

Multilateral Evaluation Mechanism MEM



Guatemala

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



**RECOMMENDATION 1:****SET UP A COORDINATION MECHANISM TO MONITOR THE IMPLEMENTATION OF THE NATIONAL ANTI-DRUG PLAN**

PUBLICATION DATE: JUNE 2005

Guatemala reports that the Executive Secretariat of the Commission Against Addictions and Illegal Drug Trafficking (SECCATID) has started taking steps to set up the Technical Follow-up Committee (CTS) in 2006. The country also reports that an Institutional Committee of the National Antidrug Plan (CIPLAN) was established as a coordination mechanism for follow-up on implementation of the National Antidrug Plan.

CICAD encourages Guatemala to strengthen its efforts to integrate the Technical Committee for the follow up of the implementation of the National Antidrug Plan.

RECOMMENDATION 2:**APPROVE THE REGULATIONS OF THE GUATEMALAN OBSERVATORY ON DRUGS (OGD) AND THE DOCUMENTATION, INFORMATION AND STATISTICS CENTER (CEDIS)**

PUBLICATION DATE: JUNE 2005

Guatemala indicates that the Draft Rules of Procedure of the Executive Secretariat of the Commission Against Addictions and Illegal Drug Trafficking (SECCATID) have been completed, but approval by the Executive Branch is still pending. However, the country reports that it is expected to be approved by the National Commission and by the Government in 2006. In addition, the country informs that the Rules of Procedure of SECCATID will include the regulations of the Guatemalan Observatory on Drugs (OGD) and the Documentation, Information and Statistics Center (CEDIS).

CICAD encourages the country to continue with its efforts to prepare and approve the Rules of Procedure of the Executive Secretariat of SECCATID, which include the OGD and the CEDIS.

RECOMMENDATION 3:**PROVIDE THE GUATEMALAN OBSERVATORY ON DRUGS (OGD) AND THE DOCUMENTATION, INFORMATION AND STATISTICS CENTER (CEDIS) WITH NEEDED HUMAN RESOURCES TO ENABLE THEM TO ACCOMPLISH THEIR TASKS**

PUBLICATION DATE: JUNE 2005

Guatemala reports that it has not begun work on implementing the recommendation. The country also reports that the Rules of Procedure of the Executive Secretariat of the Commission Against Addictions and Illegal Drug Trafficking (SECCATID) includes the regulations of the Guatemalan Observatory on Drugs (OGD) and the Documentation, Information and Statistics Center (CEDIS), however approval by the Executive Branch is still pending. Once the regulations are approved, negotiations will take place for government approval to ensure the allocation of the resources needed, since, currently, for the Observatory and Documentation Center, there are only two individuals: a coordinator and a computer technician.



The country reports that the scheduled 2007 Work Plan for implementing the recommendation is as follows:

- Provision of human resources, when the regulations for SECCATID have been approved and in accordance with the available budget.
- Selection and hiring of approved human resources.

CICAD encourages the country to continue with its efforts for prompt approval of the Rules of Procedure of the Executive Secretariat of the Commission Against Addictions and Illegal Drug Trafficking (SECCATID) that would allow allocation of human resources for the OGD and CEDIS.

RECOMMENDATION 4:

IMPLEMENT PREVENTION PROGRAMS FOR WORKING CHILDREN AND PRISON INMATES

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With respect to prevention programs aimed at working children, Guatemala reports that 44 children received attention as part of the project aimed at all workers, irrespective of age, that is carried out by the SECCATID's Prevention Office. The program's objective is to provide training for child labor leaders in the metropolitan area.

Guatemala reports that with respect to prevention programs intended for prison inmates, SECCATID held a one-day awareness event for 50 trainee prison service guards and indicates that the plans call for drug prevention training for professional and technical staff of the national penitentiary system in the near future, and for prevention workshops targeted at prison security staff. The country also reports that it does not have a working timetable and that the following tasks are pending:

- Sensitizing authorities about the need to be direct protagonists in prevention activities towards the prison population.
- Defining policies for preventing drug abuse within the Prisons System.
- Defining strategies to implement the policies established.
- Drawing up a plan of activities to be carried out in the prisons.

