

# Multilateral Evaluation Mechanism MEM



# Bolivia

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





**RECOMMENDATION 1:**

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

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

Bolivia reports that the Protocols will be analyzed by the Executive Branch before beginning the ratification process in Congress.

CICAD expresses its concern that this recommendation has not been implemented and urges Bolivia to fulfill this reiterated recommendation, given that it was assigned in the Second Evaluation Round, 2001-2002.

**RECOMMENDATION 2:**

**IMPLEMENT DRUG PREVENTION PROGRAMS TARGETING SECONDARY SCHOOL STUDENTS, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Bolivia reports that it has implemented the “Education to prevent drug, tobacco, and alcohol use among secondary school students in the educational community, the workplace and neighborhood councils” program, benefiting 5,500 students in the cities of La Paz, Cochabamba, and Cobija, with support from international cooperation.

Bolivia reports other actions being carried out to implement drug prevention programs and projects among secondary school students:

The Special Force to Combat Drug Trafficking (FELCN) is implementing the “Student Mobilization Plan against Drug Trafficking and Use,” interacting with youth throughout the country in talks on the prevention of drug use. In 2008, this program benefited 73,930 secondary school students.

The non-governmental organization SEAMOS offers the following programs: “We Are Youth,” “We Are Family,” Citizen Security, and Corporate Culture. These programs are intended to provide the beneficiaries with protective elements against drug use and abuse.

CICAD notes the actions initiated in some of Bolivia’s cities and urges the country to continue implementing drug prevention programs with emphasis on secondary school students, as indicated in this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003-2004.

**RECOMMENDATION 3:****EXPAND THE COVERAGE OF THE DRUG PREVENTION PROGRAMS TARGETING PRIMARY SCHOOL STUDENTS.**

Bolivia reports that it is currently designing and restructuring its National Prevention Plan, which provides for the incorporation of prevention programs in school curricula. The country reports that it has also been implementing the Drug Abuse Resistance Education (DARE) Program in the fifth and sixth grades, and intends to expand coverage through this program. In 2007, 26,792 students were trained through the DARE program, and 22,774 students were trained in 2008.

CICAD takes note of the information provided by Bolivia, and encourages it to continue with the process of expanding the coverage of prevention programs targeting primary school students.

**RECOMMENDATION 4:****EXTEND COVERAGE OF SPECIALIZED TRAINING ON DRUG ABUSE PREVENTION, TREATMENT, AND RESEARCH TO COVER A MORE REPRESENTATIVE SEGMENT OF THE POPULATION, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Bolivia has not started to implement this recommendation.

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

**RECOMMENDATION 5:****IMPLEMENT SPECIALIZED, PROFESSIONAL, AND SYSTEMATIC TRAINING PROGRAMS ON DRUG ABUSE PREVENTION, TREATMENT, AND RESEARCH, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Bolivia reports that during 2008, three training courses were offered for personnel of the Secretariat for Coordination of the National Council for the Fight against Illicit Drug Trafficking (CONALTID) and the Bolivian Drug Observatory, within the framework of the "Support for the Andean Community in the Area of Synthetic Drugs Project (DROSICAN)":

- Workshop on the logistical framework for the early intervention program for synthetic drug use (six participants).
- Course-workshop: Prevention of use in communities and harm reduction (three participants).
- Workshop on qualitative methods and their application to research on synthetic drugs (six participants).

CICAD takes notes of the activities carried out by Bolivia and urges the country to fully comply with this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003-2004.

**RECOMMENDATION 6:****IMPLEMENT TREATMENT PROGRAMS THAT SPECIFICALLY TARGET JUVENILE OFFENDERS AND PRISON INMATES.**

Bolivia reports that the Prison System Department, an agency of the Interior Ministry, has conducted drug prevention programs among prison inmates of different ages.

CICAD takes note of the information provided by Bolivia and encourages the country to continue its actions to fully comply with this recommendation.

**RECOMMENDATION 7:****PURSUE NEW ACTIONS TO ERADICATE ILLICIT COCA LEAF CROPS.**

Bolivia reports that during 2007 and 2008, the country eradicated 6,269 and 5,484 hectares of illicit coca cultivation, respectively.

CICAD takes note of the activities carried out by the country, and considers the recommendation fulfilled.

