

Multilateral Evaluation Mechanism MEM



Paraguay

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



**RECOMMENDATION 1:**

ACCEDE TO THE FOLLOWING PROTOCOLS OF THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002:

- A. PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR**
- B. PROTOCOL AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION.**

Paraguay deposited the instrument of accession to the Protocol against the Smuggling of Migrants by Land, Sea and Air of the United Nations Convention against Transnational Organized Crime at the United Nations on September 23, 2008.

In addition, the country deposited the instrument of accession to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition on September 27, 2007.

CICAD views with satisfaction the fulfillment of this recommendation.

RECOMMENDATION 2:**IMPLEMENT SCHOOL-BASED DRUG ABUSE PREVENTION PROGRAMS.**

Paraguay reports that technical experts from the Office of Curriculum of the Ministry of Education and Culture and from the National Anti-Drug Secretariat (SENAD), have conducted a review of the school curriculum for the first (1st to 3rd grade) and second (4th to 6th grade) cycles. Consequently, adjustments have been made to include content based on the Life Skills model published in December 2008 in the curricula.

In addition, the Office of Curriculum conducts monitoring and follow-up of the implementation of the Pilot Project "Leones Educando", which is carried out in 34 education centers throughout the country, using the Life Skills model.

The country also reports that the Ministry of Education and Culture has trained 50 directors and 1,071 teachers in all areas and at all educational levels, as well as 570 student leaders, 4,156 primary school students, 430 secondary school students, 454 students at teacher training institutes, 60 students at youth and adult training facilities, 35 students at special education institutions, and 935 parents and/or involved family members.

CICAD acknowledges the efforts Paraguay has made to implement this recommendation and encourages it to persevere with them.

**RECOMMENDATION 3:****IMPLEMENT THE MINIMUM STANDARDS OF CARE FOR PATIENTS WITH ALCOHOL AND DRUG USE PROBLEMS, A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Paraguay reports that it approved the Minimum Standards of Care for Persons with Alcohol and Drug Use Problems, via Ministerial Resolution S.G. 766 of October 26, 2007, adopted by the Ministry of Public Health and Social Welfare. In addition, the Health Superintendency is preparing the timetable and technical guidelines for its implementation in coordination with the Ministry of Public Health's National Addiction Control Center. The country also reports that it continues to work with the Health Superintendency to adjust the Therapeutic Communities component of the Evaluation Manual, which is being drafted.

CICAD acknowledges the progress made by Paraguay and urges it to continue its efforts toward full implementation of this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003-2004.

RECOMMENDATION 4:**IMPLEMENT A NATIONAL REGISTER AND THE NECESSARY ACCREDITATION INSTRUMENTS FOR TREATMENT SERVICES AND PROGRAMS.**

Paraguay reports that the implementation of this recommendation has not begun. Implementation is contingent on the conclusion of the process of preparing the national registry and the accreditation instruments for services, prior to carrying out the Minimum Standards of Care for Persons with Alcohol and Drug Use Problems.

CICAD encourages the country to take the necessary actions to initiate the completion of this recommendation.

RECOMMENDATION 5:**CARRY OUT A STUDY ON DRUG USE IN THE GENERAL POPULATION.**

Paraguay reports that implementation of this recommendation has not begun.

CICAD encourages the country to take the necessary actions to initiate the implementation of this recommendation.

**RECOMMENDATION 6:**

IMPROVE SYSTEMS FOR MEASURING AREAS PLANTED WITH CANNABIS AND THEIR YIELDS, TO INCLUDE, INTER ALIA, ESTIMATES OF VARIATION IN SUCH AREAS DURING THE YEAR, A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.

Paraguay reports that in response to a request for cooperation to identify and characterize areas of cannabis sativa cultivation made in September 2008 to the United Nations Office on Drugs and Crime (UNODC) for the Southern Cone, a mission of experts in the annual illicit crop monitoring system visited the country in January 2009 to conduct an in-situ survey of some of the largest areas of cannabis sativa cultivation.

CICAD takes note of the information provided, and considers the recommendation fulfilled.

