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

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

# **EL SALVADOR**

**EVALUATION OF PROGRESS IN DRUG CONTROL**  
**2003-2004**

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## INTRODUCTION

El Salvador has a total area of 20,742 km<sup>2</sup> and 577.5 km of borders, 203 km with Guatemala, 374.5 km with Honduras, and 328.83 km of Pacific coastline.<sup>1</sup> The Government is republican, democratic, and representative and comprises the legislative, executive, and judicial branches.<sup>2</sup> The country has a population of 6,638,000 (2003) with a population density of 315.5 inhabitants per sq. km.<sup>3</sup> The climate is tropical throughout the year with two seasons: the rainy season from May to October and dry the rest of the year. The literacy rate is 80.2%. El Salvador is a republic divided into 14 departments. Gross Domestic Product (GDP) was US\$14,940.9 million<sup>4</sup>, with a gross national income per capita of US\$2,189.3 (2003)<sup>5</sup>. The unemployment rate is 6.9%. El Salvador's total exports equal US\$3,136.1 million<sup>6</sup> each year and its main exports are coffee, sugar, shrimp, textiles, and electricity.

## I. INSTITUTIONAL BUILDING/NATIONAL ANTI-DRUG STRATEGY

### A. National Anti-drug Plan and National Commission

El Salvador has a National Anti-Drug Plan that was approved in June 2002, and will be in force until 2008. The Plan was approved by the President of El Salvador, the Ministers of the Interior, Public Health, Education, National Defense, Foreign Affairs and Finance, the Director of the National Civil Police, and the Executive Director of the El Salvador Anti-Drug Commission (COSA).

The National Anti-Drug Commission (CNA) was created in Legislative Decree 153, Article 5, published in the Official Gazette, Volume 361, of November 7, 2003, as the national authority with responsibility for planning, coordinating, supervising, and evaluating government plans, strategies, and policies designed to prevent and combat illicit trafficking in, and the sale and use of drugs, and for rehabilitation efforts for drug dependants. Under Agreement No. 55 of June 23, 2004, the President of the Republic established and swore in the members of the CNA as follows: the Ministers of the Interior, Public Health, Education, and National Defense, the President of Superior Council on Public Health, and the Executive Director of that Council.

The National Plan covers the following areas: demand reduction (35% of targets achieved as of 2004), supply reduction (75% achieved as of 2004), control measures (50% achieved as of 2004), institutional framework (90% achieved as of 2004), program evaluation (20% achieved as of 2004), and instruction and training (50% achieved).

The 2002-2008 National Anti-Drug Plan is being implemented in the country's 262 municipalities, by an interagency group of representatives of public and private entities established in each municipality with which prevention, treatment, and reintegration activities are coordinated.

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<sup>1</sup> Ministry of Foreign Affairs Boundaries Commission.

<sup>2</sup> Constitution of the Republic of El Salvador.

<sup>3</sup> General Directorate of Statistics and Censuses.

<sup>4</sup> Central Bank of El Salvador Economic Indicators 1999-2003.

<sup>5</sup> Preliminary figures supplied by the Central Reserve Bank Macroeconomic Accounts Department.

<sup>6</sup> Central Bank of El Salvador Economic Indicators 1999-2003.



With the aim of ensuring that each body assumes its new responsibilities under the amended Law Regulating Drug-Related Activities of August 2004, the National Workshop on Strategic and Operational Assessment and Planning was held. The inputs obtained were used to redefine, with each of the entities involved, the 2005 Annual Operations Plan in order to implement all activities planned in each strategic area of the 2002-2008 National Anti-Drug Plan.

In January 2004, El Salvador launched a "Local Approach Plan" in six departments (Ahuachapán, Sonsonate, Santa Ana, Cuscatlán, Usulután, and San Miguel) in order to facilitate achievement of the National Plan's supply and demand reduction objectives through coordination with the departmental governments, Municipal Councils, government organizations, and NGOs through local action on drug issues.

No specific budgetary allocation is made to finance the Salvadoran National Anti-Drug Plan. Funds are allocated to the general budget of ministries or central agencies involved in implementing the plan, as follows:

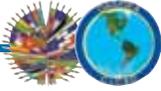
Year	Approved budget (US\$)	Actual budget (US\$)	Actual Central Government allocation percentage	International contribution percentage
2002	Data unavailable	Data unavailable		
2003	3,561,419	3,561,419	89.58	10.4
2004	3,414,503	3,414,503	92.54	7.45
Total	6,975,922	6,975,922		

Area	Actual quantity 2002 (US\$)	Actual quantity 2003 (US\$)	Actual quantity 2004 (US\$)
Demand reduction	Data unavailable	563,504	508,828
Supply reduction	Data unavailable	2,944,193	2,851,952
Alternative development	Data unavailable	Data unavailable	Data unavailable
Control measures	Data unavailable	53,723	53,723
Total budget	--	3,561,419	3,414,503

As may be seen above, El Salvador has no provincial or municipal sources of funding, nor does it rely on self-funding for the National Anti-Drug Plan. Civil society has not made financial contributions for implementation of the Plan, or none have been reported.

According to the information provided by the country in the above table, El Salvador allocates 83.5% of resources to supply reduction, 14.9% to demand reduction, and 1.57% to control measures.

The budget for the Executive Directorate of the National Anti-Drug Commission (CNA) is mainly composed of Government contributions. In 2002, Government contributions accounted for 98.35% of the budget, 90.37% in 2003, and 85.38% in 2004. Contributions made by international financing sources increased considerably, from 2.37% in 2002 to 13.87% in 2004. The budget for 2002 was US\$466,887, US\$507,705 for 2003, and US\$487,255 for 2004. Salvadoran authorities consider that the budget allocated is insufficient in view of the additional activities assigned. The following table provides updated information on the budget allocated to the CNA in the period evaluated:



Year	Proposed budget (US\$)	Approved budget (US\$)	Total budget received (US\$)	Actual Central Government allocation percentage	Actual municipal government percentage	Self-financing percentage
2002	537,143	459,195	466,887	98.35%	1.61%	0.04%
2003	592,533	458,840	507,705	90.37%	9.60%	0.02%
2004	508,678	416,035	487,255	85.38%	13.87%	0.74%

CICAD has noted the amounts of the budgetary allocations made for implementation of the National Anti-Drug Plan. In that sense, it would be advisable to seek a better balance in budgetary allocations to fund the National Anti-Drug Plan, among the supply reduction, demand reduction, and control measure areas.

CICAD has noted that sources of funding for the National Plan do not include self-funding or civil society contributions. It would be advantageous for El Salvador to explore both sources.

## B. International Conventions

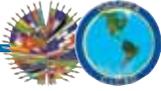
El Salvador has ratified the following international conventions:

- The Inter-American Convention on Mutual Assistance in Criminal Matters (1992)
- The Inter-American Convention against Corruption (1996)
- The Inter-American Convention Against Illicit Manufacturing of and Trafficking in Firearms, Ammunition, and Explosives, and other Related Materials (1997)
- The United Nations Single Convention on Narcotic Drugs, 1961 as amended by the 1972 Protocol
- The United Nations Convention on Psychotropic Substances (1971)
- The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988)
- The United Nations Convention against Transnational Organized Crime and its three Protocols (2000)

In addition, it reports that the United Nations Convention against Corruption was also ratified in July 2004.

El Salvador has bilateral anti-drug cooperation agreements with Argentina, Chile, Mexico, Nicaragua, Spain, Peru, and Uruguay.

CICAD views with satisfaction the ratification by El Salvador of the Inter-American Convention on Mutual Assistance in Criminal Matters, a recommendation made in the First Evaluation Round, 1999-2000. It also recognizes the ratification of the United Nations Convention against Transnational Organized Crime and its three Protocols, with which El Salvador has completed the ratification of all international instruments identified by CICAD as the applicable judicial framework to combat the drug problem in this Third Round of the MEM.



