

# Multilateral Evaluation Mechanism MEM



# Paraguay

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





**RECOMMENDATION 1:**

**RATIFY THE FOLLOWING PROTOCOLS TO 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**

**PUBLICATION DATE: JANUARY 2003**

**REITERATION DATE: JUNE 2005**

Paraguay reports that the Ministry of Foreign Relations is expected to submit to Parliament the corresponding drafts for the ratification of those Protocols shortly.

CICAD notes with concern the delays in the country's ratification of the Protocols against the Illicit Smuggling of Migrants by Land, Sea and Air, and against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, taking into account that it was a recommendation originally assigned during the Second Evaluation Round, 2003–2004. CICAD urges Paraguay to take the steps necessary to comply with this recommendation.

**RECOMMENDATION 2:**

**EXPAND THE AVAILABILITY OF COURSES AVAILABLE IN THE ADDICTION PREVENTION AND TREATMENT AREAS, ESPECIALLY AT THE GRADUATE AND POSTGRADUATE LEVELS**

**PUBLICATION DATE: JUNE 2005**

Paraguay reports that the National Anti-Drug Secretariat (SENAD) has signed framework cooperation agreements with public and private universities with the aim of increasing the number of graduate and post-graduate courses available in addiction prevention and treatment.

The country also reports that there is an agreement between the National Anti-Drug Secretariat and the National Institute of Health, which reports to the Ministry of Public Health and Social Welfare, for strengthening inter-institutional relationships. That institute is in charge of post-graduate education in the area of health.

In the framework of the above-mentioned agreement, it was agreed that the National Health Institute would review the training programs proposed by SENAD and the National Center for Addictions Control.

CICAD recognizes the efforts made to comply with this recommendation and encourages the country to promote the effective implementation, by its universities, of new courses in the fields of addiction prevention and treatment at the graduate and post-graduate levels, thus properly meeting the training needs that exist in the country.



### **RECOMMENDATION 3:**

#### **IMPLEMENT THE MINIMUM STANDARDS OF CARE IN DRUG USE TREATMENT**

**PUBLICATION DATE: JUNE 2005**

Paraguay reports that it has taken a series of steps toward compliance with this recommendation: a workshop for reviewing and implementing the minimum standards; an agreement with the Ministry of Health directorate that approves infrastructure related items; and an agreement with the Health Superintendence of the Ministry of Health for monitoring and overseeing the operations of the public health system.

The country reports that it has drafted a new document stemming from the revision and expansion of the minimum standards that are pending adoption by the corresponding authorities.

CICAD recognizes the efforts made by Paraguay in complying with this recommendation and encourages the country to take the steps necessary for the effective implementation of the minimum standards of care for drug dependents.

### **RECOMMENDATION 4:**

#### **DEVELOP STUDIES TO EVALUATE THE EFFECTIVENESS OF EXISTING TREATMENT PROGRAMS**

**PUBLICATION DATE: JUNE 2005**

Paraguay has not provided sufficient information in response to this recommendation that will allow for an adequate evaluation.

CICAD encourages the country to fulfill this recommendation.

### **RECOMMENDATION 5:**

#### **DEVELOP A SYSTEM TO OBTAIN DATA ON DRUG USE-RELATED MORTALITY, CRIME, AND WORK ACCIDENTS**

**PUBLICATION DATE: JUNE 2005**

Paraguay reports that the Ministry of Public Health's Observatory on Violence and the National Anti-Drug Secretariat's (SENAD) Paraguayan Drugs Observatory (OPD) have begun to establish a mechanism to capture data on mortality, crimes, and work accidents associated with drug abuse.

The Paraguayan Drugs Observatory has prepared a pilot project on drug-related violence, in order to measure the frequency of drug-related violence in emergency room patients of the Medical Emergency Center.

CICAD encourages the country to continue working to comply with this recommendation.

**RECOMMENDATION 6:****IMPROVE SYSTEMS FOR MEASURING AREAS PLANTED WITH CANNABIS AND THEIR YIELDS, TO INCLUDE ESTIMATES OF VARIATION IN SUCH AREA DURING THE YEAR**

PUBLICATION DATE: JUNE 2005

Paraguay reports that the National Anti-Drug Secretariat's (SENAD) Alternative Development Office (DDA) has designed a project called "Identification and Characterization of Cannabis Plantations." This project involves two components: 1)- Identifying and measuring the area of land turned over to cannabis cultivation, and 2)- The socioeconomic categorization of the population involved in cultivation and of the population in the area of influence.

Furthermore, with the collaboration of anti-narcotic operatives and special forces, work has started on drafting a first report on the experience in cultivated areas.

