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

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

CANADA

EVALUATION OF PROGRESS IN DRUG CONTROL
2003-2004
INTRODUCTION

Canada has a total area of 9,984,670 km² and 8,893 km of border to the south and west with the United States, and 202,080 km of coastline. The country has a multiethnic population of 32,507,874 (2004) and a literacy rate of 97 percent. Canada is a constitutional monarchy and a federal state with a democratic parliament which is divided into 10 provinces and three territories. The country has a GDP per capita of US$29,300 and an inflation rate of 2.2 percent (2002). Canadian exports total US$279,300 million annually, which is 29.32% of the GDP (2003), relying on the principal exports of motor vehicles and parts, industrial machinery, aircraft, telecommunications equipment; chemicals, plastics, fertilizers, wood pulp, timber, crude petroleum, natural gas, electricity, and aluminum.

I. INSTITUTIONAL BUILDING/NATIONAL ANTI-DRUG STRATEGY

A. National Anti-drug Plan and National Commission

Health Canada, with the support of six other federal offices (Department of Justice, Foreign Affairs Canada, Public Safety and Emergency Preparedness Canada, Royal Canadian Mounted Police, Correctional Services of Canada and Canada Border Services Agency) is the lead agency for implementation of the country’s Federal Drug Strategy, which was renewed in May 2003. In addition, the Government works closely with the Canadian Centre on Substance Abuse (CCSA) which is the federally created, lead national non-governmental agency responsible for working with the non-profit and private sectors. The drug control strategy, which is on-going, is administered through Canada’s Drug Strategy Secretariat and includes the primary objectives of reducing drug use, production and trafficking in the country. The 2003 Strategy also focuses on program evaluation, accountability and international assistance. In Canada, in addition to counter narcotics work carried out by the federal government, many drug control activities are conducted and funded by the provinces, territories, municipalities and non-governmental institutions, including charities.

The country’s federal budget, approved by the Parliament for the range of efforts to combat illegal drugs, grew from US$258 million in fiscal year 2002 to almost US$289 million in fiscal year 2004. Canada reports that funding of approximately US$2.3 million in fiscal year 2003 for the Drug Strategy Secretariat is adequate. However, because the Secretariat recently established a comprehensive performance and risk management strategy, the country states that additional funding to support this new function may be needed in the future.

CICAD considers that Canada has a sufficient infrastructure from an institutional standpoint to counter illegal drug and crime activities. This statement applies at both the federal and local levels.

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1 Information about Canadian anti-drug efforts may be accessed on the Internet at Health Canada’s website and the Canadian Centre on Substance Abuse (CCSA) websites: www.hc-sc.gc.ca and www.ccsa.ca.

2 The fiscal year in Canada runs from April 1 through March 31.
B. International Conventions

Canada has ratified the following Conventions:

- The Inter-American Convention against Corruption (1996).

The country also has 33 bilateral mutual legal assistance treaties in place.

With respect to the Inter-American Convention against Illicit Manufacturing of and Trafficking in Firearms, Ammunitions, Explosives and other Related Materials (CIFTA), which Canada signed in 1997, the country reports that the Canadian parliament approved relevant legislation in 2003. The Governor-in-Council amended relevant Firearms Act regulations in December 2004. Canada reports that the expected timeframe for ratification of CIFTA cannot be provided at this time.

With regard to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition of the United Nations Convention against Transnational Organized Crime, which Canada signed in 2002, the country reports that the Canadian Parliament approved relevant legislative amendments in 2003 and that the Governor-in-Council amended the Firearms Act regulations in December 2004. Implementation of these enabling regulations will continue over the next two to three years. The country could not provide a timeframe for ratification of this Protocol.

CICAD notes Canada’s advances toward ratification of CIFTA and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition of the United Nations Convention against Transnational Organized Crime.

RECOMMENDATIONS:

1. **RATIFY THE INTER-AMERICAN CONVENTION AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS (CIFTA), A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND, 1999-2000.**

C. National Information System

Health Canada’s Office of Research and Surveillance, Drug Strategy and Controlled Substances Programme is the national entity for coordinating Canada’s drug related statistics. Canada does not use CICAD’s Uniform Statistical System on Control of the Supply Area (CICDAT) or CICAD’s Inter-American Drug Use Data System (SIDUC) since the country has a variety of its own systems to collect national drug related statistics. At the same time, Canada compiles relevant data for the CICDAT questionnaire by using information gleaned from its own data collection systems.

Canada’s 2004 Addiction Survey, published in the same year, was the first major survey in a decade on the use of alcohol and other drugs among Canadians. The survey provides a detailed assessment on the impact of alcohol and other drugs used by Canadians aged 15 years and older. The results of the survey are covered in the subchapter on statistics on consumption.

Canada has the support of the public and private sector for the distribution of drug-related information, which is carried out via national publications, web pages, schools, universities and affiliated entities. National workshops and consultation round tables are used to bring together federal, provincial/territorial and municipal level governments as well as service providers and related Non-Governmental Organizations (NGOs). In this respect, the Government works closely with CCSA as its primary point for NGO-related activities.

According to Canada, the country is currently working on a new surveillance strategy to monitor trends and patterns of illicit drug use throughout the country. This surveillance strategy will also monitor related issues and emerging trends to support Canada’s Drug Strategy regarding drug abuse. A key building block for the development of the surveillance strategy is a data inventory which will identify and facilitate the comparison of existing information sources and data.

CICAD recognizes Canada’s new surveillance strategy to monitor dynamic changes nationwide in the abuse of illegal substances.

II. DEMAND REDUCTION

A. Prevention

Canada states that a top priority in terms of its Federal Drug Strategy is the prevention of substance abuse.

A nation-wide system for substance abuse prevention programs, including alcohol, does not currently exist in Canada as these efforts are provincially and regionally based. At the same time, Canada reports that it anticipates continued progress towards the development of a national substance abuse prevention campaign. Components of this campaign, according to Canada, would target public education and awareness among young people including resiliency and coping skills.

