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

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

**HAITI**

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

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## INTRODUCTION

Haiti has a total area of 27,750 km<sup>2</sup>, 360 km of border to the east with the Dominican Republic and 1,771 km of coastline. The country has a population of 7,656,166 (2004) with the following main ethnic groups: black, mulatto, and white, and a literacy rate of 52.9%. Haiti has a democratic government divided into 9 departments. The country has a GDP per capita of US\$417 and an inflation rate of 9.9% (2002). Haitian exports total US\$321 million annually, which is 10.05% of the GDP (2003) relying on the principal exports of manufactures, coffee, oils, and cocoa.

## I. INSTITUTIONAL BUILDING/NATIONAL ANTI-DRUG STRATEGY

### A. National Anti-drug Plan and National Commission

Haiti reports that a National Anti-Drug Plan, prepared by the National Drug Control Commission, the "Commission Nationale de Lutte contre la Drogue" (CONALD), was presented to the Government for adoption in December 2003. The Plan, which covers the period 2004-2008, addresses the areas of demand reduction, supply reduction, control measures, institutional development and program evaluation. A proposed budget for the National Plan was also submitted to the Government. No date has been set for its definitive adoption.

CONALD, established on May 31, 2002, is empowered to set national anti-drug policy and coordinate the actions of different State agencies and non-governmental and international organizations involved in the fight against drug abuse and illicit drug trafficking. The Commission's budget is totally funded from government sources. It had an approved budget of US\$245,000 for fiscal year 2002-2003, of which it received US\$230,000, and a budget of US\$360,000 for fiscal year 2003-2004, of which it received US\$130,000 in the period from October 1, 2003, to February 27, 2004. In Haiti, the fiscal year begins on October 1 and ends on September 30 of the following year. While CONALD did not receive financial assistance from international sources during the 2002-2003 period, it did receive from the Inter-American Drug Abuse Control Commission (CICAD) technical and equipment assistance valued at US\$96,500.

CICAD considers that the establishment of CONALD is an important step forward for drug control activities in Haiti, but the final approval of a National Anti-Drug Plan, which has been in preparation for several years, is essential in order to assure adequate policy implementation.

### **RECOMMENDATION:**

1. APPROVE AND IMPLEMENT THE NATIONAL DRUG PLAN, A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND, 1999-2000.

### B. International Conventions

Haiti has ratified the following Conventions:

- The Inter-American Convention against Corruption (1996).
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988).
- The United Nations Single Convention on Narcotic Drugs (1961), as amended by the 1972 Protocol.



The country has signed but not ratified the United Nations Convention Against Transnational Organized Crime and its Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and against the Smuggling of Migrants by Land, Air and Sea, and has not signed the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. The country informs that the process for deposit of the instruments of ratification of the 1971 United Nations Convention on Psychotropic Substances is under way in the Ministry of Foreign Affairs. Ratification of the Inter-American Convention against Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials (CIFTA) and of the Inter-American Convention on Mutual Assistance in Criminal Matters is still pending.

A maritime cooperation agreement with the United States was approved by the Haitian Parliament in December 2000, entering into force on November 5, 2002, and a drug control assistance memorandum of understanding with the same country was signed on May 15, 2002, with a one-year validity. Haiti also signed, on April 10, 2003, the Agreement Concerning Co-operation in Suppressing Illicit Maritime and Air Trafficking in Narcotic Drugs and Psychotropic Substances in the Caribbean Area.

CICAD considers that while progress has been made, such as the ratification of the Inter-American Convention against Corruption, gaps still persist in Haiti's adherence to international conventions dealing with drug trafficking and related offenses.