### C. National information System

Regarding the capacity to organize, gather, and coordinate national drug-related statistics, El Salvador has a National Observatory on Drugs, subordinate to the CNA Executive Directorate, which participates in the Inter-American Uniform Drug Use Data System (SIDUC) and the Uniform Statistical System on Control of the Supply Area (CICDAT), both of CICAD/OAS.

In 2003 and 2004, El Salvador conducted surveys of emergency room patients, secondary school students, prevalence of drug use in correctional facilities, and drug use by children and adolescents.

Every year, it presents drug-related statistics to the International Narcotics Control Board (INCB) and on the Annual Report Questionnaire of the United Nations Office on Drugs and Crime. El Salvador reports that, in the case of persons tried and convicted, it does not have systematized information broken down by type of offense, age, occupation, and nationality.

El Salvador has a formal mechanism to evaluate the effectiveness of its drug data collection capacity, in the form of periodic meetings with the Salvadoran Observatory on Drugs' Interagency Group, in which participate the CNA, NGOs, and private entities working in the drug area. By redefining actions in the framework of the National Anti-Drug Plan, the information systems that supply the Observatory's database will be strengthened.

The Salvadoran Observatory on Drugs is a mechanism to disseminate information concerning El Salvador's drug-related activities in all areas of the National Anti-Drug Plan, and a useful tool to establish trends in this phenomenon.

The drug-related information and activities carried out are made available to the public through the press, the media, e-mail, list serve, national, government and other agencies' publications, as well as in fairs, where achievements are presented and information and brochures are distributed. In June each year, the country celebrates a National Week against Drugs.

El Salvador reports that it has developed many innovative strategies to supply information to target population groups through the Ministry of Education (MINED), which has included the drug issue in school curricula through the Education for Life Program.

Official resources for information disseminate are US\$45,000 per year assigned to the MINED. External funding for the dissemination of anti-drug programs was over US\$1 million in 2002, and only US\$175,000 in 2003.

CICAD notes that El Salvador displays certain deficiencies in its data compilation system. It also lacks information broken down by type of offense.

### **RECOMMENDATION:**

1. **IMPLEMENT A NATIONAL SYSTEM TO COMPILE INFORMATION ON TRIALS AND CONVICTIONS, BROKEN DOWN BY TYPE OF OFFENSE.**



## II. DEMAND REDUCTION

### A. Prevention

In 2003, El Salvador implemented a national system of drug-abuse prevention programs that target key population sectors:

KEY POPULATION SECTORS	PARTICIPATION
<b>STUDENTS</b>	
Pre-school: ages 4-6	125 participants
Basic Education: ages 7-15	28,964 participants
Intermediate Education: ages 15-18	26,995 participants
<b>YOUTH IN COMMUNITIES</b>	394 participants
<b>COMMUNITY PROGRAMS</b> Programs for adults	45 participantes
<b>PREVENTION IN THE WORKPLACE</b> Public sector Private sector	21 departments 329 companies
<b>PRISON INMATES</b> Training on the consequences of drug abuse	1,000 participants
<b>OTHER AT RISK GROUPS</b> Driver parents Approach to at-risk youth	40 participants 172 participants

However, there are population groups that are not being included in the prevention programs, especially street children, out-of-school youth, working children, and indigenous groups. Nor are there programs specifically targeting women.

With regard to prevention programs targeting youth gangs or "maras" that are emerging in the country, the country reports that the El Salvador Anti-Drug Commission, with CICAD/OAS support, launched a pilot program in February 2004 entitled "Maras and Drug Dependent Persons, Reforesting El Salvador," targeting youth members of the Salvatrucha "mara" (MS), in Chalchuapa, Santa Ana Department, in the western part of the country.

Regarding specialized professional training in drug abuse prevention, treatment and research, El Salvador reports that during 2003 a series of short refresher courses on drug prevention and treatment were conducted. Likewise, the country reports that 3,862 persons were trained among police officers, social workers, armed forces officers, physicians, work delegates and inspectors, psychology students, lawyers, teachers, parents, nurses, health care educators, and technicians belonging to different private and public entities.

The information supplied by El Salvador indicates that the courses offered do not cover the country as a whole nor do they meet needs for professional training in the prevention, treatment, and research areas. Furthermore, the country only has a small number of subjects or curricula focused on prevention or treatment at university level. The Central American University (UCA) still offers the Master's program on community psychology and its citizens participate in CICAD's On-Line Master's Program.

El Salvador reports having carried out evaluations of seven drug demand reduction projects, especially those implemented by the anti-drug foundation – FUNDASALVA, which has Inter-American Development Bank funding.



Similarly, it has carried out research on three projects on the impact of prevention programs.

As part of the 2005 Operations Plan, a Committee for the Prevention of Drug Use was established. The objectives of this Committee include facilitating the implementation and evaluation of prevention projects at national level.

This Committee is gradually bringing together the country's prevention programs in order to implement a national prevention strategy in schools, communities, and the workplace. The objective of the National Committee for the Prevention of Drug Use is to coordinate the development, implementation, and evaluation of drug use prevention programs in El Salvador.

The representatives of the institutions comprising the CNA have responsibility for coordination of the said Committee, which carry out prevention-related activities. These are the MINED, Public Health and Social Welfare (MSPAS), and the Executive Directorate.

Since 1999, the Government of El Salvador, through the National Council on Public Safety (CNSP), has implemented a Program for Social Prevention of Violence and Delinquency, which is structured in accordance with direct and indirect risk factors affecting the population. The program includes seven basic components: Neighbor Organization and Leadership, Sport, Vocational Training and Employment, Education, Police Liaison, Direct Social Prevention, and Culture and, since 2004, Rehabilitation and Reintegration. It is implemented in 150 communities in 21 municipalities, principally in the metropolitan area and in Sonsonate and La Libertad Departments, as work areas are determined on the basis of sociological and criminological criteria. Over 1 million persons benefit directly or indirectly from the program.

CICAD notes that in El Salvador, prevention programs do not cover some key population sectors. CICAD also recognizes the efforts made by the country to address the issue of youth gangs. This is a challenge facing the Government of El Salvador which requires more in-depth study in relation to prevention and rehabilitation methods and their expansion nationwide so that they have a positive impact on the affected populations. CICAD also notes that the supply of professional training does not cover the country as a whole or meet existing needs, especially at the undergraduate and graduate levels.

Although El Salvador reports the existence of numerous prevention programs, there are unserved sectors of the population, particularly street children, out-of-school youth, working children, and indigenous groups. Nor does El Salvador have prevention programs targeting women.

## **RECOMMENDATIONS:**

2. ESTABLISH PREVENTION PROGRAMS WITH NATIONAL COVERAGE TARGETING WOMEN, STREET CHILDREN, OUT-OF-SCHOOL YOUTH, AND WORKING CHILDREN, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001-2002.
3. ESTABLISH PREVENTION, REHABILITATION, AND REINTEGRATION PROGRAMS THAT HAVE NATIONAL COVERAGE SPECIFICALLY TARGETING MEMBERS OF THE YOUTH GANGS OPERATING IN THE COUNTRY.
4. EXPAND THE AVAILABILITY AND GEOGRAPHIC COVERAGE OF TRAINING ON DRUG ABUSE PREVENTION AND TREATMENT TO INCLUDE SPECIALIZED COURSES AT THE UNDERGRADUATE AND GRADUATE LEVELS.



## B. Treatment

The Ministry of Public Health and Social Welfare (MSPAS) is the government institution directly responsible for developing and enforcing drug-dependents' treatment and rehabilitation programs, and for controlling those in charge of other legally authorized institutions. This responsibility is by decree through Article 7 of Law regulating drug related activities, Legislative Decree 153 of October 2, 2003, published in Official Gazette 208, Volume 361, of November 7, 2003. The Ministry is also responsible for registering and accrediting treatment services and treatment programs.

