

Multilateral Evaluation Mechanism MEM



The Bahamas (Commonwealth of)

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



**RECOMMENDATION 1:****RATIFY THE INTER-AMERICAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS, 1992, A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND, 1999–2000.**

The Bahamas reports that it has approved the ratification of this Convention, but that legislative action is pending.

CICAD takes note of the information provided and urges The Bahamas to intensify its efforts to fully comply with this reiterated recommendation, given that it was assigned in the First Evaluation Round, 1999-2000.

RECOMMENDATION 2:**RATIFY THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME, 2000, AND ITS PROTOCOLS, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002:**

- A. PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR;**
- B. PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN; AND**
- C. PROTOCOL AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION.**

The Bahamas reports that the United Nations Convention against Transnational Organized Crime and its three Protocols was ratified in September 2008.

CICAD views with satisfaction the fulfillment of this recommendation.

RECOMMENDATION 3:**ACCEDE TO THE UNITED NATIONS CONVENTION AGAINST CORRUPTION, 2003.**

The Bahamas reports that the country acceded to this Convention in January 2008.

CICAD views with satisfaction the fulfillment of this recommendation.

RECOMMENDATION 4:**IMPLEMENT A NATIONAL DRUG OBSERVATORY OR SIMILAR ENTITY TO GATHER AND ANALYZE DRUG-RELATED STATISTICS AND OTHER DATA, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002.**

The Bahamas reports that the draft plan for a National Drug Observatory has been approved and that the Ministry of Security has been designated as the competent authority for its implementation. The draft plan includes setting goals and objectives for the observatory, developing job descriptions for staff, and establishing a timeframe for full operation of the observatory.



The Bahamas reports that a major obstacle to full implementation of the observatory is the identification and procurement of qualified staff from existing government agencies.

CICAD recognizes the progress made by the country, and urges The Bahamas to fully implement this reiterated recommendation, given that it was assigned in the Second Evaluation Round, 2001-2002.

RECOMMENDATION 5:

IMPLEMENT A COUNTRY-WIDE DRUG ABUSE PREVENTION PROGRAM FOR SCHOOL STUDENTS, BASED ON CICAD'S HEMISPHERIC GUIDELINES ON SCHOOL PREVENTION, OR SIMILAR GUIDELINES.

The Bahamas reports that the original pilot program for drug abuse prevention for school children was launched in 2004. This program involved four schools in New Providence, two at the primary level and two at the junior level. Evaluation of the program was undertaken in 2008 and, after consultation with the Ministry of Education, the program will be extended to all primary and junior high schools in The Bahamas.

CICAD takes note of the information provided, and encourages The Bahamas to fully implement the recommendation.

RECOMMENDATION 6:

ESTABLISH MINIMUM STANDARDS OF CARE FOR DRUG ABUSE TREATMENT, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001-2002.

The Bahamas reports that a Core Committee, including representatives from both the public and private sectors involved in drug treatment, was established to focus specifically on the creation of minimum standards of care, in alignment with undertakings being carried out in the Caribbean.

The country reports that, as an interim measure, the Residential Care Establishment Act was enacted to regularize the licensing and operation of all facilities used in existing health-care residences.

CICAD recognizes the progress made and urges The Bahamas to continue with its efforts to fully comply with this reiterated recommendation, given that it was assigned in Second Evaluation Round, 2001-2002.

RECOMMENDATION 7:

CONDUCT A DRUG USE STUDY AMONG SECONDARY SCHOOL STUDENTS.

The Bahamas reports that data collection on the National Secondary School Drug Survey was completed in December 2008. Data is being edited and entered.

CICAD recognizes the progress made and encourages the country to continue in its fulfillment of the recommendation.

**RECOMMENDATION 8:****DEVELOP A SYSTEM TO ENSURE EFFECTIVE COMPLIANCE WITH THE STANDARDS AND REGULATIONS FOR PREVENTING THE DIVERSION OF PHARMACEUTICAL PRODUCTS, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002.**

The Bahamas reports that improved legislation to prevent the diversion of pharmaceutical products is being reviewed by the Cabinet (the draft Pharmacy Act) to include registration for all imported and exported prescriptions.

The draft legislation proposes the establishment of a Pharmacy Council whose mandate would be to establish and enforce standards of practice, including regulations on sale and distribution of pharmaceutical products to help reduce and prevent their diversion.

CICAD takes note of the information provided and urges The Bahamas to continue with its efforts to fully comply with this reiterated recommendation, given that it was assigned in Second Evaluation Round, 2001-2002.

RECOMMENDATION 9:**EXPAND THE COVERAGE OF TRAINING COURSES FOR PUBLIC AND PRIVATE SECTOR PERSONNEL RESPONSIBLE FOR THE HANDLING AND CONTROL OF PHARMACEUTICAL PRODUCTS.**

The Bahamas reports that the training of personnel is pending enactment of the new Pharmacy Act, and the approval of a National Drug Policy by the Ministry of Health.

