



**OEA/Ser.L/XIV.6.1
MEM/INF.2004 Add.11**

**ORGANIZATION OF AMERICAN STATES (OAS)
Inter-American Drug Abuse Control Commission (CICAD)**

**Multilateral Evaluation Mechanism (MEM)
Governmental Expert Group (GEG)**

**DOMINICA
(Commonwealth of)**

**EVALUATION OF PROGRESS IN DRUG CONTROL
2003-2004**



INTRODUCTION

Dominica is an island with an area of 754 km² and 148 km of coastline. It has a population of 79,000 (2003). The main ethnic groups are black and indigenous. The literacy rate is 94% (2003). Dominica is a parliamentary democracy and a republic within the Commonwealth. It is divided into 11 parishes. Its gross domestic product (GDP) per capita is US\$2,812 (1995) and the inflation rate is 1% (2001). The country has annual exports of US\$39 million, which amounts to approximately 18% of GDP (2003 est.). The main exports are bananas, soap, laurel oil, vegetables, grapefruit, and oranges.

I. INSTITUTIONAL BUILDING/ANTI-DRUG NATIONAL STRATEGY

A. National Anti-Drug Plan and National Commission

Dominica has a national anti-drug plan in force, approved by the Cabinet for the 1999-2004 period, which covers demand reduction areas, alternative development, institutional framework and program evaluation. However, it does not include supply reduction or control measures. In addition, the country also reports that for the period 2003-2006, it has a demand reduction program financed by the European Union.

In addition, Dominica has a budget to develop its national strategy to cover the areas of community and school prevention, public awareness, research, and alternative programs. This budget receives funding from the central government and international cooperation. The country has not provided the total amount of this budget.

The National Drug Council discontinued its activities in 2000. Therefore, there is no national authority in charge of drug-related matters. Currently, the National Drug Prevention Unit of the Ministry of Health carries out the coordination of anti-drug activities. This entity was set up based on the existing government structure which operates with an annual budget allocated by the central government.

According to the government's financial procedures, the National Drug Prevention Unit has an independent annual budget with which to implement its programs. In 2003 that budget was US\$137,169.

CICAD views with concern that the National Anti-Drug Plan in force until 2004, does not cover the areas of supply reduction and control measures.

CICAD notes with satisfaction the existence of a National Anti-Drug Plan implemented between 1999-2004. However, it is concerned that the country has been without a national anti-drug authority since 2000.

RECOMMENDATIONS:

1. INCLUDE THE AREAS OF SUPPLY REDUCTION AND CONTROL MEASURES IN THE NEXT NATIONAL ANTI-DRUG PLAN.
2. REACTIVATE THE NATIONAL DRUG ADVISORY COUNCIL, WHICH WAS SUSPENDED SINCE 2000.



B. International Conventions

The country has ratified the following international conventions:

- Inter-American Convention of Mutual Assistance in Criminal Matters (1992);
- Inter-American Convention against Corruption (1996);
- United Nations Single Convention on Narcotic Drugs (1961), as amended by the 1972 Protocol;
- United Nations Convention on Psychotropic Substances (1971);
- United Nations Convention against Illicit Trafficking of Narcotics and Psychotropic Substances (1988);
- United Nations Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials – CIFTA (1997).

Pending ratification is the United Nations Convention against Transnational Organized Crime (2000) and its three protocols.

CICAD views with concern that the United Nations Convention against Transnational Organized Crime and its three protocols have not yet been ratified.

RECOMMENDATION:

3. RATIFY THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (2000), REITERATED RECOMMENDATION FROM THE SECOND EVALUATION ROUND, 2001 – 2002 AND ITS PROTOCOLS:
 - A. PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR;
 - B. PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN;
 - C. PROTOCOL AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION.

C. National Information System

The Drug Prevention Unit of the Ministry of Health and Social Security is responsible for gathering and analyzing statistically drug-related information. However, it has not conducted studies in connection with drug consumption during 2003-2004.

