



I. INSTITUTIONAL BUILDING / NATIONAL ANTI-DRUG STRATEGY

Guatemala has a National Anti-Drug Plan, which expires in 2003. Under that National Anti Drug Plan, the central coordinating authority has responsibility for demand reduction and the Ministry of Interior for supply reduction nationwide. However, it is reported that alternative development activities have not been implemented owing to lack of financial and technical resources.

The Guatemalan Government makes budgetary allocation for the demand reduction strategy outlined in the National Anti-Drug Plan. In 2000, US\$163,872.75 was allocated, while in 2001, an allocation of US\$159,382, and in 2002, of US\$257,608.00 was made. To be noted is the increase in resources in 2002, which, despite the austerity and public expenditure reduction program promoted by the country, demonstrates its commitment to drug reduction.

Regarding the international conventions, Guatemala has made progress by ratifying the Inter-American Convention against Corruption, and the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials. (CIFTA). However, it has not ratified the UN Convention against Transnational Organized Crime or the three Protocols thereto.

The Guatemalan Drug Observatory is a section of the Executive Secretariat of the Commission against Drug Addiction and Illicit Drug Trafficking, and has responsibility for organizing, compiling, and coordinating drug-related data and information. An important advance for the country in the information area is that it has gathered the data requested in the 2002 the International Narcotics Control Board (INCB) and United Nations Drug Control Program (UNDCP) report questionnaires, which has been forwarded to these international organizations in the manner and by the deadlines stipulated. There are no mechanisms in place to evaluate the effectiveness of data collection capacity.

RECOMMENDATIONS:

1. **RATIFY THE UNITED NATION CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND THE THREE PROTOCOLS THERETO.**
2. **IMPLEMENT A MECHANISM FOR VERIFYING THE VALIDITY OF THE INFORMATION COLLECTED BY THE INTER-AMERICAN DRUG OBSERVATORY (OID).**

II. DEMAND REDUCTION

Guatemala's National Demand Reduction Strategy covers prevention, treatment, rehabilitation, social reintegration, and aftercare. The budget allocated to treatment and rehabilitation has increased in recent years. In 2000, US\$58,721.37 were allocated, in 2001, US\$57,364.00, and in 2002, US\$79,401.00. Efforts continue to focus on school prevention programs. During the evaluation period 2001-2002, these programs served some 849,838 preschool, primary, and secondary school children.

Prevention programs for prisoners and workplace prevention programs (six private sector companies) also continued during the evaluation period 2001-2002. Some 1,053 street/abandoned children participated in sporadic regional community-based programs. Coverage has expanded to include 7,239 prevention practitioners, such as youth leaders, parents, and community-based leaders.

The reported information shows that the country has moved ahead in implementing the national prevention system targeting key sectors of the population. In particular, the coverage of school and



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community programs, and the inclusion of street children and the workforce has expanded markedly, although there is still no coverage for indigenous groups, and women.

Owing to lack of technical and financial resources, Guatemala has still not moved ahead with implementation of a standardized prevention program evaluation system. However, the staff of institutions developing such programs holds internal evaluation meetings with a view to evaluating the accomplishment of objectives and their effectiveness.

During the evaluation period 2000-2001, short refresher courses, university-level courses, and regional and international study programs were offered in drug abuse prevention and research. In addition, Guatemala has moved ahead in offering, in 2002, a diploma course on therapeutic communities, to train persons in treatment and rehabilitation.

In July 2001, Guatemala began to implement the Minimum Standards of Care Program. These standards are mandatory for treatment centers registered with and accredited by the Ministry of Public Health. At present, there is one state outpatient treatment center. There are also self-help programs, such as "Drug Users Anonymous" and "Alcoholics and Co-Dependents Anonymous." However, Guatemala does not have a national register of the patients treated at these centers.

Thus far, Guatemala has not conducted national studies to determine the scale of drug use among the general population or studies to assess the effectiveness of treatment and rehabilitation centers. In April 2002, conducted the SIDUC survey for secondary school students to provide current information on average age of first use of alcohol or other drugs and to assess student attitudes towards drug use. The final report was expect to be presented in 2002. Guatemala does not have estimates of drug-related mortality and morbidity.