RECOMMENDATION 7:

INCLUDE A REGISTER OF QUANTITIES OF PHARMACEUTICAL PRODUCTS SOLD WITHIN THE CONTROL MECHANISM TO PREVENT THE DIVERSION OF PHARMACEUTICAL PRODUCTS.

Paraguay reports that implementation of this recommendation has not begun.

CICAD encourages the country to fulfill this recommendation.

RECOMMENDATION 8:

INCLUDE A REGISTER OF THE TRANSFER TO JUDICIAL AUTHORITIES OF UNUSUAL CASES DETECTED BY ADMINISTRATIVE AUTHORITIES IN THE HEALTH SECTOR WITHIN THE CONTROL MECHANISM TO PREVENT THE DIVERSION OF PHARMACEUTICAL PRODUCTS.

Paraguay reports that Decree No. 12064 of 2008 broadens Article 86 of the Decree No. 5.213/2005, "By which the list of narcotics and other drugs is updated by mandate of Article 1 of Law No. 1.340 passed in 1988, and regulations established for their handling and trade". However, the country does not make reference to health sector records of the unusual cases detected and transferred to judicial authorities.

CICAD takes note of the information provided by the country.

RECOMMENDATION 9:

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.

Paraguay reports that the implementation of this recommendation has not begun.

CICAD encourages the country to fulfill this recommendation.

**RECOMMENDATION 10:****ESTABLISH A REGISTER TO COMPILE DATA ON THE NUMBER OF ADMINISTRATIVE AND PENAL SANCTIONS IMPOSED FOR THE DIVERSION OF PHARMACEUTICAL PRODUCTS, A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Paraguay indicates that it created the Control Bureau, by means of the General Directorate of Customs Resolution 572 of 2007. This Control Bureau is assigning officers to work on a registry that will allow the country to obtain information on the number of administrative and criminal sanctions imposed for the diversion of pharmaceutical products.

CICAD takes note of the activities carried out and urges the country to fulfill this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003-2004.

RECOMMENDATION 11:**IMPLEMENT AN AUTOMATED INFORMATION SYSTEM TO HANDLE INFORMATION AND FACILITATE CONTROL OF THE DIVERSION OF CHEMICAL SUBSTANCES.**

Paraguay reports that the implementation of this recommendation has not begun.

CICAD encourages the country to fulfill this recommendation.

RECOMMENDATION 12:**ESTABLISH TRAINING COURSES ON CONTROL OF DIVERSION OF CHEMICAL SUBSTANCES FOR ADMINISTRATIVE, POLICE, AND CUSTOMS OFFICIALS.**

Paraguay reports that the implementation of this recommendation has not begun.

CICAD encourages the country to fulfill this recommendation.

RECOMMENDATION 13:**IMPLEMENT A RECORDING SYSTEM TO TRACK THE NUMBER OF PUBLIC OFFICIALS FORMALLY CHARGED WITH AND CONVICTED OF ILLICIT DRUG TRAFFICKING.**

Paraguay reports that the implementation of this recommendation has not begun.

CICAD encourages the country to fulfill this recommendation.

RECOMMENDATION 14:**ESTABLISH SPECIALIZED TRAINING COURSES ON ILLICIT DRUG TRAFFICKING FOR POLICE OFFICERS, PROSECUTORS, AND JUDGES.**

Paraguay reports that the Training Office of the Public Ministry has conducted several courses in the country in the area of illicit drug trafficking.



The country also reports that training has been provided on the subject of illicit drug trafficking to police and judges serving in their jurisdictions.

CICAD takes note of the actions carried out by Paraguay and encourages the country to fulfill this recommendation.

RECOMMENDATION 15:

IMPLEMENT A CENTRALIZED SYSTEM TO MAINTAIN RECORDS ON PERSONS FORMALLY CHARGED WITH AND PROSECUTED FOR ILLICIT DRUG POSSESSION, A REITERATED RECOMMENDATION FROM THE SECOND EVALUATION ROUND, 2001–2002.

Paraguay reports that a record management system is in place as a result of the application of the Manual on Procedures, Criminal Statistics and Judicial Background.

