

**Multilateral
Evaluation Mechanism
MEM**



Colombia

**2005 PROGRESS REPORT IN DRUG CONTROL
IMPLEMENTATION OF RECOMMENDATIONS
FROM THE THIRD EVALUATION ROUND**



**RECOMMENDATION 1:****FINALIZE THE AGREEMENT OF THE NATIONAL DEMAND REDUCTION POLICY, WITH THE DIFFERENT SECTORS, ENSURING THROUGH THE APPROPRIATE CHANNELS THAT IT REMAINS IN FORCE FOR AT LEAST 10 YEARS**

PUBLICATION DATE: JUNE 2005

Colombia reports that this recommendation is being implemented, and notes that it presented a discussion paper in different regions of the country to formulate its National Drug Demand Reduction Policy, which is now under review by technical experts of the National Drug Demand Reduction Commission, an entity coordinated within the Ministry of Social Welfare. Colombia reports that it plans to present the policy to the National Narcotics Council for its legal endorsement in 2006.

CICAD appreciates the continuity of the consultation process recommended, and encourages the country to complete it within the time frame indicated.

RECOMMENDATION 2:**RATIFY THE FOLLOWING PROTOCOLS TO UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002:****A) PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR ¹****B) PROTOCOL AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION ²**

PUBLICATION DATE: JANUARY 2003

REITERATION DATE: JUNE 2005

Colombia reiterates the reasons why it has not signed the Protocols to which this recommendation refers, indicated in the Evaluation Report 2003–2004. The country states that both Protocols are not essential in fighting the world drug problem and indicates that its non-subscription to these Protocols does not affect its compliance with the international commitments assumed by Colombia in this subject. The country refers to CICAD's principle not to question the sovereign capacity of each state to decide which international obligations to undertake.

¹ Colombia informs that it did not ratify the Protocol against Smuggling of Migrants by Land, Sea and Air because the country considers that said instrument contains provisions that go beyond the scope of the Protocol. Colombia considers that these provisions are designed to legitimize the forced repatriation of migrants that have not necessarily been subject to illicit trafficking, which is considered inconvenient to the country, given its high level of emigration.

² Colombia informs that it does not consider it opportune to ratify the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition since Colombia has manifested its disagreement with the scope of the Protocol. Colombia informs that it would have preferred that the Protocol be applied to all types of transfers of firearms, their parts, components and ammunition, so that the transfer between states, as well as all other transfers, be subject to the control mechanisms set forth in the Protocol.



CICAD notes with concern that Colombia has not ratified the two Protocols to which this recommendation refers, bearing in mind that the recommendation was formulated during the Second Evaluation Round, 2001–2002.

RECOMMENDATION 3:

INCREASE THE NUMBER OF DRUG USE STUDIES OR SURVEYS

PUBLICATION DATE: JUNE 2005

Colombia reports that will publish the National Mental Health Study 2003–2004 and the National School Drug Use Survey in 2006, in order to determine what studies should be carried out in the short term into drug-related risk and protection factors. The country held a national event at the beginning of 2006 to disseminate the situation as regards the use of psychoactive substances, with the support of CICAD/OAS. Its analysis will produce methodological guidelines for the regional dissemination of those studies.

CICAD acknowledges the efforts Colombia is making to comply with this recommendation and encourages the country to continue working towards its implementation.

RECOMMENDATION 4:

IMPLEMENT A PUBLIC HELP LINE TO PROVIDE INFORMATION ON THE DRUG PROBLEM

PUBLICATION DATE: JUNE 2005

Colombia has not begun to implement this recommendation. However, the country reports that the Ministry of Social Welfare intends to set up a national public help line on drug use, among other topics, and that its National Committee for Demand Reduction has indicated that it would be useful to sign an agreement to that end with a university.

CICAD encourages the country to take the necessary steps towards the fulfillment of this recommendation.