El Salvador has established "Regulations Governing the Treatment of Persons with Behavior Indicative of Addiction to Psychoactive Substances", approved by Executive Agreement 303, published in Official Gazette 197, Volume 365, of October 22, 2004, which are mandatory. In addition, El Salvador has a registry of centers that offer treatment services and treatment programs, and states that it is in the process of designing and preparing the instruments necessary for the accreditation of treatment centers and the methodology for the validation process. The country is also establishing a national mechanism that measures compliance with the standards of treatment for drug use and an evaluation of the services provided, by adopting the evaluation instrument prepared by CICAD/OAS and the World Health Organization (WHO).

Regarding coverage and qualification of the national services for drug abuse treatment and rehabilitation, and social reintegration, El Salvador has 5 public establishments (general hospitals) and 75 private establishments. National coverage is currently limited, in that public care is restricted to the geographic area covered by general hospitals, while the majority of private initiatives are in the metropolitan area of the capital. The majority of current initiatives providing services and treating drug dependence have yet to define the procedures offered. This can be solved by the issuing of regulations governing the opening and operation of facilities that provide services to people with substance dependence.

With regard to services provided by the health establishments of the MSPAS, information is available on patients treated for drug use, broken down by department, gender, and age. The source of this information is the epidemiological monitoring system.

The country does not have information from the records of patients treated for drug use by private entities or NGOs, although once the minimum standards of care have been implemented and applied more information will be available.

Activities and initiatives aimed at reintegration are mostly carried out by religious institutions. El Salvador has provided CICAD with a directory of 75 private treatment and rehabilitation institutions operating locally in the country's 262 municipalities.

It should be noted that El Salvador is now analyzing the juridical and legal status of institutions working in the prevention, treatment, and rehabilitation areas. It is a requirement that an association or foundation, once constituted, become a legal entity authorized by the Ministry of the Interior (MIGOB) and satisfy other requirements in order to be able to work in the drug dependency area. Once the institution is established, its therapeutic care will be outlined, to include identification of treatment procedures, coverage, dependency stages treatment, and programs applied.

Legal provisions are reviewed by an Interagency Technical and Legal Group composed of the competent institutions in this area: the MSPAS (treatment, evaluation, and accreditation programs); the Superior Council on Public Health (CSSP) (authorization of the opening and operation of establishments, supervision); MIGOB (authorization of legal personality); The Ministry of Education



(MINED) (the preventive content of comprehensive care programs). Also established is the stage at which compliance will be evaluated to render the adoption and application of these provisions by all public and private institutions providing care in drug dependency cases mandatory.

Demand for treatment in El Salvador is mainly concentrated in the 4 mental health units and the psychiatric hospital addiction unit. El Salvador reports that in 2003, it developed 17 treatment programs, including two new programs developed by the FUNDASALVA foundation, which are:

- (1) outpatient, which includes a regular program, an intensive program, and an early intervention program
- (2) residential, which includes a Therapeutic Community Program.

The country states it has conducted studies to evaluate efficiency of the different early intervention and drug abuse treatment programs, although it lacks evaluation of the rehabilitation, follow-up, and social reintegration programs of drug dependent persons.

The country has made progress in verifying rehabilitation and treatment institutions – public and private. El Salvador is now analyzing the juridical and legal status of private institutions and evaluating compliance with minimum standards of care. Still pending is the establishment of records of patients treated by private entities and evaluation of the prevention, treatment, and rehabilitation programs for drug dependants implemented by such entities.

### **RECOMMENDATIONS:**

5. ISSUE REGULATIONS TO GOVERN THE OPENING AND OPERATION OF ESTABLISHMENTS PROVIDING COMPREHENSIVE CARE OF DRUG DEPENDENTS.
6. IMPLEMENT A SYSTEM TO MONITOR PRIVATE TREATMENT AND REHABILITATION INSTITUTIONS, WITH REGARD TO BOTH LEGAL ASPECTS AND APPLICATION OF THE MINIMUM STANDARDS OF CARE.
7. CARRY OUT EVALUATIONS OF REHABILITATION, FOLLOW-UP, AND SOCIAL REINTEGRATION PROGRAMS.

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

As regards prevalence of drug abuse, research was carried out in 2003 in part of the population, such as: a Survey of Third Cycle Basic Education and High School students, among a sample of 5,644 students in urban school centers with more than 30,000 inhabitants, using the SIDUC Methodology.



**PREVALENCE OF PSYCHOACTIVE SUBSTANCE USE AMONG  
THIRD CYCLE STUDENTS (BASIC EDUCATION AND HIGH SCHOOL) DIPLOMA 2003**

Type of Drug	Lifetime (percentage)			Last 12 months (percentage)			Last 30 days (percentage)		
	M	F	Total	M	F	Total	M	F	Total
Alcohol	39.23	33.64	37.40	23.77	20.01	23.10	14.27	12.16	16.30
Tobacco	40.84	30.43	36.40	23.11	13.96	19.20	8.37	7.44	11.70
Solvents & Inhalants	2.95	1.22	2.20	1.17	0.52	0.90	0.48	0.41	0.50
Cannabis Type	6.72	2.28	4.70	3.67	1.33	2.60	1.65	0.59	1.20
Hashish	0.21	0.15	0.20	0.10	0.11	0.10	0.03	0.11	0.10
Marijuana	6.52	2.14	4.50	3.57	1.22	2.50	1.61	0.48	1.10
Hallucinogens	1.20	0.44	0.90	0.62	0.26	0.50	0.17	0.11	0.10
Other hallucinogens	1.20	0.44	0.90	0.62	0.26	0.50	0.17	0.11	0.10
Opioids	1.34	0.52	0.90	0.69	0.26	0.50	0.27	0.15	0.20
Heroin	0.58	0.22	0.40	0.31	0.15	0.20	0.14	0.07	0.10
Morphine	0.48	0.15	0.30	0.27	0.07	0.20	0.14	0.04	0.10
Opium	0.27	0.15	0.20	0.10	0.04	0.10	0	0.04	0
Cocaine Type	4.32	1.77	3.20	1.99	0.88	1.50	0.52	0.22	0.50
Basuco, or coca paste	0.69	0.33	0.50	0.31	0.18	0.30	0.07	0.07	0.10
Cocaine Hydrochloride	2.09	0.96	1.60	0.96	0.44	0.70	0.21	0.15	0.20
Crack	1.54	0.48	1.10	0.72	0.26	0.50	0.24	0.15	0.20
Tranquilizers / Sedatives/ Depressants	8.30	13.01	10.90	3.94	6.34	5.20	2.33	3.80	3.10
Stimulants	6.58	7.18	7.30	3.53	3.50	3.70	1.92	2.17	2.1
MDMA (Ecstasy)	0.38	0.52	0.50	0.21	0.37	0.3	0	0.18	0.1
Other Stimulants	6.21	6.67	6.80	3.33	3.13	3.40	1.92	1.99	2.00
Other drugs	3.74	2.58	3.30	2.02	1.44	1.80	1.13	0.59	0.90
All illicit drugs	11.45	5.71	8.7	6.45	3.17	4.9	3.16	1.36	2.3

Source: COSA/SIDUC

El Salvador also carried out a survey using the SIDUC methodology among inmates held in prison centers, using a sample of 1,882 inmates at national level; another survey was conducted of the population treated at the FUNDASALVA Treatment Center, and another of the Second and Third Year High School students.

