

# Multilateral Evaluation Mechanism MEM



# Chile

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





**RECOMMENDATION 1:**

**ACCEDE TO THE PROTOCOL AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION OF THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001–2002.**

Chile reports that the Protocol remains the subject of internal consultations within the executive branch.

CICAD notes with concern the lack of substantive progress, and urges the country to comply with this reiterated recommendation, given that it was assigned in the Second Evaluation Round, 2001-2002.

**RECOMMENDATION 2:**

**EVALUATE PREVENTION PROGRAMS THAT HAVE NOT BEEN EVALUATED AND ARE CONSIDERED PRIORITY PROGRAMS BY THE COUNTRY.**

Chile reports that it has established an annual budget to carry out evaluations of the prevention programs that are part of the National Strategy on Drugs. The country has prioritized the evaluation of those programs that have been in operation for three years or more, whose results have not been evaluated. The plan is to evaluate at least two prevention programs each year.

In addition, the country reports that it evaluated existing preventive programs in the following areas: schools (I Want to Be Program), family (Family Prevention Program), and workplace (Work with Quality of Life Program).

CICAD expresses its satisfaction with the fulfillment of this recommendation.

**RECOMMENDATION 3:**

**INCLUDE CONTROLS ON THE DISTRIBUTION, FINAL SALE, AND TRANSPORT OF CONTROLLED CHEMICAL SUBSTANCES.**

Chile reports that it has not begun to implement this recommendation.

CICAD encourages the country to implement this recommendation.

**RECOMMENDATION 4:**

**INSTITUTE A SYSTEM TO REGISTER PRE-EXPORT NOTIFICATIONS SENT BY THE COUNTRY.**

Chile reports that in April 2008, it began to keep records of pre-export notifications for controlled chemical substances sent to the competent authorities. Chile indicates that these notifications are issued by the Ministry of the Interior through the National Narcotics Control Council (CONACE).

CICAD expresses its satisfaction with the fulfillment of this recommendation.

**RECOMMENDATION 5:****IMPLEMENT A SYSTEM TO GATHER PERIODIC DATA ON PERSONS CHARGED WITH AND CONVICTED OF ILLICIT POSSESSION OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS.**

Chile reports that since 2006, the Public Ministry has had a system to compile and analyze statistics that includes information on charges and convictions for the possession of or trafficking in firearms, ammunition, explosives, and other related materials.

The country provided information on the number of individuals charged with and convicted of illicit possession of firearms, ammunition, and other related materials. However, the country explained that information on the crime of trafficking is not available.

CICAD takes note of the information provided and encourages the country to continue with its efforts to fully implement the recommendation.

**RECOMMENDATION 6:****IMPLEMENT A SYSTEM TO RECORD ADMINISTRATIVE SANCTIONS IMPOSED FOR VIOLATION OF CONTROLS ON THE IMPORT, EXPORT, AND IN-TRANSIT MOVEMENT OF FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS.**

Chile reports that it is developing a new information system in the National Mobilization Office, the entity responsible for enforcing compliance with Law 17.798, which covers the control of firearms and related materials. The system will record all administrative sanctions imposed throughout the country.

CICAD encourages the country to comply with the recommendation.

**RECOMMENDATION 7:****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).**

Chile reports that a Bill was submitted to the National Congress in August 2006, which provides for inclusion in the list of money laundering predicate offenses those offenses established in the Customs Ordinance, the Intellectual Property Act, the Industrial Property Act, Articles 59 and 64 of Constitutional Organic Law No. 18.840 of the Central Bank of Chile, and paragraph 10, Title VI, Book II of the Criminal Code.

CICAD encourages the country to implement this recommendation.



## **RECOMMENDATION 8:**

### **EXPAND ADMINISTRATIVE ANTI-MONEY LAUNDERING CONTROL ACTIVITIES TO INCLUDE ATTORNEYS AND ACCOUNTANTS, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.**

Chile reports that the implementation of this recommendation has not begun.

CICAD notes with concern the lack of progress and urges the country to comply with this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003-2004.

## **CONCLUSIONS**

CICAD notes that the country has implemented two of the eight recommendations assigned: those covering evaluations of the prevention programs considered to be a priority for the country, and the implementation of a system to record pre-export notifications for controlled chemical substances sent by the country.

In addition, Chile reports that it has made some progress in implementing four of the remaining recommendations.

Particularly noteworthy are the actions undertaken to implement information registration systems on charges and convictions for the possession of and illicit trafficking in firearms, ammunition, explosives, and other related materials; and information systems on administrative sanctions imposed for failure to comply with import, export, and in-transit controls of firearms, ammunition, explosives, and other related materials.

Similarly, the country reports that expansion of the list of predicate offenses for money laundering is considered in draft legislation being discussed at the National Congress

However, CICAD notes that the country has not yet acceded to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition of the United Nations Convention against Transnational Organized Crime, although that it is a reiterated recommendation from the Second Evaluation Round, 2001-2002.

Similarly, Chile has not begun to implement the two recommendations related to the introduction of controls on the distribution, final sale, and transportation of controlled chemical substances, nor has it begun to expand administrative anti-money laundering control activities.

CICAD recognizes the participation of Chile in the Multilateral Evaluation Mechanism process and encourages the country to comply with the pending recommendations.