rehabilitation. "*Suddenly, you become a patient,*" a person who uses drugs from Metro Manila observed. You also lost body autonomy most especially when you are required to dance Zumba even when you are experiencing withdrawals, as shared by a person who uses nubain and works as an outreach health worker and musician from Cebu. Instead of being helpful, the program in these facilities created more harm by forcing people who use drugs to undergo and complete uniform, standardized, abstinence-based modules.

Families, teachers, and employers force persons who use drugs to enter rehabilitation. This is a shared experience among Filipinos who use drugs—they have undergone intervention which is not evidence-based although it was imbued with genuine concern for their well-being. A father of a toddler and a poly-drug user from Davao recalled that when he was younger and his parents found weed in his room, he was taken to a psychiatrist immediately. He was not experiencing any psychological condition. According to him, he was young and was just using recreationally. But

his parents overreacted. A high school student and a cannabis user from Metro Manila experienced the same treatment with his teacher. He was forced to undergo a program which did not help him at all. He just missed classes.

Most people who use drugs experience being discriminated by their own families. They feel a sense of failure in parents who have children who use drugs. A creative professional from Metro Manila shared that he was arrested for using drugs and it was his own family who pursued his case because they wanted to teach him a lesson. While in police custody, he was asked to pose for camera as part of the optics for the drug operations conducted by law enforcement.

This is the reason why most drug users do not talk about their use with their families. The mother of five in Caloocan shared how traumatic it is for her kids to be subjected to “Oplan Tokhang.” The experience ruined the privacy of their home, humiliated her entire family in their neighborhood, and caused trauma to her kids who now had to deal with the public knowledge of their parents’ substance use with their schoolmates and friends. Years later, her children are still afraid of police officers.

“My family knows about my use and they accept me. But they did not visit me when I was in prison,” recounted a nubain user and a business owner from Cebu who was in and out of prison for almost twenty (20) years. He just got out of prison again. He shared how his parents have always had parental guilt and would not support him during his worst times. He felt that to his parents he was a failure of a son.

A member of IDUCARE shared that he has always been the “black sheep” in the family because of his nubain use and brushes with law enforcement. He has always felt discriminated by and ashamed of by the people he loved. Eventually, he managed to gather fellow drug users and supporters in Cebu and organized themselves in order to take care of their community by providing services such as HIV, HCV, and syphilis screening as well as harm reduction awareness. Sometimes, they would also distribute food packs among members. Together, they were able to show that as a person who uses drugs, they can take care of themselves and their community. In a way, IDUCARE became their new family.

The workplace is another unsafe space for people who use drugs. There have been experiences of termination from work due to obtaining a positive result from a random urine test. Employees are also profiled and discriminated based on their looks –tattoos, piercings, thin body, among others. Drug use is considered commission of a crime, a just cause under the Philippine labor code for termination of employment. Even if it has nothing to do with job performance or in some of cases where it even enhances and motivates the worker, most especially for methamphetamine users who work graveyard shifts, drug use merits penalties under a “drug-free” workplace policy and program under Department Order No. 53-03 issued by the Department of Labor and Employment.

The stigma against drugs is felt, not by the substances, but by the people who are using them. For some, it is internalized due to years of anti-drug narratives perpetuated and reinforced by policies and programs of the national and local government, private sector, and even those in the health services. For others, stigma divides the community. Some people who use cannabis felt more superior than people who use other drugs. Even if some of the Filipinos who use drugs have

been engaged in poly-drug use, due to access, opportunity, and costs of substances, there is a prevalent anti-*shabu* sentiment, even some methamphetamine users subscribe to.

Meanwhile, injecting nubain has also led to numerous cases of discrimination. HIV and Hepatitis C prevalence among people who inject drugs have been a concern by the health sector but needle syringe programs were not allowed due to prohibitions under RA 9165 or the Comprehensive Dangerous Drugs Act of 2002. They are denied necessary health services due to the needle marks on their arms.

Filipinos who use drugs refuse to be reduced to the substance that they consume. Drugs are just like any other substances that help them live their lives in more ways than one. What made using drugs unsafe is the way that stigma has led to policies and programs that actually harm them, their families, and their communities. They are only offered false choices: rehab or jail. This is the case for people whose very existence is against the law. Without even harming anyone, the law is harsh and clear: they've committed a crime therefore they are treated as criminals.

