

Guatemala

Evaluation of Progress in Drug Control 2005-2006

MEM

Multilateral Evaluation Mechanism



Organization of American States - OAS
Inter-American Drug Abuse Control Commission - CICAD





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**ORGANIZATION OF AMERICAN STATES (OAS)
Inter-American Drug Abuse Control Commission (CICAD)**

**Multilateral Evaluation Mechanism (MEM)
Governmental Expert Group (GEG)**

GUATEMALA

**EVALUATION OF PROGRESS IN DRUG CONTROL
2005–2006**



CICAD wishes to thank the following national institutions of Guatemala which provided information for the MEM national Fourth Round report:

- The Executive Secretariat of the Commission against Addictions and Illicit Drug Trafficking (SECCATID).
- The National Civil Police and notably the following departments:
 - Anti-drug Analysis and Information Service (SAIA);
 - Office of Public Security;
 - The General Vice-Directorate.
- The Ministry of Foreign Affairs.
- The Congress of the Republic.
- The Office of the Prosecutor for Narcotics Activities of the Office of the Attorney General.
- The Judicial Agency and notably the following departments:
 - The Office of the Supreme Court of Justice;
 - The Legal Department;
 - The Office for Planning and Institutional Development;
 - The Judicial Archives.
- The Office for Community Support of the Ministry of the Interior.
- The Policy and Strategic Information Unit of the Ministry of Agriculture, Livestock and Food (MAGA).
- The Department for Regulation and Control of Pharmaceutical and Related Products. Narcotics and Psychotropic Substances Section, Imports and Exports.
- The Intelligence Directorate of the National Defense General Staff.
- The Tax Administration Superintendency, Customs Bureau (Technical Department).
- Department of Firearms and Ammunition Control of the Ministry of Defense.
- Superintendency of Banks.



PREFACE

The Multilateral Evaluation Mechanism (MEM) is a diagnostic tool designed by all 34 member states of the Organization of American States (OAS) to periodically carry out comprehensive, multilateral evaluations of the progress of actions taken by member states and by the hemisphere as a whole, in dealing with the drug problem. The Inter-American Drug Abuse Control Commission (CICAD), an OAS specialized agency, implemented this Mechanism in 1998, pursuant to a mandate from the Second Summit of the Americas held in Santiago, Chile in 1998.

The MEM is not only an evaluation instrument, but has also become a vehicle for disseminating information on the progress achieved by individual and collective efforts of OAS member state governments, catalyzing hemispheric cooperation, promoting dialogue among member state government authorities and precisely channeling assistance to areas requiring greater attention by optimizing resources. The MEM process itself is assessed by the Intergovernmental Working Group (IWG), comprised of delegations from the 34 member states, which meets before the onset of each MEM evaluation round to review and improve all operational aspects of the mechanism, including the indicators of the evaluation questionnaire.

National evaluation reports are drafted by experts from each member state, with experts not working on their own country's report, guaranteeing the transparent multilateral nature of the MEM. Each chapter is based on countries' responses to a questionnaire of indicators covering the main thematic areas of institution building, demand reduction, supply reduction and control measures¹ as well as subsequent comments and updated information provided by the government-appointed coordinating entities.

This report covers the full country evaluation for the MEM Fourth Round evaluation period 2005–2006. The follow-up report on the implementation progress of recommendations assigned to Guatemala will be published in June 2009. All MEM reports can be accessed through the following webpage: www.cicad.oas.org.

¹ Information for the money laundering sub-section was also taken from the Caribbean Financial Action Task Force (CFATF) Summary of the Third Mutual Evaluation Report on Anti-Money Laundering and Combating the Financing of Terrorism report.



INTRODUCTION

Guatemala has a surface area of 108,890 km², and 1,687 kilometers of borders (Belize 266 km, El Salvador 203 km, Honduras 256 km, and Mexico 962 km). The country also has 400 kilometers of coastline. Guatemala has a population of 12,293,545 (2006). The main ethnic groups are: mestizo, indigenous and white. The country's literacy rate is 70.6%. Guatemala is a constitutional democratic republic divided into 22 departments. The GDP per capita (PPP²) is US\$4,900 (2006). GDP grew 3.2% in 2005 and the inflation rate was 6.6% (2006). Annual exports total 4,097 billion USD. The country's main export products are: coffee, sugar, bananas, fruits and vegetables, meat, petroleum, electricity and clothing.

I. INSTITUTION STRENGTHENING

A. National Anti-drug Strategy

Guatemala's National Anti-drug Plan was developed and approved by the Commission against Addictions and Illicit Drug Trafficking (CCATID) in November 2003 and will remain in force until 2008.

The Plan covers actions in the areas of supply and demand reduction, development programs to prevent and/or reduce illicit cultivation, production and trafficking of drugs; control measures; money laundering; and program evaluation. Departmental and municipal authorities do not have jurisdiction in any areas related to anti-drug policy.

Guatemala reports that the Executive Secretariat of the Commission against Addictions and Illicit Drug Trafficking (SECCATID) took the first steps to establish the Technical Monitoring Commission in 2006. In addition, the country indicates that the Institutional Committee of the National Drug Plan (CIPLAN) was created as a mechanism to monitor the implementation of the National Anti-drug Plan.

Financing of the Plan is covered by specific allocations in the national budget and in the individual budgets of public sector entities whose work is related to drugs. The country indicates that SECCATID's budget partially covers some prevention and treatment activities. Nevertheless, a specific budget for the Plan does not exist.

The following table shows the budget allocations for the implementation of the Plan, broken down by area of implementation:

2004–2008 National Anti-Drug Plan: Budget Allocations by Area

Area	Approved (US\$)			Implemented (US\$)		
	2004	2005	2006	2004	2005	2006
Demand Reduction	516,817.37	429,562.46	434,135.97	408,099.35	426,494.41	396,657.19
Supply Reduction ⁽¹⁾	2,435,218.18	2,435,218.18	2,435,218.18	2,435,218.18	2,435,218.18	2,435,218.18

⁽¹⁾ The amount listed for Supply Reduction includes only the salaries and services of personnel of the Anti-Drug Analysis and Information Service (SAIA) of the National Civil Police, as implied by information provided.

² Purchasing Power Parity



Guatemala indicates that in the areas of supply reduction, control measures and money laundering, budgets are approved and executed on the basis of a total amount; therefore, there are no specific allocations for the Plan in these areas.

CCATID is the national authority responsible for coordinating national anti-drug policy in the country. It was created in 1992, functions like a Cabinet, and is comprised of the Vice President of the Republic and Ministers. CCATID was established by law and is responsible for coordinating activities in the following areas: demand reduction, supply reduction, development programs to prevent and/or reduce illicit cultivation, production or trafficking of drugs, control measures, observatory on drugs³, international cooperation and program evaluation. SECCATID, attached to the Office of the Vice President, serves as CCATID's main technical office, and was created in 1994.

CCATID's annual budget is the same as SECCATID's, which is independent and financed predominantly by government allocations. Guatemala reports that this budget is insufficient; due to financial limitations faced by the government, it has been impossible to extend prevention and treatment programs to more regions of the country.

CCATID Annual Budget: 2004–2006

Fiscal Year	Budget Proposed (US\$)	Total Budget Received (US\$)
2004	679,585.32	429,562.46
2005	792,889.09	429,562.46
2006	434,135.97	422,858.70

CICAD notes that Guatemala has a National Anti-drug Plan, and that it is coordinated by CCATID and executed by SECCATID. In addition, the country has a budget to carry out actions in the areas that comprise the Plan. However, the country reports that for demand reduction activities, this budget is not adequate, and therefore the expansion of program coverage in this area is limited.

CICAD notes the initial steps taken by Guatemala to create the coordination mechanism for monitoring the implementation of the National Anti-drug Plan in 2006. However, SECCATID must strengthen the coordination mechanism in order to follow up on the Plan's implementation.

RECOMMENDATION:

1. **DEVELOP THE COORDINATION MECHANISM TO MONITOR THE IMPLEMENTATION OF THE NATIONAL ANTI-DRUG PLAN, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.**

³ Guatemala indicates that the functions of the Guatemalan Drug Observatory are carried out by SECCATID'S Information Office.



