

Multilateral Evaluation Mechanism MEM



Nicaragua

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



**RECOMMENDATION 1:****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 OF 2000, A REITERATED RECOMMENDATION FROM THE SECOND EVALUATION ROUND, 2001–2002.**

Nicaragua reports that on July 2, 2007, it fulfilled the formal requirements for accession to 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.

CICAD expresses its satisfaction with the implementation of this recommendation.

RECOMMENDATION 2:**INCREASE THE COVERAGE OF PARTICIPANTS IN SCHOOL PREVENTION PROGRAMS.**

Nicaragua reports the inclusion of a component entitled "Prevention of Psychoactive Substance Use" in the redesigned elementary and middle school curricula. However, the information provided by the country does not allow an evaluation of any increase in the coverage of participants in school prevention programs.

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

RECOMMENDATION 3:**IMPLEMENT THE MINIMUM STANDARDS OF CARE FOR USERS OF PSYCHOACTIVE SUBSTANCES, A REITERATED RECOMMENDATION FROM THE FIRST EVALUATION ROUND, 1999–2000.**

Nicaragua reports that on August 22, 2008, the Ministry of Health adopted Ministerial Decision 309-2008 by which it approved the Minimum Standards of Care for Psychoactive Substance Users. The country indicates that the Treatment Protocol for these Minimum Standards of Care is nearing completion. Once it has been approved, it will enable training to begin on the application of these Standards.

CICAD acknowledges the efforts being made by Nicaragua and urges the country to fully comply with this reiterated recommendation, given that it was assigned in the First Evaluation Round, 1999-2000.

RECOMMENDATION 4:**ESTABLISH A NATIONAL REGISTER OF TREATMENT SERVICES, A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Nicaragua reports that a register of health care service providers was initiated in July 2008. Subsequently, work will begin on their classification according to the type of care provided.



CICAD takes note of the activities carried out and urges the country to fully implement this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003-2004.

RECOMMENDATION 5:

DEVELOP INSTRUMENTS FOR THE ACCREDITATION OF TREATMENT SERVICES, A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.

Nicaragua reports that it has a “Manual for Accreditation of Health Care Provider Establishments,” which was adopted by Ministerial Decision N° 336-2008 on September 9, 2008.

CICAD views with satisfaction the implementation of this recommendation.

RECOMMENDATION 6:

IMPLEMENT RESEARCH AND TRAINING ACTIVITIES REGARDING THE PREVENTION AND CONTROL OF ILLICIT TRAFFICKING OF PHARMACEUTICAL PRODUCTS AND OTHER DRUGS OVER THE INTERNET, WHICH WILL ALLOW THE COUNTRY TO IDENTIFY ITS NORMATIVE AND OPERATIONAL NEEDS.

Nicaragua reports that it has not detected drugs being sold over the Internet within the country. However, the country reports that training on this subject was provided to officials from 17 of the Comprehensive Local Health Care Systems (SILAIS). This training was targeted at both the public and private sectors, with a total of 1,000 officials taking part, among them, pharmaceutical professionals and owners of pharmaceutical establishments.

CICAD takes note of the activities carried out and encourages the country to continue its efforts to fully implement this recommendation.

RECOMMENDATION 7:

IMPLEMENT A JUDICIAL DATABASE TO COLLECT INFORMATION ON PERSONS AND PUBLIC OFFICIALS FORMALLY CHARGED WITH AND CONVICTED OF ILLICIT DRUG TRAFFICKING.

Nicaragua reports that its legislation does not allow for criminal proceedings against public officials to be distinguished from other criminal proceedings of this type. The Supreme Court of Justice, through the Office of Drug Activity Control, monitors and maintains information on illicit drug trafficking proceedings in general.

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

**RECOMMENDATION 8:**

ENACT LEGISLATION THAT CRIMINALIZES MONEY LAUNDERING AS AN AUTONOMOUS OFFENSE, IN ACCORDANCE WITH INTERNATIONAL STANDARDS, A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.

Nicaragua reports that the National Assembly passed a new Criminal Code (Law No. 641) in November 2007. This Code establishes that the laundering of money, property, or assets is an autonomous offense, independent of its predicate offense, and shall be prevented, investigated, prosecuted, adjudicated or convicted by the competent authorities.

