

# Haiti

## Evaluation of Progress in Drug Control 2005-2006

# MEM

### Multilateral Evaluation Mechanism

Organization of American States - OAS  
Inter-American Drug Abuse Control Commission - CICAD





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

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

**HAITI**

**EVALUATION OF PROGRESS IN DRUG CONTROL  
2005–2006**

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**CICAD wishes to thank the following national institutions of Haiti which provided information for this MEM national Fourth Round report:**

- National Drug Control Commission (CONALD):
  - Demand Reduction Area
  - Supply Reduction Area
- Haitian Observatory on Drugs
- The Association for the Prevention of Alcohol and Other Chemical Dependency (APAAC)
- Office for the Fight against Illicit Narcotics Trafficking (BLTS)
- Ministry of Justice and Public Safety
- Pharmacy and Medicine Directorate, Ministry of Health (DPM)



## PREFACE

The Multilateral Evaluation Mechanism (MEM) is a diagnostic tool designed by all 34 member states of the Organization of American States (OAS) to periodically carry out comprehensive, multilateral evaluations of the progress of actions taken by member states and by the hemisphere as a whole, in dealing with the drug problem. The Inter-American Drug Abuse Control Commission (CICAD), an OAS specialized agency, implemented this Mechanism in 1998, pursuant to a mandate from the Second Summit of the Americas held in Santiago, Chile in 1998.

The MEM is not only an evaluation instrument, but has also become a vehicle for disseminating information on the progress achieved by individual and collective efforts of OAS member state governments, catalyzing hemispheric cooperation, promoting dialogue among member state government authorities and precisely channeling assistance to areas requiring greater attention by optimizing resources. The MEM process itself is assessed by the Intergovernmental Working Group (IWG), comprised of delegations from the 34 member states, which meets before the onset of each MEM evaluation round to review and improve all operational aspects of the mechanism, including the indicators of the evaluation questionnaire.

National evaluation reports are drafted by experts from each member state, with experts not working on their own country's report, guaranteeing the transparent multilateral nature of the MEM. Each chapter is based on countries' responses to a questionnaire of indicators covering the main thematic areas of institution building, demand reduction, supply reduction and control measures as well as subsequent comments and updated information provided by the government-appointed coordinating entities.

This report covers the full country evaluation for the MEM Fourth Round evaluation period 2005–2006. The follow-up report on the implementation progress of recommendations assigned to Haiti will be published in June 2009. All MEM reports can be accessed through the following webpage: [www.cicad.oas.org](http://www.cicad.oas.org).



## 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 8,308,504 (2006), with the following main ethnic groups: black, mulatto, and white; its literacy rate is 52.9%. Haiti has a democratic government divided into 10 departments. The country has a GDP per capita of US\$1,100 and an inflation rate of 15.7% (2005). Haitian exports total US\$ 390.7 million annually; its principal exports are manufactured goods, coffee, oils, and cocoa.

## I. INSTITUTIONAL STRENGTHENING

### A. National Anti-drug Strategy

Haiti reports that its National Anti-drug Plan, prepared in June 2003, was submitted to the government for adoption, but that due to the persistent political crisis in the country, it was never officially adopted.

The National Drug Control Commission (CONALD) is the national authority responsible for coordinating actions in the areas of demand reduction, supply reduction, control measures, the drug observatory, and inter-institutional cooperation. The Commission was established in 2002, reports directly to the Prime Minister's Office and has a legal basis.

The national authority has an independent budget<sup>1</sup> that is financed by government allocations. The approved budget was US\$437,850 for 2004, US\$738,400 for 2005 and US\$582,500 for 2006. The country states that this budget, which is the same as that of its central technical office, is adequate.

**CICAD takes note that Haiti has a national authority that coordinates national anti-drug policies, but expresses its concern that the country does not have a National Anti-drug Strategy, which is necessary to ensure adequate policy implementation.**

### RECOMMENDATION:

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

### B. International Conventions

Haiti has ratified the following international conventions:

- The Inter-American Convention against Corruption, 1996 (December 19, 2000);
- The Inter-American Convention against Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials (CIFTA), 1997 (February 16, 2005);
- The United Nations Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol (February 3, 1972);

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<sup>1</sup> In Haiti, the fiscal year begins on October 1<sup>st</sup> and ends on September 30<sup>th</sup>.





- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 (September 4, 1990); and
- The United Nations Convention on the Law of the Sea, 1982 (July 31, 1996).

On December 15, 2005, the country signed the United Nations Convention against Transnational Organized Crime, 2000 and the Protocols: against the Smuggling of Migrants by Land, Sea and Air; to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. The country also signed the United Nations Convention against Corruption, 2003, in December 2003.

Haiti has neither signed nor ratified the Inter-American Convention on Mutual Assistance in Criminal Matters, nor the United Nations Convention on Psychotropic Substances, 1971.

**While CICAD acknowledges the progress made by the country in ratifying the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (CIFTA), it considers that Haiti should redouble its efforts to ratify other key international conventions that are essential in the fight against illicit drug trafficking and related offenses. CICAD expresses its concern that Haiti is not a party to the United Nations Convention on Psychotropic Substances, 1971.**

### **RECOMMENDATIONS:**

2. ACCEDE TO THE UNITED NATIONS CONVENTION ON PSYCHOTROPIC SUBSTANCES, 1971, A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND, 1999–2000.
3. ACCEDE TO THE INTER-AMERICAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS, 1992, A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND, 1999–2000.
4. RATIFY THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME, 2000, AND ITS THREE PROTOCOLS, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002:
  - A. PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR;
  - B. PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN; AND
  - C. PROTOCOL AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION.
5. RATIFY THE UNITED NATIONS CONVENTION AGAINST CORRUPTION, 2003.



## C. National Information System

The Haitian Observatory on Drugs is Haiti's centralized office for the collection of drug-related information. The country reports, however, that it does not have the necessary resources to organize a collection of documents, statistics and other drug-related information.

Haiti distributes drug-related information and materials to the public via web sites, libraries, national journals, press, radio spots, flyers, open days, and publications and reports from the national anti-drug authority and other government agencies. It also provides information on prevention, treatment and rehabilitation programs.

The country does not have a help line or information desk to provide drug related information to the general public.

Haiti has a budget to disseminate information related to the drug problem, and though there is no specific allocation in the budget of the Coordination Office for information activities, these are automatically covered in project outlays.

**CICAD acknowledges Haiti's efforts in engaging in the dissemination of information on drug-related problems, and encourages the country to set up a help line to provide drug-related information to the general public.**

## II. DEMAND REDUCTION

### A. Prevention

During the evaluation period, Haiti conducted a number of drug awareness and prevention activities with key sectors of the population. In December 2006, CONALD, with assistance provided by the United Nations Children's Fund (UNICEF), held a training session for personnel prior to their intervention in prisons.

Other than the Addiction Studies Certificate Program launched in November 2006, which provides continuing professional training in the intervention field, Haiti did not offer diplomas or certificates, undergraduate degrees, or graduate degrees on topics related to drug abuse prevention, treatment and research during 2004–2006.

Short refresher courses were offered on drug abuse prevention to teachers and social workers in 2005, during which 22 persons were trained, while 26 others were trained in 2006. The country states that these courses do not meet the national demand for professional training in prevention and treatment.

**CICAD notes that Haiti has conducted a number of activities aimed at preventing drug abuse, but considers it important for the country to develop and implement drug prevention programs that are compatible with CICAD's Hemispheric Guidelines.**





## **RECOMMENDATION:**

6. DEVELOP AND IMPLEMENT A NATIONAL DRUG ABUSE PREVENTION PROGRAM FOR SCHOOL STUDENTS, BASED ON CICAD'S HEMISPHERIC GUIDELINES ON SCHOOL PREVENTION.

### **B. Treatment**

Haiti has not established guidelines or regulations on standards of care for drug abuse treatment and does not keep a national registry of treatment services and programs.

The country has two public and five private outpatient treatment services, and two public and three private residential treatment services. These services are targeted at male and female adults. Adolescents and street children receive special attention from private institutions. The country clarifies, however, that the two public outpatient services offer psychiatric services that are inadequate for the needs of drug dependents.

