



I. INSTITUTIONAL BUILDING/ NATIONAL ANTI-DRUG STRATEGY

Pursuant to the recommendations of the First Evaluation Round 1999 - 2000, on March 18, 2002 Nicaragua adopted its National Anti-Drug Plan. It covers demand reduction, supply reduction and control measures; establishes an institutional framework; and provides for evaluation of the programs contemplated in the Plan. The budget required for full implementation of the Plan has not yet been approved.

The National Anti-Drug Council has the powers and infrastructure needed to carry out its coordination functions. It operates nationwide in conjunction with departmental and regional anti-drug councils. However, its 2002 budget is equivalent to US\$156,683. It is important to note that such budget has decreased slowly since 1999 where it reached a total of US\$173,441.

Nicaragua has not yet ratified the Inter-American Convention on Mutual Assistance in Criminal Matters. It has ratified the United Nations Convention against Transnational Organized Crime but has not signed the Protocols thereto. A mechanism has been established to follow-up on the mandates set forth in the international conventions ratified by the country. Nicaragua has signed cooperation agreements with some countries in Central America in the framework of the United Nations international conventions.

The Center for Documentation and Information on Drugs (CEDINDRO) is the entity responsible for compiling and analyzing drug-related data and statistics. However, there are some technical limitations, stemming from the absence of a standardized system for compiling and organizing electronically all information on the drug problem produced by public and private agencies in Nicaragua. Nevertheless, it provides drug-related statistics on a regular basis to the United Nations Drug Control Programme (UNDCP) and the International Narcotics Control Board (INCB).

Nicaragua has some means through which to distribute information on the drug problem to responsible authorities and the general public, such as a web page and printed material. In addition, the information compiled by CEDINDRO has allowed authorities to prioritize and direct actions in some spheres in which the drug problem is manifested.

RECOMMENDATIONS:

- 1. APPROVE A BUDGET THAT WOULD ALLOW FULL IMPLEMENTATION OF THE NATIONAL ANTI-DRUG PLAN.**
- 2. REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999 – 2000 TO RATIFY THE INTER-AMERICAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS.**
- 3. SIGN AND RATIFY THE THREE PROTOCOLS TO THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME.**
- 4. IMPLEMENT THE INTER-AMERICAN SYSTEM OF UNIFORM DATA ON DRUG USE (SIDUC) IN ORDER TO UNIFORM THE SYSTEM THAT COMPILES DATA AND EXCHANGES INFORMATION AMONG PUBLIC AND PRIVATE INSTITUTIONS WORKING IN THE FIGHT AGAINST DRUGS.**



II. DEMAND REDUCTION

Nicaragua has a demand reduction strategy, which is part of the recently approved National Anti-Drug Plan, that covers prevention, treatment, social reintegration and aftercare and incorporates the United Nations' Guiding Principles and its Action Plan. For lack of budgetary resources, that strategy is not yet being fully implemented. However, the inclusion of drug use prevention projects in the Citizen Security Plan developed by the Government of Nicaragua will make it possible to address some aspects of the National Anti-Drug Plan in 2002.

It should be noted that the Drug Abuse Resistance Education (DARE) school prevention program is being carried out nationwide. It is directed at students in grades five and six in primary school. Program coverage reached 2,968 students in 2001. This coverage increased to 4,858 in 2002. Prevention aspects have been incorporated into a special chapter of the texts for the course on Social and Civic Training offered to primary and secondary students, and prevention messages are included in other courses as cross-cutting elements. Some prevention programs are targeting other key populations, such as street children and there are informal community projects for adults, but their coverage is limited. Likewise, some training programs are being implemented for prevention practitioners, including parents, teachers, youth leaders and community leaders. For this reason, 502 people have been trained in 2002.

In 2002, Nicaragua launched a prevention program in the prison system targeting educators and medical personnel, contingent chiefs and prisoners in the Managua Penitentiary in compliance with the recommendation from the First Evaluation Round 1999-2000. However, it has not yet begun to implement prevention programs in the workplace as recommended at that time.

In recent years, no evaluations of the process or research on the effectiveness and impact of the prevention programs implemented have been conducted. With regard to specialized training at the university level, the Institute Against Alcoholism and Drug Addiction is conducting the first five-month postgraduate course in addictions counseling at the Central American University.

Although a document has been drafted setting out minimum standards of care in drug abuse treatment programs, it has not yet been approved by the pertinent national institutions. As a result, those standards are not yet being implemented. Nonetheless, some treatment and rehabilitation programs are being implemented in the country by private entities, which are the subject of a study designed to evaluate their effectiveness.