A new type of drug use reported in the past three years is the use of "primo," marihuana mixed with crack or cocaine. Increased use of synthetic drugs, such as ecstasy, also has been noted, while use of basuco and "primo" has risen among the low-income population

RECOMMENDATIONS:

- 1. SELECT A PREVENTION PROGRAM THAT, IN THE COUNTRY'S VIEW, HAS ACHIEVED BROAD COVERAGE AND WIDE ACCEPTANCE BY THE POPULATION SO AS TO INITIATE A PILOT EVALUATION THEREOF.**
- 2. REITERATE THE RECOMMENDATION OF THE FIRST EVALUATION ROUND 1999-2000 TO IMPLEMENT A DATA COLLECTION SYSTEM SO THAT REGULAR MEASUREMENTS CAN BE MADE OF DRUG USE AMONG THE GENERAL POPULATION, AVERAGE AGE OF FIRST DRUG USE, THE TYPES OF DRUGS USED, AND THE INCIDENCE OF FIRST USE.**

III. SUPPLY REDUCTION

A. Drug Production and Alternative Development

Guatemala reports that from 2000 to 2001, marijuana cultivation ranged from 29.3 and 41.80 has. respectively reflecting an increase that should be monitored. During the same period, poppy cultivation remained relatively constant at between 3.41 and 2.37 has. respectively.

Guatemala reports that in 2000, 6 has. of marijuana and 1.5 has. of poppy were eradicated and, in 2001, 9 has. of marijuana and 1.8 has. of poppy were eradicated. As a result Department of Anti-Narcotics Operations activity, marijuana cultivation has been displaced from the north to other areas of the country. A decrease in the cultivation of poppy has been related to the displacement to higher areas of the country in order to avoid anti-narcotics efforts.



B. Supply Reduction and Control of Pharmaceuticals Products and Chemical Substances

The Department of Regulation and Control of Pharmaceuticals and Related Substances is the national entity responsible for preventing the diversion of pharmaceuticals; this institution regulates the import, export, manufacture and distribution of such substances and is responsible for determining regulatory controls. Guatemala's regulations do not provide for control of transportation and the country lacks procedures to evaluate the effectiveness of such mechanisms.

As indicated in the "Progress Report in Drug Control from the First Evaluation Round-2001", Guatemala has submitted regulations to the Ministry of Health for its approval, which include prior notification procedures. The country has mechanisms in place to monitor and regulate the use and distribution of pharmaceutical products it has procedures to evaluate the effectiveness of such mechanisms.

The Superintendency of Tax Administration, the Antinarcotics Operations Department, and the Ministry of Public Health are the national organizations responsible for regulating and preventing the diversion of controlled chemical substances. These entities regulate imports, exports, and transport, and issue pre-export notifications. However, the country lacks procedures to evaluate the effectiveness of these mechanisms.

Guatemala indicates that the National Civil Police and the Department of Anti-Drug Operations exchange information with the Ministry of Health regarding investigations and/or seizures of controlled chemical substances. It lacks procedures to evaluate the effectiveness of this mechanism. It also has national entities responsible for information exchange and collaboration with similar regulatory entities in other countries.

The country has basic mechanisms to control the use and distribution of pharmaceuticals by health professionals; these include requiring medical prescriptions for their sale, distribution through pharmacies, on-site inspections, and administrative sanctions for infractions in this area.

In 2001 and 2002 only two administrative sanctions were imposed in connection with the diversion of pharmaceuticals and controlled chemical substances. The country received 100 requests for pre-export notification and responded to 50% of these.

The country reports that no seizures of pharmaceuticals or controlled chemicals substances were made during the evaluation period.

Although Guatemala has a legal framework governing pharmaceuticals and controlled chemical substances that is in keeping with the international conventions, there is manifest weakness in Guatemala's infrastructure for preventing and controlling their diversion, such as lack of well-defined coordination mechanisms and of implementation of the pre-export notification mechanism.

RECOMMENDATIONS:

- 1. OBTAIN THE RESOURCES NEED TO IMPLEMENT THE ALTERNATIVE DEVELOPMENT PROGRAMS INCLUDED IN THE NATIONAL ANTI-DRUG PLAN TO PREVENT EXPANSION OF MARIJUANA AND POPPY CULTIVATION.**
- 2. ESTABLISH AN INTEGRATED ADMINISTRATIVE FRAMEWORK FOR MONITORING AND CONTROL OF PHARMACEUTICALS AND CONTROLLED CHEMICAL SUBSTANCES.**



IV. CONTROL MEASURES

With reference to seizures of illicit drugs, the following table shows the amounts and types of drugs seized in the last three years. These drugs are destroyed by incineration.

