

HANDBOOK ON EVALUATION CRITERIA

(GUIDE FOR THE EVALUATOR)

MULTILATERAL EVALUATION MECHANISM

SIXTH EVALUATION ROUND

Introduction

This Manual, approved by the Inter-American Drug Abuse Control Commission (OAS/CICAD) during its Fifty-second Regular Session, is the primary tool and guide for the work to be carried out by the Governmental Experts Group (GEG) during the evaluation process. Alongside its annexes—which form an integral part of this Manual—it presents the elements and components that together constitute the evaluation instrument to be used to draft the member states' national reports for the Multilateral Evaluation Mechanism (MEM) Sixth Evaluation Round.

This guide identifies the evaluation components that the GEG, in accordance with the evaluation scale described below and with the Procedural Manual, Chapter III, points c) and d), will use to develop guidelines for the preparation of narrative evaluations, in which it will describe member states' progress with respect to each of the recommendations.

In addition, the GEG will address any unforeseen issues, in order to carry out the evaluation.

Evaluation Instrument

It is important to highlight that for this Sixth Round, the evaluation process will employ a new methodology, different from that used in the previous rounds. The process will now be based on a set of 27 common recommendations, on the basis of which member states will be evaluated. The primary objective will be to determine each member state's situation with regard to the complete set of recommendations, which were developed based on the Hemispheric Drug Strategy and its Plan of Action for the period 2011-2015.

The documents that form the evaluation instrument include:

- a) Recommendations: In accordance with the guidelines established in the Hemispheric Drug Strategy and the Plan of Action, 2011-2015, 27 recommendations were developed, and the evaluation of all member states will be carried out based on these recommendations.
- b) Evaluation Survey: This component will enable the collection of information and statistical data, allowing the evaluator to analyze the country's situation with respect to each of the areas identified in the Hemispheric Drug Strategy and its Plan of Action.
- c) Procedural Manual: This Manual describes how the Multilateral Evaluation Mechanism (MEM) process functions, including its background, the actors involved throughout the evaluation process and their responsibilities, and general considerations for the GEG in preparing the reports.

- d) Evaluation cycle: This component details the Schedule of Activities for the MEM Sixth Round evaluation process, including GEG meetings, submission of information by member states, official publications and training activities.
- e) Evaluation Scale: A guide, approved by CICAD, which defines the varying levels of compliance with the recommendations. The GEG will use the following guidelines as a reference for the development of its evaluations:

Evaluation Scale	
Complete	The country has demonstrated that it has completed all of the criteria identified for the recommendation. All criteria have been completed or in the case of a recommendation with only one criterion, the criterion has been completed.
Mostly complete	The country has completed most of the criteria, or in the case of one criterion, most of the activities associated with the recommendation. Most of the criteria have been completed, or in the case of a recommendation with only one criterion, most of the activities have been completed.
Partially complete	The country has completed some of the criteria, or in the case of one criterion, some of the activities associated with the recommendation. Some criteria have been completed, or in the case of a recommendation with only one criterion, some activities have been completed.
Started	The country has taken the initial steps to comply with the recommendation. No criteria have been completed, or in the case of a recommendation with only one criterion, no activities have been completed.
Not started	The country has identified or demonstrated that it has not started any activities towards completion of the recommendation. No activities have been undertaken.
N/A	The recommendation is not applicable to the country's situation.

Criteria and Interpretive Notes

This section includes the 27 recommendations, divided in accordance with the five chapters of the Hemispheric Drug Strategy, and describes the essential criteria for each recommendation, which the evaluator should take into consideration when analyzing compliance with the recommendation. In addition, each essential criterion includes the respective question number(s) in the Evaluation Survey and is accompanied by an interpretive note that will aid the evaluators in better understanding the objective of that criterion. Finally, this section includes definitions for some technical terms, as footnotes to the relevant recommendation.

INSTITUTIONAL STRENGTHENING

RECOMMENDATION 1

ESTABLISH AND/OR STRENGTHEN NATIONAL DRUG AUTHORITIES, PLACING THEM AT A HIGH POLITICAL LEVEL, WITH THE MISSION TO COORDINATE THE EFFECTIVE PLANNING AND IMPLEMENTATION OF NATIONAL DRUG POLICIES.

Criterion 1.1: Existence of a national drug authority that coordinates national drug policies.
(Questions 1-9)

Interpretive Note: The country has designated/established a national drug authority, which refers to the central government body responsible for coordination and follow-up of the National Drug Plan/Strategy. In order to function adequately, the national drug authority requires a dedicated/assigned budget, a monitoring and evaluation system and a central technical office (refers to the central government body responsible for the implementation of the programs and projects of the National Drug Plan/Strategy). In addition, the national drug authority has a legal and/or political basis.

INSTITUTIONAL STRENGTHENING

RECOMMENDATION
2

DESIGN, IMPLEMENT, STRENGTHEN AND UPDATE NATIONAL EVIDENCE-BASED STRATEGIES AND POLICIES ON DRUGS.

Criterion 2.1: Existence of national evidence-based strategies and policies on drugs. (Questions 10-12)

Interpretive Note: The country has an approved National Drug Plan/Strategy which incorporates strategies and policies in the areas of Demand Reduction, Supply Reduction, Control Measures and International Cooperation, and has a budget to facilitate implementation.

Criterion 2.2: Engagement of relevant actors¹ in drug policy (e.g., government authorities, civil society, scientific community and direct and indirect actors). (Questions 13-15)

Interpretive Note: The country engages all relevant actors in the design, drafting, and implementation of the National Drug Plan/Strategy. Additionally, where appropriate, the country seeks to decentralize activities within the framework of the Plan.

Criterion 2.3: Evaluations of policies, programs and interventions for the national drug plan. (Questions 16-17)

Interpretive Note: The Plan/Strategy has an integrated monitoring and evaluation component. The Plan/Strategy should be evaluated during its lifetime in order to strengthen the current or subsequent strategies. This evaluation should be undertaken by individuals who have expertise or training in evaluation.

Criterion 2.4: Updating of policy based on evaluation and outcomes. (Questions 18-19)

Interpretive Note: The country updates its drug policies, plans and programs in accordance with the results of its evaluations. These results are used to strengthen the Drug Plan/Strategy, and may include the identification of emerging issues in the country and proposed activities to address them.

¹ Relevant actors: includes civil society, scientific community, university based researchers, government at the national, regional and local levels.

INSTITUTIONAL STRENGTHENING

RECOMMENDATION 3

ESTABLISH AND/OR STRENGTHEN NATIONAL OBSERVATORIES ON DRUGS OR SIMILAR TECHNICAL OFFICES TO DEVELOP NATIONAL DRUG INFORMATION SYSTEMS AND FOSTER SCIENTIFIC RESEARCH ON THIS SUBJECT.

Criterion 3.1: Existence of a National Drug Observatory or similar technical office. (Question 20)

Interpretive Note: The country has a National Drug Observatory or similar technical office that organizes, and/or carries out studies and/or compiles, and/or coordinates drug-related statistics and other drug-related information. This office has a budget and human resources to carry out the necessary functions.

Criterion 3.2: Existence of data on the magnitude of drug use in the population. (Question 21)

Interpretive Note: The country carries out (or has access to the data from) demand studies (e.g., general population surveys, student surveys, treatment information) on a regular basis (e.g., annually for access to patient registers of treatment centers and at least every 5 years for surveys) and publicly releases the results.

Criterion 3.3: Existence of information on the country's drug supply. (Question 22)

Interpretive Note: The country collects drug supply information (e.g., illicit crop cultivation, illicit drug production, the chemical composition of drug seizures, manufacture, diversion of pharmaceutical products, drug market information, and criminal offenses) on an annual basis.

Criterion 3.4: Carry out economic cost study. (Question 23)

Interpretive Note: The country carries out studies on the economic and social costs of drugs at least every 10 years.

Criterion 3.5: Dissemination of information to policymakers, jurisdictions and stakeholders nationally to inform policy and programs. Stakeholders would be defined by the country – e.g., other departments within the government, provincial/state/territorial governments, industry, civil society, etc. (Questions 24-25)

Interpretive Note: The country disseminates drug demand and drug supply information resulting from studies and data collection for use by policymakers, jurisdictions and stakeholders.

DEMAND REDUCTION

RECOMMENDATION

4

DEVELOP AND IMPLEMENT COMPREHENSIVE DEMAND REDUCTION POLICIES, PLANS AND/OR PROGRAMS.

