

Multilateral Evaluation Mechanism MEM



Colombia

2009 EVALUATION OF PROGRESS IN DRUG CONTROL
IMPLEMENTATION OF RECOMMENDATIONS
FROM THE FOURTH EVALUATION ROUND



**RECOMMENDATION 1:****CONCLUDE THE APPROVAL OF THE COMPREHENSIVE COUNTER-DRUG PLAN.**

Colombia reports that the 2007–2010 Comprehensive Counter-Drug Plan was presented to Cabinet and the President of the Republic. However, its approval remains pending.

CICAD encourages the country to implement this recommendation.

RECOMMENDATION 2:**ACCEDE TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA, 1982.**

Colombia reports that in January 2000, the Colombian Oceanographic Commission analyzed the Convention and concluded that it should not be ratified.

CICAD encourages Colombia to accede to the United Nations Convention on the Law of the Sea of 1982.

RECOMMENDATION 3:**ACCEDE TO THE FOLLOWING PROTOCOLS TO THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002:**

- A. PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR.**
- B. PROTOCOL AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION.**

Colombia reiterates that it has not signed the Protocol against the Smuggling of Migrants because the instrument contains provisions that, in the country's view, go beyond the scope of the Protocol and are designed to legitimize the forced repatriation of irregular or undocumented migrants who have not necessarily been the object of smuggling.

Regarding the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, Colombia reiterates that it does not consider it opportune for the country to sign it, since, as it has stated, it disagrees with the scope of its application.

CICAD notes with concern that Colombia has not ratified the two Protocols referred to in this recommendation, and urges the country to comply with this reiterated recommendation, given that it was assigned in the Second Evaluation Round, 2001-2002.

RECOMMENDATION 4:**ESTABLISH A PATIENT DRUG CONSUMPTION REGISTRY.**

Colombia reports that the National Narcotics Office (DNE), through the Colombian Observatory on Drugs, has developed, within the demand reduction module, the window for gathering information on patients receiving treatment in Drug Abuse Treatment Centers (CADs).



The country reports that the National Drug Consumption Reduction Plan, 2009–2010, provides for implementation of the drug consumption information module, as well as Comprehensive Care Guidelines in the Social Security System, which are minimum clinical standards to guide professionals who provide treatment and rehabilitation services.

With the attainment of these two goals, Colombia reports that it will have a reliable, up-to-date, official registry of patients undergoing treatment for drug use.

CICAD encourages Colombia to continue with the actions necessary for the implementation of this recommendation.

RECOMMENDATION 5:

CONDUCT A STUDY ON THE EXTENT OF DRUG ABUSE IN THE GENERAL POPULATION.

Colombia reports the National Narcotics Office (DNE), the Ministry of Social Welfare, and the United Nations Office on Drugs and Crime (UNODC) have agreed to carry out a study on the extent of drug abuse in the general population.

The country reports that, based on the methodology of the Inter-American Uniform Drug Use Data System (SIDUC), it has a database compiled from 29,040 personal interviews conducted in 126 municipalities throughout the country.

Colombia indicates that the next step is to analyze the data in coordination with the OAS/CICAD Inter-American Observatory on Drugs. Following that, the results will be disclosed.

CICAD acknowledges that Colombia has taken steps toward implementation of this recommendation and encourages the country to complete it.

RECOMMENDATION 6:

CONDUCT A STUDY ON THE EXTENT OF DRUG ABUSE AMONG PATIENTS AT TREATMENT CENTERS.

Colombia reports that once the Ministry of Social Welfare and the National Narcotics Office have access to the registry of patients at drug abuse treatment centers, it will be able to comply with this recommendation.

CICAD encourages the country to implement this recommendation.

RECOMMENDATION 7:

DEVELOP A SYSTEM TO DETERMINE THE NUMBER OF PENAL SANCTIONS IMPOSED FOR THE DIVERSION OF PHARMACEUTICAL PRODUCTS, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.

Colombia reports that the necessary fields for recording criminal penalties imposed on the diversion of pharmaceutical products have been included in its judiciary information system.

CICAD notes with satisfaction the implementation of this recommendation.