CICAD feels that Guatemala should pay due attention to this recommendation and encourages the country to continue with its efforts to progress with the implementation process.

RECOMMENDATION 5:

EVALUATE THE IMPACT OF TREATMENT PROGRAMS

PUBLICATION DATE: JUNE 2005

Guatemala indicates that it plans to begin implementation of this recommendation in 2006. The country reports that it is currently engaged with the situation analysis of the institutions that treat and rehabilitate drug addicts, with 80% of treatment centers having been covered and the remaining 20% programmed to be carried out in 2006. The country will then proceed with the evaluation of the impact of those programs.



CICAD acknowledges the aforementioned steps taken in pursuit of compliance with the recommendation and encourages the country to continue with its efforts for its full implementation within the established timeframe.

RECOMMENDATION 6:

CONDUCT REGULAR STUDIES TO ESTIMATE THE PREVALENCE OF DRUG USE AMONG THE GENERAL POPULATION, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002

PUBLICATION DATE: JANUARY 2003

REITERATION DATE: JUNE 2005

Guatemala reports that in order to secure support for conducting the National Household Survey on Use of Alcohol, Tobacco and Other Drugs, the Executive Secretariat of the Commission Against Addictions and Illegal Drug Trafficking (SECCATID) signed the following agreements: a Memorandum of Understanding with CICAD; a letter of cooperation between Guatemala and the Narcotics Affairs Section (NAS) of the U.S. Embassy in Guatemala and a Letter of Understanding with the National Statistics Institute (INE) for technical advice and sample selection, cartographic locations of the survey zones, household selections, and training for surveyors and supervisors.

The activities planned for the 2006 work program to complete the aforementioned survey are the following: the analysis of results, the preparation and printing of the report, and the publication of results.

CICAD acknowledges the progress made and encourages Guatemala to continue working toward compliance with the recommendation within the established timeframe.

RECOMMENDATION 7:

ESTABLISH MECHANISMS FOR COMPILING DATA ON INTRAVENOUS DRUG USE-RELATED MORBIDITY

PUBLICATION DATE: JUNE 2005

Guatemala has not provided sufficient information that will allow for an adequate evaluation.

CICAD encourages the country to take the necessary steps towards the fulfillment of this recommendation.

RECOMMENDATION 8:

ESTABLISH MECHANISMS FOR COMPILING DATA ON DRUG USE-RELATED MORTALITY, CRIME, TRAFFIC AND WORKPLACE ACCIDENTS

PUBLICATION DATE: JUNE 2005

Guatemala has not provided sufficient information that will allow for an adequate evaluation.

CICAD encourages the country to take the necessary steps towards the fulfillment of this recommendation.

**RECOMMENDATION 9:**

PROVIDE THE REQUIRED RESOURCES FOR THE IMPLEMENTATION OF ALTERNATIVE DEVELOPMENT PROJECTS IN VULNERABLE OR HIGH RISK ILLICIT CROP AREAS, INCLUDING IMPACT EVALUATION, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002

PUBLICATION DATE: JANUARY 2003

REITERATION DATE: JUNE 2005

Guatemala reports that it has not begun work on implementing the recommendation. Additionally the country reports that it plans, in 2006, to transfer the project to the Unit for Projects, External Cooperation, and Trusts (UPCEF), an agency of the Ministry of Agriculture, Livestock, and Food (MAGA), for it to negotiate its inclusion in the 2007 budget with the Secretariat for Planning and Programming of the Office of the President of the Republic (SEGAPLAN).

CICAD notes with concern the lack of compliance with this recommendation, which was assigned to Guatemala during the Second Evaluation Round, 2001–2002, and urges the country to fully implement this recommendation.