In 2003 and 2004, Canada continued to undertake a wide range of public and professional awareness and education programs and initiatives directed at the prevention of substance abuse for specific populations including children, youth, indigenous groups, older citizens and prison populations. Canada is conducting regional reviews in a number of areas with these populations, but the country states that detailed statistics on participating populations are not available for the period under review. Provinces also conduct student drug use surveys. When data is compiled, Canada states that it will support policy and program development as well as a baseline for monitoring and evaluation at the provincial level.
Canada reports that a number of studies have been available since 2002 with respect to assessing longer-term impact and effectiveness of substance abuse prevention programs. In 2003, for example, approximately 70,000 students participated in the Drug Abuse Resistance Education program (DARE), drawing upon the expertise of 750 DARE police officers in Canada. Moreover, the country is developing the National Framework for Action on Substance Use and Abuse, based on a collaborative approach among provincial governments and other regional partners across the country. In the future, this framework will provide an enhanced overview of the reach and impact of prevention programs aimed at target populations in Canada.

CICAD recognizes Canada’s progress toward developing a National Framework for Action on Substance Use and Abuse in Canada that will help support the development of national databases on prevention programs. These efforts will assist in providing an enhanced overview of the reach and impact of prevention programs for target populations in Canada.

RECOMMENDATION:

3. ESTABLISH THE NATIONAL FRAMEWORK FOR ACTION ON SUBSTANCE USE AND ABUSE.

B. Treatment

Canada states that extensive graduate, undergraduate and refresher courses are available to students seeking professional training in substance abuse and treatment. There are 43 programs offered in addiction studies at the college and university levels. Although it is not all-inclusive, a national database which can be accessed through the Internet describes related programs available at 49 universities and colleges as well as a number of more generalized programs. To verify that the ongoing education and training needs of addiction workers are being met, the CCSA is undertaking a survey targeting the collection of this particular type of information.

Federal accreditation programs are operational in both aboriginal and prison population programs. The Canadian Council on Health Services and the Commission on Accreditation of Rehabilitation Facilities Canada provide voluntary accreditation for addiction treatment programs. Canada states that health care professionals delivering treatment services are accredited provincially and must adhere to these provincial standards and codes of conduct. The country also reports that the non-profit Canadian Certification Board for Alcohol and Drug Counselors awards professional certificates, which require that candidates meet rigorous educational, work, clinical supervision and specialized skills experience.

The “Addiction Services Guidelines,” published in 1992, serves as a nation-wide guide for substance abuse treatment. Provincial/territorial health authorities modify the application of these guidelines to meet their needs. However, these are mandatory guidelines for the provision of health services to Aboriginal peoples. Federal guidelines, published in 1992, also exist on the use of opioids in the management of opioid dependence, including guidelines on providing methadone maintenance treatment. Voluntary programs, guided by Canada’s Correctional and Conditional Release Act, specifically include populations in correctional institutions. From a policy standpoint, Canada stresses that a safe, drug-free institutional environment is a fundamental condition for the success of reintegration of inmates into society as law-abiding citizens.

Other resource documents available to health professionals that were published by Health Canada in 2002 include “Best Practices – Methadone Maintenance Treatment” and “Best Practices – Treatment and Rehabilitation for Seniors with Substance Use Problems”. Other studies available for use by health care professionals include, for example, “Preventing Substance Use Problems among Young People – A Compendium of Best Practices”, “Reducing Aggression and Injuries in Bars”, “Strengthening Families”, and “Fairness and the Human Spirit at Work”.
Ambulatory, residential and clinical programs, operating throughout Canada, include the range of drug treatment services such as assessment and referral, early identification and intervention, detoxification, treatment and rehabilitation, reintegration, continuing care and self-help groups. The country reports that more than 2,200 different public and private programs targeting both adults and children that provide various drug treatment services are operational. Canada reports that federal programs for Aboriginal populations and correctional institutions treated some 23,000 persons in 2002 and 2003.

CICAD recognizes Canada’s well established system for treatment of illegal drug dependence and programs for health practitioners including training, accreditation and written professional guidelines, taking into account increasing drug abuse in the country.

**RECOMMENDATION:**

4. **ESTABLISH A SYSTEMATIC REVIEW TO ENSURE THAT THE DEMAND FOR DRUG ABUSE TREATMENT AND PROFESSIONAL TRAINING IN THIS AREA ARE BEING MET.**

**C. Statistics on Consumption**

Canada indicates that the country’s overall rate of illegal drug use and abuse has increased since 1994. According to the 2004 Addictions Survey of Canadians of ages 15 and older, 45% of persons surveyed reported the use of one or more illegal drugs at least once in their lives as compared to 28.5% in 1994. Some 79.1% of current users reported exclusive use of cannabis, which the government considers the most widely used illegal drug in the country. Moreover, the rate of current use, defined as at least once in the year preceding the survey, climbed from 7.6% in 1994 to 14.5% in 2004. This survey of the general population for 2004 also revealed that alcohol and cannabis, followed by hallucinogens and cocaine, represent the most used drugs in Canada. A total of 44.5% of Canadians surveyed indicated they had used cannabis at least once in their lifetime. Similarly, 79.3% said they had used alcohol within the last 12 months.

According to a 2003 survey, the average age of first use for alcohol, tobacco or cannabis for boys and girls was 13.1 and 13.7 years, respectively. This survey also found that “the majority of teens consider taking illegal drugs (90%) and smoking cigarettes (85%) to be either dangerous or very dangerous. Slightly over half of the teenagers interviewed (57%) consider drinking alcohol to be a dangerous activity. However, with the exception of the synthetic drug Ecstasy, Canada reports that risk perceptions surrounding most substance use among teens has gradually weakened, especially with respect to cannabis.

With approximately 269,000 Canadians affected, the government considers the practice of injection drug use to be of particular concern. One study estimated that costs associated with HIV/AIDS attributed to injected drugs would increase dramatically over a six year period if the trend continues. Canada estimates that 50,000 injecting drug users are infected with Hepatitis C and 11,000 are infected with HIV.