RECOMMENDATION 5:

ADOPT GUIDELINES AT THE NATIONAL LEVEL FOR THE DISSEMINATION OF INFORMATION ON PREVENTION, TREATMENT, AND REHABILITATION PROGRAMS, AND FOLLOW UP ON THEIR EFFECTIVE IMPLEMENTATION

PUBLICATION DATE: JUNE 2005

Colombia reports that it has taken the first steps to implement this recommendation, based on the Demand Reduction Module of the Colombian Observatory on Drugs, established in a resolution of april 2005. In addition, it has a National Directory of Treatment Centers, and an official document that it has distributed to health institutions and universities, which records the country's entire supply of treatment and rehabilitation services. The document requires a periodic update (every two years), the implementation of which has been duly programmed, under the aegis of the Ministry of Social Welfare and with the participation of the sub national entities.

CICAD encourages the country to conclude the implementation of this recommendation.

**RECOMMENDATION 6:****IMPLEMENT A NATIONAL SYSTEM OF DRUG ABUSE PREVENTION PROGRAMS THAT TARGET KEY SECTORS OF THE POPULATION**

PUBLICATION DATE: JUNE 2005

Colombia reports that it has drug use prevention programs at the regional level owing to its ongoing decentralization process. However, the country recognizes that these programs need to be linked in coordination with the different sectors involved. To this end, the National Demand Reduction Commission has already designed the framework of responsibilities and duties for the intersectoral work, and it has two national prevention programs: 1) National Program for Drug Abuse Prevention in the Workplace and 2) National School Drug Abuse Program. The sustainability of these over time has been ensured by their interconnections with and incorporation into the Professional Risk System and the National Public Health System.

Additionally, Colombia notes that since drug abuse prevention is one of the public health priorities of the 2002–2006 Strategic Health Plan, it has prepared, disseminated, and developed in all the sub national entities the guidelines set at the national level for preventing drug use as a mandatory action in the strategic and operational plans of all the country's departments and municipalities for the period 2004–2007.

CICAD expresses its satisfaction at compliance with this recommendation.

RECOMMENDATION 7:**DEVELOP A SYSTEM ENABLING EXISTING PREVENTION PROGRAMS TO BE EVALUATED**

PUBLICATION DATE: JUNE 2005

Colombia reports having developed a method to evaluate psychoactive substance use prevention actions. The country indicates that this method was reviewed and reformulated after several meetings of national experts. A management component was incorporated to determine the response capacities of the respective departmental bodies, in order to begin to use the instrument in 2006.

CICAD expresses its satisfaction at the compliance with this recommendation.

RECOMMENDATION 8:**IMPLEMENT THE DRAFT RESOLUTION DEFINING THE CONDITIONS FOR CERTIFYING DRUG ADDICTION TREATMENT CENTERS AND DRUG DEPENDENCY SERVICES**

PUBLICATION DATE: JUNE 2005

Colombia reports that this recommendation is being implemented. The Ministry of Social Welfare issued Resolution 4750 of December 20, 2005, setting out the conditions for certification of drug addiction treatment centers and drug dependency services. The standard set a deadline of six months from the date of its enactment for centers to conduct a self-evaluation. Subsequently, the departmental health secretariats will initiate registration of the aforesaid centers and prepare a plan of inspection visits to verify compliance with the standard; to this end, training efforts have begun as a first step toward the implementation of the Resolution.



CICAD recognizes the efforts that Colombia has made in this regard and encourages the country to take the steps necessary to fulfill the recommendation.

RECOMMENDATION 9:

ESTABLISH MECHANISMS TO VERIFY THE COMPLIANCE WITH STANDARDS OF CARE

PUBLICATION DATE: JUNE 2005

Colombia reports that the Departmental Health Secretariats are responsible for verifying compliance with certification requirements for drug addiction treatment centers by means of a preestablished procedure that includes certification and its possible revocation. Likewise, the country provided training to the persons responsible for implementation of this procedure at the sub national level. The country reports that pursuant to Resolution 4750 of December 20, 2005, implementation will commence in 2006.

CICAD expresses its satisfaction at compliance with this recommendation.

RECOMMENDATION 10:

CONDUCT STUDIES TO EVALUATE THE EFFECTIVENESS OF DRUG ABUSE TREATMENT PROGRAMS

PUBLICATION DATE: JUNE 2005

Colombia has not provided sufficient information to conduct an adequate evaluation.

CICAD encourages the country to fulfill this recommendation.