At the municipal level, the public sector offers two detoxification services, while the private sector offers two treatment and rehabilitation services, two aftercare services, two self-help groups and two brief intervention services.

There is one treatment program in the country. In 2004, 46 persons received treatment, 44 in 2005, and 27 in 2006.

**CICAD takes note that the country has a treatment program in place, as well as a number of outpatient services. However, CICAD expresses its concern over the absence of guidelines or regulations on standards of care for drug abuse treatment.**

## **RECOMMENDATION:**

7. ESTABLISH MINIMUM STANDARDS OF CARE FOR DRUG ABUSE TREATMENT, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.

### **C. Statistics on Consumption**

Haiti carried out a drug use survey of secondary school students in 2005, using the methodology of the Inter-American Drug Use Data System (SIDUC). Surveys of this type are, however, not carried out regularly. Through this study, the country estimated the prevalence of drug consumption among secondary school students between 11 and 25 years old, as shown in the table below:


**Drug Use Prevalence in Secondary Schools, 2005**

Type of Drug	Lifetime (percentage)			Last 12 months (percentage)			Last 30 days (percentage)		
	M	F	Total	M	F	Total	M	F	Total
<b>Alcohol</b>	60.5	49.5	54.0	38.2	26.8	31.8	25.7	17.9	21.3
<b>Tobacco</b>	14.4	8.3	11.1	5.6	2.5	4.0	2.8	1.1	2.0
<b>Solvents &amp; Inhalants</b>	5.0	2.7	4.1	1.9	1.1	1.7	1.0	0.7	1.0
<b>Hashish</b>	—	—	—	1.6	1.0	1.3	0.9	0.6	0.7
<b>Marijuana</b>	3.4	2.3	3.0	1.7	0.9	1.4	0.9	0.6	0.8
<b>Hallucinogens</b>	—	—	—	1.7	1.0	1.4	1.0	0.7	0.9
<b>Heroin</b>	—	—	—	1.6	0.9	1.2	0.9	0.6	0.8
<b>Morphine*</b>	—	—	—	1.5	0.8	1.2	0.9	0.6	0.8
<b>Opium</b>	—	—	—	1.5	0.9	1.2	0.8	0.6	0.7
<b>Basuco, or Coca Paste</b>	—	—	—	4.7	3.0	3.9	3.0	1.9	2.5
<b>Cocaine HCl</b>	3.1	2.0	2.7	1.7	1.1	1.5	1.1	0.6	0.9
<b>Crack</b>	—	—	—	1.6	0.8	1.2	1.0	0.6	0.8
<b>Tranquilizers, Sedatives, Depressants</b>	28.5	30.3	29.7	13.6	15.5	14.5	8.5	9.7	9.1
<b>Stimulants</b>	23.5	25.0	24.4	10.7	12.5	11.7	6.4	8.5	7.5
<b>MDMA (Ecstasy)</b>	—	—	—	1.9	0.9	1.4	1.1	0.6	0.9
<b>Other Drugs</b>	—	—	—	2.1	1.2	1.7	1.5	0.8	1.2
<b>Any Illicit Drug</b>	12.9	8.6	11.0	6.3	4.0	5.3	4.3	2.8	3.6

\* Non-prescribed/non-therapeutic use only

The country also provides the following estimate of the percentage of youths that perceive drug use as being harmful to their health and well-being:

**Estimate of the Perceived Risk of Drug Use**

<b>Category</b>	<b>% of those surveyed who believe that persons who carry out the following activities are at a moderate or great risk (or who think that it is quite harmful or very harmful)</b>
<b>Occasionally smoke cigarettes</b>	50.2
<b>Often smoke cigarettes</b>	65.5
<b>Often drink alcoholic drinks</b>	50.7
<b>Get drunk</b>	68.0
<b>Occasionally take non-prescribed tranquilizers/stimulants</b>	42.8
<b>Often take non-prescribed tranquilizers/stimulants</b>	32.2
<b>Occasionally inhale solvents</b>	41.1
<b>Often inhale solvents</b>	43.4
<b>Occasionally smoke marijuana</b>	67.2
<b>Often smoke marijuana</b>	67.5
<b>Occasionally take cocaine or crack</b>	68.1
<b>Often take cocaine or crack</b>	63.5
<b>Occasionally take ecstasy</b>	28.0
<b>Often take ecstasy</b>	35.0

**CICAD acknowledges the efforts made by the country in conducting a drug use survey in secondary schools.**

### **III. SUPPLY REDUCTION**

#### **A. Drug Production**

Haiti does not have a crop eradication program and does not provide information on the volume of eradication of illicit crops.