CICAD notes that drug use and abuse prevention activities should be re-invigorated given the country’s recognized growing drug abuse problem. For this reason, the renewal of Canada’s Federal Drug Strategy in 2003 saw an increased emphasis on demand reduction initiatives. Thus, about 70% of the new resources for this Strategy are being allocated to demand reduction activities, including various actions designed to prevent the use of drugs.

CICAD commends Canada for its increased focus on drug abuse prevention and rehabilitation.
III. SUPPLY REDUCTION

A. Drug Production and Alternative Development

Canada reports that the high profitability of illegal cannabis continues to entice growers. Moreover, the government states that, because of the national prevalence of cannabis use and its wide availability, it is unlikely that this trend will change in the near future. Canada does not produce cocaine or grow opium poppies.

In an effort to provide a more accurate representation of the cannabis cultivation situation in Canada, in 2003 the country changed its methodology to estimate the range of cannabis cultivation. This methodology calculates a range of total cultivation by using cannabis seizures as a guide (estimating that law enforcement seizures represent 10-25% of total cultivation) multiplied by an estimated yield per plant of 170 to 200 grams. Thus, based upon seizures (1,400,026 plants in 2003), and an average yield per plant (170-200 grams), the current annual cannabis production estimate by the Royal Canadian Mounted Police (RCMP) for the past five years ranges between 960 and 2,400 metric tons.

Presently, Canada states that it cannot measure cannabis cultivation in hectares as requested by the MEM since cannabis crops are difficult to detect because they are most often grown indoors, include hydroponic operations, outdoor plantings mixed with legitimate crops, and in extremely remote areas of the country. According to authorities, the estimated annual cannabis crop represents about 4.7 million plants with a potential yield of about 170 grams per plant. Of particular concern to Canadian authorities is the increase of indoor grow operations across the country ranging from a few plants to sophisticated multi-thousand plant installations operated by criminal organizations. It is noteworthy that for some police forces, investigations into cannabis cultivation operations represent more than half of their drug case load.

Canada reports that domestically grown cannabis is also illegally transshipped abroad and criminal traffickers continue to import cannabis from other countries. In 2002 nearly 3,000 kilograms of foreign cannabis were seized in the country or interdicted entering the country. During the five years preceding 2003, Canadian law enforcement agencies seized annually an average of 1.1 million cannabis plants, a six-fold increase since 1993. In 2003, seizures amounted to 1,400,026 plants.

Taking into account a MEM recommendation implemented by Canada, the country reports that it has developed an on-going system to estimate, monitor and eradicate cannabis cultivations. Canada reports that this effort is spearheaded by the RCMP through the National Marijuana Grow Operations Coordinator and involves the Canadian Armed Forces as well as other law enforcement agencies. Canada reports that concrete actions under this program are illustrated by “Operation Green Sweep”, “Grow Busters Project” and “Operation High Seas”. These initiatives, for example, were responsible for two major campaigns (January 2002 and April 2003) against cannabis growers. Since July 2000, over 1,100 cannabis-growing operations have been dismantled by Canada, according to Canadian authorities, and in 2003 over 1.4 million cannabis plants were seized in numerous locations throughout the country.
As described by Canadian authorities, law enforcement agencies are tasked with identifying possible cannabis grow sites by using intelligence gathered through human sources, contacts, and reconnaissance flights in target areas. Once the coordinates for a cannabis grow site are identified, they are provided to an enforcement team, who then proceeds to approach, investigate and dismantle the grow operation.

For 2002 and 2003, Canada reports that it destroyed nine illegal laboratories used to produce cannabis or hash oil from locally grown cannabis, though no evidence has been detected to indicate illegal processing of cocaine or heroin.

During 2002 and 2003, the RCMP reported the destruction of 68 illegal operations producing Gamma Hydroxy Butyrate (GHB) including Ecstasy (MDMA) and its derivatives, and amphetamines. According to the police, domestic production of MDMA and methamphetamine has increased dramatically in the past four years with most such operations detected in Ontario, Quebec and British Columbia. The country did not supply an estimate for the size of organic or synthetic labs destroyed.

The still growing prevalence of cannabis cultivation in Canada for domestic use and its export to other countries in the Hemisphere is of great concern. CICAD urges the country to enhance research methods so that a more accurate estimate of the illegal cannabis crop can be established. Such data should allow Canadian authorities to attack and dismantle its production in a more methodical way.

CICAD notes that Illegal laboratories for synthetic drugs are a growing problem for the country. Therefore, it is important to monitor this upward trend. CICAD encourages Canada to continue appropriate law enforcement action to detect and dismantle such laboratories.

**RECOMMENDATIONS:**

5. **DEVELOP A MECHANISM TO ALLOW A MORE PRECISE ESTIMATE OF ILLEGAL CANNABIS CULTIVATIONS IN CANADA.**

6. **IMPLEMENT CONCRETE LAW ENFORCEMENT ACTION TO DETER, DETECT AND DISMANTLE ILLEGAL LABORATORIES THAT PRODUCE SYNTHETIC DRUGS.**

### Table: Cannabis Seizures in Canada via Investigations and Eradication Programs

<table>
<thead>
<tr>
<th>Year</th>
<th>Cannabis (kg.)</th>
<th>Cannabis (plants)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994</td>
<td>6,472</td>
<td>288,578</td>
</tr>
<tr>
<td>1995</td>
<td>5,500</td>
<td>295,999</td>
</tr>
<tr>
<td>1996</td>
<td>17,234</td>
<td>675,863</td>
</tr>
<tr>
<td>1997</td>
<td>50,624</td>
<td>689,239</td>
</tr>
<tr>
<td>1998</td>
<td>29,598</td>
<td>1,025,808</td>
</tr>
<tr>
<td>1999</td>
<td>23,829</td>
<td>954,781</td>
</tr>
<tr>
<td>2000</td>
<td>21,703</td>
<td>1,102,198</td>
</tr>
<tr>
<td>2001</td>
<td>28,746</td>
<td>1,367,321</td>
</tr>
<tr>
<td>2002</td>
<td>40,888</td>
<td>1,275,738</td>
</tr>
<tr>
<td>2003</td>
<td>21,519</td>
<td>1,400,026</td>
</tr>
<tr>
<td>2004</td>
<td>33,777</td>
<td>1,650,303</td>
</tr>
</tbody>
</table>

