



I. INSTITUTIONAL BUILDING / NATIONAL ANTI-DRUG STRATEGY

During the period of evaluation 2001 – 2002, Haiti reports that a master plan for combating drug trafficking is still in its drafting stages. With the text of the master plan developed with the assistance of the United Nations Drug Control Programme (UNDCP), the country continued refinements to the plan with the help of a visit by Inter-American Drug Abuse Control Commission (CICAD) technical experts in 2000. Haiti has a pending request from August 2000 to CICAD for additional technical assistance to further the establishment of a national drug control plan. In this sense, the country received benefits with technical and financial assistance from CICAD to develop a meeting in the city of Port-au-Prince which took place October 22 – 25, 2002. The purpose of the meeting was to elaborate the National Drug Control Plan. This project is still being drafted.

The country reports that the master plan will seek strict and balanced appreciation of national, regional and international strategies. Additional international assistance is also required to complete the plan. Records show that Haiti has been working on its National Drug Control Plan for more than two years.

To coordinate inter-institutional anti-drug activities, Haiti informs that Article 102 of the Illicit Drug Trafficking Control and Enforcement Act, which became law in August of 2001, created a centralized drug-control commission. On May 31, 2002 two presidential decrees were signed, one establishing the National Drug Control Commission (CONALD) and the other appointing its coordinator for all aspects of drug control.

The National Drug Control Commission began operation with a startup budget funded entirely by the Public Treasury. The amount allocated from June to September in 2002 was approximately US \$22,700. The decree establishing CONALD provides that the Commission's budget shall be funded, inter alia, from the special fund for the fight against drugs, together with subsidies and donations from international cooperation and nongovernmental organizations. Haiti reports that the Commission will have a regular budget for FY 2003. The budget assigned to finance the National Drug Control Commission for the fiscal year 2002 – 2003 is US \$292,000.

Haiti has signed but not ratified the United Nations Convention Against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air. However, the country has not signed nor ratified the Protocol against the Illicit Manufacturing of and Trafficking in Firearms of the aforementioned Convention. In addition, notwithstanding the recommendations received from the First Evaluation Round 1999 – 2000, Haiti has still not acceded to the 1971 UN Convention on Psychotropic Substances, nor has it ratified the Inter-American Convention on Mutual Assistance in Criminal Matters, the Inter-American Convention against Corruption and the Inter-American Convention against the Illegal Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials (CIFTA).

A significant accomplishment reported by Haiti is the legislative adoption in February of 2001 of the law on money laundering of the proceeds of drug trafficking and other serious crimes, a law that complies with aspects of the United Nations Convention Against Transnational Organized Crime.

Haiti reports that it has a limited counter-narcotics outreach program aimed principally at educational and research institutions and also involves the dissemination of materials by a private NGO to the news media.

With the help of a CICAD technical visit in September 2002, a counternarcotics work plan was prepared by Haiti. The plan included the establishment of a National Observatory on Drugs by November 2002 with technical and financial assistance from CICAD.



RECOMMENDATIONS:

1. REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999 – 2000 TO APPROVE AND IMPLEMENT THE DRAFT NATIONAL DRUG PLAN.
2. ENSURE ADEQUATE FUNDING FOR HAITI'S NATIONAL COORDINATING ENTITY, THE NATIONAL DRUG CONTROL COMMISSION, CALLED FOR BY THE ILLICIT DRUG TRAFFICKING CONTROL AND ENFORCEMENT ACT OF 2001.
3. REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999 – 2000 TO ACCEDE TO THE U.N. CONVENTION OF 1971.
4. REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999 – 2000 TO SIGN AND RATIFY THE INTER-AMERICAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS.
5. REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999 – 2000 TO RATIFY THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION.
6. REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999 – 2000 TO RATIFY THE INTER-AMERICAN CONVENTION AGAINST THE ILLEGAL MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS (CIFTA).
7. RATIFY THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND ITS PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN AND THE PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR, AS WELL AS TO SIGN AND RATIFY THE PROTOCOL AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION.

II. DEMAND REDUCTION

Although Haiti still has no formal system directed at key populations, which is designed to prevent drug abuse, the country reports that some initial work is being carried out in this area in cooperation with the UNDCP. In addition, a local NGO, the Association for Prevention of Alcoholism and Other Chemical Substances (APAAC) has conducted intermittent demand reduction work, most notably in surveys around municipal Port-au-Prince with some 22,000 school children between the ages of 13 and 19. The survey by APAAC in 2000 found that the principal drugs being abused by young people in Haiti are cigarettes, alcohol, marijuana and inhalants. Moreover, the study showed that boys and girls as young as 11 have used the aforementioned illegal drugs.