The country has pointed out that it does not have a drug observatory at present; nevertheless, it has received support from France, and coordination from the Caribbean nations, to set up one. It participates in CICAD's Inter-American Uniform Drug Use Data System (SIDUC), but does not form part of CICAD's Uniform Statistical System on Control of the Supply Area (CICDAT).

Finally, the country states that it disseminates information on drug-related problems through public libraries, national publications and schools, among other channels. Basically, this information refers to prevention and education programs.



CICAD notes that Dominica makes a variety of efforts to disseminate information on drugs but it does not have an agency to compile, systematize, analyze, and disseminate that information. Accordingly it considers that the implementation of a national drug observatory is necessary, particularly in view of the availability of the international assistance mentioned by the country.

RECOMMENDATION:

4. IMPLEMENT A NATIONAL DRUG OBSERVATORY.

II. DEMAND REDUCTION

Focusing on its education system, Dominica has a national system of drug abuse prevention programs as one of its national priorities. Dominica provides education and awareness programs to children and youth of all ages from pre-school to university. The specific nature of the programs range from classroom educational sessions and peer counseling workshops to drug abuse prevention exhibitions and anti-drug rallies. While much of the activity takes place in and around the school, implementation of a number of these programs involves the local police. The target population and number of participants in drug abuse prevention programs in 2003 is illustrated in the following table.

Number of Participants in Drug Abuse Prevention Programs (2003)		
Location	Target Population	Number of Participants (country population =70,000)
School	Pre-School	60
	Primary (7-14 years)	2,587
	Secondary (14-19 years)	2,690
	University	300
Community	Adults	350

While Dominica offers a variety of drug abuse prevention programs within the educational system, very little additional programming is available outside the school environment. However, programs are underway for leadership training among young people (13 participants) and training for leaders of existing anti-drug clubs (37 participants). In addition, training was given to 32 pre-school teachers in a drug education workshop, together with 22 parents, 93 athletes, and 44 students, as members of the "Life skills and drug education" community program. At present the prison program has not started, but will at the end of 2005. A survey is to be conducted before the program begins.

One of the programs of the National Drug Abuse Prevention Unit specifically targets out-of-school and at-risk youth. It has become a permanent feature of the youth training program and CALLS (Centres where Adolescents Learn to Love and Serve). Both programs target unemployed youth, including those who have dropped out of school.

Dominica reports that it currently provides limited professional specialized training in drug abuse prevention, treatment and research and that the training opportunities that are available are insufficient to meet the demand of local professionals.

However, on the research side, a basic research course is offered locally. On the prevention side, the country does not offer drug abuse prevention courses at the undergraduate level.



The National Drug Abuse Prevention Unit has been conducting evaluation in terms of content, process and impact on its clientele. Some of the main findings include the following:

1. Because of the wide variety of programmes offered by the National Drug Abuse Prevention Unit more young persons have become pro-active in terms of anti-drug programmes. Sixty-four Primary schools and 15 Secondary schools are now having programs that involve drug prevention in their schools and the wider communities.
2. With reference to the National Drug Prevention Unit, the following were highlighted: The staff at the Unit is not able to adequately provide the quality of service that is required due to lack of training in that field. Due to the size of the districts the officers have to cover, they are not able to provide in depth services to the communities. As a result, programs are not adequately supervised. This is compounded by the current state of the economy and the limitations placed on traveling by government officials. The financial situation of the country has limited the ability of the National Drug Prevention Unit to undertake programs that call for very large budgets. The Unit therefore has limited funds to carry out its programs.

CICAD notes with satisfaction the implementation of prevention programs in schools at all levels, as well as those targeting at-risk youth. However, it is concerned at the lack of execution of programs that target women, drugs in the workplace, and drugs among prison inmates.

CICAD notes with concern the insufficient training for professionals in the area of drug abuse prevention and encourages the country to widen its professional training coverage.

RECOMMENDATIONS:

5. DEVELOP AND EXECUTE DRUG-USE PREVENTION PROGRAMS TARGETING UNIVERSITY STUDENTS, WOMEN AND PRISON INMATES.
6. BROADEN THE TRAINING OF PROFESSIONALS IN THE DRUG ABUSE PREVENTION AREA.