## **RECOMMENDATIONS:**

2. ACCEDE TO THE 1971 UNITED NATIONS CONVENTION, A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND, 1999-2000.
3. SIGN AND RATIFY THE INTER-AMERICAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS, A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND 1999-2000.
4. RATIFY THE INTER-AMERICAN CONVENTION AGAINST THE ILLEGAL MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS (CIFTA), A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND, 1999-2000.
5. RATIFY THE UNITED NATIONS (UN) CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND ITS FOLLOWING PROTOCOLS, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001-2002:
  - A) THE PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR
  - B) THE PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN
  - C) ACCEDE AND RATIFY THE PROTOCOL AGAINST ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION

## **C. National Information System**

Haiti established a National Drug Observatory, the "Observatoire Haitien des Drogues" (OHD), on November 4, 2002, with the assistance of CICAD, and is setting up facilities to carry out a number of surveys. Training seminars have been held for the representatives of the different sectors



that will be called upon to work with the Observatory, to familiarize them with its operation. The country indicates, however, that lack of financial, human and materiel resources hinder collection, analysis and utilization of statistics and documentation of information on drugs.

Haiti participates in CICAD's Inter-American Uniform Drug Use Data System (SIDUC) and carried out partial surveys in 2003 on treatment center patients, emergency room patients and secondary school students. It also participates in CICAD's Uniform Statistical System on Control of the Supply Area (CICDAT) and reported statistics in 2003 on quantity of drugs seized, number of seizures by drug type, and persons arrested. The country also submits statistics on a regular basis to the United Nations through its answer to the United Nations Office on Drugs and Crime Annual Report Questionnaire. CONALD distributes drug related publications and reports to the public, but there is no specific budget for information dissemination.

CICAD recognizes Haiti's achievement in establishing the OHD, but notes the difficulties the country is facing in order to make it fully operational.

### **RECOMMENDATION:**

6. TAKE MEASURES TOWARDS MAKING THE DRUG OBSERVATORY (OHD) FULLY OPERATIONAL.

## **II. DEMAND REDUCTION**

### **A. Prevention**

Haiti informs that it has no national system of drug abuse prevention programs that target key populations. It also informs that no evaluation of prevention programs or research on the impact of such programs or "best practices" has been conducted during the 2003-2004 evaluation period.

As regards professional specialized training, short refresher courses for 18 social workers and psychologists were offered in 2002. The content on drug abuse prevention and/or treatment is included in the Psychology curriculum at the Ethnology Faculty of Haiti's State University and the "Faculté des Sciences Humaines" (FASCH). Students and public servants from the Education and Social Affairs Ministries have participated in seminars on prevention, funded through international cooperation and conducted by the Association for the Prevention of Alcoholism and other Chemical Addictions ("Association pour la Prévention de l'Alcoolisme et autres Accoutumances Chimiques" – APAAC).

CICAD appreciates the initiatives the country has taken in the area of training, but manifests its concern with the lack of a national system of drug abuse prevention programs that target key populations, as well as of an program evaluation for prevention and research programs.

### **RECOMMENDATION:**

7. DEVELOP AND IMPLEMENT SYSTEMATIC NATIONAL DRUG PREVENTION PROGRAMS, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001-2002.



## B. Treatment

The country informs that there are no guidelines or regulations on standards of care for drug abuse treatment.

The country reports that no public treatment programs for drug addicts are in existence. Patients in the Psychiatric Center and the General Hospital emergency rooms are treated for intoxication but are not given care in the context of a public drug addiction treatment program. There are private programs that cover treatment and rehabilitation, social reintegration and aftercare and self-help groups.

The country informs that 102 patients received treatment, upon request, in 2003, and 22, in 2004 (January-May). It reports that there was one treatment program available in 2002, 2003 and 2004. The patients received a day-care treatment.

CICAD manifests its concern with the lack of guidelines or regulations on standards of care for drug abuse treatment, as well as of public treatment programs for drug addicts. It notes with regret the fact that Haiti has not provided all the information requested on this matter.

## RECOMMENDATIONS:

8. DEVELOP AND IMPLEMENT SYSTEMATIC NATIONAL DRUG TREATMENT PROGRAMS, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001-2002.
9. ESTABLISH MINIMUM STANDARDS OF CARE FOR DRUG ABUSE TREATMENT.