Nicaragua has not yet submitted information on drug use prevalence in the general population nationwide, which would enable trends in illicit substance use to be evaluated. Nonetheless, it has conducted some studies on the drug problem in specific populations, such as the PACARDO study to secondary school students (2000), the Forensic Medicine Wards Study and the Population in Treatment Centers Study. Drug abuse-related morbidity data are collected, and the country has estimates on drug use-related mortality (alcohol and marijuana).

As a sign of recent changes in substance abuse modalities, use of ecstasy is starting to be seen in young people in Nicaragua. This can be seen as a manifestation of the global phenomenon of the mobility of the drug problem.

RECOMMENDATIONS:

1. **EVALUATE THE PROCESSES AND EFFECTIVENESS OF THE DARE PREVENTION PROGRAM IN SCHOOLS.**
2. **REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999 – 2000 TO TEST, APPROVE AND IMPLEMENT MINIMUM STANDARDS OF CARE FOR DRUG TREATMENT.**



3. **REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999 – 2000 TO IMPLEMENT A NATIONAL STUDY THAT WILL MAKE IT POSSIBLE TO ESTIMATE DRUG USE PREVALENCE AND TRENDS AMONG THE GENERAL POPULATION IN THE COUNTRY.**
4. **REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999-2000 TO CARRY OUT PREVENTION PROGRAMS IN THE WORKPLACE.**

III. SUPPLY REDUCTION

A. Drug Production and Alternative Development

Nicaragua has fulfilled the CICAD recommendation from the First Evaluation Round 1999 – 2000 to determine the existence and extent of illicit crops and their potential production capacity. The country has reported that the total area planted with marijuana was estimated at 10.5 hectares in 2000 and 13.5 hectares in 2001 and, according to country estimations, the potential production capacity for raw material was of 199,368 pounds and 278,407 pounds, respectively. In the first 2 months of 2002, such potential production capacity, according to the country, was of 10,971 pounds.

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

The entities responsible for controlling and preventing the diversion of pharmaceutical products in Nicaragua have been determined. They are the Directorate General Responsible for Regulations Governing Health Establishments and Professionals and Medicines and Food; the Food and Drug Accreditation and Regulation Office; and the Local Integral Health Care Systems (SILAIS). However, mechanisms are not yet in place for the exchange of operational information and collaboration among those entities.

The country reported that all the pharmaceuticals listed in the international conventions are controlled. However, more effective fulfillment of these activities by the responsible institutions is hampered by the lack of human and technical resources, hindering proper enforcement of the minimum standards established in existing legislation, i.e. Law No. 292 on Medicine and Pharmacy and Law No. 285 on Narcotics, Psychotropics and Other Controlled Substances.

Nicaragua does have a mechanism for controlling and regulating the use and distribution of pharmaceutical products by authorized health professionals. It also has specific criteria to evaluate the effectiveness of that mechanism.

In Nicaragua, all chemical substances listed in Tables I and II of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna 1988 are subject to controls. The agencies responsible for preventing diversion of those substances are: the Directorate General Responsible for Regulations Governing Health Establishments and Professionals and Medicines and Food; the Food and Drug Accreditation and Regulation Office; the Directorate of Drug Investigations of the Nicaraguan National Police and Customs. These agencies are also hampered, the country reports, by the lack of human and material resources and the lack of inter-agency coordination that prevents them from fulfilling their responsibilities effectively. It is also indicated as a problem, the enforcement of minimum sanctions envisaged in Law No. 292 on Medicine and Pharmacy and Law No. 285 on Narcotics, Psychotropic and Other Controlled Substances.

Notwithstanding the foregoing, an import and commercial control council was formed, composed of the Ministry of Health, Customs and the Ministry of Industry, Development and Trade, which has



started to facilitate the exchange of operational information and communication among the entities responsible for monitoring controlled chemical substances.

It should be noted that legal and regulatory provisions are in place for the application of criminal, civil and administrative sanctions in connection with the diversion of pharmaceutical products and controlled chemical substances.

Nicaragua indicated that there have been no exports of controlled chemical substances during the evaluation period 2001 - 2002. Moreover, the country does not keep records of the number of pre-export notifications received.