RECOMMENDATION 10:

IMPLEMENT AN INFORMATION SYSTEM ENABLING COMPILATION OF DATA ON REGULATORY PROVISIONS AND ON CRIMINAL, CIVIL, AND ADMINISTRATIVE SANCTIONS APPLICABLE IN THE AREA OF PHARMACEUTICAL PRODUCTS CONTROL WITH PSYCHOTROPIC SUBSTANCES OR PRECURSORS AS AN ACTIVE PRINCIPLE

PUBLICATION DATE: JUNE 2005

Guatemala reports that it has launched a webpage – www.mspas.gob.gt – which contains all regulatory provisions on pharmaceutical products. In addition, the country has circulated among all users the Regulations for the control of medicinal drugs and the Health Code, which set out the applicable administrative sanctions.

CICAD acknowledges Guatemala's progress with implementing the webpage and publicizing among users the regulations applicable to pharmaceutical products. CICAD encourages the country to continue with its efforts to implement an information system to enable the compilation of data on civil and penal sanctions applied in the area of connection with pharmaceutical products.

RECOMMENDATION 11:

APPLY THE CONTROLS ESTABLISHED FOR ALL PHARMACEUTICAL PRODUCTS LISTED IN THE 1961 UNITED NATIONS SINGLE CONVENTION ON NARCOTIC DRUGS AND THE 1971 UNITED NATIONS CONVENTION ON PSYCHOTROPIC SUBSTANCES, MODIFIED BY THE 1972 PROTOCOL, FROM ITS IMPORTATIONS OR FABRICATION TO THE DELIVERY BY PRESCRIPTION

PUBLICATION DATE: JUNE 2005

Guatemala reports that the procedures for approval of the production, import and sale by prescription of narcotic and psychotropic substances have been updated. Additionally, the country reports that work is underway on modernizing the customs communication network, which



monitors and issues electronic permits for the entry of these products. However, Guatemala does not control 63 substances on List I, six on List II, and 24 on List IV of the 1961 United Nations Single Convention on Narcotic Drugs, or 19 substances from List I, six from List III, and 12 from List IV of the 1971 United Nations Convention on Psychotropic Substances.

CICAD acknowledges the efforts made by the country in compliance with the recommendation, and encourages the country to extend the procedures to all activities involving controlled pharmaceutical products and to establish control mechanisms for all the substances listed in the 1961 and 1971 Conventions.

RECOMMENDATION 12

IMPLEMENT AN INFORMATION SYSTEM APPLICABLE TO CONTROLLED CHEMICAL SUBSTANCES THAT ENABLES DATA TO BE COMPILED ON CRIMINAL, CIVIL, AND ADMINISTRATIVE SANCTIONS AND ON CONTROLLED CHEMICAL SUBSTANCES SEIZED AND DISPOSED OF

PUBLICATION DATE: JUNE 2005

Guatemala reports that information on administrative sanctions applicable to controlled chemical substances is held by the Department of Regulation and Control of pharmaceutical products and similar substances.

CICAD encourages Guatemala to take the necessary steps toward implementing an information system that would enable the country to gather data on penal and civil sanctions applicable to controlled chemical substances.

RECOMMENDATION 13:

APPLY THE PRE-NOTIFICATION MECHANISM IN CASES OF RE-EXPORTED CONTROLLED CHEMICAL SUBSTANCES

PUBLICATION DATE: JUNE 2005

Guatemala reports that it does not re-export controlled chemical substances from Lists I or II and that should the situation arise, it would meet the obligation of sending prior notification. However, the country provided no information on the legal or regulatory basis that would allow this control mechanism to be enforced.

Given the lack of information provided by the country, it is difficult for CICAD to assess Guatemala's efforts in this area.

CICAD encourages the country to take the necessary steps towards the fulfillment of this recommendation.

RECOMMENDATION 14:

ESTABLISH MECHANISMS TO CONTROL THE TRANSPORT OF CONTROLLED CHEMICAL SUBSTANCES

PUBLICATION DATE: JUNE 2005

Guatemala has not provided sufficient information that will allow for an adequate evaluation.



CICAD encourages the country to take the necessary steps towards the fulfillment of this recommendation.