## C. Statistics on Consumption

A survey made by the Association for the Prevention of Alcoholism and Substance Abuse (APAAC) in 2003 to estimate for the prevalence of drug abuse in Port-au-Prince and its vicinity (Plaine du Cul de Sac, Cité Soleil, Carrefour, Pétionville and Delmas), based on the information provided by persons that sought assistance from the Association in that year, provided the following data:

Drug Prevalence Survey in  
Port-au-Prince and its Vicinity (2003)

Type of drug	Male	Female	Total
Cannabis	35%	7%	42%
Heroin	10%	-	10%
Crack	48%	-	48%

Another survey conducted by the same entity among 435 students in 8 Port-au-Prince schools in 2003 and 2004 indicates that 90% perceive drug use as being harmful to their health and well-being. There is also evidence of a growing perception of the risk associated with drug use. The country further informs that preparatory activities for conducting the national study on the prevalence of drugs in secondary schools has already begun. Data collection is envisaged to start in 2005.

There are no estimates of drug-related morbidity among injecting drug users, of drug-related mortality and of drug-related accidents and crime. No new trends in drug abuse have yet been identified.



CICAD considers the situation regarding drug demand reduction in Haiti to be precarious despite official and private efforts, and considers that the matter requires urgent attention.

### **RECOMMENDATION:**

10. IMPLEMENT A DATA COLLECTION SYSTEM TO CALCULATE THE ANNUAL INCIDENCE, PREVALENCE AND TRENDS IN THE USE AND TYPES OF DRUGS WITHIN THE GENERAL POPULATION, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001-2002.

## **III. SUPPLY REDUCTION**

### **A. Drug Production and Alternative Development**

CICAD manifests concern with the lack of a mechanism, in Haiti, capable of providing information on drug production and alternative development.

### **B. Drug Supply and Control of Pharmaceutical Products and Chemical Substances**

Haiti informs that no illicit laboratories for the production of organic or synthetic drugs have ever been found in the country.

#### **Pharmaceutical Products**

The Central Directorate for Pharmacy and Control of Chemical Substances ("Direction Centrale de Pharmacie et de Contrôle des Substances Chimiques" – DCP) of the Ministry of Public Health is the organization with principal responsibility for controlling pharmaceutical products and preventing their diversion. DCP is responsible for import/export control, license control, monitoring distribution, inspection, regulatory control and administrative sanctions in the commercial and health care sectors. Haiti informs that all pharmaceutical products under international control used in the country are registered by DCP.

The use and distribution of pharmaceutical products are regulated through prescription requirements, special permits or licenses to prescribe certain drugs, distribution through pharmacies or other authorized outlets, monitoring distribution or purchases and registry of licensees. The effectiveness of the control entity is evaluated qualitatively through studies of import and distribution reports by firms and dispensation reports by pharmacies. Haiti informed, however, that, due to a lack of logistical means and human resources, many pharmacies, health organizations and laboratories were not being inspected, and that in order to address these problems, an annual plan of activities and needs has been put into effect, but its implementation faces a number of obstacles, notably the lack of resources. Some progress has been made, however, such as the establishment of a mechanism of cooperation with the Customs authorities, so that the authorization of the Central Directorate for Pharmacy has to be obtained before any chemical products are cleared, as well as the distribution of prescription books for narcotics in the main hospital centers in the capital. Regarding the importers of pharmaceutical products, reports on narcotics are being issued monthly for pharmacies in some parts of the country.

There are laws or regulations providing for penal, civil and administrative sanctions against the diversion of pharmaceutical products, but no such penalties were applied during the evaluation period 2003-2004. The country indicated that lack of communication among concerned



institutions resulted in slow and feeble application of available sanctions. During 2003, 3 seizures of small quantities of controlled pharmaceutical products were made and are being held in deposit, since DCP does not have the means to destroy them, due to the lack of a high capacity incinerator. Haiti further informs that alternatives to incineration will be explored.

CICAD considers that Haiti has in place an administrative structure for the control of the diversion of pharmaceutical products, but the effective implementation of such controls suffers from serious weaknesses. The regulatory coverage as regards chemical substances does not seem to be sufficiently comprehensive, as well. It also notes with concern the problems mentioned regarding weakness of the inspection service, lack of coordination between DCP and customs authorities and lack of compliance with regulations by hospitals and non-governmental organizations.

### **Controlled Chemical Substances**

The DCP has principal responsibility for controlling chemical substances, including import/export control, license control, monitoring distribution, inspection, investigation, regulatory control, administrative sanctions, registry of licensees and pre-export notifications. Haiti informs that its controls on chemical substances do not cover the full range of such substances as listed in United Nations Conventions and the CICAD model regulations.