The country reports that to date no illicit laboratories for organic or synthetic drugs have been detected in the country.

**CICAD is concerned that the country did not provide sufficient information to enable an adequate evaluation of this area.**

#### **B. Control of Pharmaceutical Products**

Haiti reports that it has the Law Governing the Introduction, Manufacture, and Sale of Pharmaceutical and Biological Products (1955) and a mechanism to monitor and prevent the diversion of pharmaceutical products by health professionals and entities authorized to handle these products.



The authority responsible for coordinating activities related to the control of pharmaceutical products is the Pharmacy Department in the Ministry of Health.

In the commercial sector, Haiti exercises import/export control, license control, monitoring of distribution, inspection, administrative sanctions, registry of licensees, and registry of quantities of pharmaceutical products sold.

Similarly, in the health care sector the control mechanism includes license control, monitoring distribution, inspections, administrative sanctions, and transfer of unusual cases detected by administrative authorities to judicial authorities. The control mechanism does not include monitoring of prescriptions.

The country has a system to compile information on administrative and regulatory activities and sanctions imposed in connection with them. During 2004, 80 permits were issued for the importation of pharmaceutical products; during 2005, 96 permits for importation were issued and three inspections of manufacturers were carried out; and during 2006, 139 permits for importation were issued, and five inspections of importers were carried out.

During the evaluation period, Haiti offered training courses in the areas of drug management, management of narcotic products and prescriptions, and pharmaceutical inspection for personnel in the public and private sectors who are involved in the handling of pharmaceutical products. The country states that these courses satisfy the demand for training.

Haitian legislation provides for the application of penal and administrative sanctions for the diversion of pharmaceutical products, but does not criminalize the illicit sale and distribution of controlled pharmaceutical products or other drugs over the Internet

The relevant institutions in the country do not have the necessary procedures, investigation techniques, training and equipment to detect suspicious transactions or diversion of controlled pharmaceutical products or other drugs via the Internet.

**CICAD observes that Haiti has a national authority responsible for the coordination of activities related to the control of pharmaceutical products.**

**CICAD also takes note that the legislation that Haiti has in place for the control of pharmaceutical products predate relevant international Conventions, and considers that it is necessary for the country to update such legislation, in accordance with these Conventions.**

**CICAD notes that the country does not have regulations or specific mechanisms in place to prevent and control the illicit traffic of pharmaceutical products and other drugs via the internet.**

### **RECOMMENDATION:**

8. **UPDATE CURRENT LEGISLATION ON PHARMACEUTICAL PRODUCTS, IN ACCORDANCE WITH RELEVANT INTERNATIONAL CONVENTIONS.**

## **C. Control of Chemical Substances**

Haiti has the Law Governing the Introduction, Manufacture, and Sale of Pharmaceutical and Biological Products (1955), as well as a mechanism to monitor and prevent the diversion of controlled



chemical substances. The components of this mechanism are: a national registry of licensees, license control (manufacture and distribution), import and export controls, inspections, control of distribution, control of the final sale, pre-export notifications, and imposition of sanctions. The mechanism does not cover transport control.

The country does not have in place any automated management systems to facilitate the control of chemical substances.

No training courses for the control of the diversion of chemical substances were offered to administrative, police or customs officers during the evaluation period. The country reports that the demand for training courses in this area has not been met.

Haitian legislation provides for the application of penal and administrative sanctions for the diversion of chemical substances.

Haiti imports chemical substances, but does not handle them when in-transit. The country received five pre-export notifications in 2004, 10 in 2005, and 16 in 2006; and sent timely replies to four and denied four in 2005; and sent timely responses to five and denied 11 in 2006.