**RECOMMENDATION 8:****ESTABLISH A MECHANISM FOR ASSESSING THE IMPACT OF THE DEVELOPMENT PROGRAMS RELATED TO THE PREVENTION OR REDUCTION OF ILLICIT COCA LEAF CROPS.**

Bolivia reports that it is developing a "Mechanism to assess the impact of the integral and sustainable alternative development program." This draft project is being prepared by the Deputy Ministry of Coca and Integral Development, an agency of the Ministry of Rural Development and Land.

The country reports that the purpose of the project is to ensure that the Bolivian government has information on the investments made and the results and impact achieved through the implementation of the integral and sustainable alternative development programs and projects.

CICAD encourages Bolivia to continue its efforts to fully implement this recommendation.

**RECOMMENDATION 9:****IMPLEMENT A SYSTEM FOR GATHERING INFORMATION ON THE CONTROL OF PHARMACEUTICAL PRODUCTS AND ON THE SANCTIONS IMPOSED.**

Bolivia informs that the National System for Oversight and Control of Medicines is in place, adopted by Ministerial Resolution No. 0250 of May 14, 2003. This Resolution provides for the submission of quarterly reports by importers, distributors and laboratories to the Drug and Health Technology Unit (UNIMED). However, no sanctions were recorded.



The country has a “Manual for the Management of Psychotropics and Narcotics” that includes the aforementioned quarterly reports, which contain the commercial name, generic name, concentration and/or presentation, laboratory of origin, and balances of the controlled medications.

CICAD takes note of the information provided and encourages the country to fully comply with the recommendation.

#### **RECOMMENDATION 10:**

##### **IMPLEMENT TRAINING ACTIVITIES FOR THE CONTROL AND OVERSIGHT OF PHARMACEUTICAL PRODUCTS, TARGETING OFFICIALS FROM BOTH THE GOVERNMENT AND THE PRIVATE SECTOR.**

Bolivia reports that it is coordinating the implementation of national training workshops for staff involved in the management of controlled medications. The first phase of training concluded at the end of 2008.

The country reports that workshops and training courses on pharmaceutical controls were offered to health professionals in the public and private sectors, including the topic of managing controlled substances; 346 participants received training in eight of the country’s main cities.

The country indicates that it will continue to organize other training courses for personnel working nationally in the area of drug interdiction. In addition, it has information materials on chemical precursors found in pharmaceutical products that can be used to manufacture synthetic drugs.

CICAD takes note of the activities carried out by the country, and considers the recommendation fulfilled.

#### **RECOMMENDATION 11:**

##### **IMPLEMENT TRAINING AND RESEARCH ACTIVITIES ON THE PREVENTION AND CONTROL OF ILLICIT TRAFFICKING OF PHARMACEUTICAL PRODUCTS AND OTHER DRUGS OVER THE INTERNET, ALLOWING NATIONAL REGULATORY AND OPERATIONAL NEEDS TO BE IDENTIFIED.**

Bolivia reports that it is carrying out national training courses and inspection operations on issues related to the prevention and control of illicit trafficking in coordination with the Special Force to Combat Drug Trafficking (FELCN).

The country reiterates that it has been offering workshops and training courses on pharmaceutical controls to health professionals in the public and private sectors who work with controlled medicines and drugs. The courses address topics related to capacity building for preventing and controlling illicit trafficking in pharmaceutical products and other drugs over the Internet.

CICAD acknowledges the initial steps taken by the country and encourages it to continue working toward full implementation of the recommendation.

**RECOMMENDATION 12:****ESTABLISH A SYSTEM THAT WILL ENABLE THE COUNTRY TO GATHER INFORMATION ON THE NUMBER OF CRIMINAL SANCTIONS IMPOSED FOR VIOLATIONS OF THE CHEMICAL CONTROL REGULATIONS.**

Bolivia reports that the implementation of this recommendation has not begun, and states that under the country's criminal law, a Supreme Court ruling was issued specifying that trafficking in chemical substances or precursors can only be considered a criminal offense when directly connected with cocaine settlement ponds or laboratories. The country notes that it has planned a general review of Law No. 1008, which defines the illicit acts committed with controlled substances, including narcotics, psychotropics, chemicals, and pharmaceuticals.