*Source: Royal Canadian Mounted Police*
B. Drug Supply and Control of Pharmaceutical Products and Chemical Substances

Pharmaceutical Products

The organization with principal responsibility for controlling exportation, importation, production and distribution of United Nations listed pharmaceutical products, and preventing their diversion is Health Canada (partners include: Canada Border Services Agency, Department of Public Security and Emergency Preparedness, Royal Canadian Mounted Police). The country controls anabolic steroids, butorphanol and nalbuphine in addition to those pharmaceutical products listed in the international conventions. Controls cover all areas in the commercial field: control of import/export, license control, distribution monitoring, inspection, investigation, regulatory controls, administrative sanctions, registry of licensees and transport control. In the health care sector, controls cover: monitoring distribution, monitoring of prescriptions, inspections, investigations, regulatory control, administrative sanctions and registry of pharmacy licensees.

The country reports that it has a mechanism to monitor and regulate the use and distribution of pharmaceutical products by authorized health officials. Included in this mechanism are prescription requirements, special licenses to prescribe certain drugs, distribution through pharmacies or other authorized outlets, monitoring distribution or purchases, monitoring of prescribing, inspection/investigation, registry of licenses and administrative sanctions. The country has a formal mechanism to evaluate the effectiveness of this monitoring mechanism.

Canada’s national laws and regulations contain penal and administrative but not civil sanctions against the diversion of pharmaceutical products. Maximum sanctions range up to life (penal) and revocation and suspension of a license (administrative).

Compared to the year 2000, when 13 administrative sanctions were applied, only 2 were applied in 2002 and none were recorded for 2003. Canada claims that the low level of administrative sanctions for pharmaceuticals is in part due to the high level of compliance with regulations by licensed dealers for controlled substances. Canada reports that 1,106 penal sanctions were imposed in 2002, 831 penal sanctions in 2003 and 202 such sanctions through August 2004.

Between 2002 and 2003, Canada reports that it made more than 2,500 seizures involving illegally diverted pharmaceutical products all of which were destroyed, diluted or sold.
Canada has a mechanism to monitor and regulate the distribution of pharmaceutical products and takes appropriate law enforcement measures when investigative authorities become aware that the system is circumvented. However, CICAD considers that the number of administrative and penal sanctions connected to diversion of pharmaceuticals between 2002 and August 2004 appear small relative to the size and population of the country.

**RECOMMENDATION:**

7. **REVIEW THE NATIONAL PHARMACEUTICAL PRODUCT MONITORING SYSTEMS TO ENSURE THAT THEY ARE EFFECTIVELY COMBATING VIOLATIONS ASSOCIATED WITH THE DIVERSION OF PHARMACEUTICAL PRODUCTS.**

### Controlled Chemical Substances

The lead Canadian agency for implementation of precursor chemical controls is Health Canada, supported by a number of other governmental agencies, including Canada Border Services Agency, Department of Public Security and Emergency Preparedness, and the Royal Canadian Mounted Police. Included in the scope of responsibilities in this regard are import/export controls, license control, monitoring distribution, inspection, investigation, regulatory control, administrative
sanctions, registry of licensees, transport control and pre-export notifications. The country has qualitative mechanisms and criteria to assess the effectiveness of these entities which include the number of clandestine laboratories, seizures at the border, diversion of chemicals from Canada to other countries and timely responses to pre-export notifications (PEN’s).

Based upon a documented need by Canadian authorities, Precursor Control Regulations (PCR) were developed in conjunction with the Controlled Drugs and Substances Act and have been fully implemented since January 2004. All chemicals listed in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) are regulated under the PCR. Class A precursors consist of the Table I chemicals listed in the Convention as well anthranilic acid, phenylacetic acid and piperidine from Table II. Class B precursors consist of the remaining chemicals from Table II.

Canada states that it is presently examining the inclusion of additional chemicals on its current list of controlled precursors. Health Canada has initiated the scheduling process to add gamma butyrolactone (GBL), 1,4-butanediol (BDO), red phosphorus and white phosphorus as precursors under Schedule VI of the Controlled Drugs and Substances Act. The Notice of Intents were published in Canada Gazette, Part I, on June 21, 2003 for scheduling GBL and BDO; and, on November 8, 2003 for scheduling red phosphorus and white phosphorus.

Canada’s national laws and regulations contain penal and administrative sanctions against the diversion of controlled chemical substances. With respect to maximum sanctions, the country informed that penal sanctions range up to 10 years imprisonment while the maximum administrative sanction includes revocation and suspension of a license. The country reports that in 2003, 2 import permits were revoked, 4 export permits suspended, 18 applications were refused and 1 reprimand issued. Information for 2004 was not provided, nor information on penal sanctions applied.

In 2003, Canada implemented a program, in accord with the 1998 United Nations General Assembly’s 20th Special Session, which ensures that pre-export notifications for controlled chemical substances are processed for all exports and imports received. As a result of these new controls, a joint U.S.-Canadian investigation, completed in April 2003, three primary Canadian pseudoephedrine tablet manufacturers were destroyed and nine U.S./Canada-based Middle Eastern criminal organizations involved in illegal chemical transshipments were dismantled.

In 2003 and 2004, Canada issued 1,662 pre-export notifications for controlled chemical substances listed in Tables I and II of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) to 33 different countries. Canada did not supply information on timing or responses from other countries with respect to its pre-export notification. During 2003 and 2004 Canada received 1,525 pre-export notifications and the country reports that it responded in a timely fashion to 90% of them.

The country does not have data available regarding seizures of controlled chemical substances during years 2003-2004.