Criterion 4.1: The country has comprehensive demand reduction plans and programs. (Questions 26–31)

Interpretive Note: Comprehensive demand reduction plans and programs include prevention (including elements of universal, selective and indicated prevention), early intervention, treatment and rehabilitation, social reinsertion² of persons affected by drug use, and related recovery support services. Demand reduction plans and programs are based on available evidence³, technical guidelines, and/or demand reduction data. In accordance with the presence of risk factors in the population groups to which prevention programs are offered, these programs may be divided among universal, including preventive actions targeting the entire population independent of risk; selective, including actions targeting a specific segment of the population, which, because of personal, social, family, or socio-cultural and related characteristics, is vulnerable to the diverse risk factors leading to drug use; and indicated, including actions targeting persons who use drugs.

Criterion 4.2: The country monitors and evaluates the demand reduction plans and/or programs being implemented. (Questions 32–33)

Interpretive Note: The country monitors and evaluates drug demand reduction plans and/or programs that are being implemented. Monitoring includes periodic reporting on activities undertaken, outputs, and outcomes on an ongoing basis throughout the duration of the program. The information produced is widely available to relevant actors, including those who design and implement plans and programs. Evaluations are carried out on a regular basis to measure progress toward the established goals and objectives of the country's demand reduction plans and programs.

Criterion 4.3: The country updates its demand reduction plans and/or programs, in accordance with the results of monitoring and evaluation. (Question 34)

² Social reinsertion: any social intervention with the aim of integrating former or current problem drug users into the community. The three 'pillars' of social reintegration are (1) housing, (2) education and (3) employment (including vocational training). May also be referred to as "social re-integration."

³ Available evidence: use of evidence, based on which has the best quality. The quality of this evidence reflects the extent to which confidence in an estimate of the effect is adequate to support a particular recommendation.

Interpretive Note: The country revises and updates drug plans and programs, in accordance with the results of monitoring and evaluations. Updates to the plans and/or programs should help the country to achieve the intended goals and objectives.

Criterion 4.4: Demand reduction plans and/or programs include a multisectoral approach to the drug use problem. (Question 35)

Interpretive Note: Given that drug use is a complex, dynamic and multi-factoral problem, it requires a comprehensive, multisectoral and multidisciplinary approach, which includes the participation of governmental and non-governmental organizations, civil society organizations, and local actors.

DEMAND REDUCTION

RECOMMENDATION 5	DESIGN AND IMPLEMENT A COMPREHENSIVE SYSTEM ⁴ OF EVIDENCE-BASED UNIVERSAL, SELECTIVE, AND INDICATED PREVENTION PROGRAMS, WITH MEASURABLE OBJECTIVES, AIMED AT DISTINCT TARGET POPULATIONS, INCLUDING AT-RISK GROUPS.
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Criterion 5.1: The country has prevention programs addressing drug use and related risks, which vary in accordance with the presence of risk factors. (Questions 36–37)

Interpretive Note: Based on the presence of risk factors in population groups to which prevention programs are offered, these programs may be divided among universal, including preventive actions targeting the entire population independent of risk; selective, including actions targeting a specific segment of the population, which, because of personal, social, family, or socio-cultural and related characteristics, is vulnerable to the diverse risk factors leading to drug use; and indicated, including actions targeting persons who use drugs.

⁴ Comprehensive system: organizations and programs that provide addiction prevention services, and are interconnected with several organizations, programs and channels that provide support services.

DEMAND REDUCTION

RECOMMENDATION 6

PROMOTE THE INTEGRATION OF TREATMENT AND RECOVERY PLANS AND PROGRAMS INTO THE PUBLIC HEALTH SYSTEM AND ADDRESS DRUG DEPENDENCE AS A CHRONIC, RELAPSING DISEASE.

Criterion 6.1: The country's public health system⁵ facilities carry out screening and early intervention, brief intervention, and referral to treatment for persons affected by drug use. (Question 38)

Interpretive Note: The country's public health system (PHS) facilities provide early detection for drug use, guidance and brief intervention for persons demonstrating drug use, and systematic referral to treatment for persons affected by drug use. In order to carry out these actions, the country has screening instruments in place to detect drug use.

Criterion 6.2: The country offers a continuum of treatment services, ranging from outpatient to specialized residential programs, aftercare and rehabilitation, and recovery support services. (Questions 39–43)

Interpretive Note: Outpatient plans refer to plans where the user checks-in for a certain number of hours, several days a week, day or evening, or to plans where the user checks-in daily, for the duration of the day; and residential treatment plans refer to inpatient treatment for a determined period of time. Aftercare refers to follow-up interventions that take place after discharge from a treatment program. Rehabilitation and recovery support services provide drug dependent individuals with the necessary tools to reach an optimum state of health, psychological functioning and social well-being.

Criterion 6.3: Treatment centers are accredited to provide drug treatment services. (Question 44)

Interpretive Note: The country has an accreditation process whereby a government, professional association or non-governmental agency grants recognition to a treatment institution for demonstrated ability to meet predetermined criteria for established standards. An accreditation process reflects a standardized approach that facilitates integration of treatment and recovery plans and programs into the public health system.

⁵ Public health system: Includes all organizations, institutions and resources whose principal objective is to carry out activities designed to improve health. The majority of national health systems include the public, private, traditional and informal sectors. The four primary functions of a health system include: provision of services, generation of resources, financing and management.

Criterion 6.4: Public health system facilities that provide treatment and rehabilitation for persons affected by drug use coordinate with each other, adopting a multi- and inter-sectoral approach. (Question 45)

Interpretive Note: Coordinated work brings together different sectors connected with the drug dependency issue (multisectoral) and develops joint work among different sectors (intersectoral). This coordination, cooperation and mobilization of resources is integrated across the various states, regions and/or provinces, in order to develop and improve the services provided.

Criterion 6.5: The country's public health care system has a monitoring system to track and follow-up on treatment and rehabilitation programs offered. (Question 46)

Interpretive Note: Monitoring systems facilitate the collection and organization of information regarding the treatment, rehabilitation and aftercare plans and/or programs being implemented.

DEMAND REDUCTION

RECOMMENDATION 7	FACILITATE ACCESS FOR DRUG-DEPENDENT PERSONS TO A SYSTEM OF DRUG TREATMENT, REHABILITATION, SOCIAL REINSERTION, AND RECOVERY SERVICES THAT ARE EVIDENCE-BASED AND FOLLOW INTERNATIONALLY-ACCEPTED QUALITY STANDARDS.
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Criterion 7.1: The treatment, rehabilitation and social reinsertion services provided by the country take into consideration activities tailored to the needs of the various population profiles being served. (Questions 47–49)

Interpretive Note: Activities tailored to population profiles is understood to mean that interventions undertaken with users, whether treatment, rehabilitation or social reinsertion, are appropriate for the population being treated, including: general population, child-adolescent population, women, prison population, homeless population, persons under criminal justice supervision, and indigenous peoples, among others, in the various states, regions and/or provinces where plans and/or programs are being implemented.

DEMAND REDUCTION

RECOMMENDATION 8	EXPLORE THE MEANS OF OFFERING TREATMENT, REHABILITATION, SOCIAL REINSERTION AND RECOVERY SUPPORT SERVICES TO DRUG-DEPENDENT CRIMINAL OFFENDERS AS AN ALTERNATIVE TO CRIMINAL PROSECUTION OR IMPRISONMENT.
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Criterion 8.1: The country has national and/or regional legislation or administrative guidelines, that create and provide for alternatives to incarceration⁶ for drug-dependent criminal offenders. (Question 50)

Interpretive Note: The country has a legal framework that supports alternatives to incarceration, which are measures that may be carried out in order to strengthen treatment, rehabilitation, social reinsertion and recovery support services for drug-dependent criminal offenders.

Criterion 8.2: Implementation, monitoring and evaluation of alternatives to incarceration for drug-dependent criminal offenders. (Questions 51–55)

Interpretive Note: The country has standard operating procedures for identifying and selecting candidates for participation in alternatives to incarceration, monitors participation in these programs and keeps records for data collection and evaluation purposes. The country conducts periodic program evaluations to determine the effectiveness of these programs and to measure outcomes for participants. The country uses the outcomes and recommendations from these evaluations to improve its processes and programs in alternatives to incarceration.

⁶ Alternatives to incarceration: vary from jurisdiction to jurisdiction, but most involve suspension of the judicial process provided the offender volunteers to participate in a monitored drug treatment program.

