

Multilateral Evaluation Mechanism MEM



Bolivia

2005 PROGRESS REPORT IN DRUG CONTROL
IMPLEMENTATION OF RECOMMENDATIONS
FROM THE THIRD 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**

PUBLICATION DATE: JANUARY 2001

REITERATION DATE: JANUARY 2003

JUNE 2005

Bolivia reports that it has submitted the Inter-American Convention on Mutual Assistance in Criminal Matters to Congress. The country expects the Convention to be addressed during the 2006 legislative session.

CICAD notes with concern that Bolivia has not made progress towards the completion of this recommendation, which was assigned to the country in the First Evaluation Round, 1999–2000, and urges the country to make efforts to implement it.

RECOMMENDATION 2:**RATIFY THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND THE FOLLOWING PROTOCOLS, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002:****A) THE PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR.****B) THE PROTOCOL AGAINST ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION.****C) THE PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN**

PUBLICATION DATE: JANUARY 2003

REITERATION DATE: JUNE 2005

Bolivia reports that the United Nations Convention against Transnational Organized Crime was ratified by Congress on October 10, 2005, and enacted by the Executive Branch through Law 3107 on August 2, 2005.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, was ratified by Congress and enacted by the Executive Branch through Law 2273 of November 22, 2001. However, the instrument of ratification has not yet been deposited.

The country also reports that it has not been able to ratify of the Protocols against the Smuggling of Migrants by Land, Sea and Air, and against the Manufacturing of and Trafficking in Firearms, their Parts, and Components and Ammunition. These Protocols will be submitted to Congress for consideration during 2006.

CICAD recognizes the progress achieved and urges the country to implement this recommendation, which was assigned in the Second Evaluation Round, 2001–2002 .

**RECOMMENDATION 3:****EXTEND THE COVERAGE OF DRUG ABUSE PREVENTION PROGRAMS DRUG ABUSE TO THE EDUCATION SECTOR**

PUBLICATION DATE: JUNE 2005

REITERATION DATE:

Bolivia reports that training for technicians in the municipalities of Coroico, Caranavi, Villa Tunari, and Chimoré began in October 2005. The country continued its training efforts in the Yungas and Trópico de Cochabamba regions throughout 2006. Training has been provided with international funding to five more municipalities than originally planned, totaling 20 participating municipalities.

Bolivia reports that it plans to begin prevention programs once the competition-based funds have been called for.

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

RECOMMENDATION 4:**EVALUATE THE PROGRESS AND IMPACT OF DRUG ABUSE PREVENTION PROGRAMS, A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND, 1999–2000**

PUBLICATION DATE: JANUARY 2001

REITERATION DATE: JANUARY 2003

JUNE 2005

Bolivia reports that, among the activities planned for 2006, it will carry out an evaluation of the progress and impact of the drug abuse prevention programs.

Likewise, the country reports that the established timetable includes: drafting the terms of reference and the invitation to bid in the first quarter of the project; carrying out the evaluation during the second; and presenting and disseminating the results during the third.

CICAD urges Bolivia to undertake actions aimed at completing this recommendation, taking into account that it has been reiterated from the First Evaluation Round, 1999–2000.

RECOMMENDATION 5:**IMPLEMENT PREVENTION PROGRAMS FOR INDIGENOUS PEOPLE, WOMEN, PRISON INMATES, AND COMMUNITY PROGRAMS FOR ADULTS IN GENERAL**

PUBLICATION DATE: JUNE 2005

Bolivia reports that its indigenous population accounts for 62% of the country's total and that it does not have any studies on the prevalence of drug use for indigenous groups in particular.



The country reports that, once the prevention programs envisaged in the municipal strategies have been drafted, programs for women and community programs shall be addressed.

CICAD recognizes the efforts that the country has been making and notes that it is necessary to undertake concrete actions to start formalizing prevention programs in these specific population groups.

RECOMMENDATION 6:

IMPLEMENT SYSTEMATIC PROFESSIONAL SPECIALIZED TRAINING PROGRAMS ON DRUG ABUSE PREVENTION, TREATMENT, AND RESEARCH

PUBLICATION DATE: JUNE 2005

Bolivia reports that, regarding systematic professional development training programs on prevention, five municipal teams were trained during 2005.