B. International Conventions

Guatemala has ratified the following conventions:

- Inter-American Convention on Mutual Assistance in Criminal Matters, 1992 (24 January 2003).
- Inter-American Convention against Corruption, 1996 (12 June 2001).
- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials, 1997 (9 September 2002).
- United Nations Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol (4 November 1975).
- United Nations Convention on Psychotropic Substances, 1971 (25 July 1979).
- United Nations Convention on the Law of the Sea, 1982 (4 October 1996).
- United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, 1988 (27 December 1990.)
- United Nations Convention against Transnational Organized Crime, 2000 (18 September 2003), and its following protocols:
 - Protocol against the Smuggling of Migrants by Land, Air and Sea (4 February 2004).
 - Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (4 February 2004).
 - Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (4 February 2004). Guatemala made a declaration to this Protocol.⁴
- United Nation Convention against Corruption, 2003 (4 January 2006).

Within the framework of the international conventions listed above, Guatemala implemented the “Law against Organized Crime,” in effect since July 2006, in accordance with the United Nations Convention against Transnational Organized Crime, 2000. Likewise within the framework of these conventions, Guatemala has entered into bilateral cooperation treaties with Cuba, Ecuador, Mexico, Nicaragua, Peru, Spain, the United States of America and Venezuela.

CICAD acknowledges that Guatemala has ratified the international conventions that comprise the international legal framework of the MEM. CICAD also recognizes that during the evaluation period, Guatemala enacted the Law against Transnational Organized Crime in keeping with the relevant Convention, and signed several bilateral and regional agreements.

C. National Information System

The Executive Secretariat of the Commission against Addictions and Illicit Drug Trafficking (SECCATID) is responsible for coordinating and organizing statistical data and other drug-related information. The legal framework that will serve as the basis for the creation of the Guatemalan Drug Observatory (OGD) is pending approval.

⁴ Guatemala made a declaration to article 12 of the Protocol: “The Republic of Guatemala will provide the information referred to in article 12 in the case of information disclosed by individuals on a confidential basis, only in the context of a request for judicial assistance”.



Regarding priority studies into drug-use levels, Guatemala reports that in 2005 it carried out a National Household Survey, and notes that it does not have the requisite funds to carry out annual or biennial studies on the prevalence of drug use in different population groups.

Guatemala submits information to the Uniform Statistical System on Control of the Supply Area (CICDAT) of the Inter-American Drug Abuse Control Commission (CICAD) to collect and present statistics on supply control. It also submits drug-related statistics to the International Narcotics Control Board (INCB) and the Questionnaire of the Annual Report of the United Nations Office on Drugs and Crime (UNODC). The country keeps organized collections of drug-related documents.

The country reports encountering the following obstacles in gathering, analyzing, and using drug-related statistics and documents:

- The legal framework for SECCATID is pending approval and this framework provides for the creation of the OGD
- Lack of a specific budget allocated for OGD projects.
- A shortage of personnel and lack of expertise in drugs.

SECCATID distributes institutional and educational drug abuse prevention materials through web pages and outreach campaigns. Guatemala has a budget for the dissemination of drug-related information. In 2004, the budget totaled \$18,010 (USD), in 2005, \$11,235, and in 2006, \$8,194. The “1545 Help Line,” run by the Drug Addict Rehabilitation Trust, provides information and drug counseling to the general public.

Despite the fact that Guatemala has a centralized office that collects statistics and information, CICAD notes with concern that the country does not have a Drug Observatory.

CICAD recognizes that Guatemala distributes drug-related information, and that it has a budget for that purpose.

RECOMMENDATION:

2. APPROVE THE CREATION OF AND IMPLEMENT THE GUATEMALAN DRUG OBSERVATORY, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.

II. DEMAND REDUCTION

A. Prevention

Guatemala has drug abuse prevention programs that target the pre-school and primary education sectors. The following table indicates the status of implementation of prevention programs that are being developed:



Drug Prevention Programs in Guatemala 2004, 2005 and 2006

Target Group	Coverage / No. of participants	Type of program
Preschool Age Group: 4–6	<ul style="list-style-type: none"> • 1,966 students • 16 centers • 52 participating teachers • 2006 coverage: 0.18% 	<p>Second Step Program</p> <p>The aim is to understand and control emotions. This is done through games that promote socialization, developing empathy, impulse control and the ability to solve problems.</p>
Primary School Age Group: 11–12	<ul style="list-style-type: none"> • 35,326 students • 472 schools • Covers 11 of the country's 22 departments • Coverage: 5% <ul style="list-style-type: none"> • 0.27% 	<p>DARE</p> <p>The aim is to impart the information and social skills needed to act responsibly and avoid drug use.</p> <p>Life Adventure Program</p> <p>Encourages healthy lifestyles and offers pupils and teachers health options that are both realistic and attractive.</p>

Drug Prevention Campaigns in Guatemala 2004, 2005 and 2006

Target Group	No. of participants	Type of campaign
The overall population	<ul style="list-style-type: none"> • 5,304,645 people 	<p>Social Communication Project</p> <p>This project is designed to promote drug use prevention and disseminate its message to all people living in the country.</p>
Various: Working children, women in prison, juvenile offenders, public health service patients	<ul style="list-style-type: none"> • 149 participants 	<p>Needs Project</p> <p>This project will make it possible to assist groups not covered by other projects</p>

During the 2004–2006 period, specialized training on drug abuse prevention, treatment, and research was offered in Guatemala through the courses listed in the table below. During those same years, postgraduate certificates and master's degree courses were also offered.



Specialized training courses offered on drug abuse prevention, treatment and research

Names of Refresher and Improvement Courses	Area	Recipients	Number of participants		
			2004	2005	2006
Tobacco use	Prevention Treatment	- Psychologists - Educators - Physicians - Students - Business managers	25	25	25
Formation of multiplier agents in drug addiction	Treatment	Professionals	—	—	4
Model for therapeutic community care (internship in Colombia)	Treatment	Psychologists	—	1	—
Basic course on drug dependency Project Man Spain	Treatment	Physicians	—	—	1
Models for care and minimum standards of treatment (7 workshops)	Treatment	Treatment center personnel	—	—	99
Models of care (USA)	Treatment	Psychologists	—	—	1
Masters Degree in Drug dependency (University of San Carlos)	Treatment	Professionals in various disciplines	—	—	13
Community leader training	Prevention	Mayan, ladino and Garifuna leaders	—	752	—
National Program for Integral Preventive Education	Prevention	Teachers	—	15,974	—
Workplace training	Prevention	Adult working population, public and private sectors	—	2,628	—
Prison system training	Prevention	Prison inmates	—	490	—

In Guatemala, three universities offer courses on prevention and treatment as part of regular curricula for students of Medicine, Psychology and Social Work, Nursing, and Health.

Guatemala indicates that the above-mentioned courses meet demand for professional training in prevention, but not in treatment.

Two substance abuse prevention programs were evaluated between 2004 and 2006: the “Drug Abuse Resistance Education (DARE)” program, aimed at primary school children, and the “Second Step Pilot Program,” targeting preschoolers.

CICAD recognizes that Guatemala carries out three drug abuse prevention programs that target sectors of the school population. However, it is concerned about the low coverage of those programs and the absence of prevention programs targeting vulnerable populations, such as indigenous groups, child workers, and the prison population.



CICAD recognizes that specialized training is available in Guatemala on drug abuse prevention and treatment, and that the country has evaluated two prevention programs. The country indicates that the treatment courses do not satisfy the need for training, and therefore CICAD encourages the country to increase the availability of specialized training on drug abuse treatment.

RECOMMENDATIONS:

3. **EXTEND THE COVERAGE OF THE PREVENTION PROGRAMS TARGETING SCHOOL CHILDREN.**
4. **IMPLEMENT DRUG ABUSE PREVENTION PROGRAMS TARGETING INDIGENOUS GROUPS.**

B. Treatment

The “Minimum Standards of Care for Centers that Provide Drug Abuse Treatment Services” regulate drug abuse treatment in Guatemala. These standards are mandatory.

The Ministry of Health and Social Assistance is in charge of maintaining a national registry of treatment services and programs. In addition, through its Department of Health Facility Regulation, Accreditation and Control (DRACES), the Ministry is responsible for certifying those services.

In order to verify compliance with the minimum standards of care for drug use treatment, and to evaluate the quality of the services provided, DRACES conducts regular supervisory visits. Nevertheless, the country reports that the quality of treatment centers is not currently being evaluated.

With regard to ongoing training and refresher courses for drug abuse treatment personnel, Guatemala reports that those designated to lead such courses received training in 2006.

