

# Peru

## Evaluation of Progress in Drug Control 2005-2006

# MEM

**Multilateral Evaluation Mechanism**



**Organization of American States - OAS**  
**Inter-American Drug Abuse Control Commission - CICAD**





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**ORGANIZATION OF AMERICAN STATES (OAS)  
Inter-American Drug Abuse Control Commission (CICAD)**

**Multilateral Evaluation Mechanism (MEM)  
Governmental Expert Group (GEG)**

**PERU**

**EVALUATION OF PROGRESS IN DRUG CONTROL  
2005–2006**

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**CICAD wishes to thank the following national institutions of Peru which provided information for this MEM national Fourth Round report:**

- National Commission for Development and Life without Drugs (DEVIDA):
  - International Cooperation Office
  - Office of Administration and Computer Services
  - Peruvian Drug Observatory (OPD)
  - Office of Drug Abuse Prevention and Rehabilitation
  - Office of Alternative Development
  - Office of Legal Services
  - Supply Control Office
- Ministry of Foreign Affairs:
  - General Directorate for Drug Control
- Ministry of Education:
  - Educational Guidance and Tutoring Department (DITOE)
- Ministry of Health:
  - General Directorate for the Health of Persons
  - General Directorate of Medicines, Inputs, and Drugs (DIGEMID)
- Ministry of the Interior:
  - Executive Office of Drug Control (OFECOD)
  - Counter-Narcotics Bureau (DIRANDRO)
  - Office for the Oversight of Private Security Services, Weapons, Ammunition, and Explosives used by Civilians (DICSCAMEC)
- Ministry of Production:
  - Bureau of Confiscated Inputs and Chemicals
- Office of the Attorney General / Public Prosecutor
- Ministry of Defense
- Ministry of Justice:
  - Office for the Coordination of the Administration of Justice
  - National Directorate of Legal Affairs
- National Penitentiary Institute
- Financial Intelligence Unit of Peru
- National Superintendence of Tax Administration (SUNAT):
  - Office of Contraband Prevention and Border Control



## PREFACE

The Multilateral Evaluation Mechanism (MEM) is a diagnostic tool designed by all 34 member states of the Organization of American States (OAS) to periodically carry out comprehensive, multilateral evaluations of the progress of actions taken by member states and by the hemisphere as a whole, in dealing with the drug problem. The Inter-American Drug Abuse Control Commission (CICAD), an OAS specialized agency, implemented this Mechanism in 1998, pursuant to a mandate from the Second Summit of the Americas held in Santiago, Chile in 1998.

The MEM is not only an evaluation instrument, but has also become a vehicle for disseminating information on the progress achieved by individual and collective efforts of OAS member state governments, catalyzing hemispheric cooperation, promoting dialogue among member state government authorities and precisely channeling assistance to areas requiring greater attention by optimizing resources. The MEM process itself is assessed by the Intergovernmental Working Group (IWG), comprised of delegations from the 34 member states, which meets before the onset of each MEM evaluation round to review and improve all operational aspects of the mechanism, including the indicators of the evaluation questionnaire.

National evaluation reports are drafted by experts from each member state, with experts not working on their own country's report, guaranteeing the transparent multilateral nature of the MEM. Each chapter is based on countries' responses to a questionnaire of indicators covering the main thematic areas of institution building, demand reduction, supply reduction and control measures as well as subsequent comments and updated information provided by the government-appointed coordinating entities.

This report covers the full country evaluation for the MEM Fourth Round evaluation period 2005–2006. The follow-up report on the implementation progress of recommendations assigned to Peru will be published in June 2009. All MEM reports can be accessed through the following webpage: [www.cicad.oas.org](http://www.cicad.oas.org).



## INTRODUCTION

Peru has a total surface area of 1,285,220 km<sup>2</sup>, with 2,414 km of coastline and 5,536 km of international borders. The country has a population of 28,302,603 (2006), comprising the following main ethnic groups: Native Americans, Mestizos, and Whites, with a literacy rate of 87.7%. Peru is a constitutional republic, divided into 24 regions and one constitutional province. The country has a per capita Gross Domestic Product of US\$6,000 and an inflation rate of 1.6% (2005). The country's annual exports total US\$8.954 billion, equal to 13.67% of the GDP (2003). In the year 2005, exports were worth an approximate total of US\$15.95 billion, chiefly comprising of fish and fishery products, gold, silver, copper, zinc, crude oil and its derivatives, lead, coffee, and sugar.

## I. INSTITUTIONAL STRENGTHENING

### A. National Anti-drug Strategy

Peru has a National Anti-drug Strategy in force, which was updated in January 2005 through Supreme Decree 006-2004-PCM, and expires in 2007.

In its Strategy, the country provides for actions in the areas of demand reduction, supply reduction, development programs to prevent or reduce illicit crops, and the production of, or trafficking in drugs, control measures, money laundering, and evaluation of programs.

Peru reports that it does not have a budget for its National Anti-drug Strategy. These activities are primarily financed through international cooperation grants that are not integrated into the national authority's budget. Rather, they are executed by the donor or through agents designated by them.

The country has not provided information regarding the amounts allocated to the budget by area. Nevertheless, Peru has assigned funds for anti-drug activities and projects from the national budget. Approximately 50% of international cooperation funding was used to finance law enforcement support activities (eradication, interdiction, chemical diversion control, money laundering controls, etc.); 47.5% was used to finance alternative development activities and projects; and 2.5% was spent on prevention, rehabilitation, and institutional strengthening.