CICAD recognizes Canada’s efforts to advance its control and oversight of precursor and essential chemicals. However, it notes with concern that there is an increasing number of illicit labs that produce synthetic drugs using illegally obtained chemicals.

**RECOMMENDATION:**

8. **DEVELOP A SYSTEM TO MONITOR AND EVALUATE SEIZURES OF CONTROLLED CHEMICALS.**
IV. CONTROL MEASURES

A. Illicit Drug Trafficking

Canada’s Controlled Drugs and Substance Act (CDSA) is the principal law which addresses the problem of illegal drugs in Canada. The federal government plays a leadership role in the investigation and prosecution of domestic offenses related to the drug trade. The federal police force has some 1,000 officers assigned exclusively to enforcing Canadian drug laws, and all of its officers have the responsibility and authority to take enforcement action with respect to illegal drugs. In addition, police forces at the provincial and municipal levels direct significant operations against illicit drugs. Given the international nature of the problem, customs officers play an important part in implementing effective border controls on illegal drug trade through monitoring, detection and seizures.

Federal drug control measures focus on international and inter-provincial investigations involving the importation and large scale trafficking of drugs, on the organized criminal groups who control this trade, and on associated investigations regarding the proceeds from crime. This is accomplished in part through coastal and airport watch and through specialized police operations undertaken in conjunction with local and international law enforcement services. Meanwhile, customs officers deploy sophisticated contraband detection techniques in high risk areas in Canada and participate in joint force operations. Preliminary data for 2003, according to Canada, indicates that the federal police alone (not taking into account provincial or local law enforcement efforts) conducted 54,691 drug investigations which resulted in 13,770 drug charges.

The country reports a number of new trends which reflect how criminal organizations are able to adjust to avoid detection and prosecution by law enforcement. A major challenge is detecting isolated and often indoor operations for cannabis cultivations. Other challenges for Canada include, for example, illegal imports of hashish oil from an expanding number of countries, new links with foreign criminal organizations, increasing abuse of synthetic drugs and illegal drug-related banking via the Internet.

<table>
<thead>
<tr>
<th>Type of drugs</th>
<th>Unit of Measurement</th>
<th>Quantities of drugs seized</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>2002</td>
</tr>
<tr>
<td>Opium</td>
<td>Kilograms</td>
<td>43</td>
</tr>
<tr>
<td>Morphine</td>
<td>Units</td>
<td>3,843</td>
</tr>
<tr>
<td>Heroin</td>
<td>Kilograms</td>
<td>33</td>
</tr>
<tr>
<td>Cocaine Hydrochloride</td>
<td>Kilograms</td>
<td>1986</td>
</tr>
<tr>
<td>Crack Cocaine</td>
<td>Kilograms</td>
<td>10</td>
</tr>
<tr>
<td>Cannabis plants</td>
<td>Plants</td>
<td>1,275,736</td>
</tr>
<tr>
<td>Leaf Cannabis (grass)</td>
<td>Kilograms</td>
<td>40,688</td>
</tr>
<tr>
<td>Cannabis Resin (hashish)</td>
<td>Kilograms</td>
<td>735</td>
</tr>
<tr>
<td>Hashish Oil (liquid cannabis)</td>
<td>Kilograms</td>
<td>1,107</td>
</tr>
<tr>
<td>Cannabis Seed</td>
<td>N/Av</td>
<td>N/Av</td>
</tr>
<tr>
<td>LSD</td>
<td>Ml</td>
<td>12,706</td>
</tr>
<tr>
<td>Amphetamine/methamphetamine</td>
<td>Kilograms</td>
<td>42</td>
</tr>
<tr>
<td>Other amphetamine-like stimulants</td>
<td>Kilograms</td>
<td>35</td>
</tr>
<tr>
<td>MDMA (Ecstasy) and derivatives</td>
<td>Units</td>
<td>1,783,620</td>
</tr>
<tr>
<td>GHB</td>
<td>Ml</td>
<td>26,926</td>
</tr>
<tr>
<td>Methadone</td>
<td>Kilograms</td>
<td>0.2</td>
</tr>
<tr>
<td>Methadone</td>
<td>Ml</td>
<td>237</td>
</tr>
<tr>
<td>PCP</td>
<td>Kilograms</td>
<td>3,091</td>
</tr>
<tr>
<td>Khat</td>
<td>Kilograms</td>
<td>20,094</td>
</tr>
<tr>
<td>Steroids</td>
<td>Units</td>
<td>810,710</td>
</tr>
</tbody>
</table>

Source: Royal Canadian Mounted Police
Canada reports that in 2002, 19,393 persons were charged for illicit drug trafficking. In 2003, a total of 20,473 persons were charged with this offense. Court statistics for 2002-2003 show that there were 7,472 convictions for illegal drug trafficking compared to 6,944 persons convicted in 2003-2004. In 2002, 33,354 persons were charged with illicit drug possession. In 2003, 23,016 persons were charged with the same offense. A total of 10,191 persons were convicted of illicit drug possession in 2002-2003, while 6,174 persons were convicted in 2003-2004. The number of police charges does not match the number of cases processed in court because of differences in survey coverage, time periods between police responses and court appearances, changes in the type of charge with respect to offenders and/or the dropping of criminal charges.

Canada is currently piloting and evaluating drug treatment courts in Toronto (population 4.6 million) and Vancouver (population 1.9 million), respectively the first and third largest cities in Canada. Drug courts provide an alternative to the criminal justice system for individuals convicted of non-violent criminal offenses that are motivated by substance dependency. Eligible persons accused of a drug-related crime are offered an intensive and coordinated combination of judicial supervision, multi-phased treatment for their dependency, and a range of other services and support. However, Canada informs that a conviction in a drug treatment court is still classified a criminal penalty under Canadian law. The number of persons processed through the pilot drug treatment court was 202 in Vancouver (as of December 31, 2003) and 593 in Toronto (as of October 1, 2003).