The country reports that through the Treatment, Rehabilitation, Social Reinsertion and Job Training Network in Central America (H90) project of the United Nations Office on Drugs and Crime (UNODC), it has established the Liaison Office at the national and regional level. Its functions are to serve as a patient referral and counter-referral center, as well as a center able to provide training to all treatment centers in Guatemala on implementation of the minimum standards of care recently issued by the Ministry of Health.

Guatemala currently has two outpatient treatment programs operating in the public sector and ten privately-operated programs; all admit both adults and minors of both sexes. The country also has 80 residential programs, 67 of which are for men and 13 for women. Three of these residential programs take in minors of both sexes.

The following table details the drug abuse treatment services available with nationwide coverage:

Drug Abuse Treatment Services

Service	Public	Private
Early detection network, outreach and case referral	2	90
Detoxification	0	5
Treatment and rehabilitation	0	85
Aftercare	0	85
Self-help groups	0	700
Brief interventions	0	5



Regarding treatment programs geared toward specific populations, the country reports that it has programs specifically for women, adolescents and adolescent offenders, but not for prison inmates:

- Women: both outpatient and residential programs are available. Services offered include: brief interventions, therapeutic community, 12-step program, Theo-therapy and psychotherapy; medical care in the form of detoxification, treatment and rehabilitation; and social and workplace reintegration.
- Adolescents: outpatient and residential detoxification services.
- Adolescent offenders: there are three centers for men and one for women. Medical services are available, but none have a program for the treatment, rehabilitation and social reintegration of drug dependents.

Guatemala did not provide information on the total number of patients receiving treatment or on the number of persons admitted to treatment programs in the years 2004–2006. Therefore it has not been possible to estimate the demand for treatment in the country.

CICAD notes the adoption of the “Minimum Standards of Care for Centers that Provide Drug Abuse Treatment Services”, which regulate treatment for drug abuse in the country. Similarly, CICAD notes that Guatemala has treatment programs for adults, women, and adolescents.

CICAD notes that Guatemala keeps no records of patients who received care during the 2004–2006 period. Consequently, CICAD encourages the country to implement a record system that will make it possible to estimate the demand for drug treatment in the country.

RECOMMENDATIONS:

5. EVALUATE THE COUNTRY’S DRUG ABUSE TREATMENT CENTERS AND THE QUALITY OF SERVICES THAT THEY PROVIDE.
6. DESIGN AND IMPLEMENT A NATIONAL INFORMATION SYSTEM ON TREATMENT TO DETERMINE THE NUMBER OF PATIENTS WHO RECEIVE TREATMENT AND THE NUMBER OF ADMISSIONS FOR TREATMENT.

C. Statistics on Consumption

Guatemala has estimates on drug use indicators (prevalence and/or incidence rates) among the general population. The most recent household survey (2005) was carried out using the Inter-American Drug Use Data System (SIDUC) method.


Prevalence of Drug Use in the General Population (12–65 years of age) Year 2005

Type of drug	Lifetime (%)			Last 12 months (%)			Last 30 days (%)		
	M	F	Total Population	M	F	Total Population	M	F	Total Population
Alcohol	67.75	43.82	53.37	35.18	16.00	23.66	19.04	6.35	11.40
Tobacco	56.53	17.35	32.98	25.20	4.91	13.00	19.50	3.68	9.99
Solvents & Inhalants	1.38	0.16	0.64	0.11	0	0.04	0.07	0	0.03
Forms of Cannabis									
Hashish	0.32	0	0.13	0	0	0	0	0	0
Marijuana	6.08	0.62	2.79	0.29	0.03	0.13	0.15	0	0.06
Hallucinogens									
Other Types of Hallucinogens	0.32	0	0.13	0	0	0	0	0	0
Opioids									
Heroin	0.12	0	0.05	0.07	0	0	0	0	0
Morphine*	0.06	0	0.03	0	0	0	0	0	0
Opium	0.33	0	0.13	0.03	0	0	0	0	0
Forms of Cocaine									
<i>Basuco</i> , or coca paste	0.55	0.07	0.26	0.19	0	0.08	0	0	0
HCL	1.69	0.29	0.85	0.25	0.03	0.12	0.09	0	0.04
Crack	1.42	0.16	0.66	0	0	0	0	0	0
Tranquilizers, Sedatives and Depressants	8.61	8.41	8.49	2.75	3.18	3.01	1.15	1.79	1.54
Stimulants	3.11	2.65	2.83	0.83	1.19	1.04	0.33	0.67	0.54
MDMA (ecstasy)	0.09	0	0.03	0	0	0	0	0	0
Any Illegal Drug	6.97	0.83	3.28	0.79	0.03	0.33	0.31	0.00	0.12

* Non-prescription/non-therapeutic use only


Incidence of Drug Use in the General Population (12–65 years of age) Year 2005

Type of drug	Last 12 months (%)			Last 30 days (%)		
	M	F	Total Population	M	F	Total Population
Alcohol	2.87	1.01	1.53	0	0.05	0.04
Tobacco	0.96	0.31	0.48	0.83	0.06	0.28
Solvents & Inhalants	0.03	0	0.01	0	0	0
Forms de Cannabis						
Hashish	0	0	0	0	0	0
Marijuana	0.25	0.03	0.11	0	0	0
Hallucinogens	0	0	0	0	0	0
Heroin	0.07	0	0.03	0	0	0
Morphine*	0	0	0	0	0	0
Opium	0	0	0	0	0	0
Forms of Cocaine						
<i>Basuco</i> , or coca paste	0.08	0	0.03	0	0	0
HCL	0.14	0.03	0.07	0.09	0	0.04
Crack	0	0	0	0	0	0
Tranquilizers, Sedatives and Depressants	0.90	1.51	1.27	0.30	0.52	0.43
Stimulants	0.43	0.32	0.37	0.20	0.14	0.16
MDMA (ecstasy)	0	0	0	0	0	0
Other Drugs	0	0	0	0	0	0
Any Illegal Drug	0.46	0.03	0.19	0.10	0	0.04

* Non-prescription/non-therapeutic use only

Age of First Drug Use in the Overall Population Year 2005

Type of Drug	Average ⁽¹⁾			Median ⁽²⁾		
	M	F	Total	M	F	Total
Alcohol	17.25	20.32	18.76	17	19	18
Tobacco	16.63	19.06	17.39	16	18	17
Solvents & inhalants	16.32	12.47	15.76	16	12	15
Marijuana	17.97	16.93	17.83	18	16	17
<i>Basuco</i> , or coca paste	19.50	16.69	19.05	19	14	19
Cocaine HCL	19.71	20.43	19.86	18	15	17

⁽¹⁾ **Weighted Average** is the average age of persons of both genders.

⁽²⁾ **Median** is the value in an ordered set of values above and below which there is an equal number of values.



**Drug use risk perception
Survey among the general population aged 12–65 Year 2005**

Category	% of those surveyed who believe that persons who carry out the following activities are at a moderate or great risk (or who think that it is quite harmful or very harmful):
Occasionally smoke cigarettes	72.7
Often smoke cigarettes	95.8
Often drink alcoholic drinks	97.5
Get drunk	96.1
Occasionally take non-prescribed tranquilizers/stimulants	84.4
Often take non-prescribed tranquilizers/stimulants	93.5
Occasionally inhale solvents	93.3
Often inhale solvents	97.1
Occasionally smoke marijuana	92.1
Often smoke marijuana	96.7
Occasionally take cocaine or crack	93.0
Often take cocaine or crack	95.6
Occasionally use coca paste	88.5
Often use coca paste	90.5
Occasionally take ecstasy	86.2
Often take ecstasy	88.0

Guatemala has estimates on the number of alcohol-related deaths. In 2006 there were 535 alcohol-related deaths, of which 485 were men and 50 were women.

In Guatemala, information is not maintained on an arrestee's use of drugs or alcohol prior to the arrest. The country does report, however, that the creation of the National Institute of Forensic Sciences (INACIF) ensures scientific investigation and inter-institutional coordination in the future.

The Office of the Attorney General manages data on crimes and accidents related to drug use.

The country maintains information on traffic accidents related to alcohol use, but not on those related to drug use.⁵ According to these records, in 2004, alcohol was a contributing factor in 40% of traffic accidents. For the years 2005 and 2006, the figure was 35% and 40% respectively. No information is maintained on accidents in the workplace and their association with alcohol or drug use.