DEMAND REDUCTION

RECOMMENDATION 9	STRENGTHEN GOVERNMENTAL RELATIONSHIPS WITH ACADEMIC AND RESEARCH INSTITUTIONS AND SPECIALIZED NON-GOVERNMENTAL ORGANIZATIONS (NGOS), IN ORDER TO GENERATE EVIDENCE ON THE DEMAND FOR DRUGS.
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Criterion 9.1: The country's national drug authority and other relevant agencies establish and maintain cooperative relationships with academic and research institutions and relevant civil society organizations that assess and produce data on the use of drugs within and across communities. (Questions 56–60)

Interpretive Note: In order to maintain this relationship, the country's National Drug Authority and relevant agencies engage in periodic exchanges of information with such academic and research institutions and civil society organizations in a systematic way. The country incorporates data produced by such institutions and organizations into its demand reduction plans and programs and, where appropriate, incorporates this data into its national drug control policies. The country works with relevant academic and research institutions and civil society organizations, as appropriate, to support their capacity to regularly collect information, which is used to develop evidence-based demand reduction plans and programs.

DEMAND REDUCTION

RECOMMENDATION 10	PROMOTE AND STRENGTHEN TRAINING AND CONTINUING EDUCATION OF PROFESSIONALS, TECHNICIANS AND OTHERS INVOLVED IN THE IMPLEMENTATION OF DEMAND REDUCTION ACTIVITIES.
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Criterion 10.1: The country provides access to introductory training and continuing education on all aspects of demand reduction to personnel involved in the implementation of drug demand reduction activities. (Questions 61–62)

Interpretive Note: Personnel involved in the implementation of drug demand reduction activities includes but is not limited to teachers, counselors, healthcare workers, law enforcement (police, prison staff and probation officers), and community leaders. This training is made available through a country's universities and/or through institutions or organizations accredited by national drug authorities, including but not limited to, academic institutions, non-governmental organizations, private sector entities, professional groups, and hospitals or other medical or scientific facilities.

Criterion 10.2: The country offers advanced, intensive training programs on drug demand reduction to personnel to increase knowledge and strengthen skills in specialized technical or professional fields of expertise, or participates in and makes available such training opportunities through regional and/or international organizations. (Questions 63–66)

Interpretive Note: The country either offers certificate level, undergraduate level, and/or graduate level training programs focused on demand reduction to personnel to enhance their work performance in specialized technical or professional fields of expertise; or participates in, and thereby makes available to its technical experts and professionals, regional and or international training programs in drug demand reduction at the certificate, undergraduate, and/or graduate level. The goal of offering such training is to train and certify a cadre of qualified professional specialists to meet the country's drug demand reduction needs.

Criterion 10.3: Regular monitoring and evaluation is carried out for demand reduction training programs, and used to improve and update training programs and to ensure consistency with the best evidence currently available. (Question 67)

Interpretive Note: Regular monitoring and evaluation is carried out for demand reduction training programs, and used to improve and update training programs and ensure that training in demand reduction is meeting the country's need for drug demand reduction personnel (i.e., that personnel are being trained in the range of drug demand reduction fields); training curricula and content are periodically updated to

address current national drug use rates and trends; and training is consistent with the best evidence currently available on training for drug demand reduction personnel.

SUPPLY REDUCTION

RECOMMENDATION
11

ADOPT AND/OR IMPROVE COMPREHENSIVE AND BALANCED MEASURES AIMED AT REDUCING THE ILLICIT SUPPLY OF DRUGS.

Criterion 11.1: Existence of policies and/or plans for the reduction of the illicit supply of drugs, tailored to the current national reality. (Question 68)

Interpretive Note: The country has policies and/or plans that were approved within the regulatory framework⁷ establishing and /or updating them. These are national or federal in scope, and are tailored to the regional or local characteristics of the illicit supply of drugs.

Criterion 11.2: Supply reduction policies and/or plans have been drafted evidence-based⁸ and/or information obtained from assessments that identify the national dynamics of the illicit supply of drugs. (Questions 69-70)

Interpretive Note: The policies and/or plans approved and/or updated address problems identified in the national studies, and/or reports on each element of the illicit supply of drugs and the regional and/or local situation. They also contain a monitoring and evaluation system that allows for their modification over time.

Where possible, the policies and/or plans are based on available evidence on best practices for reduction of the illicit supply of drugs.

Criterion 11.3: The policies, and/or plans developed take into account risk factors⁹, based on a comprehensive crime prevention approach. (Question 71)

Interpretive Note: To verify this criterion, ensure that in the analytical assessment completed prior to the drafting of drug supply reduction plans and/or policies, risk factors were identified and have been considered as specific problems to be addressed in plans and/or policies for the reduction of the illicit supply of drugs.

⁷ Regulatory framework: The set of established laws and regulations that governs the activities of the institutions responsible for the formulation, development and application of drug supply reduction policies and/or programs.

⁸ Evidence-based: Term used to indicate the requirement to base drug supply reduction policies, plans and/or programs on results, generated through studies and evaluations of similar programs being implemented in the country, or in other states. In addition, standards developed by international organizations, based on validated methodologies, are also considered evidence.

⁹ Risk factors: Risk factors are those conditions that contribute to the emergence or strengthening of illicit activities and/or to the neutralization of law enforcement activities.

SUPPLY REDUCTION

RECOMMENDATION 12

ADOPT AND/OR IMPROVE DATA COLLECTION AND ANALYSIS MECHANISMS WITH A VIEW TO CARRYING OUT ASSESSMENTS THAT WILL FACILITATE THE DEVELOPMENT OF PUBLIC POLICIES AIMED AT THE REDUCTION OF THE ILLICIT SUPPLY OF DRUGS.

Criterion 12.1: The competent agencies¹⁰ that implement public illicit drug supply reduction policies gather and analyze operational information for the reduction of illicit crops used in the production of drugs. (Question 72)

Interpretive Note: The national authorities responsible for illicit drug supply reduction gather information that is used to define eradication strategies for illicit crops used in the production of drugs. In addition, public policies on supply reduction demonstrate that analyses have been carried out based on the information collected.

The country also has access to external sources that provide pertinent information for illicit drug supply reduction.

Criterion 12.2: The country has consolidated results on the execution of illicit drug supply reduction policies, plans and/or programs. (Questions 73-74)

Interpretive Note: The country produces periodic information (at least every 2 years) that consolidates the results of and progress made in meeting established indicators on national or federal illicit drug supply reduction policies and/or plans.

This information is accompanied by periodic indicators that can be used to assess the illicit drug supply situation in the country and as evidence of the execution of national or federal supply reduction policies and/or plans.

Criterion 12.3: The country has the capacity to estimate illicit crop cultivation and drug production in order to facilitate their eradication. (Questions 75-78)

Interpretive Note: The country has the capacity to estimate illicit crop cultivation and drug production in order to facilitate their eradication and promotes training for relevant actors and the use of new technologies.

¹⁰ Competent agencies: Refers to the government agencies that, under specific legislation, define policies and implement actions or make decisions designed to resolve problems identified in reducing the illicit supply of drugs.

SUPPLY REDUCTION

RECOMMENDATION 13

PROMOTE STUDIES AND RESEARCH THAT CONTRIBUTE TO THE EARLY IDENTIFICATION AND MONITORING OF NEW AND EMERGING TRENDS THAT COULD PROVIDE UPDATED INFORMATION ON THE ILLICIT SUPPLY OF DRUGS.

Criterion 13.1: The country carries out studies on new patterns in the illicit cultivation of crops used in the illicit production of drugs. (Questions 79-80)

Interpretive Note: The country has carried out studies on new cultivation patterns for illicit crops used in the illicit production of drugs, which describe, among others, new production and processing trends, expansion, and new related socio-economic factors in areas affected by these illicit crops.

Criterion 13.2: The country has carried out situational analyses in the area of the illicit supply of drugs at the national level, to support the decision-making process, which includes, when appropriate, its interaction with other forms of transnational organized crime. (Question 81)

Interpretive Note: The availability of information is demonstrated through the existence of information on the illicit supply of drugs and its connection, if any, with other forms of transnational organized crime, such as trafficking in persons, illicit traffic of small and light firearms, ammunition, their parts and explosives, and money laundering, among others.

SUPPLY REDUCTION

RECOMMENDATION 14

ACCORDING TO THE NEEDS OF EACH COUNTRY, ADOPT COMPREHENSIVE MEASURES, SUCH AS INTEGRAL AND SUSTAINABLE ALTERNATIVE DEVELOPMENT AND LAW ENFORCEMENT INITIATIVES.

