

Multilateral Evaluation Mechanism MEM



Ecuador

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



**RECOMMENDATION 1:****ACCEDE TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (1982).**

Ecuador reports that in June 2007, the Permanent Specialized Congressional Committee on International Affairs issued a favorable report for acceding to the United Nations Convention on the Law of the Sea, which is awaiting approval by the Plenary of the National Congress. Since June 2008, the Constitutional Committee on Sovereignty, International Relations, and Latin American Integration of the Constituent Assembly of Ecuador has continued to work toward the approval of the accession to this Convention.

CICAD takes note of the information provided by Ecuador and encourages the country to continue its efforts to fulfill this recommendation.

RECOMMENDATION 2:**ACCEDE TO 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 (2000), A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Ecuador reports that the request for accession to 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, was sent to the National Congress for processing in the 2003-2004 period, but it was not approved. The Protocol is still pending a hearing by the new National Assembly.

CICAD urges Ecuador to comply with this reiterated recommendation, given that it was assigned during the Third Evaluation Round, 2003-2004.

RECOMMENDATION 3:**EXPAND THE COVERAGE OF PARTICIPANTS IN SCHOOL PREVENTION PROGRAMS.**

Ecuador states that the National Anti-Drug Department (DNA) of the National Police carries out information and awareness-raising campaigns on preventing the supply of and demand for drugs, workshops with teachers, students, parents, and the community in general. During 2008, these activities benefited 25,646 individuals.

Ecuador reports increased coverage of participants in school prevention programs (children and adolescents), from 8,893 in 2006 to 17,043 in 2008.

CICAD views with satisfaction the fulfillment of this recommendation.

**RECOMMENDATION 4:****IMPLEMENT EARLY DETECTION, OUTREACH AND CASE REFERRAL NETWORKS, A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Ecuador reports that in 2008, a joint process was initiated among the Ministries of Health, Social Inclusion, and Education, the National Specialized Police for Children and Adolescents (DINAPEN) and the National Council for the Control of Narcotics and Psychotropic Substances (CONSEP), in order to set up a mechanism for detecting cases and providing care. The country notes that inter-agency coordination must be enhanced in order to secure the allocation of both technical and financial resources from the participating ministries responsible for implementing early detection network programs.

CICAD takes note of the information provided and urges Ecuador to fulfill this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003-2004.

RECOMMENDATION 5:**DEVELOP A SYSTEM TO ESTIMATE THE AREA OF ILLICIT CROP CULTIVATION AND MONITOR THE APPEARANCE OF NEW CROPS, A REITERATED RECOMMENDATION FROM THE SECOND EVALUATION ROUND, 2001–2002.**

Ecuador reports that on April 16, 2008, the country and the United Nations Office on Drugs and Crime (UNODC) signed an extension to the Pledge signed in 2005 to draft a report on the existence of illicit crops in Ecuador.

The country reports that in fulfillment of the Pledge, Ecuador carried out activities including the monitoring of illicit crops in the northern part of the country through satellite imagery, photography, and aerial filming.

CICAD views with satisfaction the fulfillment of this recommendation.

RECOMMENDATION 6:**EXPAND THE SPECIALIZED TRAINING COURSES FOR PERSONNEL IN THE PUBLIC AND PRIVATE SECTORS INVOLVED IN THE RESPONSIBLE USE AND HANDLING OF PHARMACEUTICAL PRODUCTS.**

Ecuador reports that in the first phase of the "Prevention of the Diversion of Controlled Pharmaceutical Products project," the pharmaceutical sector received training in control mechanisms used by the Ministry of Public Health and National Council for the Control of Narcotics and Psychotropic Substances (CONSEP). At the same time, the results of the situational diagnostic assessment on the handling of narcotic and psychotropic drugs in Ecuador were disseminated.

The country reports that in pursuit of this, nine workshops were held between June 2007 and February 2008 for legal and technical representatives from pharmaceutical laboratories, distribution companies, pharmaceutical distributors, and pharmacies, with 895 participants in different cities in the country.



The country reports that in 2008, the first national seminar for training in adequate handling of medicines containing narcotic and psychotropic substances was held. This training targeted prescribers of controlled medicines (psychiatrists, physicians, dentists, obstetricians, and veterinarians), as well as legal and technical representatives of pharmaceutical establishments. A total of 44 workshops were held in several cities in Ecuador and were attended by 5,090 participants.

CICAD views with satisfaction the fulfillment of this recommendation.

RECOMMENDATION 7:

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.

Ecuador reports that the Law on Narcotic and Psychotropic Substances (1990) contains no provisions on the prevention or control of illicit trafficking in pharmaceutical products and other drugs via the Internet, and that no training efforts have been organized on this topic.

CICAD encourages Ecuador to comply with this recommendation.

RECOMMENDATION 8:

PROVIDE ONGOING TRAINING FOR CONTROL ENTITIES (SUCH AS CUSTOMS AGENTS AND POLICE OFFICERS) IN THE CONTROL OF CHEMICAL SUBSTANCES.

Ecuador reports that in 2008, four training workshops for staff at the Ecuadorian Customs Corporation, Ecuadorian Postal Service, and the National Police's National Anti-Drug Department were held. Ninety-four people participated in the workshops on the Codified Law on Narcotic and Psychotropic Substances and Mechanisms for Controlling Controlled Substances.

In addition, the country reports that during 2008, 199 members of the Armed Forces received training in the cities of San Lorenzo, Quito and Coca. In addition, six training sessions in the area of chemical controls were held, with 259 participants.