The country does not provide any information on seizure of controlled chemical substances or their disposal.

**CICAD observes that the legislation that Haiti has in place for the control of chemical products predates relevant international Conventions. CICAD considers it necessary for the country to update this legislation in accordance with these Conventions.**

**CICAD takes note that no training is provided for officers responsible for the control of chemical substances, and encourages the country to offer courses in this area.**

**The country did not provide information on the seizure of controlled chemical substances nor on any control mechanisms it has for the control of these substances, which did not allow an adequate evaluation of this area.**

## **RECOMMENDATION:**

9. UPDATE CURRENT LEGISLATION ON CONTROLLED CHEMICAL SUBSTANCES, IN ACCORDANCE WITH RELEVANT INTERNATIONAL CONVENTIONS.

## **IV. CONTROL MEASURES**

### **A. Illicit Drug Trafficking**

Haiti provides information on the quantities of drugs seized during 2004–2006 in the following table:

**Number and Quantities of Illicit Drugs Seized, 2004–2006**

Type of Drugs	Number of Seizures			Quantities of Drugs Seized		
	2004	2005	2006	2004	2005	2006
<b>Cocaine Base</b>	16	4	4	76.43 kg.	86.30 kg.	394.82 kg.
<b>Crack Cocaine</b>	1	1	1	0.01 kg.	0.003 kg.	4.30 kg.
<b>Leaf Cannabis (grass)</b>	11	22	19	385.23 kg.	228.07 kg.	824.85 kg.

During 2004, 35 persons were formally charged with and two were convicted of illicit drug trafficking; in 2005, 62 persons were formally charged and one was convicted; and in 2006, 109 persons were formally charged, and none were convicted.

Haiti's legislation does not permit the possession of drugs for personal use. The court determines whether the quantity is intended for personal use based on the personal consumption of the accused, and may replace or supplement penalties imposed for possession of drugs for personal use with orders for detoxification treatment or appropriate supervision. Additionally, exceptions have been established within the definition of the offence of possession for personal use.

The country reports that, during 2004, one person was arrested for illicit possession of drugs for personal use, two were arrested in 2005, and 28 in 2006.

Haiti facilitates timely operational information exchange and collaboration among national authorities responsible for controlling illicit drug trafficking through inter-agency meetings.

The Haitian Government has also re-established the Joint Information and Coordination Center (CICC), an intelligence center that provides support to the country's drug control agencies and facilitates the exchange of operational information with regional and international intelligence and drug control agencies.

The country participates in international and regional meetings of specialized drug control agencies, and in joint meetings between the Haitian police forces and their counterparts from the Dominican Republic, which has resulted in improved cooperation between authorities responsible for combating cross-border crime.

The Ministry of Foreign Affairs is Haiti's central authority for making and receiving extradition requests. Received requests are forwarded to the Ministry of Justice for execution. The extradition of nationals is not permitted by Haiti's national laws. The country did not receive any requests for extradition in illicit drug trafficking cases in 2004; it received six requests in 2005 and one in 2006.

During the evaluation period, Haiti conducted specialized training courses and briefings for the Office for the Fight against Illicit Narcotics Trafficking (BLTS) officers and magistrates from the 16 jurisdictions of the country, to address the issues of illicit drug trafficking and money laundering.

The country reports that the courses delivered during the evaluation period satisfied the training needs of the country in the areas covered. However, it considers that its officers need specific training in special investigation techniques for narcotics control.

**CICAD expresses its satisfaction that the country has re-established the Joint Intelligence Coordination Center, which plays a key role in providing support to the country's drug control agencies and facilitating the exchange of operational information with regional and international intelligence and drug control agencies.**





CICAD also considers it important that the country has a central authority for making and receiving extradition requests.

CICAD is concerned, however, that the country did not provide key information on its efforts to control illicit drug trafficking, which did not allow a proper evaluation of this section.

### **RECOMMENDATION:**

10. ESTABLISH A MECHANISM TO RECORD THE NUMBER OF PERSONS FORMALLY CHARGED WITH AND CONVICTED OF ILLICIT DRUG TRAFFICKING AND POSSESSION, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.