CICAD encourages The Bahamas to implement this recommendation.

RECOMMENDATION 10:**APPROVE REQUIRED LEGISLATION IN ORDER TO ALLOW EFFECTIVE CONTROL OF PHARMACEUTICAL PRODUCTS, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.**

The Bahamas reports that updated legislation, which will establish a Pharmacy Council, is still pending revision by Cabinet before its consideration and approval by Parliament. The new legislation will also include registration for all imported and exported prescriptions.

CICAD takes note of the information provided and urges the country to implement this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003-2004.

**RECOMMENDATION 11:**

CARRY OUT RESEARCH AND TRAINING ACTIVITIES RELATED TO THE PREVENTION AND CONTROL OF ILLICIT TRAFFIC OF PHARMACEUTICAL PRODUCTS AND OTHER DRUGS VIA THE INTERNET, WHICH WILL ENABLE THE COUNTRY TO IDENTIFY ITS REGULATORY AND OPERATIVE NEEDS.

The Bahamas reports that although implementation of this recommendation has not started, the draft Pharmacy Act, once it becomes law, is designed to facilitate the establishment of proper mechanisms to address this problem.

CICAD encourages The Bahamas to implement this recommendation.

RECOMMENDATION 12:

DEVELOP A SYSTEM TO ENSURE EFFECTIVE COMPLIANCE WITH STANDARDS AND REGULATIONS FOR PREVENTING THE DIVERSION OF CONTROLLED CHEMICAL SUBSTANCES, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002.

The Bahamas reports that it has not started the implementation of this recommendation.

CICAD expresses its concern for the lack of progress and urges the country to implement this reiterated recommendation, given that it was assigned in the Second Evaluation Round, 2001-2002.

RECOMMENDATION 13:

EXPAND THE LIST OF PREDICATE OFFENSES FOR MONEY LAUNDERING TO INCLUDE ALL CRIMINAL ACTIVITIES CONSIDERED SERIOUS CRIMES UNDER THE PALERMO CONVENTION (PUNISHABLE BY A MAXIMUM DEPRIVATION OF LIBERTY OF AT LEAST FOUR YEARS OR A MORE SERIOUS PENALTY), A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.

The Bahamas informs that its legislation was updated in 2008 to criminalize the trafficking in persons. However, criminalization of participation in an organized criminal group is pending.

CICAD recognizes the progress made and urges the country to fully implement this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003-2004.

RECOMMENDATION 14:

ESTABLISH ADMINISTRATIVE CONTROLS ON STOCK AND CURRENCY EXCHANGES TO PREVENT MONEY LAUNDERING, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.

The Bahamas reports that administrative regulations to deter money laundering on stock and security exchanges are in effect. The country explains that under the Financial Transaction Reporting Act of 2000, financial institutions are required to verify the identity of their clients (Know Your Client) and to report suspicious transactions to regulators when they are observed.



The country informs that The Bahamas International Securities Exchange (BISX), is the only licensed stock exchange in the country and BISX members are required to maintain awareness of their clients' financial backgrounds and the source of funds supplied. Moreover, BISX members must ensure that they receive bona fide instructions from clients and that they have effective procedures for identifying the persons from whom they take instructions to effect transactions. BISX members are also required to verify the clean title of securities deposited, sold or purchased by their clients and to maintain logs of instructions and actions taken on behalf of clients for review and auditing purposes by the Exchange.

Additionally, The Bahamas reports that there are no Currency Exchanges licensed to operate in the country.

CICAD views with satisfaction the fulfillment of this recommendation.

CONCLUSIONS

During the Fourth Evaluation Round, The Bahamas was assigned a total of 14 recommendations, out of which three were completed, eight are currently in progress, and three have not been started.

CICAD recognizes the country's ratification of the United Nations Convention against Transnational Organized Crime and its three Protocols, as well as the United Nations Convention against Corruption, and the establishment of administrative controls on stock exchanges to prevent money laundering.

In the area of drug research, CICAD encourages The Bahamas to make progress on the implementation of a National Drug Observatory, and to complete the study on secondary school-based drug use.

CICAD also encourages The Bahamas to continue in its efforts to establish minimum standards of care for drug treatment.

With respect to appropriate measures to control the diversion of pharmaceuticals, the country reports that the Pharmacy Act must be adopted before law enforcement actions can be taken. CICAD encourages the country to enact this law.

CICAD notes with concern that The Bahamas has not taken any measures to implement standards and regulations for preventing the diversion of controlled chemical substances, a recommendation that was assigned in the Second Evaluation Round.

CICAD appreciates the continued participation by the Bahamas in the MEM process and encourages the country to take concrete action to implement all of the assigned recommendations.