⁵ In traffic accidents the competent authority may request toxicological examinations. However, the person's consent is also required and, in most cases, is denied: either on the grounds that it would be a violation of human rights, or under Article 16 of the Constitution of the Republic, which states that no person may bear witness against himself or his relatives.



There are national, departmental and municipal norms to prevent alcohol-related accidents. The National Civil Police has service orders in place for road check operations. Guatemala also reports that there is a “Dry Law” in effect nationwide. These norms are mandatory, as stipulated in Decree 11-97 that defines the mission of the National Civil Police.

CICAD recognizes that Guatemala has estimates on drug use in the general population, in compliance with the recommendation assigned during the Second Evaluation Round, 2001–2002.

CICAD notes the lack of information on drug use-related mortality, crime, and traffic and workplace accidents, and encourages the country to develop a mechanism for gathering such information.

CICAD notes the presence of ecstasy in the country as a drug use trend. In light of the seriousness of the problems generated by the use of this type of drug, CICAD encourages the country to give due attention to this development in all areas of drug control.

III. SUPPLY REDUCTION

A. Drug Production

Guatemala has parameters for measuring the land area used for illicit crops, by means of ground incursions and eradications, which are carried out four times a year in the departments of San Marcos and El Petén, areas where poppy and marijuana, respectively, are produced.

With respect to cultivated areas, Guatemala reports an increase of 60% in poppy cultivation between 2005 and 2006. Manual eradication of poppy plants is on the rise: in 2006, a total of 37,672,987 plants were eradicated, equal to 720 ha, and in 2005 a total of 14,676,257, equal to 281 ha, were eradicated. Of these amounts, 95% were located in San Marcos department. The formal eradication program in Guatemala employs aerial spraying, and forced and voluntary manual eradication.

With regard to marijuana cultivation, the cultivated area dropped by 75%; in 2006, 156,362 plants were eradicated, and in 2005, 694,779. Sixty percent of the total land area used for marijuana cultivation is located in San Marcos department, with the remaining 40% in El Petén.

No laboratories illegally producing either organic or synthetic drugs were detected operating in Guatemala during the years 2004–2006.

CICAD recognizes that Guatemala has crop eradication methods and programs for poppy and marijuana. However, CICAD is concerned about ongoing cultivation in eradicated areas.

CICAD recognizes the substantial efforts of the country in poppy eradication operations. However, CICAD is concerned about the 60% increase in its cultivation from 2005 to 2006.



B. Development programs related to the prevention or reduction of illicit cultivation, drug production or trafficking

There are no development activities or programs in Guatemala to improve the economic opportunities and living conditions of the inhabitants of areas where illicit cultivation, drug production and drug trafficking exist or have the potential to exist. According to information provided by Guatemala, in the Department of San Marcos, they are working to implement crop substitution programs proposed by the Ministry of Agriculture, Livestock and Food (MAGA).

CICAD is concerned about the lack of development programs to improve economic opportunities and living conditions for inhabitants of the areas where activities connected with illicit crop cultivation, drug production, or drug trafficking occur or potentially could occur.

RECOMMENDATION:

7. CARRY OUT DEVELOPMENT PROJECTS DESIGNED TO PREVENT OR REDUCE ILLICIT CROP CULTIVATION AND DRUG PRODUCTION IN POPPY AND MARIJUANA CULTIVATION ZONES IN THE DEPARTMENTS OF SAN MARCOS AND EL PETEN, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002.

C. Control of Pharmaceutical Products

The following laws and regulations for control of pharmaceutical products are in effect in Guatemala:

- Health Code, Decree 90-97;
- Regulations for the Control of Medicinal Drugs and Related Products. Government Decision 712-99;
- Regulations for the Control of Chemical Precursors and Substances. Government Decision 54-2003.

The Department of Regulation and Control of Pharmaceutical and Related Products is responsible for coordinating all activities related to the control of pharmaceutical products. All pharmaceutical products containing substances listed in the international conventions are controlled in the country. Nonetheless, the country reports that when a new product containing a controlled substance as an active ingredient is registered, it is automatically controlled.

Guatemala has in place a mechanism to monitor and prevent the diversion of pharmaceutical products applicable to health professionals and entities authorized to import, export, manufacture and distribute those products. In regard to trade, this mechanism includes control of imports and exports, control of licenses, monitoring of distribution, inspections, administrative sanctions, a register of licensees, and recording quantities of pharmaceuticals sold. For the health sector, measures include control of licenses, monitoring of distribution and prescriptions, inspections, administrative sanctions, and referral of suspicious cases from administrative to judicial authority. Nonetheless, the country does not have an automated information management system to facilitate the control of pharmaceutical products.

Utilizing the procedures for the collection of data on regulatory and administrative actions and related sanctions, Guatemala has provided information on the regulatory activities spanning the years 2004 through 2006 (see following table).

**Regulatory Actions for the Control of Pharmaceutical Products 2004–2006**

Regulatory Activity	2004	2005	2006
Number of licenses issued to:			
Importers ⁽¹⁾	—	61	67
Exporters ⁽¹⁾	—	61	67
Manufacturers ⁽²⁾	—	20	25
Distributors ⁽³⁾	—	61	67
Number of permits issued for:			
Import	1,379	1,453	1,422
Export	327	344	237
Number of Inspections			
Importers	12	27	4
Exporters	12	27	4
Manufacturers	—	15	2
Distributors	12	27	4

⁽¹⁾ Includes enterprises registered as importers of controlled substances, but that are categorized as pharmaceutical enterprises as laboratories or pharmaceutical wholesalers, the two categories of enterprises that are authorized to import and export controlled pharmaceutical products.

⁽²⁾ Includes registered laboratories.

⁽³⁾ Includes the same information as “importers” and “exporters”, since it is precisely laboratories and wholesalers that carry out wholesale distribution of controlled drugs; in other words, these are the firms that sell to pharmacies.

Training courses are not available for public or private sector employees charged with handling pharmaceutical products.

Laws and regulations in Guatemala provide for criminal, civil and administrative sanctions for diversion of pharmaceutical products. In 2004, two administrative sanctions were levied. In 2005 the number increased to ten, and eight in 2006. Guatemala has not provided information on the number of civil and criminal sanctions for the years 2004–2006. As Guatemala notes, administrative, civil and penal sanctions are not commonly applied as cases are not usually investigated. The country further indicates that the situation will improve with the creation of the National Institute of Forensic Sciences (INACIF).

With regard to seizures of controlled pharmaceutical products, the country reports that 16.83 kg of pseudoephedrine were seized in 2005, and that in 2006, that same amount was destroyed (incineration).

Guatemala reports that it has not identified activities related to the sale and distribution of controlled pharmaceutical products or other drugs over the Internet, the establishment of web sites through which controlled pharmaceutical products and other drugs are sold, or the establishment of distribution centers where drugs are stored and/or from which they are distributed further to Internet sales.



With regard to the control of Internet sales of pharmaceutical products, neither administrative nor legislative measures have been taken to exercise control over Internet sales of pharmaceutical products in general or over authorized online pharmacies in particular. Guatemala clarifies the situation by saying that the Law currently in force (Government Decision 712-99) does not provide for Internet sales or online pharmacies as distribution channels. The Health Code also contains no regulations or sanctions, although it requires distribution to be conducted via approved channels.

CICAD recognizes that Guatemala has in place adequate standards and mechanisms to monitor and prevent the diversion of pharmaceutical products, applicable to health professionals and responsible entities. It also has legal provisions that provide for criminal, civil and administrative sanctions for diversion of pharmaceutical products. However, CICAD is concerned about the lack of a system to collect data on the enforcement of those provisions and on seizures of pharmaceutical products.

CICAD notes with satisfaction the creation of the National Forensic Science Institute (INACIF) in 2006, which will assist in issuing scientific and technical reports as well as other tasks.

CICAD notes that the country does not have regulations or specific mechanisms in place to prevent and control the illicit traffic of pharmaceutical products and other drugs over the Internet.

RECOMMENDATIONS:

8. IMPLEMENT AN INFORMATION SYSTEM ENABLING COMPILATION OF DATA ON THE ENFORCEMENT OF PENAL, CIVIL, AND ADMINISTRATIVE SANCTIONS FOR DIVERSION OF PHARMACEUTICAL PRODUCTS, A RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.
9. IMPLEMENT A MECHANISM TO COLLECT INFORMATION ON SEIZURES OF PHARMACEUTICAL PRODUCTS.
10. IMPLEMENT TRAINING AND INVESTIGATION ACTIVITIES RELATED TO THE PREVENTION AND CONTROL OF ILLICIT TRAFFIC OF PHARMACEUTICAL PRODUCTS AND OTHER DRUGS OVER THE INTERNET, WHICH WILL ALLOW THE COUNTRY TO IDENTIFY ITS REGULATORY AND OPERATIVE NEEDS, NATIONWIDE.