The country also reports that it is negotiating with possible sources of funding and technical advisory services to carry out the described project.

CICAD acknowledges the efforts made and encourages the country to continue working to comply with this recommendation.

**RECOMMENDATION 7:****IMPLEMENT CONTROLS OF PRESCRIPTION RENEWALS AND PROVIDE FOR THE IMPOSITION OF ADMINISTRATIVE SANCTIONS AS PART OF THE CONTROL FRAMEWORK FOR THE USE AND DISTRIBUTION OF PHARMACEUTICAL PRODUCTS BY HEALTH PROFESSIONALS**

PUBLICATION DATE: JUNE 2005

Paraguay reports that the National Anti-Drug Secretariat (SENAD) carries out periodic checks on the dispensing of the prescriptions that are subject to oversight.

The country reports that Decree 5.213/05 has been enacted, establishing the conditions under which medical prescriptions that include narcotic and psychotropic drugs must be issued, as well as procedures to follow when irregularities are detected.

Finally, the country reports on the different sanctions envisaged by the law regarding the use and distribution of pharmaceutical products by health practitioners.

CICAD expresses its satisfaction at compliance with this recommendation.

**RECOMMENDATION 8:****ESTABLISH A REGISTER TO COMPILE DATA ON THE NUMBER OF ADMINISTRATIVE AND PENAL SANCTIONS IMPOSED FOR THE DIVERSION OF PHARMACEUTICAL PRODUCTS**

PUBLICATION DATE: JUNE 2005

Paraguay reports that it has set up a tripartite commission, involving the National Customs Office, the Ministry of Public Health and Social Welfare, and the National Anti-Drug Secretariat (SENAD),



with the purpose of obtaining information about the administrative sanctions applied when pharmaceutical products are diverted for other uses.

The SENAD and the Ministry of Public Health and Social Welfare have a partial register of administrative and penal sanctions imposed for the diversion of pharmaceutical products, to which the tripartite commission can gain access. The country also reports that meetings are to be held with the Public Ministry in order to obtain information on the criminal sanctions imposed.

CICAD encourages the country to take the steps necessary to comply fully with this recommendation.

### **RECOMMENDATION 9:**

#### **ESTABLISH A REGISTER TO COMPILE INFORMATION ON THE NUMBER OF PENAL SANCTIONS IMPOSED IN CASES OF DIVERSION OF CONTROLLED CHEMICAL SUBSTANCES**

PUBLICATION DATE: JUNE 2005

Paraguay reports that it has set up a tripartite commission, involving the National Customs Office, the Ministry of Public Health and Social Welfare, and the National Anti-Drug Secretariat (SENAD), with the purpose of obtaining information about the administrative sanctions applied when controlled chemical substances are diverted for other uses.

CICAD encourages the country to make progress on complying with this recommendation.

### **RECOMMENDATION 10:**

#### **INTRODUCE MECHANISMS ENABLING EFFECTIVE REPLIES TO BE MADE TO PRE-EXPORT NOTIFICATIONS OF CONTROLLED CHEMICAL SUBSTANCES RECEIVED BY THE COUNTRY**

PUBLICATION DATE: JUNE 2005

Paraguay reports that has implemented a mechanism for providing effective responses to the controlled chemical substance pre-export notifications it receives, including e-mail, telephone, and fax communications. This is a result of the incorporation of new communication tools.

CICAD expresses its satisfaction at compliance with this recommendation.

### **RECOMMENDATION 11:**

#### **IMPLEMENT A SYSTEM ENABLING SYSTEMATIC INFORMATION TO BE OBTAINED ON QUANTITIES OF CONTROLLED CHEMICAL SUBSTANCES SEIZED BY THE COMPETENT AUTHORITIES**

PUBLICATION DATE: JUNE 2005

Paraguay reports that it has set up a tripartite commission, made up of the National Customs Office, the Ministry of Public Health and Social Welfare, and the National Anti-Drug Secretariat (SENAD), in order to obtain systematic information on seizures of controlled chemical substances.

CICAD encourages the country to make progress in complying with this recommendation.

**RECOMMENDATION 12:****APPROVE THE NECESSARY LEGISLATION FOR THE IMPLEMENTATION OF THE FORMAL MECHANISMS FOR EVALUATION OF EXISTING CONTROLS IN THE AREA OF CONTROLLED CHEMICAL SUBSTANCES**

PUBLICATION DATE: JUNE 2005

Paraguay reports that Decree 5213/05 was approved, updating the list of narcotics and dangerous drugs and setting rules for their handling and trade. The approved legislation enables the evaluation of existing controls in the area of controlled chemical substances.

CICAD expresses its satisfaction at compliance with this recommendation.