RECOMMENDATION 11:

COMPLETE THE STUDIES OF DRUG ABUSE PREVALENCE AND AVERAGE AGE OF FIRST USE

PUBLICATION DATE: JUNE 2005

Colombia reports that the National Mental Health Study (Adults and Adolescents) and the National School Drug Use Survey have been completed and will be published during 2006.

CICAD expresses its satisfaction at compliance with this recommendation.

RECOMMENDATION 12:

UPDATE NATIONWIDE STUDIES TO DETERMINE THE PERCENTAGE OF YOUTH WHO PERCEIVE DRUG USE AS HARMFUL TO HEALTH AND WELFARE, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002

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REITERATION DATE JUNE 2005

Colombia reports that its National Survey on Drug Abuse in schools collects information on how this population perceives the harm caused by drug abuse.

CICAD expresses its satisfaction at compliance with this recommendation.

**RECOMMENDATION 13:****CONDUCT NATIONWIDE STUDIES OF DRUG ABUSE-RELATED MORBIDITY**

PUBLICATION DATE: JUNE 2005

Colombia indicates that it has not yet begun to implement this recommendation.

CICAD encourages the country to carry out the actions necessary to conduct nationwide studies of drug abuse-related morbidity.

RECOMMENDATION 14:**CONDUCT NATIONWIDE STUDIES TO OBTAIN ESTIMATES OF DRUG ABUSE-RELATED CRIME AND ACCIDENTS**

PUBLICATION DATE: JUNE 2005

Colombia reports that it has begun implementation of this recommendation, since the National Narcotics Office and the "Universidad Nacional de Colombia" carried out a study into "Attributable Fractions in Drug-Crime Associations" among inmates of facilities of the National Prisons Institute (INPEC).

The research made it possible to examine to what extent and in what ways psychoactive substances are associated with officially recorded criminal behavior in Colombia, and to determine the extent of the presence of four drug-crime associations: toxicological perspective, economic and compulsive perspective, systemic perspective and legal definition perspective. The country does not provide information about drug abuse-related crime and accidents.

CICAD recognizes the progress made in pursuit of this recommendation, and it encourages the country to take the steps still needed for full implementation.

RECOMMENDATION 15:**IMPLEMENT MECHANISMS TO MEASURE THE POTENTIAL PRODUCTION OF CANNABIS IN THE COUNTRY**

PUBLICATION DATE: JUNE 2005

Colombia reports that it has not begun to implement this recommendation. The country does, however, state that in 2006 it will begin to conduct studies toward that end.

CICAD encourages the country to comply with the assigned recommendation.

RECOMMENDATION 16:**IMPLEMENT A FORMAL MECHANISM TO EVALUATE EXISTING CONTROLS OF THE USE AND DISTRIBUTION OF PHARMACEUTICAL PRODUCTS**

PUBLICATION DATE: JUNE 2005

Colombia informs that it has begun to implement this recommendation. The country reports that the first phase (analysis and design) of the project "Implementation of Control and Systematization of



Information on Specially Controlled Medications in Colombia" commenced in 2004. The products generated by that phase are available. In 2005, following a selection process, a firm was hired to design the computer program, tests, implementation and launch of the subsequent phases, including the provision of a centralized database managed by the National Narcotics Fund of the Ministry of Social Welfare.

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

RECOMMENDATION 17:

DEVELOP A SYSTEM ENABLING THE NUMBER OF PENAL SANCTIONS IMPOSED FOR THE DIVERSION OF PHARMACEUTICAL PRODUCTS TO BE DETERMINED

PUBLICATION DATE: JUNE 2005

Colombia notes that it is at present transitioning to a new adversarial oral testimony-based criminal prosecution system, a process that began in 2005 and will continue until 2008, implying a major change in how courts operate. Therefore, the country's justice information management system is being adjusted. To this end, various agencies are working on standardizing procedures and exchanges of information. Colombia uses software to gather trial information. However, it does not specify whether the system indicates the number of criminal sanctions enforced for diverting pharmaceutical products.

CICAD encourages the country to take the steps necessary to fully comply with this recommendation.

