

**Multilateral
Evaluation Mechanism
MEM**



Guatemala

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



**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.**

Guatemala reports that the Commission against Addictions and Illicit Drug Trafficking (CCATID) approved the National Policy against Drug Addiction and Illicit Drug Trafficking, which includes an operating plan that defines strategic actions and the agencies in charge of the Policy's execution. The Executive Secretariat of the Commission against Addictions and Illicit Drug Trafficking (SECCATID) is responsible for coordinating policy implementation.

CICAD expresses its satisfaction with the implementation of this recommendation.

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

Guatemala reports that it has made progress in the creation of the Guatemalan Drug Observatory (OND). The country emphasizes that the regulations governing its structure and functions were approved by the Commission against Addictions and Illicit Drug Trafficking (CCATID). However, they are pending approval by the Presidency. In addition, the head office of the OND is included in the administrative structure of the Executive Secretariat of the Commission against Addictions and Illicit Drug Trafficking (SECCATID).

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

RECOMMENDATION 3:**EXTEND THE COVERAGE OF THE PREVENTION PROGRAMS TARGETING SCHOOL CHILDREN.**

Guatemala reports that between January 2007 and July 2008, the coverage of school drug prevention programs was expanded through the following programs:

Type of program	Target population	Coverage		Variation
		Number of participants reported in the Fourth Round	Number of participants reported in the follow-up of recommendations	
Second Step program	Pre-school 4 to 6 years of age	1,966	3,336	70%
DARE Program	Primary school 11 and 12 years of age	35,326	48,053	36%



The country also reports that the multiplier training strategy through the Comprehensive Prevention Education Program, targeted at government agencies and non-governmental organizations, has made it possible to extend the nationwide coverage of drug prevention activities in the education sector, resulting in the following:

- 3,150 school teachers/educators trained
- 1,589 school teachers/educators sensitized
- 10,887 students sensitized
- 649 students trained

CICAD views with satisfaction the implementation of this recommendation.

RECOMMENDATION 4:

IMPLEMENT DRUG ABUSE PREVENTION PROGRAMS TARGETING INDIGENOUS GROUPS.

Guatemala reports that no specific prevention program is in place targeting the indigenous population. All programs that are being carried out are inclusive and cover the Ladina, Garífuna and Xinca populations.

The country reports that it is preparing the Program for Prevention of Drug Use and Abuse for the Mayan population, intended to cover the Quetzaltenango, Huehuetenango, Sololá, Quiché, Totonicapán, and Alta Verapaz departments.

CICAD notes the steps initiated by Guatemala and encourages the country to carry out the actions planned for the full implementation of the recommendation.

RECOMMENDATION 5:

EVALUATE THE COUNTRY'S DRUG ABUSE TREATMENT CENTERS AND THE QUALITY OF SERVICES THAT THEY PROVIDE.

Guatemala reports that the General Directorate of Health Regulation, Surveillance and Control, under the Ministry of Public Health and Social Welfare, is responsible for evaluating the quality of the services and institutions that offer drug treatment programs in the country. This work is done through the Department for Regulation, Accreditation, and Control of Health Facilities (DRACES). The country reports that evaluation of the quality of services to assess compliance with minimum standards of care is pending.

CICAD recognizes the efforts of Guatemala and encourages the country to continue with the pending steps for full implementation of this recommendation.

**RECOMMENDATION 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.**

Guatemala reports that it has designed a form and developed instructions to be used by the Ministry of Public Health's Department for Regulation, Accreditation, and Control of Health Facilities (DRACES) to gather data on the treatment of drug dependents.

CICAD notes the information provided by Guatemala and encourages the country to continue efforts to implement this recommendation.

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.**

Guatemala reports that there are programs and projects under way that promote the eradication of cannabis and poppy cultivation by small-scale farmers. Some of these are in the execution stage, with funds from international cooperation, while others are state-funded. Details of these programs and projects are as follows:

1. The Project for Incentives for Owners of Small Plots with Forestry Potential (PINPEP) was instituted by the National Forestry Institute (INAB) for the planting of trees and management of natural forests. Those who can demonstrate a right of ownership to the land can participate in the project. Individuals receive a sum of money in accordance with the amount of land they register with the project.

In the San Marcos Department projects were carried out in 2007 covering a total area of 390.41 hectares, benefitting 96 families, and in 2008, projects covered a total area of 562.99 hectares, benefitting 188 families. The program reached 7 municipalities: Tejuela, Concepción Tutuapa, Ixchiguan, Tajumulco, Sibinal, Tacaná, and San José Ojetenam.