D. Control of Chemical Substances

The Regulations on the Control of Chemical Substances and Precursors (Government Decision 54-2003) establish controls for preventing the diversion of controlled chemical substances in the country.

Guatemala has a mechanism to monitor and prevent the diversion of controlled chemical substances applicable to authorized health professionals and entities (importers, exporters, manufacturers, distributors). All chemical substances included in Schedules I and II of the United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances (1988) are controlled, as are the substances comprising Schedule III of Government Decision 54-2003.

Oversight and control of chemical substances are the responsibilities of the Ministry of Health and the Department for the Regulation and Control of Pharmaceutical and Related Products. The following components are included among the domestic controls on the diversion of chemical substances: a



national registry of licensees, license control (manufacture, distribution), import/export controls, inspections, controls on distribution, control of final commercialization, pre-export notification and imposition of sanctions. There is, however, no transport control.

In Guatemala, since 2006, the Chemical Precursors Technical Committee has been offering training courses on the control and monitoring of chemicals. These targeting administrative officers and technical personnel from the Customs Service and the Ministries of the Interior, Public Health, Defense, and Foreign Affairs and SECCATID.

To facilitate diversion control, Guatemala has an automated information management system to ensure the secure and efficient handling of information. The system includes:

- A registry of authorized importers and exporters.
- A registry of approved import and export certificates.
- Controls of all imports and exports.

Guatemala has legal provisions for the application of criminal, civil and administrative sanctions for the diversion of controlled chemical substances. In 2004, 2005 and 2006, administrative sanctions for these offenses were applied two, five and eight times, respectively. Guatemala does not have information on the number of criminal or civil sanctions applied during these same years.

Guatemala indicates that it does not have a specific records system. The country reports that the General Judicial Statistics System needs to be strengthened in order to broaden its coverage, and the Ministry of Health needs to make its controls more robust.

Guatemala neither exports controlled chemical substances nor handles them in transit. However, Guatemala reports that it is registered in the United Nations PEN Online system, which enables it to use the prior notification mechanism.

Guatemala imports controlled chemical substances. In 2005, Guatemala received 96 pre-export notifications and replied to all of them in a timely fashion. Of those 96, nine were not approved. In 2006, 100 pre-export notifications were received, all of which were replied to in a timely fashion, and 13 of which were not approved.

The Department of Regulation and Control of Pharmaceutical and Related Products seizes controlled chemical substances in the course of inspecting pharmaceutical establishments. However, Guatemala informs that comprehensive statistics of such seizures are not available.

Guatemala reports that 16.83 kg of Pseudoephedrine HCL were seized in 2005, all of which was disposed of in 2006.

CICAD recognizes that Guatemala has in place a mechanism to monitor and prevent the diversion of controlled chemical substances. The country has controls on import/export, distribution, and final commercialization, and requires pre-export notifications. However, there is no transport control for chemical substances. CICAD is concerned about the lack of a system to collect information on seizures of controlled chemical substances.

The country has legal provisions for the application of criminal, civil and administrative sanctions for the diversion of controlled chemical substances. However, CICAD is concerned about the lack of an information system to collect data on their enforcement.



CICAD notes the implementation of the mechanism for pre-export notifications for controlled chemical substances, a recommendation issued in the Third Evaluation Round, 2003–2004.

RECOMMENDATIONS:

11. IMPLEMENT AN INFORMATION SYSTEM ENABLING THE COUNTRY TO COMPILE DATA ON THE ENFORCEMENT OF CRIMINAL AND CIVIL SANCTIONS FOR DIVERSION OF CONTROLLED CHEMICAL SUBSTANCES, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.
12. ESTABLISH A MECHANISM TO CONTROL THE TRANSPORT OF CONTROLLED CHEMICAL SUBSTANCES, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.

IV. CONTROL MEASURES

A. Illicit Drug Trafficking

The following table shows the drug seizures made in Guatemala from 2004 through 2006.

Number of Seizures and Quantity of Drugs Seized in Guatemala 2004–2006

Type of Drug	Number of Seizures			Quantity Seized		
	2004	2005	2006	2004	2005	2006
Opium	0.00	0.00	2.00	0.00	0.00	4.86 kg
Poppy seeds	2.00	1.00	6.00	7.95 kg	1.43 kg	13.27 kg
Heroin	3.00	6.00	0.00	3.73 kg	17.34 kg	0.00 kg
Cocaine hydrochloride	12.00	11.00	7.00	4,481.01 kg	5,073.76 kg	281.46 kg
Crack	—	—	—	9,870.00 rocks	11,744.13 rocks	6,781.50 rocks
Marijuana (grass)	—	—	—	1,095.10 kg	440.10 kg	354.60 kg
Cannabis seeds	—	8.00	8.00	131.77 kg	16.42 kg	20.69 kg
Pseudoefedrine	0.00	2.00	1.00	0.00 kg	16.83 kg	0.69 kg

Guatemala has provided the following information on the number of persons formally charged with illicit drug trafficking:

Persons Formally Charged with and Convicted of Illicit Drug Trafficking in Guatemala 2004–2006

Year	2004	2005	2006
Number of persons formally charged	1,704	1,408	500
Number of persons convicted	30	42	29



Guatemala reports that no specific information is available on the number of public officials formally charged with and convicted of acts of corruption or other offenses related to illicit drug trafficking. The country points out that the statistical data system of the Judicial Agency does not collect such information, and that the statistical systems that collect information on persons charged and convicted do not distinguish between public officials and others, as they only record “persons.” Nonetheless, Guatemala reports that data for the second quarter of 2006 made available by the Office of the Attorney General, shows that 11 public officials and 99 private individuals were charged with drug trafficking and/or acts of corruption related to trafficking, and that 43 persons were convicted.

The following table shows the number of persons formally charged with and convicted of possession of drugs in Guatemala.

**Number of Persons Formally Charged with
and Convicted of Illegal Possession of Drugs
2004–2006**

Year	2004	2005	2006
Number of Persons Formally Charged	9,174	7,334	3,770
Number of Persons Convicted	33	69	23

The possession of drugs for personal use is considered illegal in Guatemala. The legal framework regulating possession of drugs for personal use is set by the Constitution of the Republic, the Health Code, the Law Against Drug Activity, and the Code of Criminal Procedure. The country reports that when a person is charged with or convicted of illegal possession for personal use, there are no alternative sentencing measures available.

The following entities are involved in inter-institutional cooperation and exchange of information to better control illegal drugs in the country: the Office of the Vice President of the Republic, Ministry of the Interior, Ministry of National Defense, the Judicial Agency and the Office of the Attorney General. To facilitate a timely exchange of information, the Ministry of Defense maintains the Counter-Narcotics Information Exchange System (CNIES). The National Civil Police relies on inter-institutional workshops, forums, seminars, sharing of experience, training and joint operations. The Ministry of Defense and the National Civil Police both promote the timely exchange of operational information and collaboration between national authorities responsible for the control of drug trafficking, as well as with other countries.

Guatemala has not provided information on the number of requests it has made or received for judicial cooperation in cases related to drug trafficking.

The Ministry of Foreign Affairs is the central authority responsible for making requests for extradition. Guatemala made no extradition requests related to drug cases between 2004 and 2006. Additionally, the country indicates that it has extradition treaties with Argentina, Belgium, Belize, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Great Britain, Honduras, Mexico, Nicaragua, Panama, Spain and the USA. Guatemala is party to the Convention on Extradition signed at the Seventh International Conference of American States in Montevideo (26 December 1933) and the Convention on Extradition signed in Washington, D.C., on 7 February 1923.⁶

⁶ Adopted by Legislative Decree 1391 of May 14, 1925.



Guatemala has provided the following information on the number of extradition requests for illicit drug trafficking received from other countries.

Extradition Requests Received by Guatemala 2004–2006

Year	Number of Requests Received	Number of Requests Granted
2004	3	0
2005	4	1
2006	0	0

Guatemala notes that the 2004–05 requests not responded to are still being processed by the court. Extradition of nationals is legally permitted in Guatemala. The Ministry of Foreign Affairs is the central authority charged with receiving extradition requests.