**PREVALENCE OF PSYCHOACTIVE SUBSTANCE USE IN SPECIFIC POPULATIONS**

YEAR OF SURVEY: 2003	INMATES IN PENITENTIARIES: Representative sample: 1,882	
Type of drug	Lifetime (percentage)	Last 12 months (percentage)
	Total	Total
Alcohol	*63.8 / 47.9**	7.9/6.5
Tobacco	60.8	25.7
Solvents & Inhalants	5.3	0.6
Cannabis Type		
Hashish	2.5	0.0
Marijuana	26.1	4.7
Hallucinogens		
Other hallucinogens	3.0	0.1
Opioids	3.3	0.4
Heroin	1.9	0.2
Morphine*	0.7	0.1
Opium	0.7	0.1
Cocaine Type		
Basuco, or coca paste	3.8	0.2
Cocaine Hydrochloride	12.3	1.3
Crack	12.2	1.8
Tranquilizers / Sedatives/ Depressants	15.4	4.0
Other tranquilizers, sedatives, and depressants****	15.4	4.0
Stimulants	1.2	0.8
Methamphetamines	1.2	0.8
Other Drugs	2.6	0

\* Non-prescribed/non-therapeutic use only

\*\* liquor

\*\*\* Only when not prescribed and or used in therapeutic processes

\*\*\*\* excluding barbiturates, benzodiazepines, flunitrazepam, GHB, and Ketamine



In 2003, a survey was also conducted aimed at children and adolescents at national level to assess opinion on drugs.<sup>7</sup> Said survey was carried out by the Olof Palme Foundation, an NGO, using the SIDUC Methodology. 1,200 surveys were conducted nationwide (rural 49.7%, urban 50.3%) among boys (48.6%) and girls (51.4%) ages 10 to 18. In relation to the results it is reported that 269 children are using drugs (including alcohol and cigarettes), which is equivalent to 22.7% of the sample.

In addition, the following results are provided:

DRUG USE DATA IN POPULATION SURVEYED – Year 2003

Year of survey: 2003		CHILDREN AND ADOLESCENTS: Representative sample: 1,200															
		Use															
TYPE OF DRUG	% of sample	Gender (%)		Area (%)		Age (%)								Socio-economic level (%)			
		M	F	Rural	Urban	10	11	12	13	14	15	16	17	18	High	Middle	Low
Alcohol (beer and liquor)	21.6	60.9	39.1	41.4	70.3	0.4	0.4	1.9	3.1	13.7	14.8	13.7	20.3	31.6	19.5	14.4	6
Tobacco	16.4	40.5	59.5	48.7	51.3	0.0	1.1	3.6	4.6	17.9	13.8	13.8	20.5	24.6	16.9	15.4	6
Marijuana	3.3	66.7	33.3	48.7	51.3	0.0	0.0	0.0	0.0	7.7	10.3	20.5	12.8	48.	28.2	15.4	5
Types of cocaine	1.6	68.4	31.6	36.8	63.2	0.0	0.0	0.0	10.5	21.1	5.3	10.5	5.3	52.6	26.3	10.5	6
Crack	0.7	62.5	37.5	25.0	75.0	0.0	0.0	0.0	0.0	37.5	12.5	12.5	0.0	37.5	25.0	12.5	6
Cocaine	0.9	72.7	27.3	45.4	54.5	0.0	0.0	0.0	9.1	9.1	0.0	9.1	9.1	63.6	27.3	9.1	6
Tranquilizers, sedatives, and depressants	0.7	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

PREVALENCE DATA: 2003 Survey

Year of survey: 2003	CHILDREN AND ADOLESCENTS: Representative sample: 1,200	
TYPE OF DRUG	Some time in life	Last 12 months
	Total	Total
Alcohol	179 (14.9%)	113 (10.3%)
Tabacco	112 (9.3%)	101 (8.4%)
Tranquilizers, sedatives, depressants	3 (0.3%)	1 (0.1%)

Number of Cases/Quantity of Drugs Consumed  
2003 Survey

Quantity of drugs taken	Frequency (# of cases)	%
1	125	46.5
2	74	27.5
3	50	18.6
4	13	4.8
5	3	1.1
7	4	1.5
<b>Total</b>	<b>269</b>	<b>100.0</b>

Research carried out, in 2003, among Third Cycle Basic Education and High School Students in Urban School Centers with more than 30,000 inhabitants, indicates that average age for first use of alcohol and any drug is 13 to 14. Tobacco and alcohol are the most used.

<sup>7</sup> Further information on this research is available on the website: [www.gobernacion.gob.sv/observatorio](http://www.gobernacion.gob.sv/observatorio).



**Average Age of First Use of Psychoactive Substances  
Third Cycle Basic Education and High School Students**

YEAR 2003	Specific population Students of 3rd Basic Cycle and High School, SIDUC n=5.644
Type of drug	Average
Alcohol	12.78
Tobacco	12.41
Solvents & Inhalants	12.36
Cannabis Type	12.97
Hashish	12.10
Marijuana	13.83
Hallucinogens	13.26
Other hallucinogens	13.26
Opioids	12.21
Heroin	11.83
Morphine*	12.71
Opium	12.08
Cocaine Type	12.43
Basuco, or coca paste	11.17
Cocaine Hydrochloride	14.03
Crack	12.08
Tranquilizers / Sedatives/ Depressants	11.98
Other Tranquilizer, Sedative, Depressant	11.98
Stimulants	11.56
MDMA (Ecstasy)	11.88
Other Stimulants	11.23
Other drugs	12.60

\*Non-prescribed/non-therapeutic use only

As regards perception of drug use as harmful to health and well-being among youths aged 10-19, it has been found that for all drugs: 26% consider it is Serious and 55.3% Very Serious; in the case of legal drugs (tobacco and alcohol), 32% consider use as Serious, and 47.6% as Very Serious; in the case of illicit drugs, 20.9% consider it is Serious and 61.4% Very Serious.

The surveys also reveal a higher proportion of male consumers than female consumers:

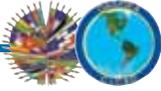
GENDER	LIFETIME PREVALENCE – ALCOHOL	LIFETIME PREVALENCE – ANY ILLICIT DRUG	LAST 30 DAYS PREVALENCE – ALCOHOL	LAST 30 DAYS PREVALENCE – ANY ILLICIT DRUG
FEMALE	36.4 %	15.7 %	12.2 %	1.4 %
MALE	39.2 %	11.5 %	14.3 %	3.2 %

Among the reasons stated for drug use, 40% of those consulted believe that youths use drugs as a solution to their problems, and 33% due to curiosity. Another argument repeatedly pointed out is the influence of the environment in drug use among young adolescents: 53% accept having one or more friends who use alcoholic drinks in an exaggerated way, 25.3% have one or more friends that use illicit drugs, and 37.5% consider it is easy or very easy to find illicit drugs.

El Salvador does not have drug-related morbidity estimates at a national level.

Concerning new trends in drug abuse, El Salvador informs that in 2003 there was an increase in the number of injecting heroin users. However, this practice represents a low percentage.

The Legal Medicine Institute informs that according to its records for the year 2003, among the deaths reporting the presence of drugs in the different biological fluids, the greatest incidence was found among males aged 18 to 32, with 47% of deaths with traces of alcohol, 13% with cocaine, and 10% with marijuana. Among females, the greatest incidence was found in women aged 25-40, where 3% evidenced the presence of alcohol, and 1% of the women aged 18-30 had traces of cocaine.



Deaths due to alcohol- and drug-related traffic accidents represented the fourth cause of death according to the information gathered during the years 2002 and 2003. Of these, 98% of traffic accidents were due to alcohol use and 2% to use of drugs. The country lacks information as to alcohol- and/or drug-related workplace accidents.

CICAD acknowledges the major progress in El Salvador in the area of drug use statistics. Estimates at national level of drug abuse-related morbidity and a survey on drug use in the general population are still pending.

### **RECOMMENDATIONS:**

8. CONDUCT A NATIONWIDE SURVEY OF DRUG ABUSE-RELATED MORBIDITY.
9. CONDUCT A SURVEY ON DRUG USE IN THE GENERAL POPULATION.

## **III. SUPPLY REDUCTION**

### **A. Drug Production and Alternative Development**

In 2003, the country manually eradicated 4.89 hectares of cannabis. It does not have areas cultivated with coca or opium.

The National Civilian Police of El Salvador informs that no indoor cultivation has been detected. With regard to crops, remote areas and regions remain, for the most part, in the north of the country where cannabis is produced.

There are no alternative development programs in El Salvador.

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

No illicit laboratories of synthetic or organic drugs have been found in El Salvador.