**Amounts Allocated for the Financing of Anti-drug Activities and Projects**

<b>Fiscal Year</b>	<b>National Budget (US\$)</b>	<b>International Cooperation (US\$)</b>	<b>Total (US\$)</b>
<b>2004</b>	21,573,997	144,913,832	166,487,829
<b>2005</b>	16,270,746	124,353,947	140,624,693
<b>2006</b>	15,232,814	144,930,985	130,163,799
<b>Total</b>	53,077,557	384,198,764	437,276,321

The National Commission for Development and Life without Drugs (DEVIDA), established in May 2002 by Supreme Decree N° 032-2002-2002 (Office of the Prime Minister), is the national authority responsible for coordinating national anti-drug policies in Peru. It is a decentralized agency and has a board of directors.



DEVIDA has an independent annual budget, financed through Government allocations and international cooperation. The amounts budgeted for the 2004–2006 period are shown below:

**DEVIDA Annual Budget, 2004–2006**

Fiscal year	Proposed budget (US\$)	Total budget received (US\$)
<b>2004</b>	19,158,768	21,573,997
<b>2005</b>	18,646,856	16,270,746
<b>2006</b>	15,048,619	15,232,814

The country considers the budget received from the Government for the national authority to be inadequate because it only covers operating costs (payroll, payment for services, and others), as well as oversight activities for programs and projects implemented with international cooperation funds.

**CICAD notes the statements of the country indicating that the budget for the National Commission for Development and Life without Drugs (DEVIDA) is inadequate.**

## **B. International Conventions**

Peru has ratified the following international conventions:

- Inter-American Convention on Mutual Assistance in Criminal Matters, 1992, with a reservation (April 3, 1995).
- Inter-American Convention against Corruption, 1996 (March 21, 1997).
- Inter-American Convention against Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials (CIFTA), 1997 (June 4, 1999).
- United Nations Single Convention on Narcotic Drugs of 1961 (July 22, 1964), and the 1972 Protocol (July 12, 1977).
- United Nations Convention on Psychotropic Substances of 1971 (January 28, 1980).
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, with two reservations (December 12, 1991).
- United Nations Convention against Transnational Organized Crime, and its three Protocols, 2000. The Convention and the Protocols against the Smuggling of Migrants by Land, Sea and Air; and to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children were ratified on November 19, 2001. The country acceded to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition on September 23, 2003.
- United Nations Convention against Corruption, 2003, with a reservation (October 16, 2004).

The country has not signed nor ratified the United Nations Convention on the Law of the Sea, 1982.

Peru has signed two bilateral agreements during the 2004–2006 period: The Cooperation Agreement for the Prevention, Control, and Repression of Laundering of Assets Derived from Any Illicit Activity, with Colombia in February 2004; and the Agreement to Fight the Use, Production, and Illicit Trafficking of Drugs and Related Crimes, with the Dominican Republic in July 2006.



**CICAD recognizes Peru's efforts in ratifying most of the international instruments related to the control of drugs and related crimes, but notes that it has not ratified the United Nations Convention on the Law of the Sea, 1982.**

### **RECOMMENDATION:**

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

## **C. National Information System**

The Peruvian Drug Observatory<sup>1</sup> is the entity responsible for organizing, compiling, and coordinating statistics and information related to drugs.

Peru states that its main obstacle in compiling, organizing, analyzing, and using statistics and information related to drugs is the lack of legal regulations requiring institutions that work on drugs to submit information to the Peruvian Drug Observatory.

The country distributes information and materials on the drug problem through websites, national archives (printed and electronic), libraries, schools, universities, research institutes, national publications, press, e-mail, and publications and reports by the national anti-drug authority as well as other Government agencies.

Through the NGO Center for Information and Education to Prevent Drug Abuse<sup>2</sup> (CEDRO), the country provides the "*Lugar de Escucha*" help line, offering attention over the telephone and internet to an average of 1,457 persons annually. The country also offers orientation and counseling services through the "*Ayuda al Niño en Riesgo*" Foundation (ANAR).

Peru distributes information on prevention, treatment, and rehabilitation programs. The budgets allocated for these activities were US\$10,469 in 2004<sup>3</sup>, US\$10,155 in 2005, and US\$11,250 in 2006.

**CICAD acknowledges Peru's efforts to implement the National Observatory on Drugs. Nevertheless, CICAD urges the country to improve interinstitutional coordination on drugs so that information can be sent to the Observatory on a timely and regular basis.**

## **II. DEMAND REDUCTION**

### **A. Prevention**

The Ministry of Education has introduced drug abuse prevention in some curricula, primarily through the design of a national curriculum at different levels and with different modalities. Likewise, through

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<sup>1</sup> For further information see the website of the Peruvian Drug Observatory: <http://www.opd.gob.pe>

<sup>2</sup> CEDRO web page: <http://www.cedro.org.pe/lugar/quienes.htm>

<sup>3</sup> The country states that the amounts provided for the Third Evaluation Round are different from the figures presented in this report, as in that instance the dissemination of information on other types of anti-drug programs was considered.





the Educational Guidance and Tutoring Department (TOE), the country is implementing drug abuse prevention programs in accordance with the principles set out in CICAD's hemispheric guidelines.

The prevention programs implemented by Peru during 2005 are provided in the following table:

**Drug Use Prevention Programs, 2005**

Key Population	Coverage	Type of Program
<b>Primary and secondary school students (6 to 17 years)</b>	Has not been measured.	Integral Prevention Program, run by the Educational Guidance and Tutoring Department (DITOE).
<b>Primary and secondary school students (9 to 14 years)</b>	Training for 100 teachers, benefiting 2,507 students, in 11 schools in the Lima metropolitan area.	" <i>Leones Educando</i> " Program.
<b>University students (17 to 25 years)</b>	3% to 5% of the university population of the Lima metropolitan area.	Preventive programs through the Health Services.
<b>Working children (6 to 17 years)</b>	1% the working children, on a national basis.	Program for working children.
<b>Street / abandoned children</b>	13.5% of the street children, on a national basis.	Street Educators Program.
<b>Women</b>	4%	Prevention programs with groups of women in marginal urban areas of the Lima metropolitan area.
<b>Workplaces</b>	7,526 employees, officials, and their families in four departments of the country.	Prevention programs for businesses in Lima, Arequipa, Trujillo, and Huaraz.