Criterion 14.1: The country develops and implements illicit crop eradication measures. (Questions 82-83)

Interpretive Note: A country confronted with the problem of production of illicit crops of coca, poppy, and cannabis takes measures to reduce its supply; it carries out eradication programs or activities. Sustainability of these actions is achieved through monitoring and ongoing evaluation to ensure the eradication's effectiveness. Eradication or reduction of the area of illicit crops refers to the elimination of plants by mechanical or chemical means (fumigation).

Criterion 14.2: The country adopts measures to establish a secure environment that facilitates the implementation of alternative, integral and sustainable development programs and/or projects. (Questions 84-86)

Interpretive Note: The country promotes the execution of alternative, integral, and sustainable development programs and/or projects to consolidate licit economies as a tool against the world drug problem. To do this it utilizes national, regional, and local government agencies/institutions and security forces, establishing the conditions for reducing the illicit crops used in the illicit production of drugs. Integral and sustainable alternative development is an international policy based on the principle of shared responsibility that seeks to discourage illicit crops in countries affected by the problem, which are vulnerable to illicit activities related to the chain of production, collection, and trafficking of narcotics and psychotropic substances. (Resolution 55/8 – United Nations Commission on Narcotic Drugs). It is an important element for generating and promoting legitimate, viable, and sustainable economic options to replace illicit crops for drug production, and it is a key component in the policies and programs to reduce illicit drug production. It is an integral part of the governments' initiatives to achieve sustainable development in their respective countries (Resolution 52/6; Resolution 53/6 – United Nations Commission on Narcotic Drugs).

Criterion 14.3: The country promotes civil society's participation and/or coordination with government authorities in the design and implementation of projects and activities in areas where alternative, integral and sustainable development programs are being carried out, taking into consideration states' political and administrative structures. (Question 87)

Interpretive Note: In the design and implementation of alternative, integral, and sustainable development programs and/or projects, government authorities establish mechanisms for local civil society participation, taking into consideration their political and administrative structures.

Local civil society refers to the organized population, such as producers' organizations and associations recognized by national legislation in the areas where alternative, integral, and sustainable development programs and/or projects are being carried out.

Criterion 14.4: The country promotes alternative, integral, and sustainable development policies and programs that favor social inclusion¹¹ and poverty reduction. (Questions 88-90)

Interpretive Note: The country promotes alternative, integral, and sustainable development policies and programs, involving the vulnerable population¹² in the drug problem.

The country that faces or is vulnerable to illicit activities related to the illicit supply of drugs adopts measures to prevent these activities, through the implementation of programs and/or projects that promote viable economic alternatives in conflict areas.

The country formulates alternative, integral, and sustainable development programs with poverty reduction programs, establishing inter-institutional coordination mechanisms, that complement the actions that are carried out with a focus on social inclusion.

¹¹ Social inclusion: a situation which ensures that all citizens, without exception, are able to exercise their rights, utilize their skills, and take advantage of opportunities available to them.

¹² Vulnerable populations: those sectors or population groups that, due to poverty, ethnic origin, health, age, gender or disability, are unable to develop and improve their circumstances. This vulnerability places such persons at a disadvantage with regard to exercising their full rights and freedoms.

SUPPLY REDUCTION

RECOMMENDATION 15

PROMOTE ACTIONS TO REDUCE THE NEGATIVE IMPACT ON THE ENVIRONMENT CAUSED BY THE WORLD DRUG PROBLEM, IN ACCORDANCE WITH NATIONAL POLICIES.

Criterion 15.1: The country promotes research or studies to determine the environmental impact of illicit drug production. (Question 91)

Interpretive Note: The country carries out research or studies to determine the characteristics and magnitude of the environmental damage caused by activities related to the illicit supply of drugs. The data obtained is used to develop prevention and mitigation policies and strategies on the environmental impacts.

Criterion 15.2: In accordance with its situation, the country uses environmental management tools that enable it to address the negative impact of the world drug problem on the environment. (Questions 92-93)

Interpretive Note: The institutions responsible for the national policy to counter illicit drug production, in coordination with the country's environmental policy, promote the use of environmental management tools to prevent and mitigate the damage caused by the world drug problem.

Criterion 15.3: The country promotes, when applicable and in accordance with its national priorities, the implementation of international cooperation programs or projects to reduce the negative consequences of the world drug problem on the environment. (Question 94)

Interpretive Note: The country signs technical and financial agreements at the national or multilateral level, through international cooperation, to carry out programs and/or activities to evaluate, prevent, and mitigate negative environmental impacts of activities related to the illicit supply of drugs.

CONTROL MEASURES

RECOMMENDATION
16

IMPLEMENT PROGRAMS TO PREVENT AND REDUCE THE ILLICIT PRODUCTION OF PLANT-BASED AND SYNTHETIC DRUGS.

Criterion 16.1: Availability of mechanisms to detect laboratories for the illicit production of synthetic and plant-based drugs. (Questions 95-96)

Interpretive Note: The country has mechanisms to detect and identify and gather data about laboratories for the illicit production of synthetic and plant-based drugs. These mechanisms can take the form of legislation, procedures, protocols, programs, or other formal and informal actions. The informal mechanisms are used on a permanent basis. What is evaluated is the existence and effective utilization of these mechanisms.

Criterion 16.2: Development and implementation of protocols for the dismantling of laboratories for the illicit production of drugs. (Question 97)

Interpretive Note: The country designs and implements protocols for the dismantling of laboratories for the illicit production of synthetic and plant-based drugs. These protocols include the appropriate safety measures that must be adopted to minimize the risk for the agents who participate in dismantling the laboratory, and actions to minimize as much as possible the negative impact on the environment.

Criterion 16.3: Operation of continuous training programs for agents responsible for control operations relating to the dismantling of laboratories for the illicit production of drugs. (Question 98)

Interpretive Note: The country offers or participates in ongoing training programs on the detection and dismantling of laboratories for the illicit production of synthetic and plant-based drugs, for agents responsible for control activities. The programs' continuity can be established through the submission of the formal curricula for the course or indication of the training activities carried out or participated in. In either case the evaluation must consider: the entity or entities that offer the course, the content, and the frequency.

CONTROL MEASURES

RECOMMENDATION
17

ADOPT OR STRENGTHEN CONTROL MEASURES IN ORDER TO PREVENT THE DIVERSION OF CONTROLLED CHEMICAL SUBSTANCES TOWARDS ILLICIT ACTIVITIES.

Criterion 17.1: Criminalization of illicit trafficking and diversion of controlled chemical substances (Question 99)

Interpretive Note: The country has legislation as specified in Article 3.1.a.IV of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. The convention states "Each Party shall adopt such measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally: ... The manufacture, transport or distribution of equipment, materials or of substances listed in Table I and Table II, knowing that they are to be used in or for the illicit cultivation, production or manufacture of narcotic drugs or psychotropic substances."

Criterion 17.2: Existence of legislation for control of international trade in controlled chemical substances. (Questions 100-101)

Interpretive Note: The country has legislation for the control of controlled chemical substances involved in international trade and cooperation with other states, as stipulated in Article 12.9 of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, specifically:

- "a) Establish and maintain a system to monitor international trade in substances in Table I and Table II in order to facilitate the identification of suspicious transactions.
- b) Provide for the seizure of any substance in Table I or Table II if there is sufficient evidence that it is for use in the illicit manufacture of a narcotic drug or psychotropic substance.
- c) Notify, as soon as possible, the competent authorities and services of the Parties concerned if there is reason to believe that the import, export or transit of a substance in Table I or Table II is destined for the illicit manufacture of narcotic drugs or psychotropic substances, including in particular information about the means of payment and any other essential elements which led to that belief.
- d) Require that imports and exports be properly labeled and documented. Commercial documents such as invoices, cargo manifests, customs, transport and other shipping documents shall include the names, as stated in Table I or Table II, of the substances being imported or exported, the quantity being imported or exported, and the name and address of the exporter, the importer and, when available, the consignee.
- e) Ensure that documents referred to in subparagraph d) of this paragraph are maintained for a period of not less than two years and may be made available for inspection by the competent authorities."

Criterion 17.3: Existence of legislation for monitoring domestic commerce of controlled chemical substances to prevent their diversion to illicit production of drugs. (Questions 102-105)

Interpretive Note: Under the terms of Article 12 of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, paragraphs 1 through 8, the country has legislation to regulate the manufacture and internal distribution channels of controlled chemical substances to prevent their diversion to illicit drug production.