B. Drug Use as a Crime

"I am not a bad person."

- a nubain user, father, and outreach worker from Cebu

A TV personality, author, and cannabis user from Metro Manila was at the height of his career when he was apprehended for possession of marijuana. He spent six (6) years in jail and was later on released when his case was dismissed due to a legal technicality.

He was exposed to the situation inside jails where 80% of the detainees were there for drug-related cases – either actually involved, accused of but innocent, or are waiting for judgment. He knew first hand how law enforcers follow a certain "system" wherein most cases filed were template charges made mostly of fabrications and exaggerations of facts. He also shared how drugs are still available inside jails but there are no programs for people who use substances. He spoke of how mental health services such as counselling among inmates are necessary but could not be availed of.

Spending time in jail is one the most common experience shared by Filipinos who use drugs all across the country regardless of the substance they use. They all described their experience as the worst they have had to deal with perhaps in their entire lives. A nubain user and musician from Cebu shared that he learned how to sleep while standing inside prison cells. "There is no sleeping area due to overcrowding, all of us take turns to sleep."

Another nubain user from Cebu who now works as an outreach worker experienced torture while inside a police detention facility. He and his family were sleeping by the road when police officers woke them up and charged them with littering. He was being forced to sign a waiver. He was told if he won't sign it, he'll hit him. They hit him anyway. He was asked questions and for every answer he got a punch. His wife and their four-year old son was also put behind bars. They couldn't leave their son so the police also took him. They had to hide the child whenever there's media roaming in the station for coverage. He was eventually released because no charges were filed against him and his family. But he was forced to clean the entire police station first before they could leave.

It is not just torture, but also extortion.

A member of IDUCARE was arrested by a police officer while they were roaming around Cebu City after their gig. The police officer asked for bribe money. When he refused to give the amount, the police officer grabbed something from his own pocket, a sachet of white substance, and forced him to admit that it was taken from him. He was then taken to the station where he was instructed to call anyone to raise 50,000 after which they'd let him go. After making a phone call, there were a lot of evidence already displayed on a table and he was forced to admit that they were his.

Another member of IDUCARE suffered almost the exact the same fate but he was able to come up with the bribe money. After which, he was taken out and kicked out of a moving police mobile. Other persons who use drugs experienced searches without warrants. Police officers would barge into their homes without warrants and conduct a search. Even without anything illegal found in his home, another person who uses drugs in Cebu was imprisoned for two weeks. The police officer could not charge him with anything but he still exceeded the 36-hour allowable time for detaining anyone without a charge.

A woman who use drugs was hit by a gun on her head by a police officer. She was arrested for using and selling drugs but there was no evidence to indict her with. They hit her numerous times and choked her so she would just confess to the crime. She almost lost consciousness due to difficulty in breathing and blood loss. Thereafter, the police hid her in an isolated room in a jail facility because her wounds were still fresh. They fed her just once a day. She was made to undergo a medical examination after three weeks since the incident. By that time, her bruises have already healed.

Most women who use drugs have suffered from gender-based violence, ranging from harassment to rape, committed by police officers while they were in custody, during arrests and while in detention. Some of them shared that they were released after giving sexual favors as a condition for their freedom.

These police abuses have not yet been documented and reported due to fear of retaliation. After release from detention, some people who use drugs are still under constant surveillance by law enforcement. They remain in the drug list. A female user even shared that after her release, police officers went to her home to search for drugs and to harass her and her partner.

Police abuses –extrajudicial killings, planting of evidence, torture, extortion, and in some cases rape have been common occurrences in the lives of people who use drugs in the Philippines. These violations were not yet given due course. As of today, there have been only two convictions against police officers involved in extrajudicial killings. It is still a risk to file a complaint against law enforcement when people who use drugs are vulnerable to prosecution for drug offenses. The drug law in the Philippines have been thoroughly used to justify the abuses of power of law enforcement. Unlike the two convictions where the victims were innocent minors, the criminal justice system in the country remains blind to the injustices committed against people who use drugs, simply because they are treated by the law as criminals.