B. Treatment

Dominica reports that the Psychiatric Unit of the Princess Margaret Hospital is the only facility that offers some mode of treatment to drug users. However, the country does not have minimum standards of care for drug dependents. Neither does it have data on the breakdown of demand for treatment at the hospital. Regarding training in the treatment area, a Substance Abuse Course is offered on the island of Tobago to local professionals outside the country.

CICAD notes with concern the absence of minimum standards of care for drug abuse cases. The country does not provide information related to the nature of the demand for treatment.

RECOMMENDATION:

7. ESTABLISH MINIMUM STANDARDS OF CARE FOR DRUG ABUSE CASES.



C. Drug Abuse Statistics

Dominica states that it has not carried out a general survey of the population for determining the magnitude of drug abuse in the country.

In 2001, Dominica conducted a Secondary School Survey to assist the country in assessing the prevalence of drug use among its youth population. The results of this study are not available.

The country has no data on the number of young people who perceive drug use as harmful for their health and welfare. It has conducted no studies towards morbidity and mortality research related to drug use, and has no statistics on drug-use related crimes and accidents, nor information on drug abuse trends in the country.

CICAD expresses its concern at the delay in implementation of the study on drug abuse in the general population announced in the Second Evaluation Round, 2001 – 2002, and at the delay in the report on the results of the Secondary School Survey, conducted in 2001.

RECOMMENDATION:

8. DEVELOP A STUDY ON DRUG ABUSE PREVALENCE IN THE GENERAL POPULATION, A REITERATED RECOMMENDATION FROM THE SECOND EVALUATION ROUND, 2001 – 2002.

III. SUPPLY REDUCTION

A. Drug Production and Alternative Development

For 2003, Dominica reports 22.5 hectares of cannabis cultivated areas with a potential production of raw materials of 675,000 kg. It has not provided statistical data covering 2004. In addition, it seized no indoor-grown plants during the 2003-2004 evaluation period.

Dominica indicates that during the 2003-2004 evaluation period, illicit cannabis crops have either been eradicated through slash-and-burn methods or abandoned. However, the Drug Police Brigade, which is the controlling entity, has not kept records or estimations on how many hectares have been eradicated and how many have actually been abandoned.

Dominica reports that it has alternative development programs that are implemented on a regular basis; however, it provides no specific details on the nature and budget of those programs.

CICAD notes that Dominica is making efforts to eradicate cannabis plantations; however, it does not keep a strict record of their quantification. The country also carries out alternative development programs without the systematic follow-up necessary for the country to be able to provide reliable information on these undertakings.

RECOMMENDATIONS:

9. ESTABLISH A REGISTRY OF THE ERADICATED ILLICIT CANNABIS PLANTATIONS.
10. DEVELOP A SYSTEMATIC FOLLOW-UP OF THE ALTERNATIVE DEVELOPMENT PROGRAMS.



B. Supply Reduction and Control of Pharmaceutical Products and Chemical Substances

The country reports that no illicit organic or synthetic drug laboratories have been discovered during the evaluation period 2003 - 2004.

Pharmaceutical Products

The Ministry of Health and Social Security is in charge of controlling the exports, imports, production and distribution of the controlled pharmaceutical products listed under the international conventions and is responsible for preventing their diversion.

The country has reported that although it has no domestic legal provisions, all the pharmaceutical products listed under the international conventions are controlled by the Ministry of Health and Social Security.

No information has been provided on what are the controls on this type of products, which fall within the sphere of the Ministry of Health and Social Security in commercial- and health-related matters. Nor has the country reported on the existence of mechanisms for the qualitative evaluation of the activities conducted by the abovementioned institution in connection with pharmaceutical product control.

A mechanism for controlling and regulating the use and distribution of pharmaceutical products by health professionals is available including prescription requirements, special licenses or permits to prescribe certain drugs, distribution through pharmacies or other authorized outlets and registry of licensees. However, this mechanism does not provide for monitoring distribution or purchases, monitoring of prescribing, inspection, investigation and administrative sanctions. No formal mechanism is in place for evaluating its effectiveness.