CICAD takes note of the information provided by Bolivia, and encourages the country to continue with its efforts toward full compliance with this recommendation.

**RECOMMENDATION 13:****UPDATE THE LEGAL FRAMEWORK FOR CHEMICAL SUBSTANCE CONTROLS TO ALLOW INSPECTIONS AND THE IMPOSITION OF THE CORRESPONDING ADMINISTRATIVE SANCTIONS.**

Bolivia reports that it has a Draft Law on Controlled Chemical Substances, subject to approval by Congress and enactment by the Executive Branch.

The country reports that it has imposed administrative sanctions for noncompliance with the regulations on firms working with controlled chemical substances for industrial use. In 2007, a total of 2,490 administrative sanctions were imposed, while 2,726 were imposed in 2008.

CICAD encourages the country to implement this recommendation.

**RECOMMENDATION 14:****ESTABLISH A SYSTEM TO ENSURE EFFECTIVE INFORMATION EXCHANGE AND COLLABORATION AMONG THE COMPETENT NATIONAL ENTITIES RESPONSIBLE FOR CONTROLLING THE DIVERSION OF FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS.**

Bolivia reports that it has a system for coordination among the various agencies involved in controlling firearms and other materials. Information is also exchanged through the intelligence bodies of the various institutions involved.

The Ministry of National Defense has a database and a control system to enable marketing companies to carry out the necessary procedures to import, transport, store, market, and use firearms, ammunition, and other related materials, authorized by a ministerial resolution.

The country reports that coordination among the institutions responsible for control of firearms and other materials, as well as exchanges of information between the intelligence bodies of the different national agencies involved, is ensured with the participation of the Armed Forces and the Bolivian Police, through their operating units and intelligence systems, and with the National Customs Office, through its Customs Operations Control Unit (COA).



In addition, with a view to improving the operation of its control and coordination system, Bolivia has signed bilateral agreements with neighboring countries to exchange information and conduct joint investigations to ensure control of firearms and other related materials.

CICAD notes with satisfaction the implementation of the recommendation.

#### **RECOMMENDATION 15:**

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

Bolivia reports that in January 2009, the Firearms, Ammunition, Explosives, and Chemical Agents Bill was passed by the Chamber of Deputies and was referred to the Senate for approval and subsequent executive enactment.

CICAD notes the information provided by Bolivia and urges the country to continue with the process in order to fully implement this reiterated recommendation, given that it was assigned in the Second Evaluation Round, 2001–2002.

#### **RECOMMENDATION 16:**

##### **ESTABLISH TRAINING AND AWARENESS COURSES FOR JUDGES AND PROSECUTORS REGARDING THE JUDICIAL APPLICATIONS OF THE BOLIVIAN LEGISLATION, WHICH CRIMINALIZES MONEY LAUNDERING AS AN AUTONOMOUS OFFENSE.**

Bolivia reports that it conducted training courses on combating money laundering for 177 judges and prosecutors in the departments of La Paz, Cochabamba, Chuquisaca, and Potosí.

The country reports that in addition to these seminars, in September 2007 the Financial Investigations Unit (UIF) held the “International Seminar on Money Laundering: Standards and Norms, Investigation Techniques, and New Criminal Offenses,” attended by judges and prosecutors from throughout the country.

CICAD views with satisfaction the implementation of this recommendation.

#### **RECOMMENDATION 17:**

##### **CRIMINALIZE MONEY LAUNDERING AS AN EXTRADITABLE OFFENSE.**

Bolivia reports that the Draft “Marcelo Quiroga Santa Cruz” Bill on Combating Corruption increases the minimum sentence so that the crime of money laundering may be considered an extraditable offense. The bill is in the Senate approval process.

CICAD notes the steps taken by Bolivia and encourages the country to comply with the recommendation.



**RECOMMENDATION 18:**

**EXPAND THE LIST OF PREDICATE OFFENSES FOR MONEY LAUNDERING TO INCLUDE ALL CRIMINAL ACTIVITIES CONSIDERED SERIOUS CRIMES UNDER THE PALERMO CONVENTION (PUNISHABLE BY A MAXIMUM DEPRIVATION OF LIBERTY OF AT LEAST FOUR YEARS OR A MORE SERIOUS PENALTY), A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002.**

Bolivia reports that the “Marcelo Quiroga Santa Cruz” Bill on Combating Corruption expands the predicate offenses applicable to money laundering. The bill is in the Senate approval process.

