

# Multilateral Evaluation Mechanism MEM



# Costa Rica

2009 EVALUATION OF PROGRESS IN DRUG CONTROL  
IMPLEMENTATION OF RECOMMENDATIONS  
FROM THE FOURTH EVALUATION ROUND





**RECOMMENDATION 1:****RATIFY THE INTER-AMERICAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS, A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND, 1999–2000.**

Costa Rica reports that in September 2008, the official journal La Gaceta No. 185 published the draft for approval of the Inter-American Convention on Mutual Assistance in Criminal Matters, which was considered by the Legislative Assembly under docket No. 17126. However, in spite of the efforts made toward its passage, it has not yet been ratified.

CICAD notes with concern the lack of substantive progress and urges Costa Rica to implement this reiterated recommendation, given that it was assigned in the First Evaluation Round, 1999-2000.

**RECOMMENDATION 2:****RATIFY THE UNITED NATIONS CONVENTION AGAINST CORRUPTION, 2003.**

Costa Rica reports that the United Nations Convention against Corruption of 2003 was ratified on March 21, 2007.

CICAD notes with satisfaction the implementation of this recommendation.

**RECOMMENDATION 3:****EXPAND THE COVERAGE OF PREVENTION PROGRAMS TARGETING KEY POPULATIONS SUCH AS STUDENTS.**

Costa Rica reports that between 2007 and 2008, significant increases were recorded in the coverage of programs targeting students, as compared to earlier years. In addition, the country reports that, in the context of the "I'm Learning to Take Care of Myself" program, training was provided to 7,854 parents and 7,849 teachers in 2007, and to 19,309 parents and 13,039 teachers in 2008.

CICAD notes with satisfaction the implementation of this recommendation.

**RECOMMENDATION 4:****EXPAND THE AVAILABILITY OF SPECIALIZED TRAINING COURSES IN DRUG USE PREVENTION AND TREATMENT.**

Costa Rica reports that it has signed a memorandum of understanding to participate in the Central American Training and Certification Program for Drug Counselors.

The country reports that the design of the curriculum is in process, coordinated with the University of Costa Rica and the Institute of Alcoholism and Drug Dependency (IAFA).

CICAD takes note of the information provided and encourages the country to implement the recommendation.

**RECOMMENDATION 5:****INCREASE PERSONNEL TRAINING TO ALLOW BETTER FOLLOW UP FOR INSPECTIONS AND AUDITS OF PUBLIC AND PRIVATE ORGANIZATIONS IN THE PHARMACEUTICAL PRODUCTS FIELD.**

Costa Rica reports that during 2007 a proposed system to control narcotics and psychotropic substances in private and public pharmacies was developed. The next step is to formalize it and train officials from the responsible agencies in its use.

The country also reports that information and awareness activities were carried out in all nine health regions, with the participation of all the responsible health agencies, during which the national legislation applicable to this type of control system was presented.

CICAD takes note of the information provided and encourages the country to implement the recommendation.

**RECOMMENDATION 6:****IMPLEMENT RESEARCH AND TRAINING ACTIVITIES REGARDING THE PREVENTION AND CONTROL OF ILLICIT TRAFFICKING OF PHARMACEUTICAL PRODUCTS AND OTHER DRUGS OVER THE INTERNET, WHICH WILL ALLOW THE COUNTRY TO IDENTIFY ITS NORMATIVE AND OPERATIONAL NEEDS.**

Costa Rica reports that under the 2008-2012 National Drugs Plan, which establishes the scope of oversight and control of narcotics, psychotropic substances, chemical precursors and essential chemicals, work is under way on a specific project called "No to Virtual Pharmacies", which analyzes the current provisions and the need for new guidelines and control mechanisms, among other topics.

CICAD takes note of the information provided and encourages the country to implement the recommendation.

**RECOMMENDATION 7:****OFFER SPECIALIZED TRAINING TO PERSONNEL RESPONSIBLE FOR CONTROL OF ILLICIT DRUG TRAFFICKING, WITH PARTICULAR EMPHASIS ON NEW FORMS OF ILLICIT TRAFFICKING AND THE USE OF NEW TECHNOLOGIES.**

Costa Rica reports that the 2008-2012 National Drugs Plan incorporates as a central theme the basic action component called "Human Resources Training, Professionalization, and Updating". In this context, the country states that a study was carried out to determine availability of educational training, with a view to later preparing a proposal for action.