“I am not a bad person,” laments a person who uses drugs from Cebu, who was arrested with his wife and kid, as he recounted how he and his family were hauled into the police mobile like animals.

C. A Discussion on the Rights of People Whose Lives Include Drugs

“At the end of the day, I just want to use drugs safely.”
-a cannabis user and legal service provider from Metro Manila

i. Right to be left alone

Discussions on policy recommendations center around a common agreement among Filipinos who use drugs that taking substances is a personal choice. By doing so, they are not harming or disturbing anyone. They should be given the freedom to use drugs for their well-being. They feel that they have the right to be left alone by national and local government authorities, law enforcement, the court system, and health service providers forcing inappropriate and ineffective interventions. Their drug use should come with accountability for their own choices as well as equal treatment, non discrimination, and respect from others.

A fundamental sentiment shared by people who use drugs is how they want to be treated as human beings who have the right to be free from the obsession of society to fix them. For the longest time, they have been treated as problematic, eyesore, nuisance, moral failure, a sick person, among others. Because of forced interventions, they are being deprived of privacy and agency. As if they cannot decide for themselves. As if there is something wrong with them that needs to be addressed.

They have the right to be happy as people who use drugs. Using drugs makes them feel productive and confident. It makes them feel good. Like anybody else, people who use drugs should have the right to be the best version of themselves.

ii. Right to access

They also hope to buy cannabis, nubain, meth, and other substances in a safe manner. Along with buying these substances discreetly and illegally is the potential harm of unknown adulterants that can cause health risks. As pointed out by one of the participants, a cannabis user and researcher, they are like self-medicating. They should be able to procure substances with guaranteed safety as they administer them to themselves. It should be part of every person’s right to health—access commodities, services, and programs that reduce harm and ensure that all health precautions are announced and observed.

Procuring illegal substances makes a person a criminal. This potential risk of arrest and detention poses a barrier in accessing health services that should have been afforded to people who use drugs. Overdoses and health risks due to poly-drug use should be treated like any other health emergency and must be addressed by service providers without judgment. Violation of the right to health happens when police officers, instead of diverting to a health service provider, arrest a person who uses drugs. Entry to treatment, health, and social support of a person who uses drugs is through the criminal justice system, either via *Oplan Tokhang* or through a court order.

iii. Right to know

For Filipinos who use drugs, access to health information is vital. They should have access to available knowledge on the right dosage, right mixtures, best time and way of intake and other forms of safe administration of substances. A consequence of criminalization is the lack of health information that could save people's lives. The priority of policy makers should be to save lives than to put people in jail.

Drug education must be framed in such a way that doesn't create moral panic. Substances can be used without harm and risks can be managed. Evidence-based information must be disseminated and effective programs and services must be established and made accessible. Research and studies must be allowed for people to know more about the substances they use with the objective of helping people use drugs safely.

iv. Right to be free from persecution

According to a member of IDUCARE from Cebu, "*ang batas dapat nakakatulong sa tao, hindi nakakasama*" ("laws should be helping people not the other way around"). Republic Act No.9165 or the Comprehensive Dangerous Drugs Law has been used by law enforcement to harass people who use drugs. People who inject drugs from Cebu complained about how the needle marks on their arms are considered as evidence by police officers. Law enforcement has a menu of evidence that are circumstantial and would not stand in court but are used to coerce, abuse, and extort people who use drugs. They have become an alternative source of income for police officers who ask for bribe as a condition for not pressing charges.

Persecution also comes from local government officials, employers, teachers, neighbors, and even family members who force people who use drugs into some form of rehabilitation or else they will be turned over to the police or terminated from their jobs. Local government officials are required to submit names of people whose lives include drugs in their neighborhood to police officers and Philippine Drug Enforcement Authority agents. This kind of persecution puts their lives in danger as they can now be subject of violent drug operations.

v. Right to be forgotten by the law

A person whose lives include drugs is labeled "drug personality" in their communities. Along with being a "surrenderer" or "surrenderer" or a "plea bargainer" or someone who has entered into an agreement with courts to plead guilty to a lesser offense, a "drug personality" becomes a perennial concern to law enforcement. Their names will never be taken out of the drug list and will be under continued surveillance under the guise of an "after care" program.