CICAD notes the steps initiated by Bolivia and urges the country to continue its efforts toward the full implementation of this reiterated recommendation, given that it was assigned during the Second Evaluation Round, 2001–2002.

**RECOMMENDATION 19:**

**EXTEND THE MONEY LAUNDERING PREVENTIVE REGULATIONS TO APPLY TO CURRENCY EXCHANGES, FREE TRADERS (“LIBRECAMBISTAS”) AND FUND REMITTANCE HANDLERS, CASINOS, LAWYERS, ACCOUNTANTS, NOTARIES, REAL ESTATE BROKERAGES, AND COMPANIES THAT SELL VEHICLES, WORKS OF ART, AND JEWELRY.**

Bolivia reports that the Financial Investigations Unit (UIF) issued Circular 004/2008, which expands the list of obligated entities to include companies providing auxiliary financial services, such as exchange brokers, money and security transport companies, and fund transfer companies. These entities must comply with the provisions of the following legal measures: Law 1768 (Articles 185 bis and 185 ter), Supreme Decree No. 24771, and the Instructions and Operating Procedural Manual for the Prevention, Detection, and Reporting of the Laundering of Illicit Proceeds in the Financial System and Auxiliary Services, enacted by Administrative Resolution UIF/016/99 of July 12, 1999.

However, CICAD notes that the country’s law does not include casinos, lawyers, accountants, notaries, real estate brokers, or companies that sell vehicles, jewelry, or works of art among the entities obligated to report suspicious transactions.

CICAD takes note of the information provided by Bolivia and urges the country to fully implement the recommendation.

**RECOMMENDATION 20:**

**UPDATE THE LEGAL FRAMEWORK OF BOLIVIA TO INCLUDE THE USE OF SPECIAL INVESTIGATION TECHNIQUES SUCH AS ELECTRONIC SURVEILLANCE AND PLEA BARGAINING OR COOPERATIVE WITNESS TESTIMONY IN INVESTIGATIONS INTO MONEY LAUNDERING.**

Bolivia reports that the draft bills to amend legislation to include modern techniques, in both the national Constitution and in the Code of Criminal Procedure, regarding the use of investigative techniques for intercepting criminal phone calls, effective cooperation, and forfeiture have been prepared. These bills have been submitted to the ministries that are members of the National Council to Combat Illicit Drug Trafficking (CONALTID) and to other institutions involved, for their consideration.



CICAD observes that Bolivia has initiated steps to update its legislation, and encourages the country to continue with its efforts toward full implementation of the recommendation.

## CONCLUSIONS

Bolivia has been taking measures to comply with the recommendations assigned during the Fourth Evaluation Round. Of the 20 recommendations, the country has implemented four, made progress in eight, and has not complied with eight.

The National Prevention Plan is being designed and restructured for implementation during 2009. At the same time, several agencies are implementing projects to generate prevention awareness among youth.

CICAD notes that the country has information procedures to control pharmaceutical products in its Manual for the Management of Psychotropics and Narcotics, although no sanctions were recorded.

The country has made improvements in some areas regarding statistics on penal sanctions imposed and research studies on drug abuse and prevention, but is still unable to quantify and break down illicit activities and sanctions related to drug trafficking.

CICAD notes the country's efforts to amend legislation to expand the list of money laundering predicate offenses and to define money laundering as an extraditable offense, as well as the progress made toward enacting the "Marcelo Quiroga Santa Cruz" Bill on Combating Corruption.

CICAD notes that the country should classify the liberal professions and nonfinancial companies as entities obligated to report suspicious transactions, in order to minimize the possibility of their being used to launder funds, and subject them to inspections and administrative sanctions.

Bolivia should undertake to accede to the Protocol against the Smuggling of Migrants by Land, Sea, and Air, and the Protocol against the Illicit Manufacture and Trafficking of Firearms, their Components, and Ammunition, in order to bring the country into line with international standards and help generate synergy with the international community.

CICAD recognizes Bolivia's participation in the Multilateral Evaluation Mechanism (MEM) and encourages the country to continue its efforts to fully implement these recommendations.