2. The Program of Forestry Incentives (PINFOR) is a long-term national forestry policy implementation tool, instituted by INAB. It is designed to promote sustainable forestry production in the country by encouraging investment in forestation, reforestation, and natural forest management. Owners of small plots with forestry potential receive cash payments from the State for carrying out reforestation or natural forest management projects. PINFOR will remain in effect until 2017.



The following projects have been implemented nationwide:

Type of project	Hectares
Reforestation	82,628.87
Natural regeneration management	1,799.34
Natural forest management for protection	144,143.24
Natural forest management for production	18,288.78

3. PROFRUTA is a fruit farming and agro-industrial development project, created by the Ministry of Agriculture, Livestock, and Food (MAGA), aimed at promoting and encouraging comprehensive development of the country's fruit industry. The project operates a Fruit Farming Incentive Program (PINFRUTA) that creates jobs in rural areas, generates investment opportunities, contributes to income redistribution, and supports environmental sustainability.

The following projects have been implemented:

Departmental distribution of projects PINFRUTA 2008 (Planned and executed)			
Departments	Requests	Projects	Hectares
El Peten	1	1	4
San Marcos	1,231	41	178
Others	2,141	163	1,031.91
Total	3,373	205	1,213.91

CICAD notes with satisfaction the implementation of this recommendation.

RECOMMENDATION 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 REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.

Guatemala indicates that the judicial branch has in place the Courts Management System (SGT), which records, manages, and monitors penal sanctions. In addition, the Computerized Case Control System of the Public Ministry (SICOMP) records information on penal and civil sanctions imposed for the diversion of pharmaceutical products criminalized by the Law against Drug Activity.

CICAD expresses its satisfaction with the implementation of this recommendation.

**RECOMMENDATION 9:****IMPLEMENT A MECHANISM TO COLLECT INFORMATION ON SEIZURES OF PHARMACEUTICAL PRODUCTS.**

Guatemala reports that, with respect to seizures of pharmaceutical products, the competent entities have begun to carry out actions and strengthen records and controls on pseudoephedrine. The Anti-drug Analysis and Information Secretariat has set up a database in this area.

The country also has the Computerized Case Control System of the Public Ministry (SICOMP), which compiles information on seizures of pharmaceutical products.

CICAD notes the initial steps taken by Guatemala and encourages the country to continue its actions for full implementation of this recommendation.

RECOMMENDATION 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.**

Guatemala reports that to investigate and prevent the illicit traffic of pharmaceutical products and other drugs over the Internet, the relevant police units rely on assistance from the International Criminal Police Organization (INTERPOL) office for the exchange of information on cybercrime. The country reports that it has a proposal for the creation of a cybercrime police unit in the General Subdirectorates for Criminal Investigation.

CICAD notes the actions taken by Guatemala and encourages the country to fully implement this recommendation.

RECOMMENDATION 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.**

Guatemala reports that it has implemented the Computerized Case Control System of the Public Ministry (SICOMP), which is a tool for monitoring and recording information on penal and civil sanctions imposed for diversion of the chemical products criminalized in the Law against Drug Activity. The country also reports that the National Judicial Documentation and Analysis Center (CENADOJ) is a branch of the Judiciary responsible for the statistical documentation of the decisions handed down by the courts.

CICAD notes with satisfaction the implementation of this recommendation.

**RECOMMENDATION 12:****ESTABLISH A MECHANISM TO CONTROL THE TRANSPORT OF CONTROLLED CHEMICAL SUBSTANCES, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Guatemala reports that the Technical Committee on Precursors and Chemical Substances exists to facilitate coordination among the relevant authorities.

The Committee has developed a proposal aimed at strengthening the control of controlled chemical substances. This includes a mechanism to control the transport of these substances, in order to adopt a comprehensive approach to their registration and control, not only prior to, but also during and after, authorization.

CICAD acknowledges the steps initiated by Guatemala and urges the country to continue efforts to fully implement this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003–2004.

RECOMMENDATION 13:**ESTABLISH A MECHANISM TO COLLECT INFORMATION ON REQUESTS FOR MUTUAL LEGAL ASSISTANCE IN CASES OF ILLICIT DRUG TRAFFICKING.**

Guatemala reports that the Computerized Case Control System of the Public Ministry (SICOMP) compiles information on requests for mutual legal assistance in illicit drug trafficking cases.

Furthermore, the Judiciary carries out the function of providing mutual judicial assistance, centralized in the Supreme Court of Justice, on the basis of international treaties and agreements on legal assistance, and maintains a manual register, due to the small number of requests.

CICAD expresses its satisfaction with the implementation of this recommendation.