A variety of law enforcement measures in Canada are designed to prevent and suppress drug trafficking. The RCMP Criminal Intelligence Directorate, the inter-agency Criminal Intelligence Service of Canada and other organizations exchange intelligence and data on organized crime activities with other interested national and international parties. All Canadian agencies cooperate with INTERPOL on criminal activities and the RCMP maintains active liaison with major drug transit countries to facilitate operations and exchange of intelligence. At the same time, there is no formal mechanism in place to evaluate the effectiveness of national and international collaboration.

During 2002 and 2003, Canada made a total of 32 requests for judicial cooperation with one being granted and the country received 49 requests from other countries and responded positively to six of them. In 2002 and 2003, Canada made 28 extradition requests related to illegal drug trafficking of which four were granted. A total of 71 requests for extradition related to drug trafficking were received by Canada in the same timeframe, of which six were granted by cooperating countries.

The country reports that a draft law to increase maximum sentences for large-scale cannabis cultivation was not enacted before Parliament dissolved in May 2004.

The statistical data provided on the number of convictions for drug possession and trafficking appear low taking into account Canada’s size and population, thus making it difficult to evaluate Canada law enforcement progress in this area.

**RECOMMENDATIONS:**

9. **Evaluate the country’s data gathering mechanisms on convictions for illicit drug possession and trafficking.**

10. **Increase penal sanctions for large scale production of illegal drugs.**
B. Firearms and Ammunition

In Canada, agencies responsible for record keeping and import/export licensing with respect to firearms and related materials include the Canada Firearms Center, International Trade Canada, and Natural Resources Canada. From an international standpoint, the Small Arms Coordinator for International Trade Canada is the point of contact responsible for the exchange of information and for collaboration with similar agencies in other countries regarding the control of firearms and ammunition. Computerized records on firearms imports and exports are held by International Trade Canada and are maintained for seven years.

The Canadian Firearms Act governs the manufacture and possession of firearms and acquisition of ammunition. The Explosives Act governs national law enforcement with respect to possession, trafficking and manufacture of ammunition and explosives. Based upon the Export and Import Permits Act, Canada states that it has created a mechanism for controlling the export of firearms and related materials. The mechanism requires both importers and exporters to report import and export activities. As the country of export, Canada must ensure that importing countries issue necessary licenses and authorities. Canadian law does not require that in-transit permits for firearms be requested or provided.

Canada indicates that presently import authorizations are only required for firearms destined for the police and military, for theatrical/cinematic use, and for use by armored car companies. Firearms imported for sporting or recreational use are currently exempt from the import permit requirement, but they may only be imported by licensed firearms businesses or by individuals holding valid licenses with such acquisition privileges. Visitors to Canada are also exempt from the import permit requirement. In those cases, the visitors must make a firearms declaration to the customs officials, which is the equivalent of a temporary license and registration for the period the firearms remain in Canada. Only firearms suitable for sporting or recreational purposes may be imported temporarily by visitors. However, Canada states that once the regulations covering firearms import and export go into effect, existing exemptions for firearms for sporting and recreational use will be eliminated and all firearms will require an import permit.

Presently, according to Canada’s Department for International Trade, exact figures for firearms imports cannot be provided, but the country estimates that 120,000 firearms manufactured in Canada were exported in 2002 and 2003 respectively with more than 97% of those destined for the United States.

Data for 2002 shows that 4,161 persons were charged with illegal possession and trafficking of firearms and ammunition and 73 persons were charged with illicit possession and trafficking of explosives. In 2003, 5,169 persons were charged with illegal possession and trafficking of firearms and ammunition and 83 persons were charged with possession and trafficking of explosives. In 2002-2003, 1,289 persons were convicted of possession and trafficking of firearms and ammunition and 40 were convicted of possession and trafficking in explosives. Corresponding numbers for 2003-2004 show that 1,382 persons were convicted of possession and trafficking of firearms and 36 were convicted of illicit possession and trafficking of explosives.

Canada states that in-transit regulations, under the Export and Import Permits Act, are expected to come into effect at the same time as the enactment of the regulations for the import and export of firearms under the Firearms Act. Canada anticipated that this would occur in 2005. Information related to agency protected firearms seized/surrendered/recovered will be reported to the Canadian Firearms Registry when elements of the Public Agency Firearms Regulations come into force.
CICAD notes that regulatory limitations in certain areas with respect to firearms, ammunitions and explosives continue to be problematic in Canada, although certain strides are being made. Quick action on regulations for arms and ammunitions transiting the country, as well as the inclusion of all arms and explosives for import, transit and exit licensing in Canada are pre-requisites to the country’s ratification of CIFTA as well as the United Nations Convention against Transnational Organized Crime Protocol on firearms.

RECOMMENDATIONS:

11. **Implement internal regulations to the Canadian Export and Import Permits Act as a prerequisite to ratification of the Inter-American Convention against Illicit Manufacturing of and Trafficking in Firearms, Ammunitions, Explosives and other Related Materials (CIFTA) and the Protocol against the Illicit Manufacturing and Trafficking in Firearms, their Parts and Components and Ammunition of the United Nations Convention against Transnational Organized Crime.**

12. **Expand the statistical database on firearms imports and exports to include relevant data on the transit of firearms and related materials through Canada.**

C. **Money Laundering**

Canada has comprehensive legislation and regulations in place to repress all forms of money laundering. These include the Criminal Code (Section 462.31.1) and the 2000 Proceeds of Crime Money Laundering Act (PCMLA, 2000), renamed as the Proceeds of Crime (Money Laundering) and Terrorist Financing Act (PCMLFTA, 2001). The Criminal Code lists the predicate offenses in connection with money laundering in Canada, which include: drug trafficking, trafficking in firearms, trafficking of human beings, organ trafficking, prostitution, pornography, kidnapping, extortion, corruption, terrorism and its financing, fraud and all other indictable crimes.

Under Canadian legislation, money laundering is an autonomous offense. Proof of the predicate offense is not necessary to prosecute a person for money laundering. Also, if a person has been convicted for a predicate offense, it is possible to initiate a trial for money laundering.