## **B. Firearms, Ammunition, Explosives and other Related Materials**

In Haiti the entities responsible for the control of firearms, ammunition, explosives, and other related materials are as follows:

**Authorities Responsible for the Control of Firearms, Ammunition, Explosives, and other Related Materials**

<b>Responsibility</b>	<b>National Entity</b>
<b>Issuance of import and in-transit licenses and authorizations</b>	The National Police of Haiti (PNH)
<b>Confiscation or forfeiture of illicitly trafficked firearms or ammunition.</b>	The National Police of Haiti (PNH), the Office for the Fight against Illicit Narcotics Trafficking (BLTS), and the National Commission of Disarmament, Demobilization and Reintegration (CNDDR)
<b>Confiscation or forfeiture of illicitly trafficked explosives</b>	The National Police of Haiti (PNH), the Office for the Fight against Illicit Narcotics Trafficking (BLTS), the National Commission of Disarmament, Demobilization and Reintegration (CNDDR), and the Judicial Information Office (BRJ)
<b>Exchange of information among relevant national entities</b>	The Judicial Information Office (BRJ)
<b>Exchange of information on firearms with other countries</b>	The Judicial Information Office (BRJ) and the General Customs Administration (AGD)
<b>Exchange of information on ammunition and explosives with other countries</b>	The Judicial Information Office (BRJ), the Criminalistics Bureau (BPST), the General Customs Administration (AGD) and Interpol

The Decree of January 14, 1988 establishes administrative controls over the importation of firearms, ammunition and explosives.



The country indicates that it conducts joint operations with relevant agencies of the United States of America to control illegal activities involving firearms, ammunition, explosives and other related materials, and that it collaborates and exchanges information with similar agencies in other countries.

**CICAD notes that Haiti has established entities with the responsibility for the control of firearms, ammunition, explosives, and other related materials.**

**However, CICAD considers it necessary for the country to have adequate legislation in place to criminalize the illicit manufacture, trafficking, transit and exportation of firearms, ammunition, explosives and other related materials and to provide for adequate sanctions.**

**CICAD expresses its concern that the country did not provide sufficient information to enable a proper evaluation of this area.**

### **RECOMMENDATION:**

11. ESTABLISH AN ADEQUATE LEGISLATIVE AND REGULATORY FRAMEWORK FOR THE CONTROL OF THE ILLICIT MANUFACTURE, TRAFFICKING, TRANSIT AND EXPORTATION OF FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS, AS REQUIRED BY THE INTER-AMERICAN CONVENTION AGAINST ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS (CIFTA), A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.

## **C. Money Laundering**

The Law on Money Laundering from Illicit Drug Trafficking and other Crimes and Punishable Offences (February 21, 2001) criminalizes money laundering and includes illicit drug trafficking, trafficking in firearms, trafficking in persons, corruption and fraud as predicate offences. Prostitution, pornography and trafficking in human organs are not criminalized. Under Haitian legislation, money laundering is an autonomous offence. Proof of the predicate offence is not necessary to prosecute a person for money laundering.

Haitian legislation authorizes undercover operations, provided that authorization is obtained from the dean of the local magistrate's court where the operation is taking place. This legislation also authorizes electronic surveillance and controlled deliveries in investigations involving money laundering.

The country's legislation also allows for the reduction of the sentences of convicts who agree to collaborate with the justice system.

Administrative controls regulate the activities of offshore banks, currency exchanges, stock exchange, real estate and cross border movements of currency and negotiable bearer instruments, as well as all operations of money changers, casinos, and gaming houses and of persons controlling or providing advice on real estate operations.

Haiti reports that seven persons were formally charged with money laundering offences in 2004 and four in 2005. None were convicted during 2004–2006.

The Central Financial Information Unit ("*Unité Centrale de Renseignements Financiers*" – UCREF) is the financial intelligence unit of Haiti, and became operational on December 23, 2003. The



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. The UCREF transmits pertinent cases to the Government Commissary for Judicial Prosecutions (*"Commissaire du Gouvernement pour les Poursuites Judiciaires"*). Regulatory functions, however, are exercised by the central bank and the national courts. Haitian legislation authorizes the UCREF to share information with its counterparts in other countries without signing a Memorandum of Understanding.