The coverage of the Educational Guidance and Tutoring Department's (DITOE) prevention program has not yet been measured, although the country estimates that the program covers 100% of the national school population, given that compliance with the legal guidelines supporting it is compulsory. Prior to the creation of DITOE, the program covered approximately 25% of the school population.

The country does not have prevention programs targeting indigenous groups or prison inmates. The country did not provide information on prevention programs implemented in 2006.

The country offered training in prevention, treatment, and research on drug abuse at different academic levels, offering brief training sessions through the "Addictions Counseling Training" program which has a duration of three years and was offered to 250 primary care health workers during 2006.

In 2005 the Peruvian Corporation for the Prevention of Drug Use in High-Risk Children (OPCION) held specialized training courses that trained 17,614 agents of the National Police of Peru and 3,203 lawyers from the National Attorney General's Office. Moreover, the Center for Information and Education to Prevent Drug Abuse (CEDRO) organized an internet police training course on drug use prevention techniques to train 270 police officers, and provided courses on applied drug prevention techniques to 600 journalists.



The *Universidad Nacional Mayor de San Marcos* offers a degree in addictions counseling and, together with the *Universidad Nacional Federico Villareal* and the *Universidad Privada César Vallejo*, offers courses on drug prevention and treatment within the general curriculum for psychology majors. The *Universidad Peruana Cayetano Heredia* includes such courses in the school of nursing.

At the graduate level, the *Universidad Nacional Federico Villareal* offers a masters program on addictive behaviors and violence, and the *Universidad Peruana Cayetano Heredia* offers a masters program on drug addiction. Both had an average of 20 graduates per program in 2004. The country did not carry out specialized postgraduate-level courses on demand reduction during 2005 or 2006. Peru states that the courses and programs for professional training offered in the areas of prevention and treatment do not meet the national demand.

The country has completed its evaluation of the project “Bookmobile Network for Primary Prevention of Drug Use and to Promote Reading in Lima and Callao”, with positive results. In 2006 it also conducted an assessment of Drug Use Prevention and Addict Rehabilitation Program carried out by DEVIDA in cooperation with the Belgian Technical Cooperation Management Unit.

The *Universidad Peruana Cayetano Heredia* has begun a research project on the long-term impact of the “*Leones Educando*” program.

**CICAD acknowledges the significant progress Peru has made in implementing school prevention programs, in the coverage attained during the review period, and in the expansion of its workplace prevention programs to the private sector.**

**CICAD notes with satisfaction Peru’s efforts with its provision of university-level undergraduate and postgraduate specialized training, and encourages the country to continue strengthening its mechanisms for evaluating its existing programs.**

**CICAD also notes the country’s efforts in evaluating three prevention programs, and observes that it should expand those activities to the other programs that are underway.**

## **RECOMMENDATIONS:**

2. IMPLEMENT A TRAINING AND REFRESHER SYSTEM FOR TEACHERS, WITH THE GOAL OF IMPLEMENTING THE EDUCATIONAL GUIDANCE AND TUTORING DEPARTMENT’S (DITOE) PREVENTION PROGRAM WITH 100% COVERAGE.
3. EXPAND THE EVALUATION ACTIVITIES FOR PREVENTION PROGRAMS IMPLEMENTED IN THE COUNTRY.

## **B. Treatment**

Peru has established national standards of care for drug abuse treatment, governed by Rule 407 of the Ministry of Health, which is obligatory in nature (Ministerial Resolution No. 407-97-SA/DM), and Supreme Decree N° 013-2006-SA. Additionally, there is the Practical Clinical Guide for Mental Disorders and Behavior Caused by Use of Psychotropic Substances, and the Regulation on Health Establishments and Medical Support Services (Supreme Decree No. 013-2006-SA).

The Ministry of Health is the entity in charge of keeping a registry of drug addiction centers and treatment programs and of accrediting them in accordance with Ministerial Resolution 407-97-SA/DM. This Ministry, together with the Office of the Attorney General are the authorities in charge of verifying compliance with standards of care in drug abuse treatment and of evaluating the quality of the service provided.



To this end, the health department conducts national oversight visits, and the country is in the process of standardizing the supervisory protocols which are applied annually by the Ministry of Health. In addition, the National Commission for Development and Life without Drugs (DEVIDA) evaluated two public services during 2006.

Peru provides general training to institutions that provide treatment programs, such as specialized hospitals, universities, and the Honorio Delgado-Hideyo Noguchi National Institute of Mental Health. The country states that an integrated, ongoing training program for professionals needs to be implemented, to be coordinated by the Ministry of Health.

The number and kinds of drug abuse treatment programs in the country are detailed in the following table:

**Existing Treatment Programs**

Programs	Number of Public Programs	Number of Private Programs	Type of Target Population			
			Adults		Minors	
			M	F	M	F
<b>Ambulatory (Outpatient), including clinics</b>	10	2	X	X	—	—
<b>Residential (in-patient)</b>	4	79	X	X	X	—

Peru also provides details on drug treatment services, as detailed below:

**Available Treatment Services**

Services	No. of Public Services	No. of Private Services	Geographic Coverage
<b>Network for Early Detection, Outreach and Referral of Cases</b>	5	1	Municipal
<b>Treatment &amp; Rehabilitation</b>	14	81	National
<b>Self-help Groups</b>	—	2	National

The country has four therapeutic communities, two hospitals, and four outpatient centers specifically for women. Moreover, it has a center geared to adolescents, and two treatment programs for prison inmates.