The effectiveness of the control entity is evaluated qualitatively through reports sent to the Ministry of Public Health and the International Narcotics Control Board. Haiti reports that impediments encountered in fulfilling the control of the diversion of chemical substances are the weakness of the inspection service, lack of coordination between DCP and customs authorities and lack of compliance with regulations by hospitals and non-governmental organizations. It further reports that norms and procedures will be elaborated to deal with these problems.

There are laws or regulations providing for penal, civil and administrative sanctions against the diversion of chemical substances, and 6 administrative sanctions were applied in 2003. As with pharmaceutical products, a lack of communications between government institutions hinders the imposition of sanctions.

Haiti informs that it did not send any pre-export notifications for controlled chemical substances during the evaluation period 2003-2004 and that it received 12 pre-export notifications in 2003, of which it was able to send timely replies to 6. Both in 2002 and 2003, 1 pre-export notification was rejected and an investigation on it initiated by the country. Haiti indicates that the shortness of time between receipt of notification and dispatch of exports posed a problem for the DCP. No information was given on seizures of chemical substances. The country informs that it does not export chemical substances, but does not mention whether there is a normative framework.

CICAD considers that Haiti has in place an administrative structure for the control of the diversion of chemical substances, but the effective implementation of such controls suffers from serious weaknesses. It also considers that the alleged lack of communications between government institutions is cause for concern. The regulatory coverage as regards chemical substances does not seem to be sufficiently comprehensive, as well.

### **RECOMMENDATIONS:**

11. IMPLEMENT A SYSTEM TO ENABLE THE COUNTRY TO HAVE INFORMATION ON ILLICIT CROP CULTIVATION AREAS.
12. EXTEND THE COVERAGE OF CONTROLS ON CHEMICAL SUBSTANCES SO AS TO INCLUDE THE FULL RANGE OF SUCH SUBSTANCES AS LISTED IN THE UNITED NATIONS CONVENTIONS.





## IV. CONTROL MEASURES

### A. Illicit Drug Trafficking

Haiti reports that 5 seizures of heroin (2.5 kg plus 234 individual doses), 20 of cocaine base (55.2 kg) and 4 of cannabis leaf (520 kg) were made in 2003, while 10 seizures of cocaine base (51.3 kg) and 3 of cannabis leaf (13 kg) were made in 2004. The country further reports that 269.8 kg of cocaine base and 149 kg of cannabis leaf were seized in 2002, without providing the number of seizures whereof. Seized drugs are always incinerated.

The country informs that 23 persons were arrested for illicit drug trafficking in 2002, 24 in 2003, and 22 in 2004. No information was provided as regards the number of persons tried and convicted for the same felony. No information was provided either on the number of persons arrested, tried and convicted for illicit drug possession. The country reports that such information is unavailable.

Information exchange and collaboration among authorities responsible for controlling illicit drug trafficking are promoted by means of an interagency committee, but there is no formal mechanism to evaluate its effectiveness. Nevertheless, Haiti reports the mechanism has led to information sharing and greater effectiveness in combating illicit drug trafficking, although the lack of experience in working together among the authorities involved has posed difficulties.

No information was provided on the number of judicial cooperation requests regarding illicit drug trafficking made or received by Haiti. The country reports that such information is unavailable. The country also informs that it issued no extradition requests for drug trafficking during years 2002-2004.

Haiti reports that it received and responded to one extradition request for illicit drug trafficking in 2002. The Haitian Constitution does not allow the extradition of nationals.

CICAD considers that while the information available does not allow for a detailed picture as regards the control of illicit drug trafficking in Haiti to emerge, coordination of activities among Haitian authorities and between these and foreign authorities could be considerably improved.

### **RECOMMENDATIONS:**

13. ESTABLISH A MECHANISM TO RECORD THE NUMBER OF PERSONS TRIED AND CONVICTED FOR ILLICIT DRUG TRAFFICKING AND POSSESSION.
14. ESTABLISH A MECHANISM TO EVALUATE THE EFFECTIVENESS OF THE EFFORTS MADE BY THE AUTHORITIES RESPONSIBLE FOR CONTROLLING ILLICIT DRUG TRAFFICKING.