The country has an updated register of all individuals and corporations handling controlled chemical substances. The country uses licensing to regulate manufacturers and distributors to monitor the production and use of the substances made or distributed. In addition, as part of its monitoring mechanisms, the country conducts regular inspections or audits of the individual or corporate establishments that have been authorized to handle controlled chemical substances in order to confirm the licit use of the substances, prevent or detect irregular situations that merit administrative sanctions or some other intervention by authorities for investigation and prosecution of possible offenses. Finally, the country includes administrative and/or civil penalties in its domestic legislation to punish infractions or violations by individuals or corporations that deal with controlled chemical substances.

Criterion 17.4: Existence of a national authority responsible for coordinating the monitoring of controlled chemical substances in order to prevent their diversion toward the illicit production of drugs. (Question 106)

Interpretive Note: The country has a competent authority empowered to coordinate the control of the diversion of precursor chemicals to comply with the obligations assumed in Article 12 of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

Criterion 17.5: Issuance of timely pre-export notifications of controlled substances by the competent national authority and timely response to pre-export notifications sent by exporting countries. (Questions 107-108)

Interpretive Note: The country sends the pre-export notifications called for in Article 12.10 of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, in a timely manner, i.e., several days before departure of the controlled substances, so that authorities in the importing country can verify the transactions' legitimacy prior to the shipment of controlled chemical substances, to prevent their diversion for illicit production of drugs or their precursors and prevent the transit and destination countries for these substances from having the problems entailed in seizing illicit cargos. Article 12.10 stipulates: "a) ... prior to such export, the following information is supplied by its competent authorities to the competent

authorities of the importing country: i) Name and address of the exporter and importer and, when available, the consignee; ii) Name of the substance in Table I; iii) Quantity of the substance to be exported; iv) Expected point of entry and expected date of dispatch; v) Any other information which is mutually agreed upon by the Parties. b) A Party may adopt more strict or severe measures of control than those provided by this paragraph if, in its opinion, such measures are desirable or necessary."

In addition, when the country is importing controlled chemical substances, its competent authority responds in a timely manner, i.e., within the deadline set by the exporting country, to pre-export notifications sent, in order to verify the legitimacy of shipments of controlled chemical substances and prevent the departure of unauthorized cargoes to their territory or to others that may be their real destination.

CONTROL MEASURES

RECOMMENDATION 18

ADOPT OR STRENGTHEN CONTROL MEASURES TO PREVENT THE DIVERSION OF NARCOTICS, PSYCHOTROPIC SUBSTANCES, PHARMACEUTICAL PRODUCTS WITH PSYCHOACTIVE PROPERTIES AND THOSE USED IN THE PRODUCTION OF SYNTHETIC DRUGS.

Criterion 18.1: Existence of legislation for the control of narcotics, psychotropic substances, and preparations containing them in accordance with the United Nations Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol, and the United Nations Convention on Psychotropic Substances of 1971. (Question 109)

Interpretive Note: The country has legislation for the control of narcotics, psychotropic substances, and preparations containing them, in order to be able to implement the mechanisms stipulated in the United Nations Single Convention on Narcotic Drugs of 1961, its Protocol of Amendment of 1972, and the United Nations Convention on Psychotropic Substances of 1971:

- A licensing system for manufacture, trade, and distribution (Articles 29 and 30 of the Convention of 1961 and Article 8 of the Convention of 1971)
- A medical prescriptions system (Article 30 of the Convention of 1961 and Article 9 of the Convention of 1971)
- A record-keeping system (Article 34 of the Convention of 1961 and Article 11 of the Convention of 1971)
- A system for advertising and labeling (Article 30 of the Convention of 1961 and Article 10 of the Convention of 1971)
- An international trade regime (Article 31 of the Convention of 1961 and Article 12 of the Convention of 1971)
- An inspection system (Article 34 of the Convention of 1961 and Article 15 of the Convention of 1971)

All of the above in order to limiting manufacture and use to medical and scientific purposes, ensure availability for those purposes, and prevent or minimize the possibilities of diversion to non-medical uses or illicit trafficking.

Criterion 18.2: Existence of a national authority responsible for coordinating activities for the control of narcotics, psychotropic substances, psychoactive pharmaceutical products, and those that contain precursors of synthetic drugs. (Question 110)

Interpretive Note: The country has a central national authority to coordinate implementation of the control mechanisms prescribed in the United Nations Single Convention on Narcotic Drugs of 1961 and the Convention on Psychotropic Substances of 1971 to ensure the availability of narcotics, psychotropic substances, and

preparations containing them for medical and scientific use, and to prevent their diversion to illicit activities. Likewise and for the same purpose, that authority, or another authority if so provided in domestic legislation, has jurisdiction over all matters relating to control of pharmaceutical products that contain precursors of synthetic drugs.

Criterion 18.3: Existence of mechanisms to estimate drug requirements. (Question 111)

Interpretive Note: The country has mechanisms to estimate drug requirements as provided in Article 19 of the United Nations Single Convention on Narcotic Drugs of 1961. These estimates cover: quantities of drugs to be used for medical and scientific purposes; quantities of drugs to be utilized for the manufacture of other drugs, of preparations in Schedule III, and of substances not covered by this Convention; existing stock of drugs as of 31 December of the year to which the estimates relate; quantities of drugs necessary for addition to special stocks; the area (in hectares) and the geographical location of land to be used for the cultivation of the opium poppy; approximate quantity of opium to be produced; the number of industrial establishments which will manufacture synthetic drugs; and the quantities of synthetic drugs to be manufactured by each of the establishments referred to in the preceding subparagraph.

Criterion 18.4: Existence of administrative and/or civil penalties for infraction or violation of these regulations by medical professionals, professional managers, administrators, and/or legal representatives of establishments that work with narcotics, psychotropic substances, and psychoactive pharmaceutical products. (Question 112)

Interpretive Note: The country's domestic legislation provides for administrative and/or civil penalties for infractions or violation of the regulations by medical professionals, professional managers, administrators, and/or legal representatives of establishments that work with narcotics, psychotropic substances, and psychoactive pharmaceutical products.

CONTROL MEASURES

RECOMMENDATION 19	ENSURE THE ADEQUATE AVAILABILITY OF NARCOTICS NEEDED FOR MEDICAL AND SCIENTIFIC USE.
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Criterion 19.1: Assessment of country needs for narcotics for medical and scientific purposes, evaluating the availability of these substances and implementing measures to ensure their availability. (Questions 113-114)

Interpretive Note: The country periodically evaluates the availability of narcotics and psychotropic substances for medical and scientific use, including trends in the use of licit substances subject to international control for medical and scientific purposes, taking into account, among others, the recommendations of the World Health Organization. The evaluation includes an analysis of impediments to adequate availability.

CONTROL MEASURES

RECOMMENDATION
20

STRENGTHEN NATIONAL ORGANIZATIONS FOR THE CONTROL OF
ILLICIT DRUG TRAFFICKING AND RELATED CRIMES.

Criterion 20.1: Existence of periodic evaluations on the strengths and weaknesses of organizations responsible for the control of illicit drug trafficking and related crimes. (Question 115)

Interpretive Note: The country periodically evaluates the strengths and weaknesses of organizations responsible for the control of illicit drug trafficking and related crimes. These evaluations can be independent or part of an evaluation of this topic carried out within the framework of national anti-drug plan evaluations. Given the confidential nature of the information that would be addressed in these evaluations, it is not necessary to require the country to provide the results of these evaluations. Rather, the country would need to provide a brief description of the scope of the analysis carried out, as the evaluation would address the existence of the analysis and not its contents. "Organizations responsible for the control of illicit drug trafficking and related crimes" should be understood as those agencies responsible for both the planning and implementation of actions in this area, which includes the operational component of control policies. Therefore, agencies responsible for the control of the diversion of precursor chemicals are also included.

Criterion 20.2: Execution of ongoing training programs for the stakeholders involved in the control of illicit drug trafficking and related crimes (Question 116)

Interpretive Note: The country offers or participates in ongoing training programs for stakeholders involved in the control of illicit drug trafficking and related crimes. The continuity of programs can be verified through the formal presentation of curricula or by specifying the topics addressed. In either case, the evaluation should cover the contents of the activities, and their implementation schedule. "Stakeholders involved in the control of illicit drug trafficking and related crimes" should be understood as all stakeholders responsible for either planning or implementation of activities in this area, and includes the operational component of control policies. Therefore, stakeholders working to control of the diversion of precursor chemicals are also included. The evaluation should also consider the appropriate distribution of topics among the different stakeholders to be trained, in accordance with their varying levels of responsibility.