**REPORT OF DRUG SEIZURES AND FORFEITURES
2000-2001 AND 2002**

TYPE OF DRUG	SEIZURES	RAIDS	SEIZURES	RAIDS	SEIZURES	RAIDS	TOTAL	TOTAL
	2000	MADE	2001	MADE	2002	MADE	SEIZURES	RAIDS
Heroin (k)	9.74	6	21.17	15	10.86	4	41.77	25
Cocaine (k)	1,517.64	98	4,103.37	135	421.25	33	6,042.26	226
Opium (k)	1.00	1	0.00	0	0.00	0	1.0	1
Crack (g)	19,663	187	4,524.60	162	546	22	24,751.60	371
Cannabis plants	293,897	115	418,097.00	138	330,586	27	1,042,580.00	280
Processed Cannabis	344.46	17	1,286.01	29	210.50	27	1,840.97	73
Cannabis seed	52.62	14	10.00	7	25.02	2	87.64	23
Poppy plants	20,619	9	11,740	6	9,222	4	41,581.00	19
Poppy seeds	3	2	100.00	2	00.00	0	103.00	4
Arrests		947		479		112		

Between 2000 and 2001, a total of 1,477 and 1,345 people were arrested for illicit drug trafficking and possession. In 2001, 555 people were prosecuted for illicit drug trafficking, and 82 people were convicted, while 3,330 people were prosecuted for illicit possession of drugs and 14 were convicted.

A. Illicit Drug Trafficking

The country reports as a trend in drug trafficking, an increase in "blind spots" (specific cross border illicit trafficking routes) along the borders with neighboring countries, which facilitate illicit drug trafficking. Guatemala indicates that its territory now is not only a transit route for drugs, but also a storage site. Payment for distribution is made in kind, mainly to youth, which has influenced the increase in local consumption.

Guatemala has different mechanisms for information exchange and collaboration among national authorities to prevent illicit drug trafficking. Guatemala made two requests of neighboring countries for judicial cooperation in connection with illicit drug trafficking, one of which was granted. On the other hand, two such requests were made of Guatemala, which conceded to both. In the extradition area, Guatemala neither received nor made any requests.

Guatemala has legislation in place defining corrupt acts in keeping with the Inter-American Convention against Corruption. It reports that no public officials have been convicted for illicit traffic of firearms or corruption-related offenses in connection with drug trafficking.

B. Firearms and Ammunitions

Guatemala has defined illicit trafficking in firearms and ammunition as an offense. It has legislation governing their import and export and, among mechanisms used to control their diversion, is the granting of import and export licenses, cancellation of handling and carrying licenses, and



maintenance of registers. The country has ratified in June 2002 the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials (CIFTA).

Guatemala did not provide information on the number of persons arrested, charged, and prosecuted for illicit trafficking of firearms and ammunitions. It does not have a database or keep records of weapons seizures.

During the years of 2000-2002, 213 illicitly trafficked firearms and 40,462 rounds of ammunition were seized. Information as to the type of firearm was not provided. These seizures were made during raids and drug trafficking arrests. Records of the import and export of firearms, and their specifications, are kept indefinitely.

The agency with responsibility for information exchange and collaboration regarding the control of firearms and ammunitions is the Department of Firearms and Ammunition. It neither received requests from nor made requests for information exchange with other countries during the evaluation period.

In general, the information provided by the country reveals weakness in the area of control mechanisms and inter-institutional coordination to prevent illicit trafficking in firearms and ammunition.

C. Money Laundering

Guatemala has laws and administrative controls to sanction money laundering of the proceeds of serious offences, but does not have such provisions for the offenses of trafficking of human beings, organ trafficking, and prostitution. It has made it mandatory for financial institutions and others responsible to report suspicious or unusual transactions, except for real estate brokers, lawyers, notaries and accountants. Regulations to prevent and detect money laundering, which entered into force in May 2001, require entities to be supervised by the bank superintendency. In 2001, 32 cases of unusual transactions were reported and investigated by the competent authorities. One criminal charge was brought as a result.

Based on these provisions, sanctions were imposed on four financial institutions for failing to appoint officials with responsibility for money laundering prevention and detection, and for not keeping records of suspicious transactions. In the aforementioned cases, information, documentation, and financial records were obtained.

The Judicial Agency administers property seized in connection with illicit drug trafficking. Proceeds from the sale of seized goods accrue to the agency. It also has the authority to allocate such property to drug use prevention.