### B. Firearms And Ammunition

The Haitian national entities responsible for controlling movements of firearms, ammunition, explosives and other related materials and preventing their diversion are the National Police ("Police Nationale d'Haiti") and the General Administration of Customs ("Administration Générale des Douanes"). The country informs that it has an interagency committee and a communication system/network promote information exchange on arms movements, but that there is no formal mechanism to evaluate the effectiveness of control activities in relation to the aforementioned items. The main impediment to interagency collaboration reported is a lack of experience in working together.





Haiti informs that there is current legislation criminalizing the illicit possession, trafficking and manufacture of firearms, ammunition, explosives and other related materials. Nevertheless, no information is provided on the number of persons arrested, tried and convicted for violations of such legislation. According to the country, such information is not available.

The Haitian Customs Code establishes administrative controls that cover the importation, exportation and transit of firearms, ammunition, explosives and other related materials. There are no national laws and/or regulations, however, requiring the issue of an import or in-transit license or authorization before permitting the entry of shipments of firearms, ammunition, explosives and other related materials, nor requiring that the importing country first issue a license or authorization before allowing exportation of such shipments. There is also no national database or record keeping system that maintains a record by dates, description and serial or lot numbers of firearms, ammunition, explosives and other related materials imported, exported or in-transit. The country reports that it is not an exporter of firearms, but does not mention whether there is a normative framework.

No information was provided on seizures of firearms, ammunition, explosives and other related materials in the context of their illicit trafficking or in connection to illicit drug trafficking. Haiti does not require the marking of firearms as provided for in the Inter-American Convention against the Illicit Manufacture and Trafficking of Firearms, Ammunition, Explosives and Other Related Materials. In case of seizure, firearms are either destroyed or donated to the National Police.

The entity responsible for information exchange and collaboration with other countries, in relation to the control of firearms, ammunition, explosives and other related materials is the National Police. The cooperation mechanisms employed are interagency committees, joint forces/operations and interagency communications systems/networks.

Haiti reports that no information is available on the number of requests made to other states or received by the country to obtain information in relation to shipments of firearms, ammunition, explosives and other related materials.

CICAD considers that Haiti presents serious deficiencies as regards the control of illicit trafficking of firearms, ammunition, explosives, and other related materials, beginning with a lack of an adequate legislative and regulatory framework, as called for by CIFTA.

## **RECOMMENDATION:**

15. ESTABLISH AN ADEQUATE LEGISLATIVE AND REGULATORY FRAMEWORK REGARDING THE CONTROL OF ILLICIT TRAFFICKING OF FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS, AS CALLED FOR BY THE INTER-AMERICAN CONVENTION AGAINST ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS (CIFTA).

## **C. Money Laundering**

The Law of February 21, 2001 on Money Laundering and Other Serious Offenses criminalizes money laundering. It includes illicit drug trafficking, traffic of firearms, traffic of human beings, corruption and fraud as predicate offenses.

In Haiti, prostitution and pornography are not criminalized, therefore, they are not predicate offenses to money laundering under its legislation.

Under Haitian legislation, money laundering is an autonomous offense. Proof of the predicate offense is not necessary to prosecute a person for money laundering.



Haitian laws authorize electronic surveillance and controlled deliveries in order to combat money laundering. There are administrative controls regarding offshore banks, currency exchanges, stock exchange, real estate and cross border movements of currency and negotiable bearer instruments. The law applies as well to all operations by money changers, casinos, and gaming houses as well as to persons controlling or providing advice on real estate operations. Haiti reports that 3 persons were arrested and are facing legal action for money laundering activities. Judgment is still pending in the three cases.

The country clarifies that its legislation authorizes undercover operations in search for evidence of predicate offenses, provided there is authorization of the dean of the local magistrate's court where the operation is taking place. Haitian legislation also makes allowance for reducing the sentences of convicts who agree to collaborate with the justice system.

The country informs that no sentences for money laundering were handed down during the evaluation period 2003-2004.