The PCMLFTA sets out the requirements for the establishment of a financial intelligence unit, mandatory reporting of suspicious financial transactions, and the reporting of cross border movements of currency and monetary instruments. Regulations under the PCMLTFA set out in detail the requirements for financial institutions and other financial intermediaries to report suspicious financial transactions related to money laundering and terrorist financing, large cash transactions, and international electronic funds transfers over US$10,000 and terrorist property. The PCMLTFA regulations also prescribe client identification, record-keeping and internal compliance requirements for financial institutions and intermediaries as well as requirements for every person or entity to report the importation or exportation of currency or monetary instruments over US$10,000 to customs authorities. Penalties for convictions under PCMLFTA can include large fines and prison terms of up to five years.

In May 2002, Canada published regulations on reporting of suspicious transactions relating to terrorist financing and in January 2003 regulations were put in place on the reporting of cross border movements of currency and monetary instruments. Laws, regulations and sanctions apply to financial entities (includes banks, credit unions, “caisses populaires,” trust and loan companies); life insurance companies, brokers or agents; securities dealers, portfolio managers and investment counselors; foreign exchange dealers; money services businesses; accountants and accounting firms; real estate brokers or sales representatives; and casinos.
In March 2003, the government repealed provisions of the regulations on reporting of suspicious transactions that applied to lawyers and notaries, after the courts granted lawyers temporary exemptions. The Department of Finance is currently consulting with the legal community to reincorporate the legal profession under the reporting requirements of Canada’s anti-money laundering and anti-terrorist financing regime.

The Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), a financial intelligence unit, became operational in 2001. FINTRAC, an independent federal agency, operates at arms length from law enforcement and Canadian government departments and agencies to which it provides financial intelligence (RCMP, CSIS, the Canada Border Services Agency, Citizenship and Immigration Canada, and the Canada Revenue Agency), so as to protect the privacy of Canadians. FINTRAC reports to Parliament through the Minister of Finance, and is headed by a Director who has all of the powers of a deputy head of a Canadian federal government department.

FINTRAC receives financial transaction reports from a wide range of reporting entities, including financial institutions and intermediaries. Between 2002 and 2003, over 33,500 suspicious financial transaction reports were received by FINTRAC. In addition, FINTRAC receives information provided by law enforcement and intelligence agencies, foreign financial intelligence units and the general public. FINTRAC conducts independent analyses on the information it receives and, once it establishes that there are reasonable grounds to suspect a money laundering and/or terrorist financing offense, FINTRAC discloses this information to the appropriate law enforcement and intelligence agencies. FINTRAC is also responsible for ensuring that financial institutions and intermediaries comply with their reporting, record keeping and client identification obligations as set out in the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and associated regulations. According to the figures supplied, Canada charged a total of 476 persons with money laundering in 2002 and 2003.

Canada reports that requests for extradition in money laundering cases were made in 2002 (3) and 2003 (3). The country does not provide information for number of replies granting requests in 2002 as files are still active, and informs that in 2003, it received 1 reply granting a request. Canada received 8 requests for extradition in 2002 and 30 in 2003. The country reports that in 2002, it granted 2 requests. As 2003 files are still active, information was not provided. Canada informs that 2004 data is not available.

Canadian law enforcement conducted 4,924 money-laundering investigations in 2002 and 2003. In 2002 and 2003, the RCMP and other police agencies seized cash and assets associated with money laundering valued at nearly US$175 million. According to the RCMP Proceeds of Crime Branch, some US$260,900 in fines associated with money laundering offenses were paid in 2002 and 2003. Between April 2001 and March 2003, Canada reports that property associated with money laundering and valued at approximately US$48 million was forfeited.

Canada reports that, during the years 2002-2004, approximately 300 prosecutors have received specialized training in money laundering cases. According to Canada, the judiciary undertake their own training, but the information regarding the number of judged trained and how many continue to perform the same functions is not recorded. Canada also states that, during years 2002-2003, it has provided training for 143 FINTRAC officials on money laundering typologies and criminal organizations, and that in 2003 it provided training for 30 FINTRAC officials on compliance examination activities. All of these officials continue to perform the same functions. The country also reports that the Office of the Superintendent of Financial Institutions (OSFI), trained 2 officials in 2002, 3 in 2003 and 4 in 2004.
CICAD considers that Canada’s efforts to prevent money laundering are advancing. CICAD expresses its concern that its judicial system currently allows notaries and lawyers to be exempt under the law from the reporting of suspicious financial transactions. Moreover, because Canada cannot currently supply relevant statistics on money laundering convictions, extradition requests received or made associated with money laundering or information with respect to freezing of assets associated with money laundering, CICAD cannot fully evaluate the effectiveness of the country’s reforms in the money laundering area.

**RECOMMENDATIONS:**

13. **Develop and implement a database system to gather Canadian statistics on money laundering convictions.**

14. **Develop a system to track and compile at the federal level data associated with the freezing of assets connected to money laundering.**

15. **Include notaries and lawyers with other entities required to record and report suspicious financial transactions that may be associated with money laundering.**

**D. Corruption**

The country reports that Sections 118 to 130 of the Criminal Code contain measures dealing with internal corruption. Although Canadian crime statistics identify how many persons are charged and/or convicted of corruption, they do not distinguish between corruption related to drugs or others forms of corruption. Moreover, Canadian statistics do not identify individuals charged or convicted by occupation (e.g. public officials).

Based upon the information provided, CICAD cannot properly evaluate Canadian law enforcement programs to combat corruption. CICAD expresses its concern that Canada is unable to provide information on its anti-corruption efforts.

**RECOMMENDATION:**

16. **Develop a statistical system to identify public officials who are charged and/or convicted with acts of corruption punishable under the Canadian Criminal Code.**

**E. Organized Crime**

Canada reports that organized crime is dealt with under the Canadian Criminal Code which includes a number of major crime amendments that entered into force since 2002. These laws include, among others, those related to narcotics offenses, money laundering, corruption, obstruction of justice, and trafficking in migrants.