#### **Pharmaceutical Products**

The Psychotropic Section of the Superior Council of Public Health in El Salvador, the Chemical Control Section of the Anti-Narcotics Division of the National Civilian Police (DAN), and the Control Division of the Customs Office of the Treasury Department are the entities in charge of supervising the export, import, production, and distribution of pharmaceutical products listed in the United Nations Conventions. Inspections and audits of commercial businesses are carried out by the Chemical Control Section of the DAN and the Superior Council of Public Health to evaluate the efficiency of these entities.

All the pharmaceutical products listed in the International Conventions are controlled by El Salvador in the commercial sector, including those products contained in the CICAD/OAS listings.

This control is intended for: pharmaceutical establishments (pharmaceutical wholesalers, pharmacies, and laboratories); health professionals who prescribe such medications (physicians, dentists, and veterinarians); the national health system (hospitals, basic health systems), clinics of autonomous and government institutions; Salvadoran Social Security Institute (ISSS), the Military



Hospital, private hospitals and clinics; treatment clinics, agro services; veterinary clinics and pharmacies; university hand-on and testing laboratories; firms importing and distributing essential precursor chemical substances; and national industry utilizing such substances in their production processes.

The country carries out its control activities through research, inspections and audits of the aforementioned establishments; issuing special prescriptions to health professionals, and monitoring the proper use and handling of such prescriptions to establish whether they are used for therapeutic purposes or as an illicit means of administration, reducing self-medication or irrational use of medication, as they are only issued by physicians; issuing of authorizations for the import, transfer, spot purchase, or export of such substances; control of unloading of raw materials for the manufacture of special pharmaceutical products containing such substances; attending the destruction of drugs scheduled by police courts nationwide; and control of the books and prescriptions of hospitals, clinics, and pharmacies. The monitoring and inspection of controlled products begins with border controls carried out by the Anti-Narcotics Division to verify the amount of product entering or leaving the country and the authorized entry locations.

These control and inspection activities are carried out with the participation of the Chemical Control Section of the Anti-Narcotics Division of the National Civilian Police.

In 2003, 8 investigations were carried out due to presumed diversion of pharmaceutical products without imposing any sanctions and 1 in 2004. Likewise, in 2003, 6 inspections were started and 1 in 2004. With regard to controlling pharmaceutical products, the Chemical Control Section reports 2 investigations of controlled substances in 2003 and 5 in 2004.

A formal mechanism is in place to evaluate the effectiveness of controls. This mechanism is implemented by the Pharmaceutical Supervisory Board via inspections of pharmaceutical establishments and the Medical Supervisory Board via field work and inspections of clinical profiles and verification of actual patients. Each supervisory board meets on an ongoing basis and, if any noncompliance with the regulations is detected, issues a resolution and recommends that the Superior Council of Public Health impose the respective penalty. In addition, the Council conducts audits of pharmaceutical wholesalers, pharmaceutical companies and, in 2004, 67 pharmaceutical establishments were penalized for various contraventions of the Health Code and 8 doctors were penalized for abuse of the narcotics prescriptions book (Narcotics Regulations Article 42) and were suspended from using the prescriptions book to prescribe these medicines either privately or institutionally. Penalties were imposed for 6 months, 1 year, 3 years, and up to 5 years.

El Salvador only makes provision for the imposition of administrative, not civil or penal, sanctions, in cases of diversion of pharmaceutical products and applied 3 administrative sanctions for the diversion of pharmaceutical products in 2003. Criminal legislation is in place to regulate the diversion of these products, through the Law Regulating Drug-Related Activities, Article 30, on penalties for contravention.

The country reports that no pharmaceutical products were seized in 2002 or 2003. However, on September 7, 2004, the National Civilian Police Anti-Narcotics Division seized 56.7 kilograms of liquid ketamine at Comalapa international airport. This substance had been shipped as vinegar in plastic containers without the permission and authorization of the Superior Council of Public Health. In 2004, apart from the 56.7 kg of ketamine, 500 10ml. vials of "Oxitocina". 2 kg of "Oxitocina (Oxitopisa)" and 2,541 boxes of "Atilan" were seized.

El Salvador reports having administrative controls that would seem adequate to avoid the diversion and the illicit trafficking of all products subject to control. However, the country lacks penal



sanctions against the diversion of pharmaceutical products. A major systematization of the national controls and the evaluation of its effectiveness should be a priority for the national authorities.

## **RECOMMENDATION:**

10. ESTABLISH PENAL SANCTIONS FOR THE DIVERSION OF PHARMACEUTICAL PRODUCTS.

### **Controlled Chemical Substances**

The Psychotropic Section of the Superior Council of Public Health, the Chemical Control Section of the Anti-Narcotics Division of the National Civilian Police, and the Control Division of the Customs Office of the Treasury Ministry effect control and oversight of the production, manufacture, importation, exportation, distribution, and marketing of narcotics, psychotropic substances, and precursor chemical substances or substances which, on account of their composition, are capable of being used as such, in order to prevent their diversion to illicit activities or abuse.

The Chemical Control Section of the Anti-Narcotics Division of the National Civilian Police reports limited resources and inexistent penal regulation for chemical substance control as the main problems faced by the national entity.

All the chemical substances listed in the International Conventions are controlled by El Salvador in the commercial sector, including those products contained in the CICAD/OAS listing. Besides, there is a list of additional products of human and veterinary use, which the Superior Council of Public Health has included for inspection.

Since February 2003, the El Salvador Anti-Drug Commission has been coordinating an inter-institutional group with the purpose of coordinating, exchanging information, and optimizing the control of ports, airports and borders. With this objective, a coordination group formed by the above mentioned entities meets at least once a month and has been set up to resolve any control and inspection problems that may arise.

Within this framework, at the beginning of 2003 and 2004, two training workshops were created aimed at personnel of the Anti-Narcotics Division, Customs Officers, and the Superior Council of Public Health, where the following issues were discussed: "Regulations on additional narcotics, psychotropic substances, precursors, chemical substances and products", "Drug Camouflage", "Diversion Methods, Import-Export Forms-Permits, and Customs Procedures". A total of 70 persons received training during 2003, and 88 during 2004. Ten precursor and controlled substances investigations were carried out in 2003 and 10 controlled chemical substances investigations were conducted in 2004.

El Salvador only makes provision for the imposition of administrative and penal, not civil, sanctions, in cases of diversion of chemical substances. No information is available on the number of penalties applied for the diversion of controlled chemical substances. Article 30 of the Law Regulating Drug-Related Activities established penalties for the diversion of chemicals.

El Salvador states that although it is not a large scale exporting country of controlled substances, it exports sulfuric acid and some mixtures of controlled chemical substances. Among the major problems and impediments encountered to efficiently carry out the supervisory and control functions, they face limited human, technological and budgetary resources.



Concerning controlled chemical substances pre-export notifications, El Salvador received 7 requests in 2002, and 54 in 2003, related to shipments coming from the Czech Republic, Denmark, Germany, India, Israel, Mexico and Switzerland and, when applicable, it sent notifications to the in-transit and destination countries. The Anti-Narcotics Division's Chemical Control Section reported receiving 439 pre-notifications for in-transit and final destination countries in 2003 and 343 pre-notifications in 2004.

El Salvador states it has not made any seizures (including controlled chemical substances) in 2002 and 2003. In 2004 the following substances were seized:

#### Seizures of Chemical Substances, 2004

Seized Chemical Substance	Unit of Measure	Quantity
Hydrochloric Acid	Kg.	40,600
Sulfuric Acid	Kg.	1,960
Hexane	Gallons	5,885
Toulene	Kg.	21,400
Acetone	Gallons	275
Solvents (mixtures)	Gallons	18,579
Sodium Sulfate	Kg.	72,000
Sodium Carbonate	Kg.	200,000
Acetone	Kg.	70,000

Source: Anti-Narcotics Division of the National Civilian Police

#### Seizures of Raw Materials, 2004

Seized Chemical Substance	Unit of Measure	Quantity
Acetic Acid	Kg.	17,800
Glacial Acetic Acid	Kg.	2,030
Glacial Acetic Acid	Lt.	12
Fornic Acid	Lt.	1,500

Source: Anti-Narcotics Division of the National Civilian Police

CICAD recognizes the progress made by the country in the control of chemical substances and urges it to continue working within the coordination group for the control of substances, as well as, continue carrying out workshops on this subject.