In 2005, Peru conducted a quasi-experimental study entitled “Psychological Counseling and Motivational Sessions for Cases of Drug Dependency”, which sought to evaluate CEDRO’s “*Lugar de Escucha*” early intervention program. The country reports that, during years 2005–2006, the Outpatient Program for Addictions of the *Arzobispo Loayza* Hospital, and the In-patient Therapeutic Program for Addictions of the *Victor Larco Herrera* Hospital were evaluated.

Peru implemented 104 drug abuse treatment programs in 2004, 91 in 2005, and 95 in 2006. The country did not provide sufficient information for determining the demand for drug-abuse treatment.



CICAD notes with satisfaction that the standards of care for drug abuse treatment at the national level have a legal basis, and that Peru has begun the process of evaluating treatment centers.

CICAD considers it essential that Peru make progress in implementing an integrated, centrally coordinated, and permanent training system for treatment professionals, as well as a comprehensive national system for quantifying the demand for drug-abuse treatment services.

### **RECOMMENDATION:**

4. IMPLEMENT A REGISTRY SYSTEM FOR PATIENTS IN TREATMENT CENTERS.

### **C. Statistics on Consumption**

During 2005, Peru conducted a National School Population Survey, which was applied using the Inter-American Drug Use Data System (SIDUC) in coordination with the Inter-American Observatory on Drugs (OID). The study includes information on drug use prevalence, incidence, and starting age, as well as the percentage of youths between 13 and 17 years of age who perceive drug use to be harmful to their health and well-being. The results are presented below:

**Prevalence of Drug Use in the School Population, 2005**

Type of Drug	Lifetime (percentage)			Last 12 months (percentage)			Last 30 days (percentage)		
	M	F	Total	M	F	Total	M	F	Total
Alcohol	56.37	49.23	52.75	41.68	36.99	39.31	29.45	24.53	26.95
Tobacco	51.72	37.35	44.44	34.07	22.13	28.02	21.48	12.38	16.87
Solvents or Inhalants	4.94	4.17	4.55	1.90	1.72	1.81	0.88	0.63	0.75
Hashish	1.95	1.10	1.52	—	—	—	—	—	—
Marijuana	6.31	2.94	4.61	3.67	1.72	2.68	1.94	0.80	1.36
Heroin	1.52	0.49	1.00	—	—	—	—	—	—
Morphine*	1.14	0.57	0.85	—	—	—	—	—	—
Opium	0.93	0.37	0.64	—	—	—	—	—	—
Basuco or Coca Paste	1.84	0.70	1.26	1.18	0.43	0.80	0.61	0.21	0.41
Cocaine HCl	2.46	1.03	1.73	1.51	0.58	1.04	0.66	0.32	0.49
Crack	1.11	0.48	0.79	—	—	—	—	—	—
Tranquilizers, Sedatives, Depressants	3.44	5.52	4.49	1.59	2.90	2.26	0.93	1.32	1.13
Stimulants	1.28	0.95	1.11	0.82	0.44	0.63	0.52	0.27	0.39
MDMA (ecstasy)	1.28	0.67	0.97	0.80	0.34	0.56	0.43	0.21	0.32
Any Illicit Drug	11.19	7.38	9.26	5.35	3.17	4.25	2.90	1.44	2.16

\* Non-prescription/non-therapeutic use only



**Incidence of Drug Use in the School Population, 2005**

Type of Drug	Last 12 months (percentage)			Last 30 days (percentage)		
	M	F	Total	M	F	Total
<b>Alcohol</b>	34.33	28.83	31.45	16.56	11.37	13.82
<b>Tobacco</b>	28.33	17.99	22.79	12.57	5.95	8.92
<b>Solvents or Inhalants</b>	2.41	1.58	1.99	0.81	0.44	0.62
<b>Marijuana</b>	3.54	1.68	2.59	1.24	0.51	0.86
<b>Basuco or Coca Paste</b>	1.14	0.47	0.80	0.34	0.14	0.24
<b>Cocaine HCl</b>	1.66	0.60	1.12	0.61	0.22	0.41
<b>Tranquilizers, Sedatives, Depressants</b>	1.60	2.55	2.08	0.77	0.79	0.78
<b>Stimulants</b>	1.00	0.44	0.72	0.38	0.20	0.29
<b>MDMA (ecstasy)</b>	1.00	0.52	0.76	0.31	0.19	0.25
<b>Any Illicit Drug</b>	4.74	2.70	3.69	1.35	0.66	0.99

**Percentage of Youths 13 to 17 Years Old Who Perceive Drug Use to be Harmful to their Health and Well-Being, 2005**

Category	% of those surveyed who believe that persons who carry out the following activities are at a moderate or great risk (or who think that it is quite harmful or very harmful):
<b>Occasionally smoke cigarettes</b>	44.54
<b>Often smoke cigarettes</b>	88.68
<b>Often drink alcoholic drinks</b>	89.44
<b>Get drunk</b>	81.80
<b>Occasionally take non-prescribed tranquilizers/ stimulants</b>	71.50
<b>Often take non-prescribed tranquilizers/stimulants</b>	81.91
<b>Occasionally inhale solvents</b>	75.29
<b>Often inhale solvents</b>	84.38
<b>Occasionally smoke marijuana</b>	71.98
<b>Often smoke marijuana</b>	87.20
<b>Occasionally take cocaine</b>	74.29
<b>Often take cocaine</b>	87.05
<b>Occasionally use coca paste or crack</b>	76.48
<b>Often use coca paste or crack</b>	84.04
<b>Occasionally take ecstasy</b>	72.45
<b>Often take ecstasy</b>	82.42