Haitian law requires financial institutions and other regulated entities to report suspicious or unusual transactions to the competent authorities, and exempts them from liability for making such reports. The Law also requires them to report large transactions, to verify clients' identities, register transactions, preserve records and follow "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.

UCREF must request bank account and other financial information from the board of directors of the banking institutions in the country. The Unit shares information with other national agencies and its foreign counterparts.

Haiti reports that the General Direction of Taxes (*"Direction Générale des Impôts"*) is in charge of safeguarding assets seized from illicit drug trafficking and money laundering offences.

UCREF has signed MOUs with its counterparts in the Dominican Republic, Panama and Honduras regarding preventive embargoes in cases of suspected money laundering activities.

The Ministry of Foreign Affairs and the Ministry of Justice are the authorities responsible for making international cooperation requests to other countries. Under existing extradition treaties, extradition for money laundering offences is contemplated, however, the extradition of Haitian nationals is not permitted by law.

**CICAD expresses its satisfaction that Haiti has established the Central Financial Information Unit (UCREF) and that it operates with an independent budget. CICAD has insufficient information, however, to determine whether this unit has the authority to compel financial records from financial institutions and other regulated entities.**

**CICAD takes note that Haiti has in place legislation which criminalizes money laundering as an autonomous offence, but it expresses its concern that predicate offences do not include pornography, prostitution and trafficking in human organs.**

**CICAD also observes that the country has administrative controls that regulate the activities of key institutions and other entities, but considers it necessary to apply those controls to accountants, attorneys-at-law and notaries public, as well.**

## **RECOMMENDATIONS:**

12. EXPAND THE LIST OF PREDICATE OFFENSES FOR MONEY LAUNDERING TO INCLUDE ALL CRIMINAL ACTIVITIES CONSIDERED SERIOUS CRIMES UNDER THE PALERMO CONVENTION (PUNISHABLE BY A MAXIMUM DEPRIVATION OF LIBERTY OF AT LEAST FOUR YEARS OR A MORE SERIOUS PENALTY).
13. ESTABLISH ADMINISTRATIVE CONTROLS ON ACCOUNTANTS, ATTORNEYS-AT-LAW AND NOTARIES PUBLIC TO PREVENT MONEY LAUNDERING.



## CONCLUSIONS

CICAD notes that Haiti's National Drug Control Commission (CONALD) is the national authority responsible for the coordination of the country's national anti-drug policies. This Commission operates with an independent budget, which it considers adequate.

The country does not have a National Anti-drug Plan in place. The Plan was developed in 2003 and reviewed in 2006, but has yet to be adopted. CICAD considers it important for the country to adopt the National Anti-drug Plan as soon as possible to ensure adequate policy implementation.

CICAD recognizes that Haiti has made progress in the ratification of relevant international conventions. Noteworthy is the fact that the country has ratified the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (CIFTA). The country, however, needs to make a greater effort to ratify other key international conventions that are essential in the fight against illicit drug trafficking and related offences, such as the United Nations Convention on Psychotropic Substances, 1971, which provides a listing of controlled psychotropic substances.

CICAD acknowledges the country's efforts in carrying out one of the drug-related priority studies and in engaging in the dissemination of information on drug-related problems to the general public, but considers that the installation of a help line to provide this type of information would prove beneficial to all sectors of the community.

The country carried out a number of drug-awareness and prevention activities, but has yet to develop and implement drug prevention programs that are compatible with CICAD's Hemispheric Guidelines. The country also lacks guidelines or regulations on standards of care for drug abuse treatment and a national registry of treatment for drug dependents.

CICAD takes note that Haiti conducts eradication of illicit crops but expresses its concern that Haiti did not provide information on the quantities of eradicated illicit crops, which impeded a proper evaluation of the country's efforts to reduce drug production.

It is significant that Haiti has a national authority responsible for the coordination of activities related to the control of pharmaceutical products, as well as legislation on the subject matter. However, the country should consider reviewing said legislation to meet its obligations under key international conventions in this area. The country should also consider implementing mechanisms to prevent and control the illicit traffic of these products via the Internet. The country also has legislation and a mechanism to control activities with regard to chemical products. CICAD considers it important for the country to update its Laws to control pharmaceutical products and chemical substances in accordance with international standards.