Criterion 20.3: Existence of formal and informal information exchange mechanisms among agencies responsible for the control of illicit drug trafficking and related crimes. (Question 117)

Interpretive Note: The country ensures the existence of formal information exchange mechanisms among agencies responsible for the control of illicit drug trafficking and related crimes. These mechanisms could be committees or commissions, regular meetings, computer information systems, or other informal mechanisms, as long as their continuous use can be verified. The subject of the evaluation would be the formal existence and effective usage of these information exchange mechanisms among agencies responsible for the control of illicit drug trafficking and related crimes. Specifically, attention must be paid to the inclusion of all relevant agencies in these mechanisms, particularly in those countries with a federal-style structure, taking into account the distinct situations created by differing national legislation. "Agencies responsible for the control of illicit drug trafficking and related crimes" should be understood as those agencies responsible for the planning and/or implementation of activities in this area, which includes the operational component of control policies. Therefore, agencies responsible for the control of the diversion of precursor chemicals are also included.

Criterion 20.4: Existence of regulatory frameworks and regular plans to address the prevention of illicit drug trafficking. (Questions 118-119)

Interpretive Note: The country has law enforcement legislation or regulations encompassing issues related to interdiction and border control that provide an adequate framework for the prevention of illicit drug trafficking by air, sea, or land. In the evaluation, it is necessary to take into account the existence of general legislation that includes, for instance, provisions on the use of special investigation techniques, as well as the existence of specific regulations that address the performance of particular agencies or areas. It is essential to verify the existence of regulations that adequately cover these agencies or subjects. Moreover, the country has regular plans to address the prevention of illicit drug trafficking. These plans can be independent or part of national anti-drug plans. Given the confidential nature of the information that would be addressed in these plans, it is not necessary to require the country to provide them in their entirety. Rather, the country should provide a brief description of the scope of the plan, as the evaluation would address the existence of the plan and not its contents.

Criterion 20.5: Existence of a regulatory framework for the final and secure disposal of seized drugs. (Question 120)

Interpretive Note: The country has laws or regulations that provide for the final and secure disposal of seized drugs. These provisions establish specific procedures to be followed in relation to seized substances, particularly with regard to storage mechanisms pending final disposal, and the different methods for disposal, as well as

procedures for those substances that are not disposed of. In all cases, provisions are included for recording the final destination of seized substances as well as for environmental precautions to be taken for different types of substances.

CONTROL MEASURES

RECOMMENDATION
21

IDENTIFY NEW TRENDS AND PATTERNS REGARDING ILLICIT DRUG
TRAFFICKING AND RELATED CRIMES

Criterion 21.1: Existence of studies on recent trends in illicit drug trafficking and related crimes. (Question 121)

Interpretive Note: The country has updated analyses on recent trends in illicit drug trafficking and related crimes, which are, at minimum, based on the statistical information collected in accordance with Criterion 1 of Recommendation 22, which will establish that the country has statistical information on illicit drug trafficking and related crimes that includes, at minimum, the following variables: narcotics, psychotropic substances, and controlled chemical substances seized; laboratories dismantled; persons arrested (broken down by sex and type of substance); firearms, equipment, vehicles and other items seized in law enforcement operations related to illicit drug trafficking. The country also has data on convictions and prosecutions for illicit drug trafficking and related crimes, which is complete at the national level and broken down by calendar year. Ensure that all agencies involved in control activities are providing information, particularly in countries that have a federal-style structure, taking into account the distinct situations created by differing national legislations. These studies could be published or disseminated in an informal manner, but it is essential that they be promoted. The existence of the studies should be evaluated, not their contents.

Criterion 21.2: Existence of regulatory updates based on the identification of new trends in illicit drug trafficking and related crimes. (Question 122)

Interpretive Note: If, through the studies mentioned in Criterion 21.1 of this recommendation, new trends in illicit drug trafficking and related crimes are identified that require regulations to be updated, the existence of laws or regulations that contain provisions addressing these issues must be verified.

CONTROL MEASURES

RECOMMENDATION
22

PROMOTE IMPROVEMENTS IN INFORMATION SYSTEMS ON ILLICIT DRUG TRAFFICKING AND RELATED CRIMES.

Criterion 22.1: Existence of a consolidated national statistical information system on law enforcement operations for illicit drug trafficking and related crimes. (Question 123)

Interpretive Note: The country has statistical information on illicit drug trafficking and related crimes that includes, at minimum, the following variables: narcotics, psychotropic substances, and controlled chemical substances seized; laboratories dismantled; areas of crop cultivation detected and eradicated; persons arrested (categorized by sex and type of substance); firearms, equipment, vehicles and other items seized in law enforcement operations related to illicit drug trafficking. The country also has data on convictions and prosecutions for illicit drug trafficking and related crimes, which is complete at the national level and broken down by calendar year. Ensure that all agencies involved in control activities are providing information, particularly in countries that have a federal-style structure, taking into account the distinct situations created by differing national legislations.

Criterion 22.2: Existence of a national early warning system on new behaviors of criminal organizations related to illicit drug trafficking. (Question 124)

Interpretive Note: The country has a national early warning system on new behaviors of criminal organizations related to illicit drug trafficking. This system is a dynamic and rapid mechanism for regular information exchange between the agencies involved in the control of illicit drug trafficking and related crimes. These mechanisms could be committees or commissions, regular meetings, computer information systems, or other informal mechanisms, as long as their continuous use can be verified. The subject of the evaluation would be the formal existence and effective usage of this national early warning system among agencies responsible for the control of illicit drug trafficking and related crimes. "Agencies responsible for the control of illicit drug trafficking and related crimes" should be understood as those agencies responsible for the planning and/or implementation of actions in this area, which includes the operational components of control policies. Therefore, agencies responsible for the control of the diversion of precursor chemicals are also included.

Criterion 22.3: Existence of studies and technical research on illicit drug trafficking and related crimes. (Question 125)

Interpretive Note: The country carries out studies and technical research on illicit drug trafficking and related crimes, in order to have up-to-date assessments of the problem in all its dimensions, in accordance with how it has manifested itself in the country. The studies or research may be published, or have a limited distribution. Given the confidential nature of the information that could be included in these studies or research, this Criterion should be evaluated based on a description of their scope and methodology, as the evaluation would be of the existence of studies and research and not their contents.

Criterion 22.4: Existence of studies on impurity profiles and characterization of drugs¹³.
(Question 126)

Interpretive Note: The country carries out studies on impurity profiles and characterization of drugs, in accordance with priorities based on the specific situation of the illicit drug trafficking problem in its territory. These studies are carried out in order to have precise laboratory information to support law enforcement control operations. The country computerized registers of physical and chemical information on seized substances, which would be obtained through these studies. Given the confidential nature of the information that may be contained in these studies, this Criterion should be evaluated based on their existence (even if it is partial – i.e. only for some substances and for specific time periods), as the evaluation would assess the existence of studies and not their contents.

¹³ Drug characterization and impurity profiling: refers to the use of scientific laboratory information in support of law enforcement operation work, and is aimed at establishing links between drug samples. It consists of the systematic collection and sharing, in a standardized form, of physical and chemical information on a drug seizure, including the analysis and use of trace impurities to link different drug samples.

CONTROL MEASURES

RECOMMENDATION 23

ADOPT MEASURES FOR EFFECTIVE COOPERATION IN CRIMINAL INVESTIGATIONS, INVESTIGATION PROCEDURES, COLLECTION OF EVIDENCE, AND THE EXCHANGE OF INTELLIGENCE INFORMATION AMONG COUNTRIES, ASSURING DUE RESPECT FOR THE VARIOUS NATIONAL LEGAL SYSTEMS.

Criterion 23.1: Existence of mechanisms for the secure and effective exchange of intelligence information in the investigation of cases involving illicit drug trafficking and related crimes. (Question 127)

Interpretive Note: Taking into account the provisions established in the various national legal systems, the country has mechanisms for the secure and effective exchange of intelligence information in the investigation of cases involving illicit drug trafficking and related crimes. These mechanisms could be committees or commissions, regular meetings, computer information systems, or other informal mechanisms, as long as their continuous use can be verified. The subject of evaluation would be the formal existence and successful usage of these effective and secure intelligence information exchange mechanisms. Specifically, it must be ensured that all agencies that participate in the investigation of cases related to illicit drug trafficking and related crimes are included in these mechanisms, particularly in those countries with a federal-style structure, taking into account the distinct situations created by differing national laws.