Given the limited nature of drug awareness programs in Haiti, the country still has no system in place to evaluate the effectiveness of such efforts. At the same time, in 2000 and 2001, APAAC conducted an evaluation of prevention activities, which demonstrated that there is some enhanced awareness of the dangers of drug abuse among youth.

APAAC has observed a steady increase in requests for counternarcotics information materials, apparently the result of increasing drug and alcohol abuse. There is also an increase in visits to the APAAC documentation center for the purposes of requesting information or training as prevention agents, viewing documentaries or films on drugs and for researching student papers.



The number of drug information brochures distributed by APAAC rose from 17,251 in 2000 to 27,626 in 2001, an increase of 60.14%.

The APAAC prevention section recorded a growing number of requests for APAAC interventions from schools, parents and adolescents. There were 29 APAAC interventions in the form of anti-drug conferences in 2000 as compared to 66 in 2001.

Although Haiti does not offer any specialized professional training in drug abuse prevention and treatment, APAAC reports that 4 individuals took advantage of international study programs in Barbados, Peru and France.

The country reports that between June 1999 and June 2001, 68 patients received drug rehabilitation care at the private Jean Berghmans Residential Center.

According to APAAC, Haiti lacks specialized professionals in all phases of drug treatment and rehabilitation. Haiti also notes the need to establish authorized treatment centers under the guidance of the Ministry of Public Health.

RECOMMENDATIONS:

- 1. IMPLEMENT A DATA COLLECTION SYSTEM TO CALCULATE THE ANNUAL INCIDENCE, PREVALENCE AND TRENDS IN THE USE AND TYPES OF DRUGS WITHIN THE GENERAL POPULATION.**
- 2. DEVELOP AND IMPLEMENT SYSTEMATIC NATIONAL DRUG TREATMENT AND PREVENTION PROGRAMS.**

III. SUPPLY REDUCTION

A. Drug Production and Alternative Development

Haiti reports that an estimated 3 has. of marijuana were under cultivation in the country in 2001. Over the past two years, the Office for the Fight Against Illicit Narcotics Trafficking (BLTS) has conducted 6 marijuana field destruction operations. However, the number of plants seized and destroyed has not been determined. There are no alternative development programs in Haiti.

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

Although the General Customs Administration (AGD) and the Ministry of Public Health and Population Affairs are responsible for the control of the diversion of pharmaceutical products and controlled chemical substances, Haiti reports that the work of these agencies is impeded by the lack of resources and obsolete regulations. Haiti reports that there are no criteria to assess the effectiveness of these entities. The Central Directorate for Pharmaceutical Products and Services conducts routine inspections to verify compliance with current regulations. Haiti also reports that it expects assistance from UNDCP in the drafting of modern legislation on the control of pharmaceutical and chemical products.

Although Haiti reports that there are national laws and regulations for penal, civil and administrative sanctions against the diversion of pharmaceutical products and controlled chemical substances, the country does not report any sanctions in these areas between 2000 and 2001.



IV. CONTROL MEASURES

A. Illicit Drug Trafficking

Haiti reports a total of 6 drug seizures of cocaine in 2000 and 2 seizures of cocaine in 2001. In 2000, Haiti reports that 48 people, or 70% of those arrested, were tried for illegal drug trafficking. In 2001, 60 people, representing 71% of those arrested, were tried for illegal drug trafficking. During 2002, Haiti reported that 270 kgs. of cocaine salts, 182 kgs. of cannabis leaf and 400 grs. of amphetamines were seized. For 2001, the police reported seizures of 414 kgs. of cocaine salts and 1705 kgs. of cannabis leaf. From January 2002 to April 2002, 10.5 kgs. of cocaine salts and 96 kgs. of cannabis leaf were seized.

Moreover, Haiti reports that police operations conducted between January and October 2002 resulted in the seizure of 269.81 kgs. of cocaine, 149.05 kgs of marihuana and 96 kgs. of cannabis leaves.

Haiti reports that agencies work to prevent and repress illicit drug trafficking through joint training, operations, information networks and interagency committees.

Between 2000 and 2001, Haiti made or received over 100 judicial cooperation requests regarding illegal drug trafficking, but the country did not specify which countries it worked with in this regard. Haiti made no extradition requests in the period of evaluation 2001 – 2002; it granted one extradition to the U.S. and denied two such requests from the U.S. because Haiti considered the legal basis for the requests to be insufficient.

Articles 137-144 of the Haitian Penal Code provides for the punishment of public officials convicted of corruption with imprisonment of 1 to 3 years.