In this system, all cases that come into the institution are recorded, as well as successive related proceedings. Accordingly, the case records pertaining to possession of drugs can be found in the appropriate database.

CICAD takes note of the information provided by the country and considers the recommendation fulfilled.

RECOMMENDATION 16:

APPROVE LEGISLATION CRIMINALIZING MONEY LAUNDERING AS AN AUTONOMOUS OFFENSE.

Paraguay reports that Article 196 of the Penal Code, modified by Law 3440 of July 16, 2008, provides that money laundering shall be considered an autonomous punishable act, which shall not require a conviction for a predicate offense.

CICAD views with satisfaction the fulfillment of this recommendation.

RECOMMENDATION 17:

EXPAND THE LIST OF PREDICATE OFFENSES FOR MONEY LAUNDERING TO INCLUDE ALL CRIMINAL OFFENSES THAT ARE CONSIDERED SERIOUS CRIMES UNDER THE PALERMO CONVENTION (PUNISHABLE BY A MAXIMUM PRISON SENTENCE OF AT LEAST 4 YEARS, OR A GREATER PENALTY), A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.

Paraguay reports that the new classification of the crime of money laundering, included in Law 3440 of July 16, 2008, which amends several provisions of Law 1160/97 of the Criminal Code, expands the list of punishable predicate offenses applicable to money laundering.

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

**RECOMMENDATION 18:****APPROVE THE NECESSARY PROVISIONS TO INTRODUCE SPECIAL INVESTIGATIVE TECHNIQUES, A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Paraguay reports that the Bill to incorporate special investigative techniques into the Code of Criminal Procedure was introduced before the Chamber of Deputies in July 2008 and is being studied by that body.

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

RECOMMENDATION 19:**ENACT THE PROVISIONS NECESSARY TO EXPAND THE LIST OF REGULATED SECTORS TO INCLUDE LAWYERS, NOTARIES, ACCOUNTANTS AND CROSS-BORDER MOVEMENT OF CASH AND SECURITIES, A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Paraguay has not begun the implementation of this recommendation.

CICAD urges the country to fulfill this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003-2004.

RECOMMENDATION 20:**APPROVE THE LEGISLATION NECESSARY TO CREATE AN INSTITUTION TO ADMINISTER AND DISPOSE OF ASSETS CONFISCATED IN MONEY LAUNDERING AND RELATED CASES, A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Paraguay reports that the Bill to amend the Money Laundering Law, before the Chamber of Deputies, provides for the creation of a National Fund for Combating Money Laundering. This National Fund would be in charge of the safeguarding and administration of all assets, proceeds or instruments of crimes of money laundering.

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

CONCLUSIONS

Of the 20 recommendations assigned to Paraguay in the Fourth Evaluation Round, four have been fulfilled, seven are in progress, and eight have not been initiated.

Regarding international conventions, Paraguay acceded to the Protocol against the Smuggling of Migrants by Land, Sea and Air, 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, thereby completing a recommendation reiterated from the Second Evaluation Round, 2001-2002.



In the area of demand reduction, Paraguay reports that it revised the school curricula for the first and second cycles, adjusting to include the content based on the Life Skills model. The country is also taking steps to implement school-based drug abuse prevention programs. In addition, it approved the Minimum Standards of Care for Persons with Alcohol and Drug Use Problems, but its implementation is pending.

With regard to supply reduction, CICAD takes note that a group of experts in the annual illicit crop monitoring system conducted an in-situ survey of some of the largest areas of cannabis sativa cultivation in Paraguay.

With respect to control measures, CICAD highlights that Paraguay has approved an amendment to the Criminal Code recognizing money laundering as an autonomous offense and expanding the list of predicate offenses for money laundering.

Nonetheless, CICAD expresses some concern over the eight recommendations which have not been initiated, such as those concerning the implementation of a national register and the necessary accreditation instruments for treatment services and programs; carrying out a study on drug use in the general population; and the implementation of an automated information system to handle information that would facilitate prevention of the diversion of chemical substances.

CICAD recognizes the participation of Paraguay in the Multilateral Evaluation Mechanism (MEM) and encourages it to continue its efforts to fulfill the pending recommendations.