The major difficulties or obstacles encountered by the Ministry of Health and Social Security for a successful fulfillment of its duties in the control of pharmaceutical products are its limited resources and the lack of adequate regulations and authority.

There are no legal rules and/or regulations for the application of penal, civil or administrative sanctions against the diversion of pharmaceutical products. There were no seizures of pharmaceutical products during 2003, and the country has not reported 2004 data.

CICAD views with concern that the country does not provide for follow up on distribution and sales, the control of prescriptions issued, inspections, investigations, and administrative sanctions, even though it has a mechanism for controlling and regulating the use and distribution of pharmaceutical products by health professionals.

RECOMMENDATION:

11. ENACT LEGISLATION TO PROVIDE FOR ASPECTS OF MONITORING, REGULATING, AND PREVENTING THE DIVERSION OF PHARMACEUTICAL PRODUCTS IN ACCORDANCE WITH THE UNITED NATIONS CONVENTIONS OF 1961, 1971 AND 1988, A REITERATED RECOMMENDATION FROM THE SECOND EVALUATION ROUND, 2001 – 2002.



Controlled Chemical Substances

The Ministry of Trade and Marketing is the national entity responsible for controlling the exports, imports, production and distribution of the chemical substances listed under international conventions and is in charge of preventing their diversion.

Dominica has provided no information on the chemical substances listed under the international conventions that are controlled by this country.

The scope of responsibilities of the Ministry of Commerce and Trade are the control of imports only (not exports); license control for manufacture and distribution (specifically to acquisition, purchase, sale, dealing in, use and storage); monitoring distribution; inspection, investigation, regulatory control for manufacture and distribution (specifically to acquisition, purchase, sale, dealing in, use and storage); administrative sanctions; registry of licensees; and transport control. The country has reported that through inspections, it evaluates the effectiveness of the Ministry of Commerce and Trade in connection with its controlled chemical substances responsibilities.

Major problems or impediments that the Ministry of Commerce and Trade has encountered in the effective fulfillment of its responsibilities include the inadequate legislation and limited resources. It has proposed to review legislation in order to address these problems.

There are no legal rules and/or regulations for the application of penal, civil or administrative sanctions against the diversion of the substances mentioned.

The country reported that it has not issued or received pre-export notifications for controlled chemical substances during 2003 – 2004. It also states that during 2003, it carried out no seizures of chemicals.

CICAD is concerned at the lack of information regarding which chemical substances listed in international conventions are controlled by Dominica.

RECOMMENDATION:

12. ENACT LEGISLATION TO PROVIDE FOR ALL ASPECTS OF CONTROL, REGULATING AND PREVENTING THE DIVERSION OF CONTROLLED CHEMICAL SUBSTANCES IN ACCORDANCE WITH THE UNITED NATIONS CONVENTIONS OF 1961, 1971 AND 1988, A REITERATED RECOMMENDATION FROM THE SECOND EVALUATION ROUND, 2001 – 2002.

IV. CONTROL MEASURES

A. Illicit Drug Trafficking

The major drug seizures by law enforcement agencies from 2002 – 2003 were of cannabis. The country reports 36 seizures of cannabis plants in 2002, resulting in the confiscation of 73,386 plants, which increased in 2003 to 56 seizures and the confiscation of 113,405 plants. Regarding leaf cannabis, for 2002, there were 29 seizures resulting in 365.5 kg, this rose to 49 seizures in 2003 but the total amount of seized leaf cannabis fell to 17.4 kg. The country has provided no figures for the year 2004.

Dominica indicates that the method routinely used to dispose of seized illicit drugs, in particular cannabis, is slashing and burning in the presence of the press and other officials.



Dominica indicates that in 2002, 83 persons were charged for illicit drug trafficking while 24 persons were convicted. In 2003, however, the number of persons charged for illicit drug trafficking fell to 71, while the number of persons convicted rose to 39. The country has provided no figures for the year 2004.

The country states that in 2002, 229 persons were charged for illicit drug possession, while only 33 were convicted. In 2003, however, the number of persons charged for illicit drug possession fell to 213, while the number of persons convicted rose to 80. The country has provided no figures for the year 2004.