It is mandatory for financial institutions and others responsible to report suspicious or unusual transactions to the competent authorities. These institutions are exempted from liability for making reports in accordance with the obligating law. Furthermore, they must have in place control measures such as reporting large transactions, verification of client identity, transaction registry, preservation of records and know-your-client policies. The Haitian law on money laundering sets out clear measures for customer registration, designation of executives in each financial institution, and prohibition of anonymous accounts.

Haiti reports that investigations on suspicious transactions were made in 2004 and criminal charges brought in one instance in the same year. Forfeited values to the amount of approximately US\$400,000 were being held in 2004. Nevertheless, there was no method to evaluate the effectiveness of the system on suspicious transaction reporting.

The country informs that 1,000 suspect transactions were reported in 2004, of which 180 are currently under investigation, and 3 have resulted in the opening of criminal proceedings. So far, there have been no convictions. The total amount of assets confiscated is around US\$4.31 million (including frozen assets).

The country informs that no sanctions were imposed in 2004, on financial institutions and others responsible for failure to report suspicious transactions or to comply with other money laundering control measures. No information was provided either on the option of lifting bank secrecy.

Haiti informs that there is a project for the creation of an office for the administration of assets seized for illicit drug trafficking and money laundering offenses. Meanwhile, the General Direction of Taxes ("Direction Générale des Impôts") is in charge of safeguarding such assets. There are no manuals for their management.

The Central Financial Information Unit ("Unité Centrale de Renseignements Financiers" – UCREF) became operational on December 2003. UCREF, which is under the authority of the National Committee to Combat Money Laundering ("Comité National de Lutte Contre le Blanchiment des Avoirs"), has its own budget, of US\$437,000, and a staff of 12.

UCREF conducts analyses and reports findings, investigates, receives and communicates reports and transmits pertinent cases to the Government Commissary for Judicial Prosecutions ("Commissaire du Gouvernement pour les Poursuites Judiciaires"). It cannot consult bank accounts directly, but must go through the Board of Directors of the bank. The Unit shares information with other state agencies and its foreign counterparts.



Under the current law, the central bank and the national courts – and not UCREF - are the institutions that have regulatory functions. Also the UCREF does not impose any penalties.

UCREF is currently investigating 180 cases, 3 of which have already been referred to the Public Prosecutor's Office. One trial has been conducted. No convictions or forfeiture of assets have been carried out. There is no system to track the results of the Unit's reports nor is there a method to evaluate the effectiveness of analysis on financial disclosures/reports/cases.

UCREF is pursuing negotiations in order to join the Egmont Group. Haitian legislation authorizes it to share information with a counterpart in other countries without the need of signing a Memorandum of Understanding.

Haiti reports that it did not make or receive any extradition requests for money laundering in the evaluation period 2003-2004. There are no provisions in extradition treaties facilitating requests to other countries for extradition on money laundering cases. Extradition of nationals is not permitted under Haitian law.

Haiti further reports that it has issued three requests to another country to freeze assets in money laundering cases in 2003-2004. The Ministry of Foreign Affairs and Ministry of Justice is the central authority responsible for making international cooperation requests to other countries. No requests to lift bank secrecy in money laundering cases were made or received by Haiti in the same period.

No requests of preventive embargo have been received regarding foreign assets. UCREF has signed MOUs with its counterparts in the Dominican Republic, Panama and Honduras, regarding the preventive embargo in case of suspected money laundering activities.

No information has been provided regarding the existence of provisions in international cooperation treaties which might facilitate requests to or from other countries for lifting bank secrecy in money laundering cases.

Haiti informs that 6 prosecutors received specialized training in 2002 to administer money laundering cases, of which 1 continued to perform the same functions in 2004. It also informs that 54 administrative officials were trained to enforce laws and regulations to control and repress money laundering in 2002, but it does not inform how many of these remain in the same functions.

Haiti further reports that two training sessions on combating money laundering were held in 2004, with assistance from the Caribbean Anti-Laundering Program (CALP). Several Haitian civil servants were trained at these sessions, such as officers from the Financial and Economic Brigade (Brigade Financière et économique—BAFE), from the Anti-Drug Trafficking Office (Bureau de lutte contre le trafic de stupéfiants—BLTS), Central Directorate of the Judicial Police (Direction Centrale de la Police Judiciaire—DCPJ), Central Financial Information Unit (Unité Centrale de Renseignements Financiers—UCREF).

