

Multilateral Evaluation Mechanism MEM



Venezuela

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



**RECOMMENDATION 1:****ACCEDE TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA, 1982.**

Venezuela reports that it has objections with regard to Articles 15, 121 and 298 of the 1982 United Nations Convention on the Law of the Sea and their relationship to Articles 74 and 83 thereof.

The country bases its position on the impossibility of making reservations regarding those articles, which would potentially jeopardize its national interests on delimitation of marine and submarine areas with states with adjacent coasts.

CICAD notes the reasons expressed by Venezuela and encourages the country to implement this recommendation.

RECOMMENDATION 2:**RATIFY THE UNITED NATIONS CONVENTION AGAINST CORRUPTION, 2003.**

Venezuela reports that in February 2009, it deposited its instrument of ratification of the 2003 United Nations Convention against Corruption.

CICAD expresses its satisfaction with the fulfillment of this recommendation.

RECOMMENDATION 3:**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.**

Venezuela reports that in December 2008, the instrument of accession of the Protocol was submitted to the Office of the Minister of Foreign Affairs for approval and signature.

CICAD acknowledges the progress made and urges the country to comply with this reiterated recommendation, given that it was assigned in the Second Evaluation Round, 2001-2002.

RECOMMENDATION 4:**INCREASE THE COVERAGE OF DRUG ABUSE PREVENTION PROGRAMS FOR THE STUDENT POPULATION.**

Venezuela reports that it is taking actions to expand the coverage of school drug abuse prevention programs.

The country also reports that in the evaluation period, four drug abuse prevention programs were carried out for 139,324 students at different educational levels.

CICAD takes note of the information provided and encourages the country to implement this recommendation.

**RECOMMENDATION 5:****CONDUCT A STUDY ON THE MAGNITUDE OF DRUG USE IN THE GENERAL POPULATION.**

Venezuela reports that in April 2008, the Venezuelan Observatory on Drugs started the National Study on the Magnitude of Drug Use in the General Population.

CICAD encourages the country to carry out the actions necessary to conduct the aforementioned study.

RECOMMENDATION 6:**IMPLEMENT A SYSTEM TO DETECT AND QUANTIFY THE AREA OF ILLICIT CROPS.**

Venezuela reports that a letter of intent with the United Nations Office on Drugs and Crime is under consideration among ministries for the purpose of preparing a report on the extent of illicit coca crops in Venezuela.

The country indicates that the letter of intent is being reviewed by the relevant authorities.

CICAD encourages the country to implement this recommendation.

RECOMMENDATION 7:**IMPLEMENT A SYSTEM FOR RECORDING SEIZURES OF PHARMACEUTICAL PRODUCTS.**

Venezuela indicates that the Ministry of the Popular Power for Health has records on seizures of pharmaceutical products.

CICAD takes note of the information provided and considers this recommendation fulfilled.

RECOMMENDATION 8:**IMPLEMENT A SYSTEM TO DETERMINE THE NUMBER OF PENAL AND CIVIL SANCTIONS IMPOSED FOR THE DIVERSION OF PHARMACEUTICAL PRODUCTS.**

Venezuela reports that it maintains records containing the number of penal sanctions and that its legislation does not provide for civil sanctions for the diversion of pharmaceutical products.

CICAD takes note of the information provided and considers this recommendation fulfilled.

RECOMMENDATION 9:**TAKE THE STEPS NECESSARY TO MAKE THE UNIFIED REGISTRY OF CHEMICAL SUBSTANCE HANDLERS FULLY OPERATIONAL WITH AN AUTOMATED SYSTEM TO CONTROL THE DIVERSION OF CHEMICAL SUBSTANCES.**

Venezuela reports that actions have been taken to bring this registry into operation.



The country informs that technical meetings have been held with the private sector to draft the registry regulations, and draft internal regulations and operational regulations for the registry have been prepared.

CICAD encourages the country to carry out the actions necessary to implement this recommendation.

RECOMMENDATION 10:

IMPLEMENT A SYSTEM TO DETERMINE THE NUMBER OF PENAL AND ADMINISTRATIVE SANCTIONS IMPOSED FOR THE DIVERSION OF CONTROLLED CHEMICAL SUBSTANCES.

Venezuela reports that the Public Ministry has a system to register the number of penal sanctions imposed in cases of diversion of controlled chemical substances.

The country reports that the Ministry of the Popular Power for Light Industry and Trade is the entity with the authority to impose administrative sanctions for the diversion of controlled chemical substances.

CICAD takes note of the information provided and considers this recommendation fulfilled.

RECOMMENDATION 11:

IMPLEMENT A SYSTEM TO DETERMINE THE NUMBER OF PUBLIC OFFICIALS FORMALLY CHARGED WITH AND CONVICTED OF ILLICIT DRUG TRAFFICKING OR ACTS OF CORRUPTION RELATED TO ILLICIT DRUG TRAFFICKING.

Venezuela reports that the Public Ministry, the entity responsible for registering the number and type of drug-related cases and convictions formulated by the different jurisdictional entities, has updated its registration system.