**RECOMMENDATION 8:****CARRY OUT RESEARCH AND TRAINING ACTIVITIES RELATED TO THE PREVENTION AND CONTROL OF ILLICIT TRAFFIC OF PHARMACEUTICAL PRODUCTS AND OTHER DRUGS VIA THE INTERNET, WHICH WILL ENABLE THE COUNTRY TO IDENTIFY ITS REGULATORY AND OPERATIVE NEEDS.**

Colombia reports that the Administrative Department of Security (DAS) has focused its preventive efforts on monitoring Internet sites where the purchase, sale, distribution, and commercialization of narcotics may take place. The monitoring is carried out by the technical area that specializes in investigating these matters, and in interacting internationally through exchanges of information among 176 countries using the INTERPOL channel and its I-24/7 communication network.

CICAD acknowledges the actions taken by Colombia in implementing this recommendation and encourages the country to continue with its implementation.

RECOMMENDATION 9:**CONCLUDE IMPLEMENTATION OF THE PRE-EXPORT NOTIFICATION SYSTEM FOR CONTROLLED CHEMICAL SUBSTANCES.**

Colombia reports that the National Narcotics Office (DNE) prepared a Draft Decree to regulate the prior authorization and pre-export notification of controlled chemical substances. At present, its approval is being studied by the Ministry of the Interior and Justice and the Ministry of Commerce, Industry and Tourism.

CICAD encourages the country to implement this recommendation.

RECOMMENDATION 10:**EXPAND THE LIST OF PREDICATE OFFENSES FOR MONEY LAUNDERING TO INCLUDE ALL CRIMINAL ACTIVITIES CONSIDERED SERIOUS CRIMES UNDER THE PALERMO CONVENTION (PUNISHABLE BY A MAXIMUM DEPRIVATION OF LIBERTY OF AT LEAST FOUR YEARS OR A MORE SERIOUS PENALTY).**

Colombia reports that under its domestic laws, the following crimes are identified as the predicate offenses for money laundering: smuggling of migrants, human trafficking, extortion, illicit enrichment, kidnapping with intent to extort, rebellion, weapons trafficking, financing of terrorism, administering assets related to terrorist activities, trafficking of drugs, narcotics or psychotropic substances, crimes against the financial system, crimes against the government, and offenses linked to the proceeds of crimes carried out under conspiracy to commit a crime.

In addition, the country reports that the government introduced draft legislation in the National Congress that includes contraband among these predicate offenses.

CICAD encourages Colombia to implement this recommendation.



CONCLUSIONS

During the Fourth Evaluation Round, the Multilateral Evaluation Mechanism assigned Colombia 10 recommendations. Of those, one has been fulfilled, the country has shown progress in three, and the rest are pending implementation.

CICAD notes the country's efforts to implement the drug consumption information module at the Colombian Observatory on Drugs, as well as the steps taken to implement comprehensive care guidelines in the Social Security System of Health, which will allow for an official registry of patients undergoing treatment for drug use. Regarding the study on the extent of drug abuse in the general population, the data collected is being reviewed.

CICAD acknowledges Colombia's efforts to implement the recommendation to develop a system to record criminal penalties imposed on the diversion of pharmaceutical products. Similarly, CICAD recognizes the strides made by the country in monitoring Internet sites where the purchase, sale, distribution, and commercialization of narcotics may take place.

Colombia plans to introduce legislation regulating prior authorization and pre-export notification of controlled chemical substances.

The country has moved forward with the expansion of the list of predicate offenses for money laundering under the terms of the Palermo Convention and is in the process of including smuggling among these predicate offenses.

CICAD acknowledges the progress made in the approval of the 2007-2010 Comprehensive Counter-Drug Plan.

However, CICAD notes that two recommendations have not been initiated: accession to the United Nations Convention on the Law of the Sea, 1982, and accession to two Protocols of the United Nations Convention against Transnational Organized Crime, 2000. With respect to both recommendations, Colombia cites reasons of sovereignty for not acceding to these instruments, but notes that this has not prevented it from moving forward with the treatment of related issues under other regional and international standards on illicit trafficking in migrants and in firearms and their components.

CICAD recognizes Colombia's participation in the Multilateral Evaluation Mechanism process and encourages the country to continue its efforts to implement the pending recommendations.