**Age of First Use of Drugs in the  
Secondary School Population, By Gender**

Type of Drug	Male	Female
<b>Legal Drugs</b>		
<b>Alcohol</b>	13.7	13.8
<b>Tobacco</b>	13.5	13.7
<b>Illegal Drugs</b>		
<b>Marijuana</b>	14.3	14.5
<b>Cocaine</b>	14.0	13.7
<b>Coca Paste</b>	13.7	13.6
<b>Inhalants</b>	13.0	12.9
<b>Ecstasy</b>	13.6	13.9
<b>Prescription drugs</b>		
<b>Stimulants</b>	13.5	13.2
<b>Tranquilizers</b>	13.1	13.7

The country reports that it has detected the use of injected heroin and the inhalation of crack as new drugs and their respective means of administration during the evaluated period.

The National Commission for Development and Life without Drugs (DEVIDA) and the Office of the Attorney General implemented a system to record the Indicator of Mortality Associated with Drug Use (IMAC) as part of the National Drug Demand Reduction Information System.

The country has information on drug use by recent arrestees prior to their arrest, through the study entitled, "Use of Psychoactive Substances Associated with Crimes on the Basis of the Results of Toxicological Tests", conducted by the Criminology Department of the Peruvian National Police from 2001 to 2005. It determined that 49.4% of males, and 22% of females that were arrested were involved in crimes related to drug use. The study also concluded that 9% of males and 16.5% of females that were arrested were involved in crimes related to alcohol consumption.

Peru has a registry of traffic accidents related to alcohol consumption, which indicates that alcohol was a contributing factor in 9.2% of cases in 2004 and 8.5% of cases in 2005. Data for 2006 has not been incorporated.

The country has mandatory National Traffic Regulations to prevent alcohol-related accidents, approved in July of 2001 by Supreme Decree 033-2001-MTC. They were modified in July of 2006 by Supreme Decree 027-2006-MTC in section C.1 on infractions, sanctions, and preventive measures applicable to moving traffic violations.

**CICAD notes with satisfaction Peru's establishment of a mechanism for gathering data on crimes and accidents relating to drug abuse. CICAD notes that the country implemented the system for recording mortality associated with drug use (IMAC).**



### III. SUPPLY REDUCTION

#### A. Drug Production

The “System for Monitoring Illicit Crops in Peru” is used to detect and quantify coca crops. This system was implemented by the United Nations Office on Drugs and Crime (UNODC).

Through this system, the country has detected an area of coca crops totaling 50,300 hectares in 2004, which is an increase of 6,100 hectares over the previous year; a total of 48,200 hectares in 2005, which was a decrease of 2,100 hectares of cultivated area; and a total area of 51,400 hectares of coca crops in 2006, which is an increase of 3,200 hectares over the previous year.

Potential coca leaf production estimated by the country is 110,000 metric tons for 2004, 96,000 for 2005, and 114,100 for 2006. Moreover, potential production of cocaine was estimated at 190 and 180 metric tons for 2004 and 2005, respectively.

The country has a formal crop eradication program called the CORAH Special Project, which includes both forced and voluntary manual eradication measures. The total area eradicated can be seen in the following chart:

**Area of Coca Eradication, 2004–2006**

Methodology/Year	2004	2005	2006
<b>Forced Eradication (Hectares)</b>	7,605.48	8,966.26	10,136.58
<b>Voluntary Eradication (Hectares)</b>	2,733.22	3,271.16	2,550.85
<b>Total (Hectares)</b>	10,338.70	12,237.42	12,687.43

In addition to eradication of definitive coca plantings, the CORAH Special Project eliminated the following from 2004–2006: 118,650.25 square meters of coca seedlings, equivalent to 7,910.02 hectares of new coca plantings. The yearly breakdown of these activities is presented below:

**Coca Seedlings Eliminated, 2004–2006**

Measure/Year	2004	2005	2006	Total
<b>Seedlings eliminated (m<sup>2</sup>)</b>	37,432.25	53,084	36,372	126,888.25
<b>Equivalent area (Hectares)</b>	2,495.48	3,538.93	2,424.80	8,459.22

The total estimated financial expenditure for conducting these eradication activities during 2004, 2005, and 2006 is estimated at US\$4,102,198, US\$4,761,937, and US\$5,418,720, respectively. These amounts represent the budget allocated to the CORAH Special Project for the eradication of illicit coca crops.

Peru also eradicated 98 hectares of poppy plantations during 2004, 95.50 in 2005, and 88 in 2006.

The country has found and dismantled illicit laboratories for the production of organic drugs, as shown in the following table:


**Number of Illicit Laboratories Dismantled, 2004–2006**

Potential Production Capacity Illicit Drugs	Number of Illicit Laboratories Dismantled											
	2004				2005				2006			
	S	M	L	NK	S	M	L	NK	S	M	L	NK
<b>Coca Paste</b>	–	–	810	–	–	–	–	1,104	–	–	707	–
<b>Cocaine HCl</b>	11	–	–	–	–	22	–	–	11	–	–	–

S = < 100 Kg./year M = 101–1,000 Kg./year L = > 1,000 Kg./year NK = Not Known

Peru indicates that it has not detected illicit laboratories for the production of synthetic drugs.

**CICAD takes note of Peru's efforts in eradicating illicit coca plantations and in the destruction of illicit laboratories for the production of organic drugs.**

## B. Development Programs Related to the Prevention or Reduction of Illicit Crop Cultivation, Drug Production or Trafficking

Peru is implementing alternative development programs with the assistance of the United States of America, the European Union, Germany, Japan, and the United Nations Office on Drugs and Crime (UNODC). In mid-May 2006, work began on the post eradication plan in Tocache Province, San Martín Region, which is a new type of intervention for developing alternative crops in the communities where illicit coca cultivation has been eradicated.