Dominica does not have laws allowing the possession of drugs for personal consumption. Possession of amounts inferior to the legally prescribed limits to be construed as trafficking are liable to lesser penalties. Under the Drug Abuse Prevention Act of 1990, a person found in possession of more than 15 grams of cannabis or more than one gram of cocaine is deemed to be in possession with intent to supply. There are no alternative measures to criminal penalties in the country when a person is charged, tried or convicted of illicit drug possession for personal consumption.

Dominica indicates that from 2003 – 2004, no persons were charged or convicted for illicit drug possession for personal use.

Dominica indicates that it promotes or facilitates operational information exchange and collaboration among national authorities responsible for controlling illicit drug trafficking by joint forces/operations, joint training and interagency information systems/networks.

Drug intelligence is exchanged on an international level by each of the entities participating in the above-mentioned mechanisms. However, there is no formal mechanism in place to evaluate the effectiveness of these means. The country notes that the major impediment encountered in ensuring effective information exchange and collaboration is the lack of trust among agencies. However, recently an improvement has been noted with the creation of an intelligence branch in the regional office of the National Joint Headquarters (NJHQ) in Dominica.

Dominica informs that there were no judicial cooperation requests regarding illicit drug trafficking made by that country to other states for the years 2002 –2004. It does not however, indicate whether the country received judicial cooperation requests, regarding illicit drug trafficking. The country has provided no figures for the year 2004.

The country states it has neither made nor received extradition requests for illicit drug trafficking, in accordance with international agreements.

CICAD notes the creation of an intelligence branch in the regional office of the National Joint Headquarters (NJHQ) in Dominica, which facilitates better information exchange among drug control agencies.

B. Firearms and Ammunition

Dominica states that its Police Force and Customs Service are responsible for controlling firearms, ammunition, explosives and other related materials. It reports that promotion or facilitation of information exchange and collaboration among responsible entities is achieved via an interagency committee, its joint forces/operations, joint training and an interagency information system/network. It states, however, that no formal mechanism exists to evaluate the effectiveness of these agencies in controlling trafficking in firearms, ammunition, explosives, and preventing their diversion.



The country reports that the Firearms Act Chapter 15:31 of Dominica Revised Laws of 1990 criminalizes and makes provision for criminal and administrative sanctions for the illicit possession, trafficking and manufacture of firearms, ammunition, explosives and other related materials. In 2002, 17 persons, and in 2003, 11 persons, were charged and convicted for illicit possession and trafficking of firearms and ammunition, but none for explosives.

The same Act requires the country to issue import and export licenses for firearms and ammunition, but no provision is made for in-transit controls, and neither is any indication given with regard to controls for the import/export of explosives.

Before permitting the entry of a shipment, Firearms Act 15:31 of 1990 requires the country to issue the corresponding import or in-transit licenses or authorizations. No refusal of entry was made from 2002 – 2004 due to non-issuance of appropriate licenses/authorizations. The country has not indicated whether any legislation requires verification from an importing or in-transit country before issuing an export license or before permitting the embarkation of shipments.

The same law requires the country to establish administrative controls on firearms and ammunition import and export movements, but there are no regulations for administrative controls over in-transit shipments. There are no indications regarding administrative controls on importation, exportation and in-transit of explosives. The country does report, however, that in 2002 17 firearms were confiscated, and 11 in 2003. There were also 12 confiscations of ammunition in 2002 and 10 in 2003. Figures for 2004 are not available.

The country reports that national laws do not require that firearms be marked at time of manufacture, or when they are imported, confiscated, as is required by the 1997 Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials (CIFTA).

The country reports that there are no mechanisms for keeping firearms, ammunition, explosives, and other related materials from returning to illicit market.

The country reports that it maintains a non-computerized record keeping system for the importation of firearms, ammunition and explosives, but, not for in-transit shipments of the same. It also maintains a non-computerized record keeping system for the exportation of these materials, although there are no data for the 2003 – 2004 evaluation period as no exportation took place.