### **RECOMMENDATIONS:**

11. ESTABLISH PENAL SANCTIONS FOR THE DIVERSION OF CONTROLLED CHEMICAL SUBSTANCES.



## IV. CONTROL MEASURES

### A. Illicit Drug Trafficking

The number of drug seizures carried out over the last two years has remained constant in spite of the increase in efforts and police operations.

**Number of Drug Seizures and Quantity of Drugs Seized  
2002-2004**

Type of Drug	Number of seizures		
	2002	2003	2004
Heroin	6	7	2
Cocaine base	100	107	163
Crack	327	531	1,282
Cannabis plants	15	27	17
Cannabis (grass)	627	637	1,609
Cannabis seeds	1	2	3

Type of drug	Unit of measurement	Quantity seized		
		2002	2003	2004
Heroin	Kg.	13.23	22.06	3.8
Cocaine base	Kg.	2,068.06	2,038.14	2,704.3
Crack	Kg.	7.10	6.44	5.9
Cannabis plants	Number of plants	1,128	10,047	1,855
Leaf Cannabis (grass)	Kg.	666.06	637.37	448.9
Cannabis seeds	Kg.	11	3.7	0.1

El Salvador informs that the number of heroin seizures increased by 66% in 2003, which implied an increase in the trafficking of this illicit drug. According to information supplied by the police, most of the heroin seizures were carried out on passengers in transit at Comalapa International Airport, and by land across the El Amatillo border.

In compliance with the 2003 Law Regulating Drug-Related Activities, when confiscated drugs are no longer necessary as evidence for a court proceeding, the judge will order their destruction by incineration, except when they can be used for therapeutic purposes, in which case they shall be delivered to the Ministry of Public Health and Social Welfare.

In reference to the number of persons arrested, tried and convicted for illicit drug trafficking, the country provided the following data:

**Number of Persons Arrested, Tried, and Convicted for Illicit Drug Trafficking**

Año	Number of persons arrested for illicit drug trafficking	Number of persons tried for illicit drug trafficking	Number of persons convicted for illicit drug trafficking
2002	757	382	160
2003	888	403	227
2004	97	517	63



The numbers reported by El Salvador reflect a 22% increase from 2003 to 2004 in the number of arrests for illicit drug trafficking and a 355% increase in arrests for possession of illicit drugs.

The amendments to the Law Regulating Drug-Related Activities, passed through Decree in November 2003, criminalize all drug possession, which may explain the exponential increase in the number of arrests for possession of illicit drugs. For up to two grams of drugs. One sanction of one to three years' imprisonment is imposed, and in the case of possession of more than two grams, from three to six years of confinement in prison, plus the corresponding fines. There are certain exceptions for the possession of drugs for therapeutic purposes. This is regulated by the Superior Council of Public Health and, in the case of personal use, alternative measures decided by the judge are applied.

**Number of Persons Arrested, Tried, and Convicted for Illicit Drug Trafficking**

Año	Number of persons arrested for illicit drug trafficking	Number of persons tried for illicit drug trafficking	Number of persons convicted for illicit drug trafficking
2002	757	382	160
2003	888	403	227
2004	97	517	63

However, as there is still no statistical system to capture all potential variables that may arise for persons arrested, tried, and convicted, it is not currently possible to state with accuracy the number of persons who have undergone these stages as a result of alleged personal use. The country is, therefore, planning to initiate a process this year to determine the feasibility of compiling these data in the requested form.

Concerning operational information exchange, El Salvador reports that it has an Interagency Committee, performs joint operations, joint training, and has interagency networks and communication systems. The criteria used to assess the efficiency of the means available, are through the analysis of response time in the data flow, and a final assessment of the scheduled operations. The principal achievements are a better operational coordination, exchange of operational intelligence, and better results in operations. The major impediments encountered by the authorities of El Salvador are flaws in communication media and untimely replies, a situation that has been overcome via various national and international working meetings.

El Salvador filed legal cooperation requests in 2002 regarding illicit drug trafficking cases to Guatemala (1), Honduras (1) and the United States (1) and received two responses acceding to these requests in 2003. It also received four requests from Guatemala and one from Panama in the period 2002-2004 and has not yet replied to these requests.

The entity in charge of authorizing passive as well as active extraditions is the Supreme Court of Justice, pursuant to the Constitution of the Republic of El Salvador. The countries with which El Salvador has signed extradition treaties are: Belgium, Italy, Mexico, Spain, Switzerland, the United Kingdom and the United States of America. In addition, El Salvador reports that it has no experience in extradition for illicit drug trafficking since there have been no such cases to date.

CICAD recognizes the progress made in El Salvador's policies against illicit drug trafficking. CICAD notes of the adoption of the 2003 Law Regulating Drug-Related Activities and the creation of a Inter-Institutional Committee for exchanging operative information. However, the country could improve its penal statistics regarding persons arrested, tried, and convicted.



## **RECOMMENDATION:**

12. DEVELOP A STATISTICAL SYSTEM TO COMPILE DATA ON ARRESTS, TRIALS, AND CONVICTIONS FOR POSSESSION OF ILLICIT DRUGS FOR PERSONAL USE.

### **B. Firearms and Ammunition**

The national entities responsible for the control of firearms, ammunition, explosives and other related material, are: the National Ministry of Defense, through the Logistics Board, and the Firearms and Explosives Division of the National Civilian Police.

The National Ministry of Defense is legally empowered to directly authorize and supervise all activities related to the control, use, manufacture, import, export, and marketing of firearms, ammunition, explosives and other related materials. The National Civilian Police is in charge of preventing violations of the law, so as to guarantee public safety.

The Ministry of Defense is responsible for keeping records on the data. The records contained in said data base, established in 1994, have no expiration date and are permanently kept on file. The major achievement of the data base application is that it allows better control over firearms and prevents diversion to illicit channels.

The number of persons arrested for illicit possession and trafficking of firearms and ammunition decreased by 21% in 2003 compared to the previous year (falling from 3,316 arrests to 2,588). In turn, it was reported that 311 persons were arrested for illicit possession and trafficking of explosives in the year 2003.

El Salvador also states that data on the number of persons tried and convicted for illicit trafficking in and possession of firearms and ammunitions in 2004 only cover 19 prisons and do not include data on the 3 penitentiaries that collectively house the majority of prisoners nationwide, as these data are currently being compiled.

**Illicit Possession, and Trafficking of Firearms and Ammunition**

Year	Number of persons arrested	Number of persons tried	Number of persons convicted
2002	3,316	528	53
2003	2,588	574	94
2004	314	181	102

Among the major impediments encountered to ensure the efficient exchange of information and collaboration, El Salvador points out the limited human, material and budgetary resources.

El Salvador has regulations that control the import, export, and in-transit movement of firearms, ammunition and explosives shipments: the 2002 Control and Regulation Act on Firearms, Ammunition, and Related Material.

Weapons seized or retained by the different competent entities and authorities are entered in databases in keeping with the origin and reason for seizure (National Civilian Police, police courts, courts, the Office of the Prosecutor General of the Republic, and Firearm Registration and Control Offices). El Salvador reports that in accordance with the Inter-American Convention Against Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials, firearms marking is done at the moment of manufacturing.



During the 2002-2004 period, no sanctions were applied for violation of these provisions, and no shipments were denied authorization. During the same period, 8,433 firearms were confiscated (only 169 related to drug trafficking), 11,164 items of ammunition, and 73 of explosives.

**Number of Firearms, and Amounts of Ammunition and Explosives and Other Related Materials Seized in Relation to the Number of Arrests for Illicit Drug Trafficking Offenses**

Year	Number of Arrests	Number of Firearms Seized	Items of Ammunition Seized	Items of Explosives Seized	Number of Operations
2002	981	114	2,529	1	123
2003	1,101	110	1,039	2	78
2004	2,736	98	2,971	2	119

SOURCE: CICDAT, DAN-PNC quarterly reports.