RECOMMENDATION 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.**

Guatemala reports that the Prosecutor for Administrative Offenses uses the Computerized Case Control System of the Public Ministry (SICOMP), while the Judiciary operates the Courts Management System (SGT). More specifically, SICOMP generates statistics broken down by crime and by persons convicted, and the SGT provides information regarding drug trafficking cases where the accused is a public official.

CICAD notes the progress made and encourages the country to continue the implementation of this recommendation.

**RECOMMENDATION 15:****ESTABLISH MECHANISMS THAT ENABLE THE COUNTRY TO REQUIRE PRE-IMPORT AUTHORIZATIONS FOR FIREARMS THAT PROCEED FROM AN IN-TRANSIT COUNTRY.**

Guatemala reports that in order to implement the recommendation, the Department of Arms and Ammunition Control (DECAM) needs legal authorization to take all the steps necessary to improve control of firearms imports.

CICAD notes the information provided and encourages Guatemala to implement this recommendation.

RECOMMENDATION 16:**ESTABLISH A FORMAL INFORMATION EXCHANGE MECHANISM FOR THE CONTROL OF FIREARMS, AMMUNITION, EXPLOSIVES, AND RELATED MATERIALS.**

Guatemala reports that the National Civil Police exchange information on firearms, ammunition, explosives, and other related materials via channels established with the Latin American and Caribbean Intelligence Community (CLACIP), the Network for Cooperation in Maritime and Port Protection, and the Network for the International Ship and Port Facility Security Code (ISPS).

At the national level, contacts have been established with maritime port authorities in order to identify and safeguard legal shipments of explosives and related materials that enter the country for transshipment.

The Ministry of National Defense cooperates with international entities that investigate illicit trafficking in firearms and ammunition, within the framework of Guatemala's legal system. The department always respects the legally recognized confidentiality of the information that it controls.

CICAD views with satisfaction the implementation of this recommendation.

RECOMMENDATION 17:**EXTEND THE OBLIGATION TO REPORT 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.**

Guatemala reports that legislation is in place, including Decrees 58-2005 (Law to Prevent and Control Financing of Terrorism) and 86-2006 (Regulations for the Law to Prevent and Control Financing of Terrorism), which provide for a special system requiring persons who engage in sales or transfers of real estate, weapons, precious metals, art objects, jewelry, automobiles, watercraft, aircraft, and other collectable items to report such operations.

CICAD notes with satisfaction the implementation of this recommendation.

**RECOMMENDATION 18:****ESTABLISH A MECHANISM TO COMPILE AND REPORT 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.**

Guatemala reports that the Office of the Prosecutor for Money Laundering Offenses uses the Computerized Case Control System of the Public Ministry (SICOMP), which records data on criminal proceedings initiated, seizures made, and convictions for money laundering. In addition, the data, which include all information related to criminal proceedings, are entered by each prosecutor, analyzed by the operational unit of SICOMP and disseminated by the Press Department of the Office of the Attorney General.

Guatemala also reports that the Judiciary's Courts Management System (SGT) maintains records of criminal proceedings initiated, seizures, money laundering convictions, and any other data relevant to the proceedings.

CICAD notes with satisfaction the implementation of this recommendation.

CONCLUSIONS

During the Fourth Evaluation Round, 18 recommendations were assigned to Guatemala. The country has completed nine, and initiated or made progress in the remainder.

In the area of institutional strengthening, CICAD notes the approval of the coordination mechanism for the National Policy against Drug Addiction and Illicit Drug Trafficking, as well as the continuation of measures to implement the Guatemalan Drug Observatory.

In the area of demand reduction, the country has expanded coverage of its school-based prevention programs and is in the process of implementing prevention programs for indigenous groups, including the Mayan population. In addition, the country has made efforts with regard to the national information system for drug treatment, and verification of the quality of the services and institutions that offer drug treatment programs.

CICAD notes with satisfaction the implementation of alternative development projects in poppy- and cannabis-growing areas in the San Marcos and El Peten departments, through incentives for agroforestry and fruit farming projects.

With respect to control measures, the country has implemented an information system to gather data on civil and penal sanctions imposed for the diversion of pharmaceutical products and controlled chemical substances. Furthermore, it has introduced a mechanism for collecting information on requests for mutual legal assistance in illicit drug trafficking cases.

CICAD notes the establishment of a mechanism to record and maintain data on the number of criminal proceedings initiated, seizures made, and convictions handed down by the courts in connection with suspected money laundering transactions.

Finally, CICAD recognizes Guatemala's participation in the Multilateral Evaluation Mechanism (MEM) process and encourages the country to continue efforts to fully implement the nine pending recommendations.