With regard to sharing of information the country reports that during the 2003 – 2004 evaluation period, it neither received nor made requests for information regarding shipment of firearms, ammunition, explosives, or other related materials, pursuant to the international agreements.

CICAD notes that the country has no formal mechanism to evaluate the effectiveness of its Police Force and Customs Service in the area of controlling trafficking in firearms, ammunition, explosives, and preventing their diversion.

CICAD also views with concern that Dominica has no legal provisions for in-transit controls for firearms and ammunition and controls for the import/ export of explosives neither does it keep records of in-transit shipments of these items.



RECOMMENDATION:

13. ESTABLISH LEGAL PROVISIONS AND MECHANISMS TO PREVENT AND CONTROL THE DIVERSION OF FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS IN ACCORDANCE WITH THE 1997 INTER-AMERICAN CONVENTION AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS (CIFTA).

C. Money Laundering

Dominica reports that Section 21 of National Act 20/2000 criminalizes money laundering and establishes sanctions for incompliance. This law, which came into force on January 25, 2001, provides for prevention of money laundering and related offences.

The aforesaid law provides for the freezing of assets owned by the individual charged or in the process of being charged with this offense, up until formal charges are made. The law also sets forth that any person who has been convicted for money laundering shall not be eligible to hold a position in a financial institution; in addition to imprisonment of three months or otherwise a US\$10,000 fine or both to anyone who deliberately fails to inform on suspicious money transactions. The maximum penalty for a person who commits a crime set out in that law is a fine of up to one million US dollars and a prison term of up to seven years.

The following are considered money laundering predicate offenses: illicit drug trafficking, firearms trafficking, pornography, extortion, administrative offenses (corruption), terrorism and its financing, and fraud. However, the following acts are not specifically considered under Dominica's law: trafficking of human beings and organs, prostitution and kidnapping.

Under its national law, it is not necessary for a person to be convicted for a predicate offense to conclude that certain assets have been obtained as a result of such crime, and therefore punish that person for laundering such assets.

There is no law in Dominica providing for special investigative actions aimed at preventing money laundering, such as undercover techniques, electronic surveillance, use of informants, controlled delivery, sentence reduction for cooperating witnesses.

According to what has been reported by the country, the Bank Law of 1974, the Extraterritorial Bank Law of 1996, the Monetary Law of 1974, the Insurance Law of 1991 and Section 21 of Act 20/2000 are the legal rules which provide for administrative controls to prevent assets from being laundered in the banking sector, "off shore" banks, currency exchange, insurance companies and cross border movements of currency and negotiable bearer instruments. Other activities have also been added such as real estate agencies, casinos, stock exchanges, and registered agents (lawyers, accountants).

The country reports that the Money Laundering Supervisory Authority (MLSA) has a mandate to regulate entities covered by Act 20/2000. Such entities are also required to submit reports on suspicious transactions to the MLSA.

The country reports that no person has been charged or convicted for money laundering offenses during the 2003 – 2004 evaluation period.



At the administrative level, financial institutions and others responsible by law should report on suspicious or unusual transactions, establishing sanctions in case of non compliance. In addition, they are obliged to implement the corresponding control measures of reporting large transactions, client records, verification of client identity, transaction records, preservation of records, existence of an enforcement official, existence of independent audits, "know-your-client" policies, "know-your-employee" policies and prohibition of anonymous accounts.

From 2002-2004, the Financial Intelligence Unit (FIU) of the Ministry of Finance and Planning, which is responsible for analyzing and reporting on conclusions, investigating, receiving and communicating information related to transactions which might result in money laundering, received 51 communications on suspicious transactions which were investigated in full.

In Dominica, it is possible to lift bank secrecy for financial intelligence or indictment purposes. Therefore, the FIU may consult bank accounts directly, but must request authorization from a prosecutor or judge if the information is requested for a trial.

The Financial Intelligence Unit is a member of the Egmont group and shares information with other state institutions and similar foreign entities. Under Section 14 Act 20/2000, the Financial Intelligence Unit does not require the signing in advance of memoranda of understanding for this information exchange.

