

Multilateral Evaluation Mechanism MEM



Canada

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



**RECOMMENDATION 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.**

Canada reports that ratification of the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related materials (CIFTA) is pending. The country reports that two new internal regulations related to the Convention have been adopted, but that they pertain to firearms only, and not to explosives or other related materials, which form part of CIFTA.

CICAD takes note of the information provided, and urges implementation of this reiterated recommendation, given that it was assigned in the First Evaluation Round, 1999-2000.

RECOMMENDATION 2:**RATIFY 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, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002.**

Canada reports that ratification of 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 is pending. The country reports that two new internal regulations related to this instrument have been adopted, but that they pertain to firearms only, and not their parts and components nor ammunition, which form part of this Protocol.

CICAD takes note of the information provided by the country and urges Canada to implement this reiterated recommendation, given that it was assigned in the Second Evaluation Round, 2001-2002.

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

Canada reports that it has ratified the United Nations Convention against Corruption.

CICAD views with satisfaction the implementation of this recommendation.

RECOMMENDATION 4:**DEVELOP A MECHANISM TO ALLOW A MORE PRECISE ESTIMATE OF ILLEGAL CANNABIS CULTIVATION IN CANADA, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Canada reports that it continues to work with provincial and territorial counterparts, including academics, researchers and law enforcement officials, to improve Canada's ability to accurately estimate illegal cannabis cultivation in the country. However, the country provided no updated information for this evaluation round.



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

RECOMMENDATION 5:

ESTABLISH A MECHANISM TO RECORD THE NUMBER OF PENAL SANCTIONS APPLIED WITH RESPECT TO THE ILLEGAL IMPORTATION, EXPORTATION, PRODUCTION, POSSESSION, DOUBLE-DOCTORING AND TRAFFICKING OF CONTROLLED PHARMACEUTICALS.

Canada reports that its existing system does not report on penal sanctions involving controlled pharmaceuticals.

CICAD encourages the country to implement this recommendation.

RECOMMENDATION 6:

CARRY OUT RESEARCH AND TRAINING ACTIVITIES RELATED TO THE PREVENTION AND CONTROL OF ILLICIT TRAFFIC OF PHARMACEUTICAL PRODUCTS AND OTHER DRUGS VIA THE INTERNET TO IDENTIFY POSSIBLE ADDITIONAL REGULATORY AND OPERATIVE NEEDS.

Canada reports that it is committed to conducting research and training that will prevent the illicit traffic of pharmaceutical products and other drugs via the Internet. The country reports that it has funded various research projects related to the misuse of pharmaceutical products. These include one on the use of online pharmacies by British Columbia residents, another on the role of pharmacists in the detection and prevention of prescription drug abuse and misuse, and a third on the non-prescribed use of prescription drugs by post-secondary students. The country also reports that a study on the use of online pharmacies in British Columbia was to be concluded in 2009.

The country states that the results of these studies will help determine training requirements that will be used by regulators and law enforcement to help prevent and control illicit traffic and use of pharmaceutical products and other drugs connected with the use of the Internet.

CICAD recognizes the progress made and encourages Canada to continue with its efforts to implement this recommendation.

RECOMMENDATION 7:

ESTABLISH A MECHANISM TO REPORT THE NUMBER OF PENAL AND ADMINISTRATIVE SANCTIONS APPLIED WITH RESPECT TO THE ILLICIT IMPORTATION, EXPORTATION, PRODUCTION AND TRAFFICKING OF CONTROLLED CHEMICAL SUBSTANCES.

Canada reports that a mechanism is in place, through its Public Prosecution Service, to establish and report the number of penal sanctions related to the illicit importation, exportation, production and trafficking of controlled chemical substances. These offences are covered by Canada's Controlled Drugs and Substances Act (CDSA).



The country further reports that administrative sanctions are recorded through a manual mechanism (without computerized assistance) due to the low number of occurrences.

CICAD views with satisfaction the fulfillment of this recommendation.

RECOMMENDATION 8:

IMPLEMENT A MECHANISM TO REPORT THE NUMBER OF PERSONS CONVICTED FOR OFFENCES RELATED TO THE TRAFFICKING OF FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS.

Canada reports that it has an existing system which reports on the number of persons convicted for offences related to trafficking of firearms, ammunition, explosives and other related materials.

CICAD views with satisfaction the fulfillment of this recommendation.

RECOMMENDATION 9:

EXPAND THE STATISTICAL DATABASE ON FIREARMS IMPORTS AND EXPORTS TO INCLUDE RELEVANT DATA ON THE TRANSIT OF FIREARMS AND RELATED MATERIALS THROUGH CANADA, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.

Canada reports that relevant data on the transit of firearms and related materials through the country is not available. The Royal Canadian Mounted Police's (RCMP) Firearms Information System only tracks firearms which are actually imported or exported.

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 10:

ENACT LEGISLATION TO CONTROL THE IN-TRANSIT MOVEMENT OF FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS.

Canada reports that The Importation and Exportation of Firearms Regulations (Businesses) and the Importation and Exportation of Firearms Regulations (Individuals), both from 1998, are components of the firearms legislation and have been enacted to address the exportation and importation of firearms and prohibited goods by individuals and businesses.

Canada has enabling legislation by way of amendments to the Explosives Act made by the Public Safety Act (PSA) to make regulations and introduce a licensing scheme to control in-transit movement of explosives and ammunition through Canada. The regulations are in draft form.

CICAD recognizes the progress made and encourages the country to fully implement this recommendation.



RECOMMENDATION 11:

INCLUDE NOTARIES AND LAWYERS WITH OTHER ENTITIES REQUIRED TO RECORD AND REPORT SUSPICIOUS FINANCIAL TRANSACTIONS THAT MAY BE ASSOCIATED WITH MONEY LAUNDERING, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.

Canada reports that, although legal proceedings have occurred that require notaries public in British Columbia to abide by relevant reporting requirements under the law, negotiations between the government and legal entities, as well as on-going court cases, have precluded full implementation of this recommendation.

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

CONCLUSIONS

During the Fourth Evaluation Round, Canada was assigned a total of 11 recommendations, out of which it has implemented three, made progress on six, and implementation has not commenced on two.

CICAD takes note of Canada's completion of recommendations to ratify the United Nations Convention against Corruption, to develop a system to record sanctions involving the illicit movement of controlled chemical substances, and to maintain a register of persons convicted of offences related to firearms, ammunition, explosives and other related materials.

The country reports it has made partial progress toward the ratification of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (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.

CICAD is concerned that not all notaries public and attorneys are included in regulations related to the reporting of suspicious financial transactions related to money laundering.

CICAD encourages the country to continue steps to accurately measure the size of its illegal cannabis cultivation, including indoor-grow operations. Likewise, CICAD encourages the country to initiate a program to record the number of penal sanctions associated with the control of pharmaceutical products.

CICAD recognizes Canada's participation in the MEM process and encourages the country to continue working toward implementation of pending recommendations.