The type of activity and components of the programs implemented by the country can be seen in the following chart, which reflects the total financing of international cooperation funds for development projects:

**Types of Activity and Components of Development Programs, 2004–2006**

Activity / Component	Expenditure (US\$)		
	2004	2005	2006
<b>Agricultural Production</b>	5,989,036	3,111,617	5,483,300
<b>Forestry Production</b>	1,487,842	2,197,350	1,788,610
<b>Infrastructure</b>	19,415,280	19,889,173	10,037,522
<b>Marketing of Products</b>	27,218	15,610	20,135
<b>Rural Credit / Microcredit</b>	131,541	18,627	416,886
<b>Community Development</b>	169,692	385,318	310,948
<b>Land Planning</b>	162,210	541,690	537,388
<b>Strengthening Producer Programs</b>	159,400	75,593	77,598
<b>Payment of Vouchers for Self-eradication</b>	1,933,684	2,432,794	5,068,000

The main problems the country has encountered are in marketing the products and services generated by development programs because of the lack of infrastructure and of a market for the goods produced.





Peru has a mechanism to evaluate the impact of the alternative development program implemented in cooperation with USAID. This evaluation is done by the National Commission for Development and Life without Drugs (DEVIDA) through an Annual Impact Assessment Survey, whereby representative samples of heads of household are surveyed in each of the project's areas of activity. This allows for measurement of the main social, economic, and productive indicators affected by the program.

The results of impact-survey evaluations conducted on this alternative development program can be seen in the following table:

**Impact of the Alternative Development Program  
Implemented in Cooperation with USAID, 2004–2006**

<b>Impact</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
<b>Total number of families benefited</b>	7,848	13,400	21,045
<b>Number of these families which perform agricultural activities</b>	3,149	4,443	9,966
<b>Number of these families which perform non-agricultural activities</b>	4,699	8,957	11,079
<b>Average increase in beneficiaries' per capita income (in percentage) over previous year</b>	23.06%	105.11%	22.84%

**CICAD takes note of Peru's efforts in the field of alternative development. CICAD encourages the country to strengthen its mechanisms for assessing the impact of its programs.**

### **C. Control of Pharmaceutical Products**

Peru has the following legislation for the control of pharmaceuticals: the Law for the Control of Illicit Use of and Trafficking in Drugs, enacted in February of 1978, and the Regulations on Narcotic, Psychotropic, and other Substances Subject to Health Controls, which went into effect in July of 2001. All pharmaceutical products containing substances listed in the relevant international conventions are controlled by the country.

The country has a mechanism to monitor and prevent the diversion of pharmaceutical products. Responsibility for control of these products falls to the General Directorate of Medicines, Inputs and Drugs (DIGEMID) and the Regional Directorate of Medicines and Inputs.

In the commercial sector, Peru's control mechanism includes imports and exports, license control, monitoring of distribution, inspections, imposition of administrative sanctions, a registry of licensees, and a registry of quantities of pharmaceutical products sold.

The health sector also has a control mechanism which covers license control, monitoring of distribution, monitoring of prescriptions, inspections, and imposition of administrative sanctions. The control mechanism does not include the transfer of unusual cases detected by administrative authorities to judicial authorities.

Peru has a system to compile information on administrative and regulatory activities and sanctions imposed in connection with them. The country provided the following figures based on this system:

**Administrative and Regulatory Activities Related to the Control of Pharmaceutical Products, 2004–2006**

Activity	2004	2005	2006
<b>Number of licenses issued to:</b>			
Importers	71	82	84
Exporters	2	3	4
Manufacturers	1	1	1
Distributors	90	95	102
<b>Number of permits issued for:</b>			
Importation	993	943	1,169
Exportation	12	11	10
<b>Number of inspections conducted:</b>			
Pharmacists	—	30	—
Importers	—	10	—
Pharmacies	—	5	—

The country does not have an automated information management system to facilitate the control of pharmaceutical products.

Peru offers training in drug surveillance, use of narcotics in treating pain, and control and inspection of controlled substances for persons involved in handling pharmaceuticals. However, the country states that these courses do not satisfy the national demand for training.

Likewise, Peru considers that the lack of personnel, training and computer programs are the main obstacles faced by the entities in charge of controlling pharmaceutical products to fulfill their responsibilities.

Peruvian legislation provides for the imposition of criminal, civil, and administrative sanctions for the diversion of pharmaceutical products. Four administrative sanctions were applied during 2005, and one in 2006. The country does not provide information on the number of occasions on which criminal or civil sanctions were applied for diversions of pharmaceuticals.

DIGEMID is the institution responsible for carrying out seizures of medicines of illicit origin. In addition, a multisectoral technical group has been established to draw up a plan against smuggling, illicit trade, and falsification of pharmaceutical products. It is made up of representatives of the Office of the Attorney General, The World Health Organization (WHO), INDECOPI, Police, Customs, and Municipalities. The country did not provide information on seizures of controlled pharmaceutical products.

Peru has not identified activities related to the sale and distribution of controlled pharmaceutical products or other drugs via the Internet; adopted legislative or administrative measures; or pursued activities or awareness programs regarding the control of the illicit Internet sale of pharmaceutical products and other drugs.