The country provides data on firearm seizures due to breaches of the Law for the Control and Regulation of Firearms, Ammunition, Explosives, and Similar Items. These breaches are penalized with an administrative fine, on payment of which, the firearm is automatically returned to the owner. In the event of nonpayment of the fine, the Ministry of National Defense destroys the firearm after a period of six months.

**Firearms Seized in Connection with Infractions of the Law**

Year	Number of Firearms
2002	2,542
2003	2,170
2004	2,505
<b>TOTAL</b>	<b>7,217</b>

The following table presents data on firearm seizures due to the illegal possession of firearms. This offense carries a penalty of 3 to 5 years imprisonment and 5 to 8 years imprisonment for repeat offenses.

**Firearms Seized in Connection with Criminal Acts**

Year	Number of Firearms
2002	9
2003	915
2004	2,160
<b>TOTAL</b>	<b>3,084</b>

El Salvador states that the National Ministry of Defense has databases where it records all movements of firearms, ammunition and explosives export, import and in-transit.

Article 34 of the Law for the Control and Regulation of Firearms, Ammunition, Explosives, and Similar Items provides that natural persons and/or legal entities wishing to import firearms must request a special permit from the Ministry of National Defense in advance and prior to their entry into the country. They must forward a detailed list of the firearms or items, purpose of the transaction, name of consignee and sender to this Ministry and must state that such firearms will not be forwarded to third countries.



Articles 16 and 17 of the said law establish the requirements imposed on natural persons and/or legal entities to import firearms, and Articles 36 and 37 expand the regulations on importation of firearms to include natural persons.

During the 2002-2004 period, El Salvador did not file any requests for information related to shipments of firearms, ammunition and explosives with any other country, nor did it receive any international cooperation requests on this issue.

CICAD recognizes the progress made by El Salvador against firearms, ammunition and explosives trafficking. CICAD notes that the country has ratified the CIFTA Convention and also adopted the Law for the Control and Regulation of Firearms, Ammunition, Explosives, and Similar Items in 2002. Similar to the previous chapter, statistical deficiencies exist in regards to penal sanctions applied in the country.

### **RECOMMENDATION:**

13. DEVELOP UP TO DATE STATISTICS ON PERSONS ARRESTED, TRIED, AND CONVICTED FOR ILLICIT TRAFFICKING AND POSSESSION OF FIREARMS AND AMMUNITIONS IN ALL NATIONAL PENITENTIARY CENTERS.

### **C. Money Laundering**

El Salvador has a Money Laundering Act that establishes sanctions in cases of money laundering, concealment and fraudulent concealment. Predicate offenses for which a money laundering offense action may be brought are: illicit drug trafficking, illicit firearms trafficking, trafficking in human beings, organ trafficking, prostitution, pornography, kidnapping, extortion, corruption, terrorism and its financing, fraud, and any other criminal activity.

Based on the information provided by the country money laundering is an autonomous crime, for which reason neither a final sentence on predicate offenses nor the launch of a criminal prosecution for the offense is necessary to prosecute a person for money laundering.

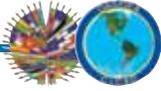
National legal rules allow for undercover police operations, electronic surveillance, the use of informants, controlled delivery, and sentence reduction for cooperating witnesses to combat money laundering.

The Act states that the following institutions must establish administrative controls to prevent money laundering: banks, currency exchanges, stock exchanges, insurance companies, casinos, real estate agencies, lawyers, notaries, accountants, cross border movements of cash or securities, and stock broker agencies. There are no provisions regarding off-shore banking.

Over the last three years, the following statistics were recorded for money laundering offenses: 4 persons were arrested in 2002, 3 persons in 2003, 3 persons were tried, and one person was convicted in 2003.

El Salvador also informs that, based on the suspicious transactions reports filed, 22 investigations were started in 2002, and 12 in 2003, which gave rise to 2 legal processes in each year and no convictions have been declared to date.

In 2002, one sanction was imposed in El Salvador on financial entities and other subjects responsible for not informing suspicious transactions or for not complying with regulations concerning money laundering control.



During the 2002-2004 period, bank secrecy was lifted in 116 cases.

The amount of assets seized in El Salvador was US\$3,670,105.33 in 2003, and the amount forfeited was US\$4,710.00.

The Financial Intelligence Unit (FIU) is subordinate to the Solicitor-General. Its functions are to analyze, investigate, regulate, receive, and communicate information on transactions that may result in money laundering. It does not have authority to impose sanctions. In El Salvador, the Financial Intelligence Unit is the entity empowered to manage confiscated property.

The FIU is a member of the Egmont Group, and has executed memoranda of understanding for the exchange of information with Argentina, Guatemala, Honduras, Panama and Venezuela. In addition, its laws allow the sharing of information with a similar foreign unit without the need to execute a memorandum of understanding.

El Salvador has not filed extradition requests related to money laundering offenses with any country, and it has not received any requests of this type during the 2002-2004 period.

El Salvador filed requests to freeze assets with Panama and Guatemala, and these requests were answered in both cases. During the 2002-2004 period, it received 34 requests to freeze assets from the United States, 5 from Italy, and 2 from the United Arab Emirates, and replied to all these requests.

El Salvador filed 20 requests to lift bank secrecy in 2002, 8 in 2003 and 2 in 2004. The information is detailed as follows:

Country from which documentation was requested	Number of requests		
	2002	2003	2004
USA	4	-	-
Panama	1	1	1
Barbados	-	1	-
Guatemala	6	3	-
Belgium	1	-	-
Brazil	1	-	-
Colombia	2	-	-
Turkey	1	-	-
Germany	1	-	-
Italy	1	-	-
Venezuela	1	-	-
Belize	-	1	-
Russia	-	1	-
Ecuador	1	-	-
Canada	-	1	1
<b>TOTALES</b>	<b>20</b>	<b>8</b>	<b>2</b>

El Salvador also received requests to lift bank secrecy for money laundering cases from the United States (36 requests, 34 replies), Colombia, Italy (5) Guatemala (4), Honduras (3), Nicaragua (1) and the United Arab Emirates (2), replying to all requests in 2002 and 2003.

In 2003, a Training Workshop entitled "Simulated Trial: Money Laundering" was offered with the participation of 110 persons, 76 of whom were judges, 16 prosecutors, and 18 policemen.

In 2002, 2003 and 2004 respectively, 3 administrative officers received training in the area of money laundering control, and all continue to perform the same functions.



CICAD acknowledges the efforts made by El Salvador in preventing and controlling money laundering. However, it is noted that the Financial Intelligence Unit does not have authority to impose administrative sanctions on obligated parties. In addition, CICAD notes that training of administrative officials is limited.

### **RECOMMENDATION:**

14. EXPAND THE TRAINING GIVEN TO ADMINISTRATIVE OFFICIALS IN MONEY LAUNDERING CONTROL.

### **D. Corruption**

During the 2003-2004 period, no legal rules were passed or amended criminalizing acts of corruption as a crime or defining them as an administrative offense. El Salvador reports that it ratified the United Nations Convention against Corruption (the "Mérida Convention)," in July 2004.

In the case of public officers arrested, tried and convicted for acts of corruption relating to illicit drug trafficking, only those acts of corruption committed by policemen and prison officers involved in drug-related offenses were reported: 2 officials were tried in 2003 2 convicted in 2002 and 3 convicted in 2003.

### **E. Organized Crime**

El Salvador has laws to combat organized crime in connection with illicit drug trafficking and its related crimes, such as: the Amendment to the Act on Drug-Related Activities, through Decree 153, Penal Code Section 22-A, and the Ratification of the Convention Against Organized Crime, according to Decree 164, published in the Official Gazette in November 2003, and the 'Antimaras' Law, Decree 158, Official Gazette 188, Volume 361 N° 158, dated October 9, 2003.