**RECOMMENDATION 13:****APPROVE THE NECESSARY LEGISLATION FOR THE IMPLEMENTATION OF THE FORMAL MECHANISMS FOR THE EVALUATION OF THE ENTITIES INVOLVED IN THE AREA OF CONTROLLED CHEMICAL SUBSTANCES**

PUBLICATION DATE: JUNE 2005

Paraguay reports that Decree 5213/05 was approved, updating the list of narcotics and dangerous drugs and setting rules for their handling and sale. This Decree enabled the country to strengthen the process of monitoring controlled chemical substances by the Ministry of Public Health and Social Welfare, the Customs Department and the National Anti-Drug Secretariat (SENAD).

Paraguay reports that the approved legislation makes feasible the evaluation of the entities involved in the area of controlled chemical substances.

CICAD expresses its satisfaction at compliance with this recommendation.

**RECOMMENDATION 14:****IMPLEMENT A CENTRALIZED SYSTEM TO MAINTAIN RECORDS OF ARRESTS, TRIALS, AND CONVICTIONS IN CONNECTION WITH ILLICIT DRUG TRAFFICKING AND ILLICIT DRUG POSSESSION, AS WELL AS POSSESSION FOR PERSONAL USE, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002**

PUBLICATION DATE: JANUARY 2003

REITERATION DATE: JUNE 2005

Paraguay reports that it has no system that permits a centralized record of people who have been arrested, tried, and convicted of illegal drug sales or illegal possession of drugs, even though that was provided for in Law 1340 of 1988. Paraguay reports that it faces problems of interinstitutional coordination in complying with this recommendation.

Nevertheless, it reports that an agreement between the National Anti-Drug Secretariat (SENAD) and the Ministry of Justice and Labor has been signed to gather information from the Directorate of Penitentiary Institutions and that the signing of an agreement with the Attorney General's Office has been envisaged.



CICAD notes with concern that the country does not have a centralized record-keeping system on persons arrested, tried, and convicted for illegally trafficking in and possessing drugs, taking into account that this recommendation was originally formulated during the Second Evaluation Round, 2001–2002. CICAD urges Paraguay to take the steps necessary to comply with this recommendation.

#### **RECOMMENDATION 15:**

##### **IMPLEMENT A SYSTEM TO MAINTAIN RECORDS OF ARRESTS, TRIALS, AND CONVICTIONS IN CONNECTION WITH ILLICIT TRAFFICKING IN FIREARMS, A RECOMMENDATION ASSIGNED DURING THE SECOND EVALUATION ROUND, 2001–2002**

**PUBLICATION DATE: JANUARY 2003**

**REITERATION DATE: JUNE 2005**

Paraguay reports that records on persons arrested, tried and convicted for illicit trafficking in firearms are kept by the National Police, the Attorney General's Office, and the Judiciary.

The country reports the creation of a network of inter-institutional contacts from all the agencies involved in the control of firearms, ammunition, and explosives, among whose objectives is the implementation of a centralized register.

CICAD acknowledges the efforts made by Paraguay to implement this recommendation and urges the country to implement a system for keeping records of persons arrested, tried and convicted for the illicit trafficking in firearms, taking into account that this recommendation was originally assigned during the Second Evaluation Round, 2001–2002.

#### **RECOMMENDATION 16:**

##### **ESTABLISH A REGISTER ON THE NUMBERS OF FIREARMS, AMMUNITION, AND EXPLOSIVES SEIZED IN ILLICIT DRUG TRAFFICKING CASES**

**PUBLICATION DATE: JUNE 2005**

Paraguay reports that the National Anti-Drug Secretariat (SENAD) has records for internal use on confiscations that have occurred in cases of illicit drug trafficking.

The country reports that the Directorate of War Materials (DIMABEL) signed an inter-institutional cooperation agreement with SENAD to centralize information on the amount of firearms, ammunition, and explosives seized in cases of illicit drug trafficking. Likewise, the country reports that it is conducting an inventory for obtaining information prior to the signing of the agreement.

CICAD expresses its satisfaction at compliance with the present recommendation.



**RECOMMENDATION 17:****ESTABLISH RECORDS ON THE TRANSIT OF FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS**

PUBLICATION DATE: JUNE 2005

Paraguay reports that enactment of Law 1910/02 (On Firearms, Munitions, Explosives, and Related Items) and Regulatory Decree 3625/04 enabled the Directorate of War Materials (DIMABEL) to establish a record-keeping system on the transit of firearms, ammunition, explosives and other related materials.

CICAD expresses its satisfaction at compliance with this recommendation.