CICAD considers that the establishment of UCREF represents a first important step in the prevention and repression of money laundering in Haiti, and encourages the country to significantly continue improving the scope and effectiveness of activities in this area, particularly with regard to the efficiency of law enforcement agencies and the judiciary system.

## **RECOMMENDATION:**

16. PROVIDE JUDGES AND PROSECUTORS WITH UPDATED SPECIALIZED TRAINING FOR THE ENFORCEMENT OF LAWS CRIMINALIZING MONEY LAUNDERING.



## D. Corruption

Haiti reports that it has enacted and amended laws that criminalize, or define as a minor administrative misdemeanor, acts of corruption in accordance with the Inter-American Convention against Corruption in the evaluation period 2003-2004. It further reports that no public officials were arrested for corruption offenses related to illicit drug trafficking during years 2003-2004. No information on the number of public officials arrested, tried and convicted for offenses related to drug trafficking was presented.

The country further informs that, since ratification of the Inter-American convention against Corruption, one decree has been adopted by the Haitian Government on combating corruption. This is the decree of September 8, 2004 creating an agency called the Anti-Corruption Unit (Unité de Lutte contre la corruption—ULCC). Its responsibilities include compiling all Haitian laws that deal with corruption, proposing amendments and drafting a law on corruption to improve the transparency and performance of the government in general and the civil service in particular.

CICAD notes that Haiti has a legislative framework to deal with the problem of corruption, but that it provides no information about the number of public officials arrested, tried and convicted for offenses related to drug trafficking.

## E. Organized Crime

The country informs that there are national laws against organized transnational crime (Laws enacted on 02.21.2001 on money laundering, on 08.07.2001 on drug traffic and Penal Code). The following crimes are defined in the national laws: participation in the activities of criminal groups, money laundering, corruption, obstruction of justice, traffic in persons, traffic in migrants, illicit manufacture and traffic of firearms and ammunition. The national legislation contemplates various forms of international cooperation, including extradition, juridical assistance, confiscation of assets, protection and assistance to victims. It allows special techniques of investigation, including infiltration operations, interception of communications and controlled delivery.

The main agencies responsible for law enforcement are: the Bureau de Lutte contre le Trafic des Stupéfiants (BLTS), Unité Centrale de Reenseignements Financiers (UCREF) and the Ministère Public, besides the Courts and others. The country informs that, in 2004, three training courses for law enforcement officers were organized, benefitting 56 professionals. However, there are no systems for the evaluation of the effectiveness of the law enforcement agencies, or systems for the investigation of their future employees.

CICAD notes with concern the lack of a system of evaluation for law enforcement agencies and its professionals, and urges the country to address the issue.



## V. CONCLUSIONS

Haiti has made some progress in drug control during evaluation period 2003-2004. Examples of this progress are the activities of the National Drug Control Commission, the National Drug Observatory and the Central Financial Information Unit, as well as the ratification of the Inter-American Convention against Corruption. The country has also clearly made a considerable effort to fully participate in the MEM process.

However, gaps still persist in Haiti's adherence to international conventions dealing with drug trafficking and related offenses. The final approval of a National Anti-Drug Plan, which has been in preparation for several years, is essential in order to assure adequate policy implementation. The National Drug Observatory has yet to become fully operational.

The country has taken some important initiatives in the area of training, but still lacks a national system of drug abuse prevention programs that target key populations, a programme of evaluation of prevention and research programs, guidelines or regulations on standards of care for drug abuse treatment, a mechanism capable of providing information on drug production and alternative development as well as public treatment programs for drug addicts. The situation regarding drug demand reduction in Haiti seems to be precarious despite official and private efforts and requires urgent attention.

Haiti has in place an administrative structure for the control of the diversion of pharmaceutical products and chemical substances, but the effective implementation of such controls suffers from serious weaknesses. At the same time, coordination of activities among Haitian authorities and between these and foreign authorities still have to be considerably improved. Haiti presents serious deficiencies as regards the control of illicit trafficking of firearms, ammunition, explosives, and other related materials, beginning with a lack of an adequate legislative and regulatory framework, as called for by the Inter-American Convention Against Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials (CIFTA).