Offenses criminalized by national laws include: participation in an organized criminal group, money laundering, corruption, obstruction of justice, trafficking in persons, illicit trafficking of migrants, illicit manufacture and trafficking in firearms, their parts and components, and ammunition at international level.

Cooperation measures include reciprocal and joint legal assistance: cautionary and enforcement measures; seizure and confiscation; interdiction operations; victim protection and assistance.

Salvadoran legislation in force does not make extradition subject to the existence of a treaty between the requesting party and the requested party, except where the requesting party requests the extradition of a Salvadoran.

In addition, El Salvador ratified the United Nations Convention against Transnational Organized Crime, an international instrument, Article 16 of which governs extradition. Accordingly, as this international instrument is in force in El Salvador, its application is mandatory based on Article 144 of its Constitution.

The Salvadoran Penal Code in force defines as an offense criminal acts of international criminal organizations. This may be found in Title XIX, International Offenses, Sole Chapter, Article 370, which reads: "Sanctions of five to 15 years' imprisonment shall be imposed on individuals who direct or are members of international organizations that traffic in slaves or persons, hijack aircraft, or violate provisions of treaties signed by El Salvador to protect human rights..."



Special investigation techniques permitted by law are undercover operations and controlled delivery; while telephone line tapping is not permitted.

Areas where training is required include: methods and techniques to investigate organized criminal offenses, hostage negotiation, investigation techniques, surveillance and monitoring techniques, and international laws and agreements.

The principal agencies responsible for enforcing laws against organized crime are the National Civilian Police, the Attorney-General's Office, and the Supreme Court of Justice.

The officers in the main agencies for enforcing laws against organized crime are submitted to lie detectors and anti-doping tests once they have been appointed.

El Salvador reports major advances since the ratification of the United Nations Convention against Transnational Organized Crime and its three Protocols. It would be advisable that the provisions of the Convention not yet incorporated in national legislation be considered for a subsequent amendment so that the contents of the said Convention may be effectively applied.

Although El Salvador has controls on appointed officials of the main institutions in the fight against organized crime, such as the polygraph and anti-doping tests, systems have not been developed to ensure additional controls on public officials to prevent bribery and corruption.



## VI. CONCLUSIONS

El Salvador has made fundamental progress in strengthening its anti-drug institutions since the First MEM Evaluation Round. It would be advisable for the country to seek a more even distribution of budgetary allocations among the various areas of the National Anti-Drug Strategy based on the balanced approach of the Anti-Drug Strategy in the Hemisphere, as the allocations for demand reduction are far smaller than those for supply reduction.

In this regard, El Salvador should seek a more active financial participation by Salvadoran civil society, particularly in the demand reduction area, and for such participation to be duly recorded as part of the National Anti-Drug Strategy so that its impact is recognized.

CICAD views with satisfaction the ratification of the Inter-American Convention on Mutual Assistance in Criminal Matters, a recommendation made since the First Evaluation Round 1999-2000. It also recognizes El Salvador's ratification of the United Nations Convention Against Transnational Organized Crime and its three supplementary Protocols, El Salvador thereby completing ratification of all international instruments identified by CICAD as the applicable judicial framework to combat the drug problem.

CICAD notes that El Salvador displays certain deficiencies in its data compilation system. It also lacks drug-related information broken down by type of offense.

Although El Salvador reports the existence of numerous prevention programs, there are unattended sectors of the population, particularly street children, out-of-school youth, and working children. Nor does the country have prevention programs targeting women. It is important for El Salvador to address the evident lack of prevention, rehabilitation, and social reintegration programs for members of youth gangs, taking account of the scale of the problem in El Salvador and the countries of the region.

It is also noted that the supply of professional training does not cover the country as a whole or meet existing needs, especially at the undergraduate and graduate levels.

El Salvador has made progress in oversight of rehabilitation and treatment institutions – public and private.

CICAD acknowledges the major progress made in El Salvador in the area of drug use statistics. Estimates at national level of drug abuse-related morbidity and a survey on drug use in the general population remain pending.

El Salvador reports having the administrative controls that appear to be sufficient to control the diversion and illicit traffic of pharmaceutical products. However, it lacks penal sanctions against the diversion of said products. A greater systematization of national controls and an evaluation of their effectiveness are matters that should be attended to by the competent authorities.

CICDA recognizes the progress made by El Salvador against the trafficking of firearms, ammunition, and explosives. CICAD highlights the ratification of the CIFTA Convention and also adoption of the Law for the Control and Regulation of Firearms, Ammunition, Explosives, and Similar Items in 2002. However, statistical deficiencies exist in regards to penal sanctions applied in the country.

CICAD acknowledges the efforts made by El Salvador in preventing and controlling money laundering. CICAD notes, however, it is noted that the Financial Intelligence Unit does not have



authority to impose administrative sanctions on obligated parties. In addition CICAD notes, training of administrative officials in this area is limited.

CICAD recognizes El Salvador's constructive participation in the MEM process and commends it for its many achievements in implementing the Mechanism's recommendations.



## VI. SUMMARY OF RECOMMENDATIONS

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

### INSTITUTIONAL BUILDING

1. IMPLEMENT A NATIONAL SYSTEM TO COMPILE INFORMATION ON TRIALS AND CONVICTIONS, BROKEN DOWN BY TYPE OF OFFENSE.

### DEMAND REDUCTION

2. ESTABLISH PREVENTION PROGRAMS WITH NATIONAL COVERAGE TARGETING WOMEN, STREET CHILDREN, OUT-OF-SCHOOL YOUTH, AND WORKING CHILDREN, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001-2002.
3. ESTABLISH PREVENTION, REHABILITATION, AND REINTEGRATION PROGRAMS THAT HAVE NATIONAL COVERAGE SPECIFICALLY TARGETING MEMBERS OF THE YOUTH GANGS OPERATING IN THE COUNTRY.
4. EXPAND THE AVAILABILITY AND GEOGRAPHIC COVERAGE OF TRAINING ON DRUG ABUSE PREVENTION AND TREATMENT TO INCLUDE SPECIALIZED COURSES AT THE UNDERGRADUATE AND GRADUATE LEVELS.
5. ISSUE REGULATIONS TO GOVERN THE OPENING AND OPERATION OF ESTABLISHMENTS PROVIDING COMPREHENSIVE CARE OF DRUG DEPENDENTS.
6. IMPLEMENT A SYSTEM TO MONITOR PRIVATE TREATMENT AND REHABILITATION INSTITUTIONS, WITH REGARD TO BOTH LEGAL ASPECTS AND APPLICATION OF THE MINIMUM STANDARDS OF CARE.
7. CARRY OUT EVALUATIONS OF REHABILITATION, FOLLOW-UP, AND SOCIAL REINTEGRATION PROGRAMS.
8. CONDUCT A NATIONWIDE SURVEY OF DRUG ABUSE-RELATED MORBIDITY.
9. CONDUCT A SURVEY ON DRUG USE IN THE GENERAL POPULATION.

### SUPPLY REDUCTION

10. ESTABLISH PENAL SANCTIONS FOR THE DIVERSION OF PHARMACEUTICAL PRODUCTS.
11. ESTABLISH PENAL SANCTIONS FOR THE DIVERSION OF CONTROLLED CHEMICAL SUBSTANCES.



## CONTROL MEASURES

12. DEVELOP A STATISTICAL SYSTEM TO COMPILE DATA ON ARRESTS, TRIALS, AND CONVICTIONS FOR POSSESSION OF ILLICIT DRUGS FOR PERSONAL USE.
13. DEVELOP UP TO DATE STATISTICS ON PERSONS ARRESTED, TRIED, AND CONVICTED FOR ILLICIT TRAFFICKING AND POSSESSION OF FIREARMS AND AMMUNITIONS IN ALL NATIONAL PENITENTIARY CENTERS.
14. EXPAND THE TRAINING GIVEN TO ADMINISTRATIVE OFFICIALS IN MONEY LAUNDERING CONTROL.