CICAD views with satisfaction the implementation of this recommendation.

RECOMMENDATION 9:

EXPAND THE LIST OF PREDICATE OFFENSES FOR MONEY LAUNDERING TO INCLUDE ALL CRIMINAL OFFENSES THAT ARE CONSIDERED SERIOUS CRIMES UNDER THE PALERMO CONVENTION (PUNISHABLE BY A MAXIMUM PRISON SENTENCE OF AT LEAST 4 YEARS, OR A GREATER PENALTY), A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.

Nicaragua reports that under Law No. 641 of 2007, predicate offenses for money laundering include any unlawful activity with a maximum sanction of prison sentence of five or more years.

CICAD views with satisfaction the implementation of this recommendation.

RECOMMENDATION 10:

ESTABLISH ADMINISTRATIVE CONTROLS TO PREVENT MONEY LAUNDERING IN AREAS SUCH AS REAL ESTATE, LAWYERS, NOTARIES, AND ACCOUNTANTS, A REITERATED RECOMMENDATION FROM THE SECOND EVALUATION ROUND, 2001–2002.

Nicaragua reports that a draft law creating the Financial Analysis Unit is under discussion and awaiting a ruling. The Bill contains provisions to prevent money laundering in real estate, lawyers, notaries public, and accountants. The Preliminary Draft, which was prepared several years ago, was taken up again by the new legislature with the aim of improving it and bringing it into line with international standards and domestic needs.

CICAD takes note of the information provided and urges the country to continue efforts for full implementation of this reiterated recommendation, given that it was assigned in the Second Evaluation Round, 2001-2002.

RECOMMENDATION 11:

CREATE A FINANCIAL INTELLIGENCE UNIT, IN ACCORDANCE WITH INTERNATIONAL STANDARDS.

Nicaragua reports that the Draft Law creating the Financial Analysis Unit is in the Committee on Economic Affairs of the National Assembly awaiting a new legislative ruling to start the enactment process.



CICAD takes note of the information provided and encourages the country to continue efforts toward full implementation of this recommendation.

RECOMMENDATION 12:

ESTABLISH AN ENTITY RESPONSIBLE FOR THE ADMINISTRATION AND DISPOSAL OF SEIZED AND CONFISCATED ASSETS, A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.

Nicaragua reports that there is a Preliminary Draft Law to Create an Administrative Unit for Confiscated, Forfeited and Abandoned Assets of Organized Crime. This Preliminary Draft Law is under review with the institutions comprising the judiciary to bring it into line with the country's new criminal legislation.

CICAD takes note of the information provided and urges the country to carry out the necessary activities for the implementation of this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003-2004.

CONCLUSIONS

During the Fourth Evaluation Round, 2005-2006, Nicaragua received a total of 12 recommendations, four of which have been implemented and in two of which it has shown progress. The implementation of four reiterated recommendations that were issued in earlier rounds is still pending.

With Nicaragua's accession to 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, the country has adopted the international legislative framework recommended in the MEM process to combat illicit drug trafficking.

Additionally, in the demand reduction area, Nicaragua has shown progress with the incorporation of a "Prevention of Psychoactive Substance Use" component in the redesigned elementary and middle school curricula, with a view to expanding school prevention program coverage. Progress is also observed in the adoption of the "Manual for Accreditation of Health Care Provider Establishments," which will enable the country to supervise and oversee centers providing specialized care for individuals with drug use-related problems.

In the area of prevention of the illicit trafficking of pharmaceutical products via the Internet, CICAD notes with satisfaction that Nicaragua has provided training that covered all 17 Comprehensive Local Health Care Systems (SILAIS).

In the money laundering area, Nicaragua has criminalized this offense as autonomous and expanded the list of predicate offenses in accordance with the Palermo Convention. In addition, the country has draft legislation both for the creation of the Financial Intelligence Unit as well as for the creation of an Administrative Unit for Confiscated, Forfeited and Abandoned Assets of Organized Crime.

CICAD recognizes the participation of Nicaragua in the Multilateral Evaluation Mechanism (MEM) process and encourages the country to persevere in its efforts to fulfill the pending recommendations.