B. Firearms and Ammunition

The AGD and the National Police of Haiti (PNH) are responsible for all activities designed to prevent diversion of firearms and ammunition, which is illegal in Haiti and punishable by imprisonment. Under the auspices of these two agencies, the Joint Maritime Operations Center and the Joint Information and Coordination Center are also charged with controlling firearms and ammunition. However, the country supplies no statistics with respect to arrests, prosecutions or convictions in this area of law enforcement. The country also reports that a database on import of firearms and ammunition is maintained. Haiti is not an exporter of firearms. Importation is governed by Article 1 to 10 of the decree law of January 12, 1988. The data are now computerized.

No arrests, prosecutions or convictions for the diversion of firearms have been reported by Haiti.

Firearm regulations in Haiti provide that the PNH must provide authorization for the importation of firearms. In addition, a license must be obtained from the police to possess or carry a firearm.

Haiti reports that no requests to import firearms were denied 2001-2002. No confiscations of firearms were reported.

Haiti neither made nor received requests for information concerning firearms during the period covered.

C. Money Laundering

The Haitian Parliament, in February of 2001, approved the National Law on Money Laundering in Connection with Illicit Drug Trafficking and Other Serious Offenses. This law also made it



mandatory for financial institutions to report suspicious transactions to competent authorities. However, practical implementation of the law and its regulations is still pending.

The Ministry of Justice and Public Safety, the Ministry of Economy and Finance and the Bank of the Republic of Haiti all participated in the 14th plenary session of the Caribbean Financial Action Task Force (CFATF) that was held in October of 2001 in the Dominican Republic. The Minister of Justice submitted Haiti's application for membership at the 7th session and it is now an active member of the CFATF.

A mixed commission of the Bank of the Republic of Haiti and the Ministry of Justice and Public Safety was established to set up the Central Financial Information Unit (FIU), called for in the new money laundering law and instituted by circular on August 25, 2000. This commission visited the U.S. in 2001 to a) participate in a training seminar to combat money laundering, b) to visit officials of the U.S. financial intelligence unit, the Financial Crime Enforcement Network, (FinCEN) and c) to meet with representatives of the U.S. Office of the Comptroller of the Currency and the Federal Deposit Insurance Corporation (FDIC).

Although the U.S., in 2001 and 2002, made three extradition requests related to money laundering, none were granted because according to the Government of Haiti they had insufficient legal basis.

In 2001 and 2002, Haiti reports that 43 senior officials of the Bank of the Republic of Haiti participated in seminars on money laundering offered by the Office of Bank Supervision and the Office of Legal Affairs. The Ministry of Justice organized similar seminars. The FIU is in the process of being set up. In the context of Franco-Haitian relations, 24 officers of the financial brigade completed a training program in June 2002.

Haiti reports that since the Central Financial Information Unit (UCREF) is still being set up, no investigations into money laundering have been conducted.

The law of February 2001 provides for the possibility of lifting bank secrecy in cases of money laundering, but the mechanisms for doing so are still being developed.

RECOMMENDATIONS:

- 1. CONDUCT LAW ENFORCEMENT INVESTIGATIONS IN ACCORD WITH NATIONAL LAW TO CONTROL ILLICIT TRAFFICKING IN FIREARMS AND AMMUNITION.**
- 2. IMPROVE THE EFFECTIVENESS OF LAW ENFORCEMENT INVESTIGATIONS TO FULLY IMPLEMENT PROVISIONS OF THE NEW LAW PASSED IN FEBRUARY 2001 TO CRIMINALIZE LAUNDERING OF PROCEEDS OF DRUG TRAFFICKING AND OTHER SERIOUS OFFENSES.**

V. CONCLUSIONS

According to the Government of Haiti, its country has been a transit zone for cocaine and marijuana and is now becoming a consumer country of these illicit drugs. This fact results from the relatively low purchase cost of these drugs in the country. It is also the consequence of social exclusion and the insecurity of living conditions for certain segments of the population, who seek an escape through the consumption of drugs.

During the period of evaluation 2001 – 2002, Haiti has made progress in some drug control areas. Although the Master Plan for Combating Drug Trafficking has still not been officially adopted, presidential decrees signed in May 2002 established a National Drug Control Commission as well



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as a coordinator to oversee its activities. Working with international organizations and a non-governmental group, Haiti has made some progress in determining the extent of drug abuse in the country.

Based on the information provided, it is clear that Haiti has much work to do in terms of counter-narcotics law enforcement, including signature and ratification of basic international conventions such as the Inter-American Convention Against Corruption.

Although CICAD appreciates Haiti's efforts to participate in the MEM process, the country's failure to answer over half of the 83 indicators makes it impossible to adequately evaluate the country's drug control progress.



SUMMARY OF RECOMMENDATIONS

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9. DEVELOP AND IMPLEMENT NATIONAL DRUG TREATMENT AND PREVENTION PROGRAMS.
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