

M E M M

Multilateral Evaluation Mechanism

**Inter-American Drug Abuse
Control Commission
(CICAD)**

**Secretariat for
Multidimensional
Security
(SMS)**

Ecuador

**EVALUATION
OF PROGRESS
IN DRUG CONTROL**

**IMPLEMENTATION OF RECOMMENDATIONS
FIFTH EVALUATION ROUND**

2012



Organization of
American States



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Inter-American Drug Abuse
Control Commission

Multilateral Evaluation Mechanism (MEM)

ECUADOR

Evaluation of Progress in Drug Control

Implementation of Recommendations from the Fifth Evaluation Round

2012



PREFACE

The Multilateral Evaluation Mechanism (MEM) is an instrument designed to measure progress in actions taken by the member states of the Organization of American States (OAS) to address the global drug problem and other related offenses.

The Inter-American Drug Abuse Control Commission (CICAD), an OAS specialized agency, implemented this Mechanism in 1998, pursuant to a mandate from the Second Summit of the Americas held in Santiago, Chile in April 1988.

The MEM is not only a diagnostic tool but has also become a vehicle for disseminating information on the progress achieved through the individual and collective efforts of OAS member state governments, catalyzing hemispheric cooperation, promoting dialogue among member state government authorities, and precisely channeling assistance to areas requiring greater attention by optimizing resources.

The evaluation reports are drafted by the Governmental Expert Group (GEG), a multidisciplinary group composed of experts designated from all OAS/CICAD member states. Each expert functions independently from his or her own government, and experts do not participate in the evaluation of their own countries. Additionally, each country has the opportunity to review and comment on the contents of the evaluations, ensuring an open and participatory process.

The Fifth Evaluation Round, covering the period 2007-2009, consisted of two phases. The full evaluation phase assessed progress made by all member states in combating the drug problem in the subject areas of institutional strengthening, demand reduction, supply reduction and control measures. This culminated with the publication of national reports containing 350 recommendations for individual member states. The follow-up phase evaluated progress made in the implementation of the recommendations assigned in the Fifth Round.



RECOMMENDATION 1

APPROVE A NATIONAL ANTI-DRUG PLAN THAT SERVES AS THE FRAMEWORK FOR ALL ANTI-DRUG ACTIVITIES.

Ecuador reports that the National Council for the Control of Narcotic and Psychotropic Substances, CONSEP, in its regular session held January 24, 2012, approved the 2012-2013 Comprehensive Drug Prevention Plan, prepared under the coordination of CONSEP's Executive Secretariat, and with the participation of the seven Government Ministries that make up the CONSEP Board of Directors: the Ministry of National Defense, the Ministry of Education, the Ministry of Economic and Social Inclusion, the Ministry of Interior, the Ministry of Justice, Human Rights and Religious Affairs, the Ministry of Health and the Ministry of Foreign Trade and Integration. The Plan covers all of the primary areas related to narcotics control.

CICAD views with satisfaction the implementation of this recommendation.

RECOMMENDATION 2

RATIFY THE PROTOCOL AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION, OF THE 2000 UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME.

Ecuador has not started implementation of this recommendation.

CICAD encourages the country to fulfill this recommendation.

RECOMMENDATION 3

EXPAND EXISTING PREVENTION PROGRAMS COVERAGE BASED ON THE RESULTS OF THE EVALUATIONS CARRIED OUT.

Ecuador reports that by December 2011, the Comprehensive Drug Prevention Network included a total of 20 counties, each of which has a Network Action Point (PAR) involving representatives of the autonomous governments, public institutions, and private and civil society, who received training from CONSEP on the application of this national preventive strategy during the first phase of its implementation.

The country informs that 14 counties have carried out a situational analysis of the drug problem, which has been used in the development of local prevention projects.

CICAD notes the information provided and encourages the country to implement the recommendation.



RECOMMENDATION 4

IMPLEMENT MECHANISMS TO EVALUATE THE PROGRESS OF ALTERNATIVE, INTEGRAL AND SUSTAINABLE DEVELOPMENT PROGRAMS.

Ecuador reports that a 2010 study carried out in collaboration with UNODC determined that Ecuador “can be characterized as a country free of illicit cultivation.”

Ecuador reports that some projects on its northern border can be considered part of Preventive Alternative Development. However, the country indicates that the effectiveness of these projects has not been evaluated.

CICAD takes note of the information provided and encourages the country to fulfill the recommendation.

RECOMMENDATION 5

DEVELOP AN AUTOMATED INFORMATION MANAGEMENT SYSTEM TO FACILITATE THE SAFE, EFFICIENT HANDLING OF INFORMATION ON CHEMICAL SUBSTANCES THAT ARE CONFISCATED AND DISPOSED OF.

Ecuador reports that has initiated the design of a control module for chemical products in storage, as part of CONSEP’s Asset Management Information System.

CICAD recognizes the progress made and encourages the country to implement this recommendation.