CICAD acknowledges the progress made and encourages Ecuador to continue with these activities.

RECOMMENDATION 9:

ESTABLISH AN EFFICIENT INFORMATION-SHARING MECHANISM BETWEEN CONSEP AND ITS PROVINCIAL HEAD OFFICES TO ENSURE CONTROL OF CHEMICAL SUBSTANCES

Ecuador reports that the National Council for the Control of Narcotics and Psychotropic Substances (CONSEP) has implemented a control and monitoring system using a database.

The country states that in 2008, an online system was implemented, through which the recorded data can be viewed in all CONSEP offices nationwide.



In addition, Ecuador reports that between December 2008 and February 2009, the natural persons and legal entities authorized by CONSEP to handle controlled substances and medications have renewed their authorization through the online system, after being assigned access passwords. The country explains that this provides daily information on movements of controlled substances and medications anywhere in the country.

CICAD views with satisfaction the fulfillment of this recommendation.

RECOMMENDATION 10:

EXPAND THE MINISTRY OF THE INTERIOR'S STATISTICAL DATABASE TO INCLUDE DATA ON PUBLIC OFFICIALS FORMALLY CHARGED WITH AND CONVICTED OF ACTS OF CORRUPTION IN CONNECTION WITH ILLICIT DRUG TRAFFICKING, A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.

Ecuador has not begun implementing this recommendation.

CICAD urges Ecuador to comply with this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003-2004.

RECOMMENDATION 11:

EXPAND THE MINISTRY OF THE INTERIOR'S STATISTICAL DATABASE TO INCLUDE DATA ON PUBLIC OFFICIALS FORMALLY CHARGED WITH AND CONVICTED OF CRIMES RELATED TO ILLICIT DRUG TRAFFICKING.

Ecuador states that on August 31, 2007, the Plenary of the National Council of the Judiciary authorized nationwide implementation of the new Ecuadorian Criminal Proceedings Information System.

CICAD takes note of the information provided and encourages Ecuador to comply with this recommendation.

RECOMMENDATION 12:

ESTABLISH ADMINISTRATIVE CONTROLS TO PREVENT MONEY LAUNDERING IN REGULATED SECTORS, SUCH AS CASINOS, LAWYERS, NOTARIES AND REAL ESTATE.

Ecuador reports that the Financial Intelligence Unit (UIF), in coordination with the Ministries of Tourism and the Interior, has begun to regulate casinos and gaming halls. To that end, on September 18, 2008, it signed a Tripartite Agreement that obliges parties to implement permanent institutional activities aimed at monitoring the operational and economic activities of casinos and gaming halls. It also requires them to develop secondary regulations establishing the obligation of keeping internal controls and applying due diligence in their transactions with customers. In addition, by means of Resolution UIF-2008-0051 of November 7, 2008, the instructions on handling casino and gaming hall reports for the prevention of money laundering came into effect.

CICAD notes the progress made and encourages Ecuador to comply with the recommendation.

**RECOMMENDATION 13:****IMPLEMENT THE FULL OPERATIVE CAPACITY OF THE FINANCIAL INVESTIGATION UNIT (FIU) IN ACCORDANCE WITH INTERNATIONAL STANDARDS.**

Ecuador reports that following the enactment of the Law to Suppress Money Laundering of 2005, the Director General of the Financial Intelligence Unit was appointed and took office, thereby starting the process of setting up the institution's installations and technological facilities. In December 2007, the UIF began operating and was receiving transaction reports from the financial system, in conformity with the instructions for reports from the financial system (Official Register No. 237 of December 21, 2007) as well as reports on unusual and unjustified operations in that sector.

The country reports that between May and December 2008, the Financial Intelligence Unit (UIF) submitted 16 reports of unusual and unjustified transactions to the Public Ministry for investigation.

CICAD views with satisfaction the fulfillment of this recommendation.

RECOMMENDATION 14:**INCORPORATE IN THE RESPECTIVE LEGISLATION, SPECIAL INVESTIGATIVE TECHNIQUES, SUCH AS UNDERCOVER AGENTS, USE OF INFORMANTS, AND CONTROLLED DELIVERIES.**

Ecuador reports that the Draft Regulations on Controlled Deliveries were prepared and submitted to the Attorney General, who in turn forwarded them to the National Anti-Corruption Secretariat for review.

The country reports that it has made no progress with its criminal procedural law governing the use of undercover agents and informants.

CICAD takes note of the information provided by Ecuador and encourages the country to comply with the recommendation.

CONCLUSIONS

During the Fourth Evaluation Round, Ecuador was assigned a total of 14 recommendations; of these, five were implemented, seven are in progress, and two have not begun.

Ecuador expanded the coverage of participants in school prevention programs and conducted information and awareness campaigns on preventing the supply of and demand for drugs, benefiting 25,646 persons.

In addition, the country expanded its specialized training courses for members of the public and private sectors involved in the correct use and handling of pharmaceuticals.

CICAD notes that the National Council for the Control of Narcotics and Psychotropic Substances (CONSEP) implemented a database system for the control and monitoring of chemical substances. This database enables CONSEP offices nationwide to access the data.

Regarding money laundering, it should be noted that Ecuador's Financial Investigation Unit increased its operational capacity.



However, CICAD is concerned that the country has not adhere to 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.

CICAD also notes that the country has made no progress in including undercover agents or informants as special investigation techniques in its criminal procedures law.

CICAD recognizes the participation of Ecuador in the Multilateral Evaluation Mechanism process and encourages the country to persevere with its efforts toward compliance with the pending recommendations.