Specialized training courses or briefings for law enforcement and security personnel, customs officials, prosecutors or the judiciary to address illicit drug trafficking have been developed in Guatemala. During the 2004–2006 period, 14 training courses were offered, primarily on topics such as chemical precursors and money laundering.

Training courses in the following areas were offered to National Civil Police personnel: Narcotics Investigations, Container and Truck Inspection, Counter Narcotics Information Analysis, Canine Unit Guidelines, Clandestine Laboratories, Land Navigation, Aerial Interception, Special Operations, Money Laundering, Control of Chemical Substances, among others.

The country reports that these courses satisfied its training needs. On the question of specific training needs not currently being met, Guatemala indicates that such needs vary by institution:

- Judicial Agency: training in technological and scientific innovations, investigation, statistics, improvement of registries, institutional strengthening, and technical/expert procedures.
- Tax Administration Superintendency (SAT): training is needed on management and control of controlled chemical substances at all customs offices in the country.

CICAD recognizes that Guatemala maintains records on persons charged with and convicted of illicit trafficking and possession of drugs; however, the country does not maintain separate data on the number of public officials formally charged with and convicted of acts of corruption or other offenses related to illicit drug trafficking. CICAD further notes that Guatemala has mechanisms for the exchange of operational information and collaboration between national agencies responsible for dealing with illicit drug trafficking.

CICAD is concerned about the absence of a mechanism for collecting information on requests for mutual legal assistance in illicit drug trafficking cases.

CICAD recognizes that the country offers training courses in combating illicit drug trafficking.



RECOMMENDATIONS:

13. ESTABLISH A MECHANISM TO COLLECT INFORMATION ON REQUESTS FOR MUTUAL LEGAL ASSISTANCE.
14. ESTABLISH A RECORD-KEEPING SYSTEM THAT ALLOWS FOR THE IDENTIFICATION OF PUBLIC OFFICIALS CHARGED WITH AND CONVICTED OF ACTS OF CORRUPTION AND OTHER OFFENSES RELATED TO ILLICIT DRUG TRAFFICKING.

B. Firearms, Ammunition, Explosives and Other Related Materials

The Department of Firearms and Ammunition Control of the Ministry of Defense is responsible for the following control activities: issuance of import, export and transit licenses and authorizations, cancellation of licenses and authorizations (through an order from a competent judge), and exchange of information with other countries regarding firearms, ammunition, explosives and other related materials. This same department, as well as the Ministry of the Interior, the Office of the Attorney General and the Judicial Agency, are jointly responsible for the exchange of information within Guatemala.

Regarding major impediments encountered in ensuring effective information exchange and collaboration among national entities combating diversion of firearms, ammunition, explosives and other related materials, Guatemala highlights the lack of coordination among institutions and the absence of computerized systems and communication networks.

The Judicial Agency is responsible for confiscation or forfeiture of illicitly trafficked firearms, ammunition, explosives, and other related materials.

Illicit trafficking and manufacture of firearms, ammunition, explosives and other related materials is criminalized by the Arms and Ammunition Law.⁷

Number of Persons Formally Charged with and Convicted of Possession of and Illicit Trafficking in Firearms, Ammunition, Explosives and Related Materials, 2004–2006

Year		2004	2005	2006
Firearms	Formally charged	3,360	2,887	2,619
	Convicted	38	87	73
Ammunition	Formally charged	20	7	60
	Convicted	0	6	0
Explosives	Formally charged	43	59	79
	Convicted	1	8	1
Other related materials	Formally charged	43	59	79
	Convicted	0	0	2

⁷ Arms and Ammunition Law, Decree 39-89 of the Congress of the Republic.



The Arms and Ammunition Law of 1989 and Congressional Decree 74-90 of 1991, which introduced reforms to that Law, constitute the current regulations in force in Guatemala establishing controls on the import, export and in-transit movement of firearms, ammunition, explosives and other related materials.

Administrative controls on the import, export and in-transit movement of firearms, ammunition, explosives and other related materials

Operation under administrative control	Arms and Ammunition Law	Type of Sanction	Number of sanctions for the years 2004–2006
Firearms			
Import	Title III, Ch. IV, Art. 25.	<u>Arms</u> : 1 to 3 years in prison and confiscation. <u>Offensive firearms</u> : 4 to 6 years. Art. 83.	1
Export	Title III, Ch. III, Art. 24.	<u>Arms</u> : 1 to 2 years in prison and confiscation. <u>Biological and/or chemical</u> : 4 to 6 years. Art. 89.	4
In-transit	Title III, Ch. III, Art. 59.	<u>Arms</u> : 1 to 2 years in prison and confiscation. <u>Offensive arms</u> : 4 to 6 years. Art. 97.	135
Ammunition			
Import	Title III, Ch. IV, Art. 30.	1 to 2 years in prison and confiscation. Art. 84.	1
Export	Title III, Ch. III, Art. 24.	4 to 6 years in prison and confiscation. Art. 90.	0
In-transit	Title IV, Arts. 45 to 49.	<u>Arms</u> : 1 to 2 years in prison. <u>Offensive arms</u> : 3 to 5 years in prison. Art. 92	7
Explosives			
Import	Title VII, Single Chapter, Art. 83	4 to 6 years in prison and confiscation.	0
Export	Title VII, Single Chapter, Art. 89	4 to 6 years in prison and confiscation.	0
In-transit	Title VII, Single Chapter, Art. 91	4 to 6 years in prison and confiscation.	5
Other related materials			
Import	Title VII, Art. 83	1 to 3 years in prison.	0
Export	Title VII, Art. 89	4 to 6 years in prison.	0
In-transit	Title VII, Art. 89	4 to 6 years in prison	1

The Arms and Ammunition Law requires that Guatemala issue the corresponding import or in-transit licenses or authorizations before permitting the entry of a shipment of firearms, ammunition, explosives and other related materials.

Guatemala reports that it does not manufacture or export firearms, ammunition, explosives or other related materials. Nonetheless, the Arms and Ammunition Law requires that before Guatemala issues



an export license or authorization for shipments of firearms, ammunition, explosives and other related materials, the importing country must first issue the necessary licenses or authorizations. There is no law that requires the same of a transit country.

During the years 2004–2006, the following quantities of illicitly trafficked firearms, ammunition, and explosives were confiscated.

**Quantities of firearms, ammunition, and explosives
confiscated in illicit trafficking cases, 2004–2006**

Year	Confiscated firearms	Confiscated ammunition	Confiscated explosives
2004	789	1,465	6
2005	1,062	2,072	65
2006	708	13,340	—
TOTAL	2,559	16,877	71

Guatemala does not have information on the quantities of firearms, ammunition, explosives, and other related materials confiscated in connection with arrests for illicit drug trafficking offenses.

The country has a record keeping system that maintains records (by date, description and serial or lot number) of the importation and in-transit movement of firearms and ammunition, and for the importation of related materials. Such records are kept indefinitely and are computerized.

The national entities responsible for the exchange of information and collaboration with agencies in other countries regarding the control of firearms, ammunition, explosives and other related materials are:

- The Department of Arms and Ammunition (DECAM), which shares information on the registration of firearms and the control of ammunition.
- The Judicial Agency, which shares information on judicial proceedings and decisions concerning firearms and ammunition.
- The Ministry of the Interior and the Judicial Agency, which share information on seizure and confiscation of firearms and ammunition.
- The Office of the Attorney General, which shares information on investigations and requests for information in cases concerning firearms and ammunition.
- The National Civil Police, which shares information on reports of firearms theft.

To facilitate the exchange of information between these entities and their counterparts in other countries, Guatemala has in place mechanisms such as an inter-agency committee, joint forces/operations, joint training and inter-agency communications systems. The country also indicates that no formal mechanism exists for the exchange of information on the control of firearms, ammunition, explosives and other related materials.

CICAD recognizes that Guatemala has a national system to maintain records on the importation and in-transit movement of firearms, ammunition, explosives and other related materials. In addition, the country has an institution responsible for administrative control of these materials in the commercial sector. Furthermore,



CICAD notes that the country exchanges information with national authorities and with other countries on this subject. Nevertheless, CICAD draws attention to the lack of coordination among institutions and the absence of computerized systems and communication networks, as well as the lack of a formal information exchange mechanism for the control of firearms, ammunition, explosives and other related materials.