RECOMMENDATION 15:

ESTABLISH A MECHANISM TO REGISTER INFORMATION ON INDIVIDUALS ARRESTED, TRIED AND CONVICTED FOR ILLICIT DRUG TRAFFICKING

PUBLICATION DATE: JUNE 2005

Guatemala reports the existence of the judiciary's National Center for Judicial Documentation and Analysis (CENADOJ), which was created by Agreement No. 07-2002 of the Supreme Court of Justice. The country also informs that in 2005, the forms for recording statistical data were redesigned and reorganized but that on account of budgetary, technological, and manpower constraints within the judicial system, it had not been possible to implement the recommendation.

CICAD notes the steps taken by Guatemala to comply with this recommendation and it encourages the country to continue with its efforts toward implementation.

RECOMMENDATION 16:

ESTABLISH A MECHANISM TO REGISTER INFORMATION ON THE NUMBER OF EXTRADITION REQUESTS IN CONNECTION WITH ILLICIT DRUG TRAFFICKING MADE AND RECEIVED BY THE COUNTRY

PUBLICATION DATE: JUNE 2005

Guatemala reports that a general, permanent record of all extraditions is kept in a book of petitions duly authorized by the Supreme Court of Justice. The country notes, however, that the establishment of a specific database system to register extradition requests for illicit drug trafficking, with information from the existing records, is pending.

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

RECOMMENDATION 17:

ESTABLISH A DATABASE TO RECORD INFORMATION ON EXPORTS AND CONFISCATIONS OF FIREARMS, AMMUNITION, AND EXPLOSIVES

PUBLICATION DATE: JUNE 2005

Guatemala reports that it has records of seizures of firearms, ammunitions, and explosives. However, the country notes that in Guatemala there are no individuals or corporations that commercially manufacture and/or export firearms, ammunition, and explosives, for which reason it has no export records.

CICAD encourages the country to take the necessary steps to implement this recommendation.

**RECOMMENDATION 18:****ESTABLISH A MECHANISM TO REGISTER INFORMATION ON PERSONS ARRESTED, TRIED AND CONVICTED FOR ILLICIT TRAFFICKING OF FIREARMS, AMMUNITION AND EXPLOSIVES**

PUBLICATION DATE: JUNE 2005

Guatemala reports the existence of the judiciary's National Center for Judicial Documentation and Analysis (CENADOJ), which was created by Agreement No. 07-2002 of the Supreme Court of Justice, and notes that the records kept by CENADOJ do not include information on arrests. In addition, the country notes that in 2005, the forms for recording statistical data were redesigned and reorganized.

CICAD encourages the country to continue with its efforts toward implementation.

RECOMMENDATION 19:**DEFINE PROSTITUTION, PORNOGRAPHY, TERRORISM, AND THE FINANCING OF TERRORISM AS PREDICATE OFFENSES OF MONEY LAUNDERING**

PUBLICATION DATE: JUNE 2005

Legislation against money laundering and other assets in Guatemala (Decree Number 67-2001 of December 17, 2001) is comprehensive, in that it criminalizes money laundering, based on the origin of assets proceeding from any crime, which includes not only narcotrafficking but other crimes. Also, by Decree number 58-2005 of September 26, 2005, the Congress of Guatemala approved the law to prevent and repress the financing of terrorism.

CICAD expresses its satisfaction with the full implementation of this recommendation.

RECOMMENDATION 20:**INCLUDE IN THE COUNTRY'S LEGISLATION SPECIAL INVESTIGATION TECHNIQUES, WHICH ARE ESSENTIAL IN PROSECUTING MONEY LAUNDERING**

PUBLICATION DATE: JUNE 2005

Guatemala has not provided sufficient information that will allow for an adequate evaluation.

CICAD encourages the country to take the necessary steps towards the fulfillment of this recommendation.