Additionally, the country reports that by means of workshops, training was offered to 22 participants in La Paz, 14 in Coroico, 3 in Caranavi, 6 in Villa Tunari, and 37 in Oruro. It also plans to continue the training of technicians and professionals from treatment and rehabilitation centers.

The country plans to develop the program on drug abuse treatment and research in 2006, based on the following timetable: during the first quarter, training in research; and during the second and third quarters, training practitioners, technicians, and operators from treatment and rehabilitation centers.

Bolivia reports that it is in the process of conducting the fourth accreditation of treatment and rehabilitation centers.

CICAD recognizes the efforts that have been made and encourages Bolivia to undertake the actions needed to implement this recommendation.

RECOMMENDATION 7:

EVALUATE THE EFFECTIVENESS OF EARLY INTERVENTION, TREATMENT, AND REHABILITATION PROGRAMS FOR DRUG DEPENDENT PERSONS A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND, 1999–2000

PUBLICATION DATE: JANUARY 2001

REITERATION DATE: JANUARY 2003

JUNE 2005

Bolivia reports that it has been unable to initiate the timetable it had anticipated for the implementation of recommendation. The country informs that before programs can be implemented, the new authorities need to be briefed.

CICAD urges Bolivia to carry out actions to comply with this recommendation, taking into account that it is a recommendation reiterated from the First Evaluation Round, 1999–2000.



RECOMMENDATION 8:

CARRY OUT ESTIMATES ON DRUG-RELATED MORBIDITY AND MORTALITY

PUBLICATION DATE: JUNE 2005

Bolivia reports that it shall draw up the research project and terms of reference to estimate drug-related morbidity and mortality during 2006.

CICAD encourages the country to make efforts to comply with this recommendation.

RECOMMENDATION 9:

SET UP A MECHANISM TO OBTAIN INFORMATION ON THE NUMBER OF PERSONS TRIED AND CONVICTED FOR DRUG TRAFFICKING OFFENSES

PUBLICATION DATE: JUNE 2005

Bolivia reports that, in compliance with the 2005 Annual Operating Program, the National Prisons Regime Directorate has created a computer program containing structured information on individuals arrested and convicted for different types of crimes in general, including illicit drug trafficking.

It also reports that, in this framework, equipment has been purchased nationwide for all the regional prisons regime directorates.

The country notes that installation of the network is still pending, which is expected to be implemented during 2006.

In addition, the country reports that the National Statistics Institute (INE) collects and processes information on the number of persons convicted for drug trafficking crimes¹.

CICAD recognizes the efforts made and encourages Bolivia to complete the systematization of the information.

RECOMMENDATION 10:

APPROVE AND ENACT THE BILL ON FIREARMS, AMMUNITIONS, EXPLOSIVES AND CHEMICAL AGENTS, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND 2001–2002

PUBLICATION DATE: JANUARY 2003
REITERATION DATE: JUNE 2005

Bolivia reports that the Government Commission, as mandated by congress, is in the final stage of the analysis of the Draft Law on Firearms, Ammunition, Explosives, and Other Related Materials. This Draft Law has been approved by the Chamber of Deputies.

The country informs that Congress reconvened in January 2006, after the electoral process.

¹ For more information, please refer to the following web page <http://www.ine.gov.bo>.



CICAD urges the country to take steps to approve and enact the Draft Law referred to in this recommendation, bearing in mind that this is a reiterated recommendation from the Second Evaluation Round, 2001–2002.

RECOMMENDATION 11:

ESTABLISH A MECHANISM TO PREVENT SEIZED FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS FROM RETURNING TO THE ILLICIT MARKET

PUBLICATION DATE: JUNE 2005

Bolivia reports that one article of the Draft Law on Firearms, Ammunition, Explosives, and Other Related Materials establishes preventive mechanisms for avoiding situations such as those described in this recommendation. The draft has the support of the Chamber of Deputies, and is pending ratification by Congress and enactment as law.

The country expects to complete this recommendation during 2006.

CICAD recognizes the progress achieved by the country and encourages it to take the necessary actions to comply with the present recommendation.