CICAD also observes that the country has laws in place in this area, with records on persons charged and convicted, as well as confiscated firearms, ammunition, and explosives.

CICAD notes that the country requires import or in-transit licenses or authorizations before permitting the entry of a shipment of firearms, ammunition, explosives and related materials, but is concerned about the absence of legislation establishing such requirements for cases in which the shipment comes from an in-transit country.

RECOMMENDATIONS:

15. ESTABLISH MECHANISMS THAT ENABLE THE COUNTRY TO REQUIRE PRE-IMPORT AUTHORIZATIONS FOR FIREARMS THAT PROCEED FROM AN IN-TRANSIT COUNTRY.
16. ESTABLISH A FORMAL INFORMATION EXCHANGE MECHANISM FOR THE CONTROL OF FIREARMS, AMMUNITION, EXPLOSIVES, AND RELATED MATERIALS.

C. Money Laundering

In Guatemala the crime of money laundering is defined in the Law against Money and Asset Laundering (LCLDOA) as follows: “A person commits a money or assets laundering offense when s/he:

- a) *invests, converts, transfers or conducts any financial transaction with assets or money knowing, or that, through his/her position, employment, office or profession is obligated to know, that they are the products or proceeds of or originated from the commission of a crime;*
- b) *acquires, possesses, administers or uses assets or money knowing, or that through his/her position, employment, office or profession is obligated to know, that they are the products or proceeds of, or originated from the commission of a crime;*
- c) *hides or inhibits the determination of the true nature, origin, location, destination, movement or ownership of assets or money, or duties related to such assets or money, knowing, or that through his/her position, employment, office or profession is obligated to know, that they are the product of the commission of a crime.*

According to article 1 of the LCLDOA, any crime is a predicate offense for money laundering. According to Art. 3 of the Law against Organized Crime (Decree 21–2006), the offense of money laundering is classified as an organized crime offense. In Guatemala, a person convicted for a predicate offense can also be convicted for money laundering.



The country reports the existence of special investigative techniques, including undercover operations, controlled deliveries, and wiretapping, which are regulated by the Law against Organized Crime.

Legal provisions establish administrative controls to prevent money laundering for banks, offshore banks, currency exchanges, the stock exchange, insurance, and cross-border movements of currency and negotiable bearer instruments. Furthermore, this law contains provisions for individuals or corporations operating as brokers or intermediaries in negotiating securities; credit card issuers and operators; bonding companies; companies that perform systematic or substantial check cashing transactions; factoring companies; financial leasing entities; bonded warehouses; and credit unions.

The LCLDOA identifies the responsibility of the regulated institutions to establish programs to prevent the improper use of their services and products for money laundering, *Inter alia*, they must ensure awareness on the part of staff, provide their employees with training, establish auditing mechanisms, and formulate specific know-your-customer guidelines.

Legal provisions establish administrative controls to prevent money laundering for professionals, such as chartered accountants, auditors, attorneys, and notaries. These laws establish a new regime applicable to those individuals who, because of the nature of their activities, would be required to submit information and reports upon request to the Superintendency of Bank through its Special Verifications. In addition, the Superintendency is allowed free access to all information systems and sources. The country indicates that this special regime is applicable to individuals and corporations that perform real estate brokerage and property dealing.

Guatemala reports that no individual was charged with or convicted of money laundering in the years 2004 and 2005; for 2006, the country reports that 207 persons were charged with money laundering, and one person was convicted.

Guatemala has a Financial Intelligence/Analysis/Investigation Unit: the Special Verifications Office (IVE) of the Superintendency of Banks. The Unit has a staff of 30, and has its own budget that is sufficient for pursuing the functions assigned to it by law. The annual budget is US\$2,200,000. In addition, 50% of fines collected through the application of administrative sanctions for responsible entities' failure to comply with the stipulations of the Law Against Money and Asset Laundering supplement IVE's budget.

The functions of the Special Verifications Office (IVE) are to conduct analyses and report findings, investigate, regulate and sanction. It also receives, communicates, and shares information from/with counterpart units, and assists the Office of the Attorney General. The Office can directly consult bank accounts and can request any documentation needed in connection with its money or asset laundering investigations. It also shares information with other government agencies and its foreign counterpart institutions. The IVE has only strictly administrative investigation functions.

The country has a system that monitors the results of these reports, as well as a method for evaluating the effectiveness of analyses of financial disclosures/reports and cases.

The IVE is a member of the Egmont Group. Guatemala has signed memoranda of understanding (MOUs) on the exchange of information with the IVE's counterparts in other countries, including Argentina, Bahamas, Barbados, Belgium, Bolivia, Brazil, Colombia, Costa Rica, the Dominican Republic, El Salvador, Honduras, Mexico, Montserrat, Panama, Peru, Spain and Venezuela. The domestic legal system, however, does not permit the IVE to share information with counterparts with which it has not signed an MOU.



Guatemala has regulations requiring financial institutions and other obligated parties to report suspicious transactions to the competent authorities.

The Regulations of the LCLDOA set out the procedure for reporting suspicious transactions to the IVE. To detect and prevent suspicious transactions each regulated entity must develop warning signs, taking into consideration those which the Superintendency of Banks makes known through the issue of circulars in the media it considers appropriate.

The LCLDOA expressly exempts from criminal, civil, administrative or any other liability obligated persons, their owners, directors, managers, administrators, officers, legal representatives and duly authorized employees who have supplied information pursuant to the Act.

Between 2004 and 2006, the IVE received 1,111 suspicious transaction reports.

Guatemala reports that under the LCLDOA, bank documents and financial records can be obtained in money laundering cases for purposes of financial intelligence and prosecution, and that the IVE can request the information it needs to carry out its money and assets laundering control and prevention activities. In addition, obligated entities must retain the information in the registries that they are required by law to maintain for a minimum period of five years after the transaction was completed or the account closed.

Bank Secrecy as such is not expressly regulated; what the Law of Banks and Financial Groups provides for is the confidentiality of transactions, with the exception of compliance with the obligations established by the framework regulating money and assets laundering.

The Superintendency of Banks, through the IVE, can directly request obligated parties to provide documents and financial records in money laundering cases. The country reports that it takes an average of ten working days for obligated parties to respond to a request for information.

Documents and Financial Records 2004–2006

Year	Number of requests for information received from the Prosecutor for Money and Asset Laundering Section Office of the Attorney General	Number of notifications to obligated persons resulting from requests for information received from the Prosecutor for Money and Asset Laundering Section Office of the Attorney General	Number of documents received in response to notifications made and transferred to the Prosecutor for Money and Asset Laundering Section, Office of the Attorney General
			Replies
2004	135	106	142
2005	165	162	156
2006	167	139	196

The LCLDOA provides that the judge or tribunal hearing a money laundering case may at any time order, without previous notification or hearing, any precautionary measure or guarantee provided by the law for the purpose of maintaining the availability of the property, products or instruments that are the proceeds of or are connected with money laundering, at the request of the Office of the Attorney General. This request must be considered and confirmed immediately by the judge or tribunal. The LCLDOA stipulates that if there is danger of removal, the Office of the Attorney General



may order the seizure, embargo or blockage of property, documents or bank accounts, but must immediately make a request for judicial confirmation.

The Act also provides for the confiscation of property, a measure that has been applied in first-offense criminal convictions issued in Guatemala. According to Art. 89 of the Law against Organized Crime, property rights are terminated in the commission of a crime when the goods are the proceeds of illicit activities, enabling the Public Ministry to request their confiscation.

According to Art. 75 of the Law against Organized Crime, after a sentence is delivered mandating the confiscation of frozen assets proceeding from organized crime activities, the Supreme Court will allocate those assets to the authorities charged with the prevention, control, investigation and prosecution of those crimes.

The Guatemalan Constitution establishes that extradition is regulated by international treaties. The LCLDOA establishes active or passive extradition for money laundering crimes. The country does not have a central authority responsible for handling extradition requests, and reports that the Judiciary drafts such requests and transmits them through diplomatic channels.

During the evaluation period, Guatemala received three requests for legal cooperation, of which it granted one. Similarly, Guatemala sent out ten requests, of which five were answered.

CICAD acknowledges that Guatemala has a legislative framework that regulates the prevention, repression and prosecution of, and the relevant international cooperation regarding money laundering. CICAD makes special note of the Law against Organized Crime, which includes special investigative techniques for the detection of money and assets laundering crimes and financing of terrorism. However, the country should extend the obligations regime to those economic activities outside the financial sector, aside from real estate, that are particularly susceptible to being used for money laundering.