The country reports that its national laws cover cooperation measures, such as extradition, mutual joint legal assistance, seizures and confiscations, interdiction operations, victim protection and assistance, and the National Agenda, which provides a framework designed to address organized crime policy related issues among and between the different jurisdictions in the country.
Canada’s national law allows for the use of special investigation techniques, such as undercover operations, telephone line tapping, and controlled deliveries. Canadian law includes justifications and exemptions allowing law enforcement officers to engage in conduct that would otherwise be illegal for the purpose of investigations and enforcement, subject to controls and limitations.

The main institution responsible for enforcing laws against transnational organized crime is the Royal Canadian Mounted Police (RCMP). An important objective of its Organized Crime Strategy 2003-2004 is to reduce the threat and impact of organized crime in Canada. Canadian institutions combating organized crime in addition to the RCMP include federal immigration, revenue and border services in addition to regional and local agencies.

The Department of Justice Canada and the RCMP have offered training to prosecutors and law enforcement officers on the law enforcement justification provisions. They have also provided additional training to prosecutors on other aspects of the organized crime legislation and an organized crime legislation training video on CD-ROM, designed primarily for law enforcement officers, has been produced and widely distributed.

CICAD notes that Canada is making progress, and looks forward to further reports on the country’s efforts to thwart organized crime.
V. CONCLUSIONS

CICAD considers that, taking into account Canada’s available resources to combat all phases of drugs and crime, the country has advanced in all the principal thematic areas of the MEM.

In terms of demand reduction, establishment of the National Framework for Action on Substance Use and Abuse is particularly important.

The country’s institutional policies and strategies to combat the range of issues addressed in the MEM are clearly defined. CICAD notes Canada’s work to implement more effective controls on chemicals and pharmaceuticals in this MEM evaluation round. However, in relation to both chemicals and pharmaceuticals, Canada’s law enforcement seems limited when taking into consideration the size and population of the country.

The country’s law enforcement programs to eradicate indoor cannabis cultivations and widely dispersed outdoor cannabis grow operations face difficult challenges. CICAD considers that these programs are particularly urgent given Canada’s reported rise in drug abuse, especially the use of cannabis.

Canada has several additional tasks to accomplish prior to ratification of the Inter-American Convention Against Illicit Manufacturing of and Trafficking in Firearms, Ammunitions, Explosives and other Related Materials (CIFTA) and the Protocol against the Illicit Manufacturing and Trafficking in Firearms, their Parts and Components and Ammunition of the United Nations Convention against Transnational Organized Crime. General data collection and analysis, especially in terms of compiling nation-wide information on money laundering, is an important area where Canada must improve its performance to measure the effectiveness of law enforcement and associated programs.

CICAD recognizes Canada’s efforts in the MEM process and appreciates the country’s transparency in reporting upon a number of advances as well as a number areas for needed improvement that, when accomplished, will benefit of the entire Hemisphere.
VI. SUMMARY OF RECOMMENDATIONS

The following recommendations are assigned to Canada in order to assist the country in strengthening its policies to combat the problem of drugs and related activities and increase multilateral cooperation in the Hemisphere:

INSTITUTIONAL BUILDING


DEMAND REDUCTION

3. ESTABLISH THE NATIONAL FRAMEWORK FOR ACTION ON SUBSTANCE USE AND ABUSE.

4. ESTABLISH A SYSTEMATIC REVIEW TO ENSURE THAT THE DEMAND FOR DRUG ABUSE TREATMENT AND PROFESSIONAL TRAINING IN THIS AREA ARE BEING MET.

SUPPLY REDUCTION

5. DEVELOP A MECHANISM TO ALLOW A MORE PRECISE ESTIMATE OF ILLEGAL CANNABIS CULTIVATIONS IN CANADA.

6. IMPLEMENT CONCRETE LAW ENFORCEMENT ACTION TO DETER, DETECT AND DISMANTLE ILLEGAL LABORATORIES THAT PRODUCE SYNTHETIC DRUGS.

7. REVIEW THE NATIONAL PHARMACEUTICAL PRODUCT MONITORING SYSTEMS TO ENSURE THAT THEY ARE EFFECTIVELY COMBATING VIOLATIONS ASSOCIATED WITH THE DIVERSION OF PHARMACEUTICAL PRODUCTS.

8. DEVELOP A SYSTEM TO MONITOR AND EVALUATE SEIZURES OF CONTROLLED CHEMICALS.

Canada indicates that recommendations 3, 4, 6, 7, 8, 9, 10 and 13 had not been reviewed by the country prior to the Commission approval of the report in its Thirty-Seventh Regular Session in May 2005. In view of its commitment to the MEM, Canada has adopted its national report for the Third Evaluation Round. However, it will be addressing the content of the recommendations and/or their implementation in the forthcoming phase of the MEM and its respective recommendation implementation report to be published in May 2006.
CONTROL MEASURES

9. **Evaluate the country’s data gathering mechanisms on convictions for illicit drug possession and trafficking.**

10. **Increase penal sanctions for large scale production of illegal drugs.**

11. **Implement internal regulations to the Canadian Export and Import Permits Act as a prerequisite to ratification of the Inter-American Convention against Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials (CIFTA) and the Protocol against the Illicit Manufacturing and Trafficking in Firearms, their parts and Components and Ammunition of the United Nations Convention against Transnational Organized Crime.**

12. **Expand the statistical database on firearms imports and exports to include relevant data on the transit of firearms and related material through Canada.**

13. **Develop and implement a database system to gather Canadian statistics on money laundering convictions.**

14. **Develop a system to track and compile at the federal level data associated with the freezing of assets connected to money laundering.**

15. **Include notaries and lawyers with other entities required to record and report suspicious financial transactions that may be associated with money laundering.**

16. **Develop a statistical system to identify public officials who are charged and/or convicted with acts of corruption punishable under the Canadian Criminal Code.**