Criterion 23.2: Existence of coordination and information exchange mechanisms for the prevention, investigation, and control of activities related to illicit drug trafficking via the Internet. (Question 128)

Interpretive Note: The country has mechanisms for coordination and exchange of information and best practices for the prevention, investigation, and control of activities related to illicit drug trafficking via the Internet. These mechanisms enable the relevant authorities to investigate the illicit sale of drugs via the Internet in order to initiate legal action when it is being used for the illicit sale of substances subject to international controls. The coordination and information exchange mechanisms include health authorities, law enforcement agencies (police, customs), and postal services. These mechanisms could be committees or commissions, regular meetings, computer information systems, or other informal mechanisms, as long as their continuous use can be verified. The subject of the evaluation would be the formal existence and effective usage of these mechanisms.

Criterion 23.3: Implementation of training workshops on intelligence information exchange in the investigation of cases involving illicit drug trafficking and related crimes. (Question 129)

Interpretive Note: Apart from what has been covered in Criterion 2 of Recommendation 20, the country regularly offers or participates in training workshops on intelligence information exchange in the investigation of cases involving illicit drug trafficking and related crimes. These workshops are theoretical/ practical; that is, they necessarily include the analysis of real cases. The continuity of these workshops can be verified through the formal presentation of curricula or by specifying the activities that were carried out. In either case, the evaluation should take into consideration the contents of the activities, and their implementation schedule.

Criterion 23.4: Implementation of training activities on the application of special investigation techniques and management of the chain of custody for evidence in cases of illicit drug trafficking and related crimes. (Question 130)

Interpretive Note: Apart from what has been covered in Criterion 2 of Recommendation 20, the country regularly offers or participates in training activities on the application of special investigation techniques and the management of the chain of custody for evidence in cases of illicit drug trafficking and related crimes. The continuity of these workshops can be verified through the formal presentation of curricula or by specifying the courses that were carried out. In both cases, the evaluation should take into consideration the contents of the courses and their implementation schedule.

Criterion 23.5: Existence of regulatory frameworks and operational guidelines for the investigation of all assets during illicit drug trafficking cases. (Question 131)

Interpretive Note: The country has laws and regulations that establish provisions for the investigation of all assets during illicit drug trafficking cases. These provisions aim to guide the investigation process, both in law enforcement and judicial settings, on matters relating to property connected with specific crimes that are being investigated; that is, they enable the identification and pursuit of assets, instruments, and other elements related to the crime under investigation. Given the existence of differing internal legislation, the existence of operational guidelines for the investigation of property, as established in manuals or procedures, would be sufficient, assuming that their use by police and judicial authorities is mandatory within the framework of these investigations.

CONTROL MEASURES

RECOMMENDATION
24

ADOPT OR STRENGTHEN, AS APPLICABLE, CONTROL MEASURES FOR THE ILLICIT TRAFFICKING OF FIREARMS, MUNITIONS, EXPLOSIVES, AND OTHER RELATED MATERIALS ASSOCIATED WITH ILLICIT DRUG TRAFFICKING.

Criterion 24.1: Existence of legislation criminalizing the illicit manufacture of and trafficking in firearms, ammunition, explosives, and other related materials, including measures to prevent losses or diversion in cases of licit trade. (Questions 132-133)

Interpretive Note: As specified in Article 4.1 of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, the country has “the necessary legislative or other measures to establish as criminal offenses under their domestic law the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.” Moreover, in accordance with Article 8 of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, “in an effort to eliminate loss or diversion,” the country undertakes “to adopt the necessary measures to ensure the security of firearms, ammunition, explosives, and other related materials imported into, exported from, or in transit through their respective territories.”

Criterion 24.2: Existence of controls for the manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials. (Questions 134-136)

Interpretive Note: As stipulated in Article 6 of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, the country requires “at the time of manufacture, appropriate markings of the name of manufacturer, place of manufacture, and serial number; ... appropriate markings on imported firearms permitting the identification of the importer's name and address; and ... appropriate markings on any firearms confiscated or forfeited.” In addition, under the terms of Article 9 of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, the country maintains “an effective system of export, import, and international transit licenses or authorizations for transfers of firearms, ammunition, explosives, and other related materials.”

Criterion 24.3: Existence of a national authority responsible for coordinating controls on the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials. (Question 137)

Interpretive Note: The country has a national authority responsible for coordinating controls on the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials, including the security measures in Article 8 of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials and those specified in Article 13 (Exchange of Information); Article 14 (Cooperation) and Article 15 (Exchange of Experience and Training).

Criterion 24.4: Existence of a registry of firearms, ammunition, explosives, and other related materials seized during illicit drug trafficking operations/actions. (Question 138)

Interpretive Note: The country has data on the number of operations in which there were seizures, the number of persons arrested, and the quantities of firearms, ammunition, explosives, and other related materials seized in cases of illicit drug trafficking and related crimes.

CONTROL MEASURES

RECOMMENDATION 25

ESTABLISH, UPDATE, OR STRENGTHEN LEGISLATIVE AND INSTITUTIONAL FRAMEWORKS IN MATTERS OF PREVENTION, DETECTION, INVESTIGATION, AND PROSECUTION OF MONEY LAUNDERING.

Criterion 25.1: Existence of legislation that criminalizes money laundering according to the relevant international instruments. (Question 139)

Interpretive Note: The country criminalizes money laundering according to the terms of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and the United Nations Convention against Transnational Organized Crime of 2000.

The money laundering offense is applicable to all serious crimes, in order to cover the broadest range of predicate offenses. Predicate offenses can be described by listing all the offenses or indicating a threshold, whether connected with a category of serious crimes or with a penalty of deprivation of liberty applicable to the predicate offense (threshold approach), or to a list of predicate offenses, or to a combination of these approaches.

When the country applies the threshold approach, the predicate offenses, at minimum, include offenses that are punishable by a maximum penalty of more than one year's deprivation of liberty, or, for countries that have a minimum threshold for the offenses in their respective legal systems, the predicate offenses should include all crimes that are punishable by a minimum penalty of more than six months' deprivation of liberty.

Whichever approach is adopted, the country, at minimum, includes a range of offenses in each of the crime categories established.

The country may stipulate that the offense of money laundering does not apply to persons who committed the predicate offense, when that is required by the basic principles of its domestic law.

Criterion 25.2: Existence of regulations for the prevention and control of money laundering. (Question 140)

Interpretive Note: The country has regulations that include measures for Customer Due Diligence (CDD). The measures include: (a) identify the customer and verify the customer's identity using reliable documents, data, or information from independent sources; (b) identify the ultimate beneficiary and take reasonable steps to verify the ultimate beneficiary's identity, so that the financial institution is convinced that it knows the ultimate beneficiary. For individuals and corporations this requires the financial

institutions to understand the structure of the customer's ownership and control; (c) know, and when necessary, obtain information on the purpose and nature of the business relationship; and (d) exercise continuous due diligence of the business relationship and examine transactions carried out throughout this relationship to ensure that they are consistent with the institution's knowledge of the customer, business activity, and risk profile, including, where necessary, the source of the funds.

In addition, the regulations include the requirement to keep all necessary records of the local and international transactions for at least five years, so the institutions can respond rapidly to requests for information from the competent authorities. The CDD information and transaction records are available to competent local authorities with proper authorization.

Finally, the regulations require the reporting of suspicious transactions. If a financial institution suspects or has reasonable grounds for suspecting that the funds emanated from a criminal activity, or are linked to the financing of terrorism, it is required by law to report the suspicions promptly to the Financial Intelligence Unit (FIU). These measures are applicable to financial institutions and the non-financial activities and professions designated in the FATF recommendations.

Criterion 25.3: Existence of a Financial Intelligence Unit in compliance with international standards. (Question 141)

Interpretive Note: The country has a Financial Intelligence Unit (FIU) that serves as a national center for receipt and analysis of: (a) suspicious transaction reports; and (b) other pertinent information with respect to money laundering, related predicate offenses, and the financing of terrorism, and to communicate the results of this analysis. The FIU can require additional information from mandatory reporting subjects, and has timely access to financial, administrative, and law enforcement data needed to discharge its duties properly. At minimum, the information collected includes suspicious transaction reports, and should include other information required by domestic legislation (such as reports of cash transactions, electronic transfers, and other declarations/disclosures based on the threshold).