RECOMMENDATIONS:

17. **EXTEND THE OBLIGATION OF REPORTING SUSPICIOUS OPERATIONS TO NON-FINANCIAL ECONOMIC ACTIVITIES, SUCH AS SALES OR TRANSFERS OF REAL ESTATE, WEAPONS, PRECIOUS METALS, ART OBJECTS, JEWELRY, AUTOMOBILES, WATERCRAFT, AIRCRAFT, AND OTHER COLLECTABLE ITEMS.**
18. **ESTABLISH A MECHANISM TO COMPILE AND REPORTS DATA ON THE NUMBER OF CRIMINAL PROCEEDINGS INITIATED, SEIZURES MADE, AND SENTENCES IMPOSED FOR SUSPICIOUS TRANSACTIONS, FOR MONEY LAUNDERING, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.**



CONCLUSIONS

Guatemala has a National Anti-drug Plan, in effect until the end of 2008. The Plan has a budget for addressing various facets of the drug problem; while funding for demand reduction activities decreased. The country has a national central authority responsible for coordinating and enforcing the Plan. Although Guatemala has a mechanism for monitoring the Plan's implementation, which was created in 2006, problems in inter-institutional coordination persist. The handling of drug-related information is limited by weaknesses in both technical and human resources.

CICAD notes that the country has ratified all the international conventions addressing drugs, organized crime, and corruption, within the MEM international judicial framework. In addition, pursuant to the terms of the Convention against Transnational Organized Crime, the country approved a new Law.

With respect to demand reduction, Guatemala has drug abuse prevention programs targeting key sectors of the population; the coverage of those programs, however, is low. In addition, the country has not initiated the development of prevention programs aimed at indigenous populations and working children. In the drug treatment area, CICAD recognizes the approval of the "Minimum Standards of Care for Centers that Provide Drug Abuse Treatment Services," which regulates drug abuse treatment in the country. CICAD notes with satisfaction the implementation of drug consumption studies in the general population.

CICAD notes with concern the increase in land turned over to poppy cultivation. CICAD notes the poppy and marijuana eradication efforts, and believes the country should work to implement development programs aimed at preventing the emergence of new cultivation in those departments where illicit crops already exist or could potentially be cultivated.

CICAD acknowledges the implementation of the pre-export notification system for controlled chemicals using the UN's PEN Online system. CICAD notes the absence of information systems to facilitate the administrative control and recording of seizures of both pharmaceuticals and controlled chemicals.

The country does not have information on the number of public officials charged with or convicted of acts of corruption or other offenses related to illicit drug trafficking, or a mechanism for collecting information on requests for mutual legal assistance related to illicit drug trafficking.

CICAD notes with concern the absence of legislation imposing regulations on shipments of firearms, ammunition, and explosives coming from a transit country. In addition, CICAD notes the lack of a formal mechanism for information exchange for the control of firearms, ammunition, and explosives. Finally, CICAD draws attention to the lack of coordination between national agencies, and to the absence of a system to record seizures of firearms, ammunition, explosives, and other related materials.

Guatemala has legislation for the prevention and control of money laundering. CICAD commends the passage of the Law against Organized Crime, which allows special investigation methods for detecting the crimes of money/assets laundering and terrorism funding. Nevertheless, the country should extend the preventive controls to economic activities outside the financial sector, in particular real estate, which is particularly susceptible to money laundering activities.

CICAD acknowledges the efforts made by Guatemala in addressing the recommendations of the Multilateral Evaluation Mechanism (MEM) and the commitment shown by the country in its participation in that mechanism. CICAD encourages Guatemala to persevere with its efforts toward the complete implementation of the National Anti-drug Plan.



SUMMARY OF RECOMMENDATIONS

The following recommendations are assigned to Guatemala in order to assist the country in strengthening its policy to combat the problem of drugs and related activities and increase multilateral cooperation in the Hemisphere.

INSTITUTIONAL STRENGTHENING

1. DEVELOP THE COORDINATION MECHANISM TO MONITOR THE IMPLEMENTATION OF THE NATIONAL ANTI-DRUG PLAN, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.
2. APPROVE THE CREATION OF AND IMPLEMENT THE GUATEMALAN DRUG OBSERVATORY, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.

DEMAND REDUCTION

3. EXTEND THE COVERAGE OF THE PREVENTION PROGRAMS TARGETING SCHOOL CHILDREN.
4. IMPLEMENT DRUG ABUSE PREVENTION PROGRAMS TARGETING INDIGENOUS GROUPS.
5. EVALUATE THE COUNTRY'S DRUG ABUSE TREATMENT CENTERS AND THE QUALITY OF SERVICES THAT THEY PROVIDE.
6. DESIGN AND IMPLEMENT A NATIONAL INFORMATION SYSTEM ON TREATMENT TO DETERMINE THE NUMBER OF PATIENTS WHO RECEIVE TREATMENT AND THE NUMBER OF ADMISSIONS FOR TREATMENT.

SUPPLY REDUCTION

7. CARRY OUT DEVELOPMENT PROJECTS DESIGNED TO PREVENT OR REDUCE ILLICIT CROP CULTIVATION AND DRUG PRODUCTION IN POPPY AND MARIJUANA CULTIVATION ZONES IN THE DEPARTMENTS OF SAN MARCOS AND EL PETEN, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002.
8. IMPLEMENT AN INFORMATION SYSTEM ENABLING COMPILATION OF DATA ON THE ENFORCEMENT OF PENAL, CIVIL, AND ADMINISTRATIVE SANCTIONS FOR DIVERSION OF PHARMACEUTICAL PRODUCTS, A RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.
9. IMPLEMENT A MECHANISM TO COLLECT INFORMATION ON SEIZURES OF PHARMACEUTICAL PRODUCTS.
10. IMPLEMENT TRAINING AND INVESTIGATION ACTIVITIES RELATED TO THE PREVENTION AND CONTROL OF ILLICIT TRAFFIC OF PHARMACEUTICAL PRODUCTS AND OTHER DRUGS OVER THE INTERNET, WHICH WILL ALLOW THE COUNTRY TO IDENTIFY ITS REGULATORY AND OPERATIVE NEEDS, NATIONWIDE.



11. IMPLEMENT AN INFORMATION SYSTEM ENABLING THE COUNTRY TO COMPILE DATA ON THE ENFORCEMENT OF CRIMINAL AND CIVIL SANCTIONS FOR DIVERSION OF CONTROLLED CHEMICAL SUBSTANCES, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.
12. ESTABLISH A MECHANISM TO CONTROL THE TRANSPORT OF CONTROLLED CHEMICAL SUBSTANCES, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.

CONTROL MEASURES

13. ESTABLISH A MECHANISM TO COLLECT INFORMATION ON REQUESTS FOR MUTUAL LEGAL ASSISTANCE.
14. ESTABLISH A RECORD-KEEPING SYSTEM THAT ALLOWS FOR THE IDENTIFICATION OF PUBLIC OFFICIALS CHARGED WITH AND CONVICTED OF ACTS OF CORRUPTION AND OTHER OFFENSES RELATED TO ILLICIT DRUG TRAFFICKING.
15. ESTABLISH MECHANISMS THAT ENABLE THE COUNTRY TO REQUIRE PRE-IMPORT AUTHORIZATIONS FOR FIREARMS THAT PROCEED FROM AN IN-TRANSIT COUNTRY.
16. ESTABLISH A FORMAL INFORMATION EXCHANGE MECHANISM FOR THE CONTROL OF FIREARMS, AMMUNITION, EXPLOSIVES, AND RELATED MATERIALS.
17. EXTEND THE OBLIGATION OF REPORTING SUSPICIOUS OPERATIONS TO NON-FINANCIAL ECONOMIC ACTIVITIES, SUCH AS SALES OR TRANSFERS OF REAL ESTATE, WEAPONS, PRECIOUS METALS, ART OBJECTS, JEWELRY, AUTOMOBILES, WATERCRAFT, AIRCRAFT, AND OTHER COLLECTABLE ITEMS.
18. ESTABLISH A MECHANISM TO COMPILE AND REPORTS DATA ON THE NUMBER OF CRIMINAL PROCEEDINGS INITIATED, SEIZURES MADE, AND SENTENCES IMPOSED FOR SUSPICIOUS TRANSACTIONS, FOR MONEY LAUNDERING, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.



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