Dominica has an entity for the administration and/or disposal of seized and confiscated assets resulting from illicit drug trafficking and money laundering, which is the Ministry of Legal Affairs. This entity reports that during the evaluation period 2003-2004, no assets have been seized as a result of money laundering activities in the country.

As regards the effectiveness of the international cooperation system to prevent money laundering, Dominica reports that during 2002 – 2004 no requests have been sent or received in connection with extradition, freezing of assets and/or lifting of bank secrecy. The country does not report on the bilateral agreements in force, their efficacy and convenience or any other aspect in connection with international cooperation.

Dominica does not provide any information on training provided to judges and prosecutors on the application of penal laws to repress money laundering. It only reports that in 2003, it has provided such training to four administrative officers. No data for 2004 was provided.

CICAD recognizes the progress made by the country in the area of money laundering control and expresses its confidence in the improvement of the system. It notes that in Dominica, trafficking of human being, trafficking of organs, prostitution and kidnapping are not considered predicate offences.

CICAD notes with concern that the country has not incorporated the use of special investigation actions for controlling these crimes into its legislation.

RECOMMENDATION:

14. INCLUDE IN ITS LEGISLATION, THE USE OF SPECIAL INVESTIGATION ACTIONS FOR CONTROLLING MONEY LAUNDERING AND AS PREDICATE OFFENCES FOR MONEY LAUNDERING, THE TRAFFICKING OF HUMAN BEINGS, TRAFFICKING OF ORGANS, PROSTITUTION, AND KIDNAPPING.



D. Corruption

Dominica reports that the provisions of Act 6/2003 on the Integrity of Public Officers and Employees set forth that acts of corruption are considered an offense or an administrative misdemeanor in accordance with the Inter-American Convention against Corruption. The applicable sanctions are fines and/or prison terms. Not included are cases of embezzlement by a public officer and any other act or omission by any person who takes a decision on behalf of the public authority which results in ill-gotten benefits for him/herself or any other third party.

The country indicates that no public official has been charged or convicted for corruption offenses in connection with illicit drug trafficking from 2003 – 2004.

CICAD is pleased to note the existence of a special anti-corruption law.

E. Organized Crime

The country does not have a specific law regarding prevention, control and repression of transnational organized crime related to illicit drug trafficking and related offenses. It reports that to combat this crime, it applies all its current legislation, including the Terrorism Act and the Illegal Immigration Act.

Dominica reports that offenses related to organized crime that are criminalized by the country's legislation include: participation in an organized criminal group, money laundering, corruption, obstruction of justice, trafficking in persons, and illicit trafficking of migrants. The Criminal Investigation Department and the local INTERPOL office are responsible for enforcing the laws against transnational organized crime. The country reports that it has training courses on these topics, but provides no details about the nature of that training other than two people were trained in 2003, and none in 2004.

No data on arrests in connection with transnational organized crime were reported for the 2003 – 2004 evaluation period.

CICAD notes that Dominica has special laws that define transnational organized crime, and that those laws enable the country to prevent and control such criminal acts.



V. CONCLUSIONS

CICAD notes that Dominica has developed a National Anti-Drug Plan for 1999 – 2004. However, this does not cover supply reduction or control measures. It also notes that since 2000, the country has not had a national anti-drug authority to guide national policy and to comprehensively coordinate all the agencies involved in anti-drug activities. Nevertheless, the Ministry of Health's National Drug Prevention Unit coordinates and carries out demand reduction activities.

Dominica is party to the most important drug-related international conventions; however, it has not yet ratified the United Nations Convention against Transnational Organized Crime (2000) and its three Protocols, which CICAD believes to be a key instrument for international cooperation in combating transnational organized crime and its connection with the anti-drug efforts.

CICAD views with satisfaction the existence of prevention programs at all levels of the education system. It is concerned, however, at the absence of minimum standards of care for drug dependents.

The country does not have a legal framework or mechanisms for keeping effective controls over pharmaceutical products and controlled chemical substances. CICAD therefore observes that the country should, as a first step, direct its efforts toward enacting the necessary legislation in this area.