Even if people who use drugs have abstained from using, or have completed all the modules in a rehabilitation program they're enrolled in, or have regained liberty after jail time, or have tested negative in a urine test, they are not forgotten by authorities. They and their families cannot live their lives with full liberty because their past behavior is under a government registry and their reputation as a "drug personality" persists in the community. For those who availed of the plea bargaining agreement, their criminal record will show up in government clearances and will haunt them as they look for jobs, apply for visas, and travel abroad.

vi. Right to be treated fairly under the law

Most drug offenses share the same social condemnation as those charged with heinous crimes. For instance, possession of 500 grams of marijuana has the same penalty as rape, parricide, and human trafficking of a minor. Because of this, most people charged with drug offenses are not entitled to bail and if and when posting for bail is allowed, the bail is of an exorbitant amount, that an accused cannot afford. Most people who are charged with low level drug offenses come from socio-economic profiles that exclude them from access to private lawyers, fees for a drug dependency examination, and prohibitive amount of bail. It is as if they need to buy their right to due process and to be assumed innocent until proven guilty by a court of law. The effect is that they get to spend time in jail for years, away from their loved ones, to serve penalty for a crime the court is not yet sure if they have committed.

The right to be assumed innocent is compromised, as law and policy lump low level, non-violent, victimless drug offenses together with violent crimes with private offended parties who were killed, raped, or defrauded to be enslaved or sexually exploited. People whose lives include drugs, when facing the law, should be treated like any other person. Their rights as an accused should be also upheld and protected.

vii. Right to safe spaces

There are no safe spaces for people who use drugs in the Philippines. In their families, they are considered a source of shame. In their communities, they are considered a threat to public order and security. In the law, they are criminals. In the health sector, they are considered sick people who must be treated. In their church, their use is considered a sin. The Philippine government has been loud and clear by issuing a national policy against what they called, “drug menace” painting people whose lives include drugs as villains that must be suppressed in order to achieve an unrealistic goal—a “drug free” country. Historically and globally, the war on substances has always been a war on people.

Living in constant fear has been the norm for people whose lives include drugs. They need to be aware and careful in open spaces. Mindful of this threat, they consider the opportunity to organize as a step towards creating safe spaces. “If we don’t have a safe space, let’s create one,” cried a cannabis user who is also a community organizer.

In addition, safe spaces should be inclusive. Women drug users have raised the lack of gender equality in the programs and services for people who use drugs and in the male-dominated spaces for advocacy. This is a recognition of the additional layer of harm against women and people with diverse sexual orientation and gender identity or expression and sex characteristics, as well as other minorities, such as Indigenous Peoples who are historically cultivating and using cannabis and other substances. Thus, it was agreed upon that organizing for people who use drugs should be geared towards creating a safe and equal space for all.

MANIFESTO OF FILIPINOS WHO USE DRUGS

We are Filipinos Who Use Drugs.

We are members of families and communities. We are God-fearing, responsible, and hardworking people. We are creative, talented, and skilled.

Yet, we are considered and treated as criminals.

We suffer from discrimination, stigma, and violence from our own families, communities, and the authorities. We experience harassment, intimidation, coercion, public humiliation, sexual abuse, extortion, and robbery in the hands of law enforcement and government officials.

We are made targets of the “war on drugs.”

Members of our community have been detained, inhumanely punished, and killed.

As a consequence, we feel scared, angry, and lost.

We want to help our community.

We want to feel safe and secured.

We want to feel accepted, supported, and respected.

We demand change.

We want laws to be fair, reasonable, and based on evidence.

We call for drug policies that do not treat us as criminals, suspects, “surrenderees”, “surrenderers”, and menace to society.

We want freedom and responsibility over our bodies, our choices, our lives.

We refuse to be forced into substance testing, inappropriate rehabilitation, and punitive treatment.

We deserve access to healthcare and social support services without judgment and persecution.

We demand an updated classification of substances based on research and studies.

We want harm reduction services instead of fines and imprisonment.

We need safe spaces where we can access substances, connect with our community, and save lives.

We demand inclusion in policy discussions involving our rights.

We want our voices to be heard.

We need to decriminalize being poor, being vulnerable, being marginalized.

We deserve justice and equality.

We are not the substance that we use.

We are human beings with dignity and integrity.

We have a right to live.