RECOMMENDATION 6

DEVELOP INSTITUTIONAL CAPACITIES FOR THE APPLICATION OF THE LAWS AND REGULATIONS IN PLACE TO CONTROL THE ILLICIT TRAFFICKING OF DRUGS AND CONTROLLED CHEMICAL SUBSTANCES VIA THE INTERNET.

Ecuador reports that it has legislation covering this topic.

CICAD takes note of the information provided and encourages the country to fulfill the recommendation.



RECOMMENDATION 7

EXPAND THE MINISTRY OF THE INTERIOR'S STATISTICAL DATABASE TO INCLUDE DATA ON PUBLIC OFFICIALS FORMALLY CHARGED WITH AND CONVICTED OF OFFENSES RELATED TO ILLICIT DRUG TRAFFICKING, A REITERATED RECOMMENDATION FROM THE FOURTH EVALUATION ROUND, 2005-2006.

The Attorney General's office does not have a specific database on public officials formally charged with and convicted of illicit drug trafficking.

Ecuador reports that it has a database of suspects involved in those crimes defined in the Law on Narcotic and Psychotropic Substances. Likewise, the Labor Relations Ministry manages a nationwide civil servants database.

CICAD takes note of the information provided and urges the country to implement this reiterated recommendation, given that it was assigned in the Fourth Evaluation Round, 2005-2006.

RECOMMENDATION 9

INCORPORATE IN THE RESPECTIVE LEGISLATION, SPECIAL INVESTIGATIVE TECHNIQUES, SUCH AS UNDERCOVER AGENTS, USE OF INFORMANTS, AND CONTROLLED DELIVERIES, A RECOMMENDATION REITERATED FROM THE FOURTH EVALUATION ROUND, 2005-2006.

Ecuador reports that on December 8, 2010, a report was presented to the National Assembly, which seeks to authorize the use of special investigative techniques, including undercover agents and controlled deliveries, among others. This draft legislation is pending approval by the National Assembly.

CICAD takes note of the information provided and urges the country to implement this reiterated recommendation, given that it was assigned in the Fourth Evaluation Round, 2005-2006.

RECOMMENDATION 10

EXTEND THE OBLIGATION TO SUBMIT SUSPICIOUS TRANSACTION REPORTS TO PREVENT MONEY LAUNDERING TO INCLUDE LAWYERS, NOTARIES, ACCOUNTANTS, REAL ESTATE, THE INSURANCE SECTOR, AND CASINOS AND GAMBLING.

Ecuador reports that, with regard to lawyers and accountants, the Law on Prevention, Detection and Eradication of Money Laundering and Financing of Crime does not include those sectors in the list of entities obligated to report suspicious transactions.



Ecuador has amended its laws to include “through the submission of reports provided for in Article 3 of this law,” among others, the insurance sector, casinos and gambling as entities obligated to report suspicious transactions to prevent money laundering.

In addition, the country indicates that through Executive Decree No. 873, September 9, 2011, it was established that any and all establishments engaged in gambling, including casinos, bookies, and arcades, among others, must cease their activities, except for those located in luxury and first class hotels that have a current Tourism Ministry license to operate.

CICAD recognizes the progress made and encourages the country to implement the recommendation.



CONCLUSIONS

CICAD notes that during the Fifth Evaluation Round of the Multilateral Evaluation Mechanism (MEM), Ecuador received 10 recommendations. Of these, one has been fulfilled, seven are in progress, and implementation of one has not commenced. One recommendation was withdrawn.¹

In the area of institutional strengthening, the country approved the 2012-2013 Comprehensive Drug Prevention Plan on January 24, 2012. This Plan includes all of the principal areas related to narcotics control. However, the country has not ratified the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, of the United Nations Convention against Transnational Organized Crime.

In demand reduction, the country has made progress in fulfilling a recommendation to increase the coverage of prevention programs, and has carried out several preventive alternative development programs, though their effectiveness has not been evaluated.

To facilitate the handling of information on seized chemical substances, the country has initiated the design of a control module for stored chemical substances, as part of the National Council for the Control of Narcotic and Psychotropic Substances' Asset Management Information System.

CICAD notes that Ecuador has broad legislation allowing the imposition of penal sanctions for persons involved in the illicit trafficking of drugs and chemical substances via the Internet; however, it is necessary to develop the institutional capacity to apply these laws.

CICAD takes note that the country has not implemented a register of the number of public officials formally charged with and convicted of crimes related to illicit drug trafficking, a recommendation reiterated from the Fourth Evaluation Round, 2005-2006.

In the area of control measures, the country has presented a report to the National Assembly which seeks to authorize special investigative techniques, such as controlled deliveries and undercover agents, for money laundering cases. With regard to reporting suspicious transactions to prevent money laundering, the country has included the insurance, casinos and gambling sectors among those obligated to report such transactions; however, lawyers and accountants are not included.

CICAD recognizes Ecuador's participation in the Multilateral Evaluation Mechanism and encourages the country to fulfill the pending recommendations.

¹ Recommendation 8 was withdrawn.



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