CICAD acknowledges the actions undertaken and encourages the country to implement this recommendation.

**RECOMMENDATION 8:****ESTABLISH MECHANISMS THAT ALLOW FOR THE CREATION OF REGISTERS ON PERSONS FORMALLY CHARGED WITH AND CONVICTED OF ILLICIT DRUG TRAFFICKING.**

Costa Rica reports that it is currently working on the progressive implementation of a new judicial management system that will include a registry of individuals formally charged, broken down by the type of crime committed. The country states it has data regarding convictions for illicit drug trafficking but does not yet have statistical data about formal accusations.

CICAD encourages the country to implement this recommendation.

**RECOMMENDATION 9:****ESTABLISH A REGISTER TO ENABLE THE COLLECTION OF SYSTEMATIC DATA ON THE NUMBER OF PERSONS FORMALLY CHARGED WITH AND CONVICTED OF ILLICIT POSSESSION OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Costa Rica reports that it is working on the progressive implementation of a new judicial management system that will include a registry of individuals formally charged, broken down by the type of crime committed. The country indicates that it has data on convictions for holding, possessing, and illicit trafficking in firearms, ammunition, explosives, and other related materials, but that it does not yet have statistical data about formal accusations.

CICAD urges the country to comply with this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003-2004.

**RECOMMENDATION 10:****ESTABLISH A REGISTER TO ENABLE THE COLLECTION OF SYSTEMATIC DATA ON THE CONFISCATION OF AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS.**

Costa Rica reports that it began an assessment of the computer systems used to register, monitor, and obtain information on confiscation of ammunition, explosives, and other related materials.

The procedures and information systems of the General Directorate of Armaments and its departments are being analyzed, which will allow the country to determine the hardware and software needs.

CICAD encourages the country to implement this recommendation.

**RECOMMENDATION 11:****EXPAND THE LIST OF OBLIGATED ENTITIES SUBJECT TO MONEY LAUNDERING ADMINISTRATIVE CONTROLS TO INCLUDE INSURANCE COMPANIES, CASINOS, AND REAL ESTATE AGENCIES, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002.**

Costa Rica reports that in February 2009, it passed the “Law against the Financing of Terrorism”. The Law incorporates Article 15 bis into Law No. 8204 on Narcotics, Psychotropic Substances, Unauthorized Drugs, Legitimizing Capital and Related Activities, which imposes administrative controls for insurance and real estate companies and casinos, among others.

The country also reports that through Law No. 8653 of March 7, 2008, the Legislative Assembly passed the Insurance Liberalization Law, which establishes the Office of the Superintendent of Insurance as an entity responsible for oversight and control on matters concerning prevention of money laundering and financing of terrorism.

CICAD notes with satisfaction the implementation of this recommendation.

**RECOMMENDATION 12:****INTRODUCE AMENDMENTS ALLOWING A PERSON CONVICTED OF A PREDICATE OFFENSE TO BE CONVICTED FOR THE CRIME OF MONEY LAUNDERING, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Costa Rica reports that constitutional constraints make it impossible for a person convicted of a predicate offense to be convicted of money laundering.

The country informs that in cases in which the individual committing a predicate offense also commits the crime of concealment of assets, that person is considered to be in the process of consummating the predicate offense. Consequently, the action of concealment constitutes another phase of the predicate offense and is, therefore, punishable.

CICAD takes note of the information provided and considers this recommendation implemented.

**CONCLUSIONS**

CICAD notes that the country has implemented four of the 12 recommendations assigned during the Fourth Evaluation Round, including: ratifying the United Nations Convention against Corruption; expanding the coverage of prevention programs targeting specific populations; and expanding the list of obligated entities subject to money laundering administrative controls.

In addition, Costa Rica has made some progress in implementing four of the assigned recommendations. Particular noteworthy are the specialized training actions undertaken in the following areas: addiction prevention and treatment; inspections and audits of public and private entities in the pharmaceutical products sector; prevention and control of illicit trafficking of pharmaceutical products and other drugs over the Internet; and other new forms of illicit trafficking and the use of new technologies.



Nevertheless, CICAD notes that the country has made no progress in implementing four of the assigned recommendations, including the reiterated recommendation from the First Evaluation Round, 1999-2000, to ratify the Inter-American Convention on Mutual Assistance in Criminal Matters.

CICAD recognizes Costa Rica's participation in the MEM process and encourages the country to continue its efforts to fully implement the pending recommendations.