



Brief overview of small advances in the comprehensive combat against drug trafficking

*by Soraya Carolina Cáliz**

In 1989 came into force the legislative Decree 126-89 containing the Law on Improper Use and Illicit Trafficking of Drugs and Psychotropic Substances, an Honduran special law which, to date, has not had any reform and penalises drug trafficking with fifteen to twenty years of imprisonment. This criminal activity is defined as that conduct directed to transport, manufacture, store, produce, buy, sell, introduce in or out of the country, deliver, have hidden, wilfully possess, or supply controlled substances.

Coinciding with the Special Session of the United Nations Assembly, to be held in New York, is the final fine-tuning of the draft of the new Criminal Code for discussion and approval by the National Congress of the Republic. This includes the criminal types related to drug trafficking, proposing penalties substantially lower according to the seriousness of the acts, the personal circumstances of the author, the amount of drugs subject of crime and, the class of drugs in relation to the damage caused to health. More severe penalties are reserved for those cases in which the investigative authorities attest to, inter alia, the existence of an organised criminal group or conduct directed to international traffic.

The proposal for this new classification shows a substantial change in the repressive State policies, considering that, as is the case in other countries in the region, the penal law in this type of behaviour has had major successes with respect to individuals whose participation is at lower levels but, with few exceptions, has not been effective respect to those who are heads of organisations, since the latter make sure of staying away from the criminal offence per se thereby hampering the necessary evidence for prosecution.

It is also important to say that, as it happens in most of the countries, with the classification of drug trafficking offences the health of the population is protected; so an essential part of the combat on this type of crime is having effective prevention policies in order to avoid that the most vulnerable sectors, especially the youth, are victims of this type of criminal activity who participate in it because they have no other options for a dignified subsistence; also, the implementation of health policies on issues of rehabilitation for those who have already ventured into some kind of drug consumption and because of which suffer from ill-health and are isolated from society. These aspects that need to be strengthened in Honduras on the basis of scientific studies that allow to direct resources to the areas that need it.



In these preventive issues the experience of other countries in Latin America, the Caribbean and the European Union can be useful through partners agencies, that can work together in order to advise on the scientific mechanisms that allow to evaluate the national reality so that the State of Honduras can diagnose before prescribing.

However the data aforementioned, which refer to the prevention and the proportional criminality and constitute important factors of the vision for the combat of drug trafficking, we consider that the reality of the threat is different for a country that is neither among drug producers nor among consumers on a larger scale, but that instead is a route for the drugs, a situation that generates internally the existence of organised groups allied with powerful foreign organisations in an industry whose profits are to be integrated to the financial system and the economy, with the intention of the consequential economic benefits in detriment to those who obtained their assets as a result of honest work; furthermore, in addition the use of these profits to weaken institutions.

In this context, Honduras has made progress by passing a special legislation that allows, within a defined persecution policy, direct actions on what represents the greatest threat to the integrity of the State such as: illicit earnings obtained through drug trafficking activities, the goods into which these are converted to and the economic sectors in which they are placed; therefore, at our discretion, the investigation of money laundering and the pursuit of property within a process of equity research with a view to the non-criminal confiscation, should be key elements in the strategy to counter the world drug problem, longing for the countries that make part of the Organisation of the United Nations.

It is clear that we have much more to do and for that one hopes that the Special Session on drug of the Nations United General Assembly will take decisions that would enable to strengthen collaboration actions and exchange of information between the countries above formal procedures, so that the policies that are implemented, in line with the realities of each region obtain the progress that the international society expects.

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