The establishment of the Financial Unit (UCREF) represents an important advance in the prevention and repression of money laundering in Haiti. The country also has put in place a legislative framework to deal with the problem of corruption, even though it provides no information about the number of public officials arrested, tried and convicted for offenses related to drug trafficking.

The number of recommendations reiterated from previous rounds indicates that Haiti has had considerable difficulty in dealing with the drug problem. There are serious gaps as regards to adherence to international conventions related to combating drug trafficking and connected crimes. There are grave deficiencies as well in the evaluation of the public health impact of drugs and provision of care to drug addicts. While the information provided is insufficient to allow for proper evaluation, drug related law enforcement may also need considerable improvement.

CICAD expects that the forthcoming approval of the National Anti-Drug Plan and the effective implementation of projects being developed in several areas will contribute to improve this situation and encourages Haiti to persist in its efforts to deal with the drug problem.



## VI. SUMMARY OF RECOMMENDATIONS

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

### INSTITUTIONAL BUILDING

1. APPROVE AND IMPLEMENT THE NATIONAL DRUG PLAN, A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND, 1999-2000.
2. ACCEDE TO THE 1971 UNITED NATIONS CONVENTION, A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND, 1999-2000.
3. SIGN AND RATIFY THE INTER-AMERICAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS, A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND, 1999-2000.
4. RATIFY THE INTER-AMERICAN CONVENTION AGAINST THE ILLEGAL MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS (CIFTA), A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND, 1999-2000.
5. RATIFY THE UNITED NATIONS (UN) CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND ITS FOLLOWING PROTOCOLS, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001-2002:
  - A) THE PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR
  - B) THE PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN
  - C) ACCEDE AND RATIFY THE PROTOCOL AGAINST ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION
6. TAKE MEASURES TOWARDS MAKING THE DRUG OBSERVATORY (OHD) FULLY OPERATIONAL.

### DEMAND REDUCTION

7. DEVELOP AND IMPLEMENT SYSTEMATIC NATIONAL DRUG PREVENTION PROGRAMS, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001-2002.
8. DEVELOP AND IMPLEMENT SYSTEMATIC NATIONAL DRUG TREATMENT PROGRAMS, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001-2002.
9. ESTABLISH MINIMUM STANDARDS OF CARE FOR DRUG ABUSE TREATMENT.
10. IMPLEMENT A DATA COLLECTION SYSTEM TO CALCULATE THE ANNUAL INCIDENCE, PREVALENCE AND TRENDS IN THE USE AND TYPES OF DRUGS WITHIN THE GENERAL POPULATION, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001-2002.



## SUPPLY REDUCTION

11. IMPLEMENT A SYSTEM TO ENABLE THE COUNTRY TO HAVE INFORMATION ON ILLICIT CROP CULTIVATION AREAS.
12. EXTEND THE COVERAGE OF CONTROLS ON CHEMICAL SUBSTANCES SO AS TO INCLUDE THE FULL RANGE OF SUCH SUBSTANCES AS LISTED IN UNITED NATIONS CONVENTIONS.

## CONTROL MEASURES

13. ESTABLISH A MECHANISM TO RECORD THE NUMBER OF PERSONS TRIED AND CONVICTED FOR ILLICIT DRUG TRAFFICKING AND POSSESSION.
14. ESTABLISH A MECHANISM TO EVALUATE THE EFFECTIVENESS OF THE EFFORTS MADE BY THE AUTHORITIES RESPONSIBLE FOR CONTROLLING ILLICIT DRUG TRAFFICKING.
15. ESTABLISH AN ADEQUATE LEGISLATIVE AND REGULATORY FRAMEWORK REGARDING THE CONTROL OF ILLICIT TRAFFICKING OF FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS, AS CALLED FOR BY THE INTER-AMERICAN CONVENTION AGAINST ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS (CIFTA).
16. PROVIDE JUDGES AND PROSECUTORS WITH UPDATED SPECIALIZED TRAINING FOR THE ENFORCEMENT OF LAWS CRIMINALIZING MONEY LAUNDERING.