**RECOMMENDATION 18:****ENACT THE PROVISIONS NECESSARY TO EXPAND THE LIST OF PREDICATE OFFENSES, INTRODUCE SPECIAL INVESTIGATIVE TECHNIQUES, EXPAND THE LIST OF OBLIGATED SUBJECTS, AND INTRODUCE KNOW-YOUR-EMPLOYEE POLICIES, AND ESTABLISH THE ENTITY TO ADMINISTER AND DISPOSE OF ASSETS IN CASES OF ILLICIT DRUG TRAFFICKING AND RELATED OFFENSES**

PUBLICATION DATE: JUNE 2005

Paraguay reports that a proposed amendment to Law 1015 of 1997 was presented before the National Parliament in 2004.

CICAD encourages the country to take the steps necessary to secure adoption of the regulations required to comply with this recommendation.

**RECOMMENDATION 19:****IMPLEMENT A SYSTEM TO FOLLOW-UP ON REPORTS OF SUSPICIOUS TRANSACTIONS AND THEIR RESULTS**

PUBLICATION DATE: JUNE 2005

Paraguay informs that there is a system to determine the positive results of reports of suspicious transactions at each link in the chain of agencies involved in fighting money laundering.

CICAD expresses its satisfaction at compliance with this recommendation.

**RECOMMENDATION 20:****INCREASE THE NUMBER OF JUDGES AND PROSECUTORS RECEIVING SPECIALIZED TRAINING ON THE SUBJECT OF MONEY LAUNDERING, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002**

PUBLICATION DATE: JANUARY 2003

REITERATION DATE: JUNE 2005

Paraguay reports that, in the period of 2004–2005, five judges and 10 public prosecutors were trained in money laundering issues.

CICAD expresses its satisfaction at compliance with this recommendation.

**RECOMMENDATION 21:****IMPLEMENT A SYSTEMATIC REGISTER OF ARRESTS, TRIALS, OR CONVICTIONS FOR ILLICIT DRUG TRAFFICKING OFFENSES AND/OR FOR CORRUPTION OFFENSES RELATED TO ILLICIT DRUG TRAFFICKING**

PUBLICATION DATE: JUNE 2005

Paraguay reports that a cooperation agreement has been signed by the National Anti-Drug Secretariat (SENAD) and the Ministry of Justice and Labor, enabling the creation of a systematic register of individuals arrested, tried, and convicted of illegal drug trafficking offenses and corruption offenses related to illicit drug trafficking. The country also reports that it has set up a computer system, which is managed by the SENAD in conjunction with the Directorate of Penitentiary Institutions.

CICAD expresses its satisfaction at compliance with this recommendation.

**CONCLUSIONS**

Paraguay has made noteworthy efforts toward meeting the recommendations. The country has complied with nine of the 21 recommendations assigned in the Third Evaluation Round, 2003–2004.

In compliance with the recommendations, Paraguay has introduced improvements in controlling the use and distribution of pharmaceutical products by health practitioners, introduced mechanisms to respond to pre-export notifications of controlled chemical substances, and adopted the regulatory framework necessary to introduce formal mechanisms to evaluate controls in the area of controlled chemical substances and agencies involved in this matter.

As for control measures, Paraguay has established registers for obtaining information on firearms, ammunition, and explosives seized in cases of illicit drug trafficking, established registers on the transit of firearms, ammunition, and explosives, implemented a system to follow up on reports of suspicious transactions, increased the number of judges and public prosecutors trained in money laundering issues, and implemented a register on persons arrested, tried, and convicted for crimes of corruption related to illicit drug trafficking.



The country reports progress in increasing the number of training courses available for addiction prevention and treatment, implementing minimum standards of care, introducing improvements in systems to measure areas planted with cannabis and their yields, and creating a register on administrative and penal sanctions imposed for the diversion of pharmaceutical products.

Nevertheless, it is a cause for concern that the country has made no progress in ratifying the Protocol against the Illicit Smuggling of Migrants by Land, Sea and Air, or the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, since those recommendations were formulated during the Second Evaluation Round, 2001–2002. Similarly, the country reports no progress in creating systems for recording arrests, trials, and convictions for illicit drug trafficking, illicit possession of drugs, and illegal arms trafficking, as recommended during the Second Evaluation Round, 2001–2002.

Finally, there has been no apparent progress in creating a register on penal sanctions imposed in cases of diversion of controlled chemical substances, the implementation of a systematic information system on seizures of controlled chemical substances, and the adoption of the necessary regulatory framework for money laundering matters.

CICAD recognizes the efforts made by the country to comply with nine of the recommendations that were made and encourages Paraguay to continue working on compliance with the pending recommendations from the Third Evaluation Round, 2003–2004.