**RECOMMENDATION 21:**

EXTEND ADMINISTRATIVE CONTROLS TO PREVENT MONEY LAUNDERING TO INCLUDE REAL ESTATE AGENCIES, CASINOS, AND PROFESSIONALS (ACCOUNTANTS, ATTORNEYS, AND NOTARIES), A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002

PUBLICATION DATE: JANUARY 2003

REITERATION DATE: JUNE 2005

Guatemala reports that in August 2005, by means of Decree No. 58–2005, it adopted the Law on Prevention and Suppression of Financing of Terrorism, which is supplemental to the rules and regulations in place against money- and asset- laundering. Article 18 of this new law establishes a new regime applicable to those individuals who, because of the nature of their activities, would be required to submit to the Superintendency of Banks, through the Intendancy for Special Verification, information and reports when so requested thereby. 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. That law came into effect on October 5, 2005.

CICAD recognizes that Guatemala has expanded its administrative controls to combat money laundering through the adoption of the Law on Prevention and Suppression of Financing of Terrorism. However, CICAD believes that the country has not yet complied with the establishment of administrative controls for lawyers, notaries, accountants, and casinos, and it notes with concern the lack of compliance with this recommendation, which was assigned to the country during the Second Evaluation Round, 2001–2002.

RECOMMENDATION 22:

ESTABLISH A MECHANISM TO REGISTER DATA ON THE NUMBER OF CRIMINAL PROCEEDINGS INSTITUTED, FORFEITURES MADE, AND CONVICTIONS HANDED DOWN BY THE COURTS IN CONNECTION WITH SUSPICIOUS TRANSACTIONS RELATED TO MONEY LAUNDERING

PUBLICATION DATE: JUNE 2005

Guatemala reports the existence of the Coordination System of the Office of the Attorney General and the Information System to Support the Justice Sector (SICOM-SEADEJU). The country informs that in 2005, the forms for recording statistical data were redesigned and reorganized but have yet to be implemented.

CICAD encourages the country to continue with its efforts towards the implementation of this recommendation.

CONCLUSIONS

Of the 22 recommendations assigned, Guatemala complied with one recommendation assigned during the Third Evaluation Round, 2003–2004 and it has begun implementation of 11, two of which were reiterated from the Second Evaluation Round, 2001–2002.

Guatemala has not begun the implementation of two of the reiterated recommendations from the Second Evaluation Round, 2001–2002: one dealing with the launch of alternative development



projects in areas vulnerable to or at high risk from illicit crops, and the other regarding the establishment of administrative controls on lawyers, notaries, accountants, and casinos in order to prevent money laundering.

CICAD recognizes that the country has begun the implementation of the reiterated recommendations from the Second Evaluation Round, 2001–2002 dealing with regular measurements of drug use prevalence among the general population, and the dissemination and distribution of materials on regulatory issues affecting pharmaceutical products over the Web.

In three of the recommendations from the Third Evaluation Round, 2003–2004– dealing with: the establishment of mechanisms for recording information and statistics on arrests, prosecutions, and convictions; extradition requests in connection with illegal drug trafficking; and a database on exports and seizures of firearms, ammunitions, and explosives – Guatemala reports that the shortage of financial, technological, and human resources has prevented implementation from commencing.

CICAD notes with concern the lack of compliance with the recommendations issued during the Second Evaluation Round, 2001–2002, dealing with the resources necessary to implement alternative development projects in areas vulnerable or at high risk from illicit crops, including impact assessments, and extending administrative controls to casinos, lawyers, notaries, and accountants in order to prevent money laundering.

In addition, CICAD notes with concern that the country has not provided information regarding six of the recommendations formulated during the Third Round, and that it does not have mechanisms to control 69 of the substances listed in the 1961 United Nations Single Convention on Narcotic Drugs and 19 of those listed in the 1971 United Nations Convention on Psychotropic Substances, in light of which the country should pay due attention and establish mechanisms to control all of the substances listed in the Conventions.

CICAD encourages Guatemala to continue with its efforts to establish a coordination mechanism for the follow up on the implementation of the National Antidrug Plan, that will enable effective coordination with the competent agencies, in order to comply with the recommendations assigned to the country.