It is noteworthy that Haiti re-established the Joint Intelligence Coordination Center, which provides intelligence information to the country's drug control agencies and facilitates the exchange of information with its international counterparts.

CICAD considers it important that Haiti has established entities with responsibility for the control of firearms, ammunition, explosives and other related materials. CICAD, however, considers it necessary for Haiti to amend its legislation to provide for the criminalization of the illicit manufacture, trafficking, transit and exportation of firearms, ammunition, explosives and other related materials.

Haiti did not provide key information on its efforts to control illicit drug trafficking, and for the control of firearms, ammunition, explosives and other related materials.



CICAD takes note that Haiti has in place legislation that criminalizes money laundering as an autonomous offence, but expresses its concern that predicate offences do not include pornography, prostitution and trafficking in human organs.

CICAD also observes that the country has administrative controls that regulate the activities of key institutions and other entities, but considers it necessary to apply those controls to accountants, attorneys-at-law and notaries public, as well.

CICAD recognizes Haiti's contribution and its active participation in the framework of the Multilateral Evaluation Mechanism (MEM).



## 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 STRENGTHENING

1. APPROVE AND IMPLEMENT THE NATIONAL ANTI-DRUG PLAN, A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND, 1999–2000.
2. ACCEDE TO THE UNITED NATIONS CONVENTION ON PSYCHOTROPIC SUBSTANCES, 1971, A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND, 1999–2000.
3. ACCEDE TO THE INTER-AMERICAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS, 1992, A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND, 1999–2000.
4. RATIFY THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME, 2000, AND ITS THREE PROTOCOLS, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002:
  - A. PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR;
  - B. PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN; AND
  - C. PROTOCOL AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION.
5. RATIFY THE UNITED NATIONS CONVENTION AGAINST CORRUPTION, 2003.

### DEMAND REDUCTION

6. DEVELOP AND IMPLEMENT A NATIONAL DRUG ABUSE PREVENTION PROGRAM FOR SCHOOL STUDENTS, BASED ON CICAD'S HEMISPHERIC GUIDELINES ON SCHOOL PREVENTION.
7. ESTABLISH MINIMUM STANDARDS OF CARE FOR DRUG ABUSE TREATMENT, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.

### SUPPLY REDUCTION

8. UPDATE CURRENT LEGISLATION ON PHARMACEUTICAL PRODUCTS, IN ACCORDANCE WITH RELEVANT INTERNATIONAL CONVENTIONS.
9. UPDATE CURRENT LEGISLATION ON CONTROLLED CHEMICAL SUBSTANCES, IN ACCORDANCE WITH RELEVANT INTERNATIONAL CONVENTIONS.





## CONTROL MEASURES

10. ESTABLISH A MECHANISM TO RECORD THE NUMBER OF PERSONS FORMALLY CHARGED WITH AND CONVICTED OF ILLICIT DRUG TRAFFICKING AND POSSESSION, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.
11. ESTABLISH AN ADEQUATE LEGISLATIVE AND REGULATORY FRAMEWORK FOR THE CONTROL OF THE ILLICIT MANUFACTURE, TRAFFICKING, TRANSIT AND EXPORTATION OF FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS, AS REQUIRED BY THE INTER-AMERICAN CONVENTION AGAINST ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS (CIFTA), A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.
12. EXPAND THE LIST OF PREDICATE OFFENSES FOR MONEY LAUNDERING TO INCLUDE ALL CRIMINAL ACTIVITIES CONSIDERED SERIOUS CRIMES UNDER THE PALERMO CONVENTION (PUNISHABLE BY A MAXIMUM DEPRIVATION OF LIBERTY OF AT LEAST FOUR YEARS OR A MORE SERIOUS PENALTY).
13. ESTABLISH ADMINISTRATIVE CONTROLS ON ACCOUNTANTS, ATTORNEYS-AT-LAW AND NOTARIES PUBLIC TO PREVENT MONEY LAUNDERING.



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