RECOMMENDATION 18:

IMPLEMENT A MECHANISM FOR OBTAINING INFORMATION ON PERSONS ARRESTED, TRIED AND CONVICTED FOR ILLICIT DRUG POSSESSION, AND ON PERSONS ARRESTED AND TRIED FOR ILLEGAL DRUG TRAFFICKING

PUBLICATION DATE: JUNE 2005

Colombia reports, based on the information compiled, that this recommendation is being implemented. Under the coordination of the Superior Judiciary Council and the Office of the Prosecutor General, the National Prisons Institute, National Police, Forensic Medicine Institute, and Security Administration Department are working on the standardization of procedures, itemization of types of proceedings and crimes, formats, and information exchange in the area of criminal law, in order to include all the information necessary to meet domestic and international requirements, including the adversarial criminal prosecution system.

CICAD encourages the country to take the steps necessary to fully comply with this recommendation.

**RECOMMENDATION 19:****IMPLEMENT A SYSTEM FOR FOLLOW-UP OF SUSPICIOUS TRANSACTION REPORTS AND ENABLING ITS EFFECTIVENESS TO BE EVALUATED**

PUBLICATION DATE: JUNE 2005

Colombia reports that it has implemented this recommendation, by establishing the Money Laundering Data Monitoring System which provides information on all the measures adopted by authorities against money laundering, the information is collected on a quarterly basis and analyzed by the Inter-Institutional Coordination Committee for Money Laundering Control (CCICLA), which sets policy in this area; and by implementing the Financial Information and Analysis Unit (FIU)'s data system, which contains statistics on receipt, processing and analysis of suspicion transaction report (ROS).

CICAD views with satisfaction the fulfillment of the recommendation.

RECOMMENDATION 20:**BROADEN THE LEGAL FRAMEWORK TO INCLUDE FRAUD, TERRORISM AND ITS FINANCING, PROSTITUTION, PORNOGRAPHY AND ORGAN TRAFFICKING AS MONEY LAUNDERING PREDICATE OFFENCES**

PUBLICATION DATE: JUNE 2005

Colombia reports that it has a bill that recognizes terrorist financing as a crime and includes it in the list of predicate offences for money laundering, and also expands the powers of the Financial Information and Analysis Unit (FIU). The bill was submitted to the Senate of the Republic in 2005.

CICAD encourages the country to make progress in the implementation of this recommendation.

RECOMMENDATION 21:**IMPLEMENT A SYSTEM ENABLING STATISTICS TO BE COMPILED OF THE PUBLIC EMPLOYEES ARRESTED, TRIED, AND CONVICTED FOR ILLEGAL DRUG TRAFFICKING AND CORRUPTION RELATED TO ILLEGAL DRUG TRAFFICKING**

PUBLICATION DATE: JUNE 2005

Colombia reports that its Information Management System "Justice XXI" will distinguish, among other variables, between categories of persons convicted, differentiating between public and private sector employees. The country reports that by 2008 the information system will have been implemented and will be able to report the number of public employees who have been convicted of drug trafficking and corruption in connection with drug trafficking.

CICAD encourages the country to make progress with implementing this recommendation.



CONCLUSIONS

Colombia is making efforts to implement the recommendations assigned during the Third Evaluation Round, 2003–2004. Of 21 of these, six are fully implemented, 11 are being implemented, two where steps have not begun for implementation, one that does not provide sufficient information to conduct an evaluation, and one that it explains it is not in a position to implement.

Colombia has one reiterated recommendation from the Second Evaluation Round, 2001–2002: the ratification of the two Protocols to the United Nations Convention against Transnational Organized Crime, that is, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, legal instruments that Colombia reiterates it will not sign.

The continued consultation process of the National Demand Reduction Police warrants special mention, which Colombia has begun to implement in 2006. Colombia also has been taking the necessary steps to reformulate drug use studies at the local and municipal levels and to develop guidelines for prevention, treatment, and rehabilitation programs. Likewise, progress has been made in the development of the method to evaluate psychoactive substance use prevention actions and accreditation conditions for drug addiction and drug dependency treatment centers.

Colombia is now transitioning to a new adversarial oral testimony-based criminal prosecution system which will delay the implementation of some recommendations, but which at the same time may constitute an opportunity to benefit from the implementation of judicial information management systems.

Colombia has made progress in expanding the list of money laundering predicate offenses, and has also implemented two systems to follow up on reports of transactions suspected of money laundering.

CICAD recognizes the progress achieved by Colombia and encourages the country to take the necessary steps for the full implementation of the recommendations assigned.