RECOMMENDATIONS:

- 1. DEVELOP A MECHANISM TO FACILITATE THE EXCHANGE OF OPERATIONAL INFORMATION AND COOPERATION AMONG THE AGENCIES RESPONSIBLE FOR CONTROLLING PHARMACEUTICAL PRODUCTS.**
- 2. PROVIDE THE HUMAN AND TECHNICAL RESOURCES NEEDED FOR FULL ENFORCEMENT OF EXISTING LEGISLATION ON PHARMACEUTICAL PRODUCTS AND CONTROLLED CHEMICAL SUBSTANCES.**
- 3. CREATE A REGISTRY OF THE NUMBER OF PRE-EXPORT NOTIFICATIONS OF CONTROLLED CHEMICAL SUBSTANCES SENT BY THE COUNTRY.**

IV. CONTROL MEASURES

A. Illicit Drug Trafficking

In general, drug seizures by law enforcement entities increased during 2001 in relation to 2000. The number of persons arrested, charged and convicted in connection with illicit drug trafficking also rose. On this topic, Nicaragua has not made any requests for judicial cooperation based on existing international agreements and has received only one such request.

Nicaragua reports that its legislation contains provisions criminalizing some of the acts set forth in the Inter-American Convention Against Corruption, such as illicit enrichment, fraud, embezzlement, defalcation and misappropriation of public funds. The country reports that it has imposed prison sentences on 13 former officials for the crimes of money laundering, fraud, misappropriation of public funds and embezzlement and has brought criminal charges against 9 former officials for these same crimes.

B. Firearms and Ammunition

During the First Evaluation Round 1999 - 2000, CICAD recommended that Nicaragua adopt legislation defining illicit trafficking in firearms and ammunition as an offense. The country has not moved forward in this area, although it has indicated that such activities are defined as terrorism and crimes against the peace and security of the Republic.

Nicaragua has several entities responsible for controlling movements of firearms and ammunition and preventing their diversion. They are the Nicaraguan Army, the National Police and Customs. These entities are linked via information and communication systems, thereby facilitating coordination among them.



Legal provisions are in place establishing administrative controls to govern exportation and importation operations involving firearms and ammunition, which make it possible to prevent their diversion. However, the country does not yet have a database to maintain records of dates, descriptions, or serial or lot numbers of firearms and ammunition imported, exported, or in transit.

There is no information on quantities of firearms and ammunition seized during this evaluation period 2001 - 2002. The country did however provide some data on confiscations of firearms in connection with illicit drug trafficking in 2001.

C. Money Laundering

Nicaragua has legal provisions criminalizing money laundering as an offense and establishing administrative controls to prevent such offense in banks, stock exchanges, insurances and cash money movers or cross-border title values. There are no administrative controls for casinos, real estate companies, or notaries, among others. A Central Bank resolution sets forth the requirements for the operation of currency exchanges and requires them to document transactions in amounts greater than US\$ 10,000. There were no arrests or prosecutions for the crime of money laundering during the evaluation period 2001-2002. Financial institutions and others responsible are required to report suspicious transactions, however none have been reported, and no sanctions have been imposed for failure to report such transactions.

In the First Evaluation Round 1999 - 2000, CICAD recommended the need to define an entity with responsibility for administering assets forfeited in connection with illicit drug trafficking and related offenses. Nicaragua has indicated that, under Law No. 285, assets forfeited in connection with such offenses are to be administered by 5 institutions, which have specific instructions regarding the purposes for which they are to be used.

The Financial Analysis Commission created in February 2002 is the entity with responsibility for analyzing and investigating suspicious transactions that may constitute money laundering. No requests for international cooperation were made or received during the evaluation period 2001 - 2002 for the freezing of assets, extradition, or lifting of bank secrecy.

RECOMMENDATIONS:

- 1. REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999-2000 TO ENACT LEGISLATION THAT CRIMINALIZES AND REGULATES AS AN OFFENSE THE ILLICIT MANUFACTURE, TRAFFICKING, IMPORT AND EXPORT OF FIREARMS AND AMMUNITION.**
- 2. REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999-2000 TO CREATE A REGISTER OR DATABASE CONTAINING INFORMATION ON THE NUMBER OF SEIZURES FOR FIREARMS AND AMMUNITION MADE IN CONNECTION WITH ILLICIT DRUG TRAFFICKING**
- 3. DEVELOP LEGISLATION THAT CRIMINALIZES AND PUNISHES ALL THE ACTS SET FORTH IN THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION.**
- 4. ESTABLISH ADMINISTRATIVE CONTROLS TO PREVENT THE OFFENSE OF MONEY LAUNDERING IN ACTIVITIES SUCH AS OFF SHORE BANKS, CASINOS, REAL ESTATE, LAWYERS, NOTARIES AND ACCOUNTANTS.**



V. CONCLUSIONS

CICAD notes with satisfaction that Nicaragua has approved its 2002-2006 National Anti-Drug Plan, which is a significant step forward in implementing its comprehensive strategy to address the drug problem. At the same time, it hopes that the necessary budget will be ensured, to finance the human, technical and material resources needed for its full implementation.