CICAD expresses its satisfaction with the implementation of this recommendation.

RECOMMENDATION 12:

IMPLEMENT A STATISTICAL SYSTEM TO PROVIDE TIMELY INFORMATION ON NUMBERS OF PERSONS ARRESTED, TRIED FOR AND CONVICTED OF OFFENSES CONNECTED WITH TRAFFICKING IN FIREARMS, EXPLOSIVES AND OTHER RELATED MATERIALS, A REITERATED RECOMMENDATION FROM THE THIRD EVALUATION ROUND, 2003–2004.

Venezuela reports that the Common Crimes Office of the Public Ministry has data on the number of persons arrested, tried for and convicted of offenses connected with trafficking in firearms, explosives and other related materials.

CICAD takes note of the information provided and considers this recommendation fulfilled.

**RECOMMENDATION 13:****IMPLEMENT A SYSTEM TO RECORD QUANTITIES OF FIREARMS, AMMUNITION, EXPLOSIVES, AND RELATED MATERIALS SEIZED IN CASES OF ILLICIT DRUG TRAFFICKING.**

Venezuela reports that the Public Ministry has a control system for seized, forfeited, and returned assets, which includes the number of firearms seized in connection with crimes related to illicit drug trafficking. This registry includes ammunition but not explosives.

CICAD acknowledges the progress made and encourages the country to comply with this recommendation.

RECOMMENDATION 14:**EXTEND THE ADMINISTRATIVE CONTROLS TO COVER LAWYERS, NOTARIES AND ACCOUNTANTS.**

Venezuela reports that through Circular No. 0230-201 of June 8, 2007, the Ministry of the Popular Power for Interior and Justice prohibited all registries and notary offices in the country from registering transactions involving the purchase or sale of real estate if the file containing the supporting documentation does not contain a copy of the bank instrument (check) that finalized the transaction.

However, regarding money laundering prevention targeting lawyers and accountants, the country reports that it is in the process of defining the characteristics of administrative controls to which they will be subject.

CICAD encourages the country to implement this recommendation.

RECOMMENDATION 15:**IMPLEMENT A SYSTEM TO DETERMINE THE NUMBER OF INDIVIDUALS FORMALLY CHARGED WITH AND CONVICTED OF MONEY LAUNDERING.**

Venezuela reports that the Public Ministry is the entity responsible for the system that maintains data on individuals charged with and convicted of money laundering. This system contains the number of persons charged with and convicted of laundering proceeds of illicit trafficking in narcotic and psychotropic substances.

CICAD takes note of the information provided and considers this recommendation fulfilled.

RECOMMENDATION 16:**CREATE A DATABASE TO RECORD THE VALUE OF THE ASSETS SEIZED IN MONEY LAUNDERING CASES.**

Venezuela reports that the Public Ministry has a system in which data is entered on assets seized, forfeited and returned in connection with the control of firearms, real estate, aircraft, boats, and other property used in the commission of drug-related crimes.

CICAD takes note of the information provided and considers this recommendation fulfilled.

**RECOMMENDATION 17:****IMPLEMENT A SYSTEM TO RECORD EXTRADITION REQUESTS SENT AND RECEIVED IN MONEY LAUNDERING CASES.**

Venezuela reports that the Ministry of the Popular Power for Foreign Relations has a system for recording and processing requests made and received by the country for any crime.

CICAD takes note of the information provided and considers this recommendation fulfilled.

CONCLUSIONS

During the Fourth Evaluation Round, Venezuela was assigned a total of 17 recommendations. Of these, the country has implemented nine, and five are being implemented. The country has shown little progress in two recommendations, and reports that one has not been started.

With regard to the ratification of international instruments, Venezuela has ratified the United Nations Convention against Corruption.

However, accession to the United Nations Convention on the Law of the Sea and to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components, and Ammunition is pending. There has been no significant progress with regard to Venezuela's accession to the latter, although this reiterated recommendation was assigned in the Second Evaluation Round, 2001-2002.

Venezuela has implemented systems to record seizures of pharmaceutical products; penal and administrative sanctions imposed for the diversion of pharmaceutical products and controlled chemical substances; public officials charged with and convicted of illicit drug trafficking-related corruption offenses; and persons arrested, charged, and prosecuted for crimes related to trafficking in firearms and money laundering.

The country has also implemented registries of assets seized in connection with money laundering and of extradition requests sent and received in money laundering cases.

Additionally, although Venezuela has made efforts to implement a series of recommendations, the country needs to increase its efforts for their implementation. These recommendations refer to the expansion of prevention program coverage; bringing into operation the single registry of chemical substance operators; extension of administrative controls for money laundering prevention to attorneys, notaries, and accountants; and the implementation of a system to detect and quantify illicit crop areas.

Regarding the decision to conduct a study on the magnitude of drug use in the general population, CICAD considers it necessary for the country to carry out the relevant actions to implement this recommendation.

CICAD acknowledges the progress reported by Venezuela, as well as its participation in the MEM process, and encourages the country to continue to intensify its efforts to implement the pending recommendations.