The FIU is independent and operates autonomously, which means it has the authority and capacity to perform its functions freely, including the autonomous decision to analyze, request, and/or communicate specific information.

Criterion 25.4: Existence of regulations for forfeiture of assets related to money laundering. (Question 142)

Interpretive Note: The country has measures similar to those in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and the United Nations Convention against Transnational Organized Crime of 2000,

including legislative measures, to permit competent authorities to freeze, embargo, and confiscate the following, without prejudice to the rights of bona fide third parties: (a) laundered assets, (b) proceeds of, or instrumentalities used in or destined for use in money laundering or predicate offenses, (c) assets that are the proceeds of, or were used in, or were intended to be used in or allocated to be used in the financing of terrorism, terrorist acts or terrorist organizations, or (d) assets of equivalent value.

These measures include the authority to: (a) identify, mark, and assess assets subject to forfeiture; (b) execute provisional measures such as freezing and embargo to prevent the use, transfer, or disposal of said assets; (c) adopt measures to forestall or nullify actions that prejudice the State's capacity to freeze, embargo, or recover assets subject to forfeiture; and (d) take appropriate investigative measures.

CONTROL MEASURES

RECOMMENDATION 26

CREATE OR STRENGTHEN, IN ACCORDANCE WITH NATIONAL LEGISLATION, THE COMPETENT NATIONAL ORGANIZATIONS FOR THE MANAGEMENT OF SEIZED AND/OR FORFEITED ASSETS, AND THE DISPOSITION OF FORFEITED ASSETS.

Criterion 26.1: Existence of a national agency to manage seized and/or forfeited assets and dispose of forfeited assets. (Question 143)

Interpretive Note: The country has an organization responsible for the management/disposal of seized and/or forfeited assets to ensure proper benefit is obtained from these assets. There could be a single organization responsible for seized/forfeited assets in illicit drug trafficking and money laundering, or separate organizations with authority for each of these crimes.

Criterion 26.2: Existence of regulations for the management/disposal of seized/forfeited assets. (Question 144)

Interpretive Note: The country has regulations for the management and disposal of seized and/or forfeited assets, which include guidelines for the appropriate administration of such assets.

Criterion 26.3: Implementation of training programs for the management and disposal of seized/forfeited assets. (Question 145)

Interpretive Note: The country offers or participates in training programs for the management of seized and/or forfeited assets, including workshops, seminars, degree courses, or some other plan to permit refresher training in techniques and methodologies for the management and disposal of assets. The programs' continuity can be verified by the formal submission of the curricula or by listing the courses offered. In either case, the evaluation should take into account the content of the courses, and their timeline.

INTERNATIONAL COOPERATION

RECOMMENDATION 27

REAFFIRM THE PRINCIPLE OF COOPERATION CONTAINED IN INTERNATIONAL INSTRUMENTS¹⁴ TO ADDRESS THE WORLD DRUG PROBLEM, THROUGH ACTIONS TO ENSURE COMPLIANCE AND EFFECTIVENESS.

Criterion 27.1: The country has legal provisions to permit extradition for the crime of illicit drug trafficking or for the trial of an individual whose extradition for that crime has been denied because of nationality or territory. (Question 146)

Interpretive Note: The country has legislation to permit the extradition of citizens for criminal offenses established pursuant to Article 3.1 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988). These offenses include at minimum intentional acts of money laundering, particularly if the country has not ratified the United Nations Convention against Transnational Organized Crime, and the manufacture, transport, or distribution of equipment, materials, and substances listed in Table I and Table II of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), knowing that they are to be used in or for illicit purposes; in addition to the offenses of production, manufacture, extraction, preparation, supply, offering for sale, distribution, sale, delivery on any terms whatsoever, transport, importation or exportation of any narcotic drug or psychotropic substance contrary to the provisions of the United Nations Single Convention on Narcotic Drugs, 1961, as amended, or the United Nations Convention on Psychotropic Substances, 1971.

Moreover, if the country denies extradition for any of the offenses criminalized in accordance with Article 3.1 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), for the reasons set forth in Article 4.2.a of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), the country submits the case to its competent authorities for trial. If the individual is not extradited for an offense of this type, but the country has established jurisdiction with respect to the offense pursuant to Article 4.2.b of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), it will likewise submit the case to competent authorities for trial.

This criterion should be evaluated only if the country has ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), and it seeks to verify that the extradition mechanism is useful and efficient with respect

¹⁴ Listed in the Plan of Action of the Hemispheric Drug Strategy, 2011-2015.

to the most serious illicit drug trafficking offenses listed in Article 3.1 of this Convention.

The evaluation does not deal with the amendment, as a matter of international public law, described in Article 3.2 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), because it is beyond the scope of the broader evaluation intended by the MEM.

If the country makes extradition contingent upon the existence of an obligation assumed in a treaty for that purpose, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) does not compel the Parties to negotiate or sign bilateral or multilateral agreements for that purpose.

Criterion 27.2: The country has legal provisions to permit extradition for the crime of money laundering or for the trial of an individual whose extradition for that crime has been denied because of nationality. (Question 147)

Interpretive Note: The country has criminalized money laundering and has legislation to permit the extradition of citizens for offenses criminalized pursuant to Article 6 of the United Nations Convention against Transnational Organized Crime or, at minimum, Article 3.1.b of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988).

If the country denies extradition for these offenses, it submits the case to its competent authorities for trial.

In situations where the legal basis for extradition for money laundering is the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), evaluation of this criterion will be combined with that for Criterion 27.1.

Criterion 27.3: The country has legislation to permit the provision of reciprocal judicial assistance to third party states in investigations, trials, and legal proceedings for illicit drug trafficking¹⁵ and money laundering. (Question 148)

Interpretive Note: The country has legislation to permit the provision of reciprocal judicial assistance to third party states in investigations, trials, and legal proceedings for illicit drug trafficking and/or money laundering.

The evaluation of this criterion seeks to determine that the country has legal provisions that permit the provision of judicial cooperation during the investigation and trial

¹⁵ Illicit drug trafficking is as referred to in Article 3, paragraphs 1 and 2 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 1988.

phases, and for criminal cases involving the most serious offenses of drug trafficking and money laundering.

Criterion 27.4: The country has implemented measures, in accordance with the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, to enable confiscation of proceeds derived from illicit drug trafficking or of property of equal value, and the materials and equipment or other instrumentalities used in or intended for use in any manner in the crime of illicit drug trafficking. (Question 149)

Interpretive Note: Among other measures to combat illicit drug trafficking, the country has implemented measures to enable confiscation of proceeds derived from illicit drug trafficking or of property of equal value, and the materials and equipment or other instrumentalities used in or intended for use in any manner in the crime of illicit drug trafficking.

It should be noted that the obligation in the Convention is to authorize confiscation, not require it in any circumstance, not even in specific cases.

Proceeds refers to assets obtained or derived directly or indirectly from the commission of an offense established in accordance with Article 3.1 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988).

Criterion 27.5: The country has adopted other specific measures set forth in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) to strengthen international cooperation in combating illicit drug trafficking. (Questions 150-158)

Interpretive Note: The country has mechanisms to facilitate the exchange of information for the international combat of illicit drug trafficking, and to use controlled delivery.

In addition to legal provisions with respect to extradition for the offenses of illicit drug trafficking and money laundering, to reciprocal judicial assistance, and to confiscation of proceeds derived from illicit trafficking or property of equal value, and the materials and equipment or other instrumentalities used in or intended for use in any manner in the crime of illicit drug trafficking; the country has formal and informal communication mechanisms that facilitate the rapid and secure exchange of information between its competent agencies and services and its counterparts in other countries on all aspects of illicit drug trafficking, including mechanisms for administrative cooperation with agencies and services in other states in inquiries on the identity, whereabouts, and activities of persons allegedly linked to drug trafficking; the movement of proceeds or assets used to commit the crime of illicit drug trafficking; and movement of narcotic

drugs, psychotropic substances, or other substances in the annexes of lists 1 and 2 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988).

The country also has legal provisions to permit the use of controlled delivery of narcotics and psychotropic substances. It has adopted the necessary measures to permit the identification and tracing of firearms. And it has designated the central authorities called for in the relevant international instruments for extradition, reciprocal judicial assistance, marking of firearms, and suppression of illicit maritime trafficking.