CICAD recognizes the efforts made by the country in the area of demand reduction. It would like to underscore the start of the nationwide DARE prevention program, which covers all students in grades five and six in primary school and the inclusion of prevention materials in some subjects in the primary and secondary school curriculum. CICAD encourages Nicaragua to continue to improve its drug information system, to conduct a study on the prevalence of drug use in the general population and to complete the approval process for treatment and rehabilitation technical standards.

In the area of supply reduction, some progress was made regarding the monitoring of controlled chemical substances and pharmaceutical products and in money laundering prevention. However, CICAD is concerned about the absence of legislation criminalizing and regulating as an offense the illegal trafficking, importation and exportation of firearms and ammunition, which would strengthen the country's efforts to prevent the occurrence of such offenses.

CICAD acknowledges Nicaragua's cooperation on this evaluation and highlights its willingness to adopt and move forward with the recommendations emanating from the First Evaluation Round 1999 - 2000.



SUMMARY OF RECOMMENDATIONS

1. **APPROVE A BUDGET THAT WOULD ALLOW FULL IMPLEMENTATION OF THE NATIONAL ANTI-DRUG PLAN.**
2. **REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999 – 2000 TO RATIFY THE INTER-AMERICAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS.**
3. **SIGN AND RATIFY THE THREE PROTOCOLS TO THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME.**
4. **IMPLEMENT THE INTER-AMERICAN SYSTEM OF UNIFORM DATA ON DRUG USE (SIDUC) IN ORDER TO UNIFORM THE SYSTEM THAT COMPILES DATA AND EXCHANGES INFORMATION AMONG PUBLIC AND PRIVATE INSTITUTIONS WORKING IN THE FIGHT AGAINST DRUGS.**
5. **EVALUATE THE PROCESSES AND EFFECTIVENESS OF THE DARE PREVENTION PROGRAM IN SCHOOLS.**
6. **REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999 – 2000 TO TEST, APPROVE AND IMPLEMENT MINIMUM STANDARDS OF CARE FOR DRUG TREATMENT.**
7. **REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999 – 2000 TO IMPLEMENT A NATIONAL STUDY THAT WILL MAKE IT POSSIBLE TO ESTIMATE DRUG USE PREVALENCE AND TRENDS AMONG THE GENERAL POPULATION IN THE COUNTRY.**
8. **REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999 – 2000 TO CARRY OUT PREVENTION PROGRAMS IN THE WORKPLACE.**
9. **DEVELOP A MECHANISM TO FACILITATE THE EXCHANGE OF OPERATIONAL INFORMATION AND COOPERATION AMONG THE AGENCIES RESPONSIBLE FOR CONTROLLING PHARMACEUTICAL PRODUCTS.**
10. **PROVIDE THE HUMAN AND TECHNICAL RESOURCES NEEDED FOR FULL ENFORCEMENT OF EXISTING LEGISLATION ON PHARMACEUTICAL PRODUCTS AND CONTROLLED CHEMICAL SUBSTANCES.**
11. **CREATE A REGISTRY OF THE NUMBER OF PRE-EXPORT NOTIFICATIONS OF CONTROLLED CHEMICAL SUBSTANCES SENT BY THE COUNTRY**
12. **REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999-2000 TO ENACT LEGISLATION THAT CRIMINALIZES AND REGULATES AS AN OFFENSE THE ILLICIT MANUFACTURE, TRAFFICKING, IMPORT AND EXPORT OF FIREARMS AND AMMUNITION.**
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14. **DEVELOP LEGISLATION THAT CRIMINALIZES AND PUNISHES ALL THE ACTS SET FORTH IN THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION.**
15. **ESTABLISH ADMINISTRATIVE CONTROLS TO PREVENT THE OFFENSE OF MONEY LAUNDERING IN ACTIVITIES SUCH AS OFFSHORE BANKS, CASINOS, REAL STATE, LAWYERS, NOTARIES AND ACCOUNTANTS.**