RECOMMENDATION 12:

INCREASE THE NUMBER OF PREDICATE OFFENSES FOR MONEY LAUNDERING TO INCLUDE TRAFFICKING IN FIREARMS, PERSONS OR ORGANS, PROSTITUTION, KIDNAPPING, EXTORTION, TERRORISM AND THE FINANCING THEREOF, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002

PUBLICATION DATE: JANUARY 2003

REITERATION DATE: JUNE 2005

Bolivia reports that it has drafted a Legislative Bill amending the current criminalization of legitimating illicit earnings. This Bill expands the range of predicate offenses to cover the following: crimes against the judiciary; crimes committed by criminal conspiracies; kidnappings; terrorism; trafficking in persons; fraud; illegal printing; fictitious partnerships and interests, franchises, releases or privileges; tax evasion and tax fraud; customs offenses. Nevertheless, it reports that predicate offenses of legitimating illicit earnings do not include trafficking in firearms or trafficking in organs because the criminal statutes do not identify them as crimes.

The country highlights this as one of the problems it is facing in order to fully implement this recommendation. Likewise, it reports that the implementation of this recommendation has been delayed due to institutional problems.

CICAD notes that, although Bolivia has made efforts in drafting the Bill, the country should undertake actions to promote its review in Congress, as well as consider criminalizing the other offenses in order to fully implement this recommendation, which was reiterated from the Second Evaluation Round, 2001–2002.

**RECOMMENDATION 13:****INCLUDE CONTROLLED DELIVERY, UNDERCOVER OPERATIONS, ELECTRONIC SURVEILLANCE AND OTHER SPECIAL INVESTIGATION TECHNIQUES IN THE LEGISLATION AGAINST MONEY LAUNDERING**

PUBLICATION DATE: JUNE 2005

Bolivia reports that Article 171 of the Criminal Proceedings Code regulates probation and, although controlled deliveries and covert operations are not specifically provided for, they can be introduced into any investigation associated with illicit drug trafficking for conditional releases, as long as it does not violate the Political Constitution of the State, Rights and Guarantees.

Likewise, the country reports that electronic surveillance involving the tapping of communications is forbidden by constitutional regulations.

CICAD takes note of the information provided by the country and encourages it to take the necessary steps to comply with this recommendation.

RECOMMENDATION 14:**ESTABLISH A MECHANISM TO PROVIDE INFORMATION ON PERSONS ARRESTED, TRIED OR CONVICTED FOR MONEY LAUNDERING**

PUBLICATION DATE: JUNE 2005

Bolivia reports that, in compliance with the 2005 Annual Operating Program, it has created a computer program containing structured information on individuals arrested and convicted for different types of crimes in general, including money laundering. To implement this system, equipment has been purchased nationwide for all the Regional Prisons Regime Directorates.

Likewise, the country informs that the installation of the network is still pending and estimates that the system will be running during 2006.

Additionally, the Bolivian Observatory on Drugs plans to install a network providing information on persons arrested, tried, and convicted for drug-related crimes, in coordination with the Judicial Registry and the National Statistical Institute (INE).

CICAD recognizes the efforts that have been made and encourages the country to undertake actions to implement the system and thus complete the recommendation.

RECOMMENDATION 15:**ESTABLISH A SYSTEM TO GATHER DATA ON SEIZED ASSETS IN MONEY LAUNDERING CASES**

PUBLICATION DATE: JUNE 2005

Bolivia reports that it has not implemented this recommendation because no sentences have yet been issued for the cases filed.

CICAD takes note of information submitted by Bolivia and accepts the justification provided.

**RECOMMENDATION 16:****ESTABLISH CONTROLS ON CURRENCY EXCHANGE HOUSES, CASINOS, LAWYERS, ACCOUNTANTS, NOTARIES, AND ON TRANS-BORDER TRANSPORTATION OF MONETARY INSTRUMENTS TO PREVENT MONEY LAUNDERING**

PUBLICATION DATE: JUNE 2005

Bolivia reports that it has created a Bill to combat money laundering. The Bill is currently in the review phase at the Superintendency of Banks and Financial Institutions, and was drafted by the Financial Investigations Unit (FIU) in collaboration with a technical team from the Vice-Ministry of Justice.

Under this draft Bill, notaries public, lawyers, accountants, and currency exchange houses would be required to report suspicious operations to the FIU.

The country informs that, according to its current legislation, notaries public, lawyers, accountants, and currency exchange houses are not required to report suspicious operations to the FIU, and that casino activities are not legal.

CICAD encourages Bolivia to take the necessary actions to approve this Bill.