Guatemala has a Financial Intelligence Unit (FIU) comprising twenty officials. It investigates, analyzes report findings, and has regulatory power and the authority to impose sanctions. It also prepares and maintains statistics and submits complaints to the Office of the Attorney General. It is authorized by law to share information with other state agencies and counterparts abroad. In 2001, the Unit investigated 32 cases, but only one charge was made.

Three prosecutors benefited from internships in other countries to facilitate operations and structure. To date 20 officials have been received training on money laundering issues. All of them continue to perform their same functions.

Guatemala has moved forward in updating and strengthening the legal framework to prevent and control money laundering. Among such progress must be mentioned the extension of predicate



offenses to include serious crimes other than illicit drug trafficking, and the creation of the Intelligence and Financial Analysis Unit. However, to apply this new legislation, administrative controls need to be developed covering regulated groups, such as real estate brokers, attorneys, notaries, and accountants.

RECOMMENDATIONS:

- 1. ESTABLISH A DATABASE TO IDENTIFY SEIZURE OPERATIONS AND THE ROUTING AND ORIGIN OF FIREARMS AND AMMUNITIONS IN CONNECTION WITH TRAFFICKING OF ILLICIT DRUGS.**
- 2. EXPAND ADMINISTRATIVE CONTROLS TO INCLUDE REGULATED SECTORS SUCH AS REAL STATES BROKERAGES, ATTORNEYS, NOTARIES AND ACCOUNTANTS TO PREVENT MONEY LAUNDERING.**

V. CONCLUSIONS

In the evaluation period, the Republic of Guatemala developed and implemented activities to address the different areas of the drug problem. The country has signed and ratified the international conventions, except for the UN Convention against Transnational Organized Crime and its three protocols. It has also implemented new legislation on money laundering control.

The budget for the National Anti-Drug Plan has been cut. However, the National Council has accorded priority to prevention and treatment, and assigned larger budgetary allocations to those areas than to others. It has been noted that the country is encountering financial and technical difficulties in coverage of the prevention and alternative development areas, and in evaluation of prevention and treatment programs. There are also weaknesses in the control of controlled chemical substances and firearms and ammunitions.

The advances made by Guatemala in the areas of demand reduction as well as supply reduction demonstrate its willingness to comply with the commitment required by the Multilateral Evaluation Mechanism (MEM).



SUMMARY OF RECOMMENDATIONS

1. **RATIFY THE UNITED NATION CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND THE THREE PROTOCOLS THERETO.**
2. **IMPLEMENT A MECHANISM FOR VERIFYING THE VALIDITY OF THE INFORMATION COLLECTED BY THE INTER-AMERICAN DRUG OBSERVATORY (OID).**
3. **SELECT A PREVENTION PROGRAM THAT, IN THE COUNTRY'S VIEW, HAS ACHIEVED BROAD COVERAGE AND WIDE ACCEPTANCE BY THE POPULATION SO AS TO INITIATE A PILOT EVALUATION THEREOF.**
4. **REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999-2000 TO IMPLEMENT A SYSTEM FOR GATHERING DATA SO THAT REGULAR MEASUREMENTS CAN BE MADE OF DRUG USE AMONG THE GENERAL POPULATION, THE AVERAGE AGE OF FIRST DRUG USE, TYPES OF DRUGS USED, AND INCIDENCE OF FIRST USE.**
5. **INVESTIGATE MEANS TO IMPLEMENT ALTERNATIVE DEVELOPMENT PROGRAMS INCLUDED IN THE NATIONAL ANTI-DRUG PLAN TO PREVENT THE EXPANSION OF MARIJUANA AND POPPY CULTIVATION.**
6. **ESTABLISH AN INTEGRATED ADMINISTRATIVE FRAMEWORK FOR MONITORING AND CONTROL OF PHARMACEUTICALS AND CONTROLLED CHEMICAL SUBSTANCES.**
7. **CREATE A DATABASE TO IDENTIFY SEIZURE OPERATIONS AND THE ROUTING AND ORIGIN OF FIREARMS AND AMMUNITIONS IN CONNECTION WITH TRAFFICKING OF ILLICIT DRUGS.**
8. **DEVELOP ADMINISTRATIVE CONTROLS TO INCLUDE REGULATED SECTORS SUCH AS REAL STATES BROKERAGES, ATTORNEYS, NOTARIES AND ACCOUNTANTS TO PREVENT MONEY LAUNDERING.**