The figures for seizures of cannabis plants, in comparison to Dominica's territory and population figures, indicate that the country should increase its efforts toward controlling illicit drug production and trafficking. The country must also implement measures to prevent the diversion of and trafficking in firearms, ammunition, explosives, and related materials, including the enactment of the relevant legislation.

Dominica has made progress regarding money laundering control. However, consideration should be given to including the predicate offenses not covered by current legislation and the use of special investigation techniques. CICAD also notes with satisfaction the existence of a special anti-corruption law.

Finally, CICAD is pleased to acknowledge the commitment of Dominica to actively participate in the evaluation process through the Multilateral Evaluation Mechanism.



VI. SUMMARY OF RECOMMENDATIONS

The following recommendations are assigned to Dominica in order to assist the country in strengthening its policy to combat the problem of drugs and related activities and increase multilateral cooperation in the Hemisphere:

INSTITUTIONAL BUILDING

1. INCLUDE THE AREAS OF SUPPLY REDUCTION AND CONTROL MEASURES IN THE NEXT NATIONAL ANTI-DRUG PLAN.
2. REACTIVATE THE NATIONAL DRUG ADVISORY COUNCIL, WHICH WAS SUSPENDED SINCE 2000.
3. RATIFY THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (2000), REITERATED RECOMMENDATION FROM THE SECOND EVALUATION ROUND, 2001 – 2002 AND ITS PROTOCOLS:
 - A. PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR;
 - B. PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN;
 - C. PROTOCOL AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION.
4. IMPLEMENT A NATIONAL DRUG OBSERVATORY.

DEMAND REDUCTION

5. DEVELOP AND EXECUTE DRUG-USE PREVENTION PROGRAMS TARGETING UNIVERSITY STUDENTS, WOMEN AND PRISON INMATES.
6. BROADEN THE TRAINING OF PROFESSIONALS IN THE DRUG ABUSE PREVENTION AREA.
7. ESTABLISH MINIMUM STANDARDS OF CARE FOR DRUG ABUSE CASES.
8. DEVELOP A STUDY ON DRUG ABUSE PREVALENCE IN THE GENERAL POPULATION, A REITERATED RECOMMENDATION FROM THE SECOND EVALUATION ROUND, 2001 – 2002.

SUPPLY REDUCTION

9. ESTABLISH A REGISTRY OF THE ERADICATED ILLICIT CANNABIS PLANTATIONS.
10. DEVELOP A SYSTEMATIC FOLLOW-UP OF THE ALTERNATIVE DEVELOPMENT PROGRAMS.
11. ENACT LEGISLATION TO PROVIDE FOR ASPECTS OF MONITORING, REGULATING, AND PREVENTING THE DIVERSION OF PHARMACEUTICAL PRODUCTS IN ACCORDANCE WITH THE UNITED NATIONS CONVENTIONS OF 1961, 1971 AND 1988, A REITERATED RECOMMENDATION FROM THE SECOND EVALUATION ROUND, 2001 – 2002.



12. ENACT LEGISLATION TO PROVIDE FOR ALL ASPECTS OF CONTROL, REGULATING AND PREVENTING THE DIVERSION OF CONTROLLED CHEMICAL SUBSTANCES IN ACCORDANCE WITH THE UNITED NATIONS CONVENTIONS OF 1961, 1971 AND 1988, A REITERATED RECOMMENDATION FROM THE SECOND EVALUATION ROUND, 2001 – 2002.

CONTROL MEASURES

13. ESTABLISH LEGAL PROVISIONS AND MECHANISMS TO PREVENT AND CONTROL THE DIVERSION OF FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS IN ACCORDANCE WITH THE 1997 INTER-AMERICAN CONVENTION AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS (CIFTA).
14. INCLUDE IN ITS LEGISLATION, THE USE OF SPECIAL INVESTIGATION ACTIONS FOR CONTROLLING MONEY LAUNDERING AND AS PREDICATE OFFENCES FOR MONEY LAUNDERING, THE TRAFFICKING OF HUMAN BEINGS, TRAFFICKING OF ORGANS, PROSTITUTION, AND KIDNAPPING.