RECOMMENDATION 17:**DESIGN AND IMPLEMENT PERIODIC TRAINING COURSES ON MONEY LAUNDERING THAT ENABLE MORE JUDGES AND PROSECUTORS TO PARTICIPATE THROUGH THE INCLUSION OF MORE AREAS OF THE JUDICIARY AND OF THE OFFICE OF THE ATTORNEY GENERAL, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002**

PUBLICATION DATE: JANUARY 2003

REITERATION DATE: JUNE 2005

Bolivia reports that the 2006 Annual Operative Program of the Financial Investigations Unit includes a training program for judges and prosecutors on the prevention, punishment and processing of money laundering.

The country reports that it was unable to carry out this activity during 2005, because the Attorney General was engaged in the process of institutionalizing prosecutors.

CICAD expresses its concern over the lack of fulfillment of this recommendation, which has been reiterated from the Second Evaluation Round, 2001–2002, and urges Bolivia to implement it.

RECOMMENDATION 18:**ESTABLISH MONEY LAUNDERING AS AN AUTONOMOUS CRIME IN THE NATIONAL LAW**

PUBLICATION DATE: JUNE 2005

Bolivia reports that it has a Bill amending the current definition of the offense of legitimation of illicit earnings, which provides for the autonomous character of the crime of money laundering or legitimation of illicit earnings by introducing the following paragraph: "The crime of money



laundering shall be investigated, prosecuted, and sentenced without the need for a conviction in a related illicit activity.”

CICAD encourages the country to make the appropriate action to establish the autonomy of the crime of money laundering in the national law.

RECOMMENDATION 19:

EXPAND THE LIST OF CORRUPTION OFFENSES IN THE PENAL LAW IN ACCORDANCE WITH THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION

PUBLICATION DATE: JUNE 2005

Bolivia reports that it has a draft bill, drawn up by the Presidential Delegation for Transparency and Public Integrity, that expands the list of corruption offenses. The country informs that this document still needs to be reviewed and submitted to Congress for consideration.

CICAD recognizes the progress made in drafting the bill and encourages the country to take the necessary steps to submit the document to Congress for consideration.

CONCLUSIONS

During the Third Evaluation Round, 2003–2004, Bolivia was assigned a total of 19 recommendations, out of which one was adequately addressed, 13 are in progress, and five have not been started.

Regarding international instruments, CICAD recognizes that Bolivia has ratified the United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The latter still needs to be deposited.

CICAD notes with concern that Bolivia has not made progress in the ratification of the Inter-American Convention on Mutual Assistance in Criminal Matters, or the Protocols against the Smuggling of Migrants by Land, Sea and Air and against the Manufacturing of and Trafficking in Firearms, their Parts, Components and Ammunition of the United Nations Convention against Transnational Organized Crime.

CICAD recognizes that the country has made progress in the area of demand reduction, with the development of a decentralization project of anti-drug policies. The country has also established timeframes for the fulfillment of the recommendations to evaluate the progress and impact of drug use prevention programs, and the effectiveness of programs for early intervention, treatment and rehabilitation of drug dependent persons. Bolivia is also carrying out specialized professional training programs.

With regard to anti-money laundering legislation, Bolivia has drafted a bill that amends the current law, expanding the list of predicate offenses, establishing controls for different entities and professionals, and establishing the autonomy of the crime of money laundering. Bolivia has also made progress in the drafting of a Bill on Firearms, Ammunitions, Explosives and Other Related Materials, which has been approved by the House of Representatives. Likewise, a bill has been drafted that expands the list of corruption offenses, in accordance with the Inter-American



Convention against Corruption. Additionally, the country notes that it has not been able to make progress in the approval of these Bills, due to institutional problems.

CICAD recognizes the development of a computer program to systematize the information on arrested and convicted persons for a variety of crimes, including money laundering.

Bolivia reports the lack of funding and internal coordination as the main problem to fulfill the following recommendations:

- Evaluate the progress and impact of drug abuse prevention programs;
- Implement systematic professional specialized training programs on drug abuse prevention, treatment, and research.
- Evaluate the effectiveness of early intervention, treatment, and rehabilitation programs for drug dependent persons.
- Carry out estimates on drug-related morbidity and mortality.

CICAD recognizes Bolivia's participation in the MEM process and encourages the country to increase efforts to complete the pending recommendations.