**CICAD notes progress in setting up the Multisectoral Technical Group for the control of pharmaceutical products in Peru. However, it is necessary for the country to implement an automated system to handle the information.**

**CICAD notes that the country has made very few inspections to pharmacies during years 2004–2006. Moreover, CICAD notes that Peru does not have specific laws and mechanisms to prevent and control the illicit trafficking of pharmaceutical products and other drugs over the internet.**

### **RECOMMENDATIONS:**

5. ESTABLISH AN AUTOMATED INFORMATION MANAGEMENT SYSTEM TO FACILITATE THE CONTROL OF PHARMACEUTICAL PRODUCTS.
6. STRENGTHEN THE AGENCIES RESPONSIBLE FOR THE CONTROL OF PHARMACEUTICAL PRODUCTS THROUGH ADEQUATE PROFESSIONAL PERSONNEL, CONTINUOUS TRAINING, AND COMPUTER PROGRAMS.
7. CARRY OUT RESEARCH AND TRAINING ACTIVITIES RELATED TO THE PREVENTION AND CONTROL OF THE ILLICIT TRAFFIC OF PHARMACEUTICAL PRODUCTS AND OTHER DRUGS VIA THE INTERNET, WHICH WILL ENABLE THE COUNTRY TO IDENTIFY ITS REGULATORY AND OPERATIVE NEEDS.

### **D. Control of Chemical Substances**

The Law Regulating Controlled Products and Chemical Inputs (Law No. 28305) enacted in July of 2004, and its Regulations (Supreme Decree No. 053-2005-PCM), published in July of 2006, are Peru's legislation to control chemical substances. All substances listed in the international conventions are controlled by the country.

The country has a mechanism to monitor and prevent the diversion of controlled chemical substances. Within this mechanism, the Department of Controlled Chemical Products and Inputs of the Ministry of Production is responsible for keeping a national registry of licensees and of issuing and receiving pre-export notifications and, together with the Customs Service of the National Superintendent of Tax Administration (SUNAT), to control imports and exports. The Anti-drug Office of the National Police of Peru (DIRANDRO-PNP) of the Ministry of the Interior, and the Office of the Attorney General are responsible for controlling manufacturing and distribution licenses, conducting inspections, and monitoring distribution, final marketing, and transportation. The Regional Production Directorates of the Ministry of Production are in charge of imposing sanctions.

Peru has an automated information management system to facilitate the prevention of diversion of chemical substances.

The country indicates that the main obstacles found in the application of its control mechanisms are the lack of economic and technological resources.

Peru offers training for administrative, operational, and customs personnel, as well as to users of controlled chemical substances regarding the application of new control standards. However, the country states that the courses offered do not meet the demand for training.



The country's legislation allows the imposition of criminal and administrative sanctions for the diversion of chemical substances. In 2004, 232 administrative sanctions were imposed, 198 in 2005, and 46 in 2006.

The country exports chemicals, but it does not handle them when they are in-transit. During years 2004–2006, the country issued pre-export notifications, as shown in the following table:

**Number of Pre-Export Notifications Issued  
for Chemical Substances 2004–2006**

<b>Importing/ Transshipment Countries</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
<b>Argentina</b>	1	0	0
<b>Bolivia</b>	40	38	57
<b>Chile</b>	11	16	11
<b>Costa Rica</b>	7	12	12
<b>Ecuador</b>	17	18	16
<b>El Salvador</b>	7	11	11
<b>Honduras</b>	9	14	21
<b>Nicaragua</b>	15	26	51
<b>Mexico</b>	0	1	0
<b>Panama</b>	8	11	10
<b>Dominican Republic</b>	5	5	5
<b>Venezuela</b>	5	4	0
<b>Total</b>	125	156	194

No pre-export notifications issued by Peru were rejected by the importing or transshipment countries during years 2004–2006. However, the country reports that it did not receive responses to notifications sent on 72 occasions in 2004, 69 in 2005, and 60 in 2006. In addition, 26 pre-export notifications could not be sent for lack of information from authorities in the importing country.

Peru is also an importer of chemical substances. The Ministry of Production is in charge of receiving pre-export notifications. During 2004, 86 pre-export notifications were received, 79 were received in 2005, and 70 were received in 2006. The country responded in a timely manner to all notifications received. Of these notifications, one was not approved in 2005 and this led to an investigation.

The country provides information on seizures of controlled chemical substances to the Uniform Statistical System on Control of the Supply Area (CICDAT) of the Inter-American Observatory on Drugs (OID). Such information for 2004–2006 is detailed as follows:

**Quantities of Controlled Chemical Substances Seized, 2004–2006**

Controlled Chemical Substances	Quantities Seized (Kilos)		
	2004	2005	2006
Ethyl Acetate	—	—	185
Acetone	13,086.98	20,398.30	4,868.72
Hydrochloric Acid	36,961.19	36,914	24,302.95
Sulfuric Acid	20,610.48	28,425.19	6,308.68
Ethyl Alcohol	52	31	—
Ammonia (Anhydrous or in Aqueous Solution)	1,585.32	4,515.50	2,024.03
Sodium Bicarbonate	83.90	—	—
Calcium Carbonate	12.40	7	—
Potassium Carbonate	20	2,849.11	—
Sodium Carbonate	3,137.98	5,538.26	1,729.04
Carbonates	0.02	—	—
Cement	42	53	50
Sodium Chloride	0.05	—	—
Sodium Hydroxide	2	19,405	—
Kerosene	1,968,842	302,779	126,470.97
Lye	5,205	42,010	5,613.13
Methyl Ethyl Ketone	8.5	—	—
Ammonium Nitrate	400	—	—
Calcium Oxide	23,258.35	137,094.03	25,152.23
Potassium Permanganate	100	66.54	1,337
Sodium Sulfate	—	100	—
Thinner	440	—	2,385
Toluene	1,619.55	3,907.92	216

The country provides information on the chemical substances that were disposed of during years 2004–2006 in the following chart:


**Controlled Chemical Substances Disposed of, 2004–2006**

Controlled Chemical Substances	Quantities Disposed of (Kilos)		
	2004	2005	2006
Solvent Mixtures	4,086.28	—	—
Sulfuric Acid	19,918.46	4,660	18,436.75
Hydrochloric Acid	—	11,222	990.20
Hydrochloric Acid (diluted)	—	—	19.50
Nitric Acid	—	—	49.10
Diluted sulfuric Acid			3,363.75
Acetone	21,930.60	—	8,024.22
Benzene Acetone	—	—	1.40
Ethyl Acetate	158.24	—	174
Alcohol	—	—	39.60
Benzene	—	—	2
Calcium Carbonate	—	—	9,540.40
Sodium Carbonate	—	—	6,860.30
Potassium Carbonate	—	—	173.90
Carbonates	—	—	1,736.40
Ammonium Chloride	1,259.70	—	29.75
Calcium Chloride	—	—	419.70
Glycol Ethylene	97.99	—	—
Ammonium Hydroxide (Ammonia)	—	—	935.60
Sodium Hydroxide	—	—	62
Sodium Hypochlorite	—	—	3.50
Calcium Hydroxide	—	—	2,236.65
Kerosene	—	—	243.15
Calcium Oxide	—	—	3 097.15
Potassium Permanganate	160.27	—	241.67
Organic Solvent	592.44	—	—
Zinc Sulfate	—	—	1,275.50
Sodium Sulfate	—	—	21,027.18
Aluminum Sulfate	—	—	51
Thinner	—	—	1.50
Toluene	12,887.37	—	657.10
Xylene	2,137.27	—	—



CICAD views with satisfaction that the country has a mechanism for monitoring and preventing the diversion of all the chemicals listed in the international conventions and that it is currently preparing a new Control System for Controlled Chemicals. However, CICAD views with concern that chemical substances that are in-transit are not being controlled.

CICAD believes that the country needs to expand the coverage of the courses offered in order to cover the demand that exists for training in this area.

### **RECOMMENDATION:**

8. EXPAND THE COVERAGE OF THE COURSES OFFERED FOR THE CONTROL OF CHEMICAL SUBSTANCES, TO SATISFY THE DEMAND FOR TRAINING IN THIS AREA.

## **IV. CONTROL MEASURES**

### **A. Illicit Drug Trafficking**

Peru conducted 9,597 seizures of illicit drugs in 2004, 10,533 in 2005, and 7,763 in 2006. As a result of those actions, the following quantities of drugs were seized:

**Quantities of Drugs Seized, 2004–2006**

Type of Drug	Quantities of Drugs Seized		
	2004	2005	2006
<b>Opium</b>	450.78 kg.	505.79 kg.	108.70 kg.
<b>Poppy seeds</b>	7.02 kg.	—	—
<b>Morphine</b>	0.09 kg.	—	1.71 kg.
<b>Heroin</b>	0.91 kg.	8.24 kg.	—
<b>Coca Leaf</b>	915,179.25 kg.	1,588,314.22 kg.	1,067,438.50 kg.
<b>Coca Paste</b>	6,346.31 kg.	11,673.40 kg.	5,044 kg.
<b>Cocaine Base</b>	7,303.77 kg.	17,814.56 kg.	14,749.23 kg.
<b>Cannabis Plants</b>	43,283.82 kg.	20,342.40 kg.	50,098.50 kg.
<b>Leaf Cannabis (grass)</b>	1,513.19 kg.	1,158.53 kg.	1,298.03 kg.
<b>Cannabis Seed</b>	2.96 kg.	—	—
<b>MDMA (ecstasy) and Derivatives</b>	6 ua.	158 ua.	—

The country provides information on persons that were formally charged with and convicted of illicit drug trafficking, which is presented in the following table:

**Persons Formally Charged With and Convicted of Illicit Drug Trafficking**

Year	Formally Charged	Convicted
2004	4,964	1,982
2005	5,370	2,175
2006	5,683	2,703

Peru reports that it does not have information on public officials formally charged with and convicted of crimes related to drug trafficking.

Article 299 of the Peruvian Criminal Code, which was amended by Law No. 28,002 in June of 2003, stipulates the drugs and quantities that are allowed for personal use, as shown in the following table:

**Drugs and Quantities Allowed for Personal Use**

Drug	Maximum Amount Allowed
Coca Paste	5 grams
Cocaine Hydrochloride	2 grams
Marijuana	8 grams, or 2 grams for its derivatives
Opium Gum	1 gram, or 200 mg. for its derivatives

The country states that the main obstacles to an effective exchange of information on illicit drug trafficking are:

- Limited communications and computer support, which hinders the fluency of information exchange and cooperation among institutions involved in the fight against drugs;
- The lack of designated liaison officers at most entities;
- Incipient procedures for the joint processing of information; and
- The persistence of the institution-wide tendency to act independently, with reluctance to share information.

Peru made three judicial cooperation requests to other countries on illicit drug trafficking matters in 2004, nine in 2005, and 62 in 2006. Of these requests, two were answered by the competent authorities in 2004, eight in 2005, and 14 in 2006.

In addition, the country received seven judicial cooperation requests from other countries in 2005 and 21 in 2006; it responded favorably to six in 2005 and nine in 2006. No judicial cooperation requests were received in 2004.

Between 2004 and the beginning of 2006, the Department for Coordination with the Administration of Justice, as the core entity for coordination, channeled various petitions from national and foreign judicial authorities to help process letters rogatory related to illicit drug trafficking, with a view to combating the impunity of illicit acts.





With the entry into force of the New Criminal Procedure Code in February 2006, promulgated by Legislative Decree No. 957, the National Prosecutor's Office was designated as the central authority responsible for processing letters rogatory in criminal matters and making extradition requests to other countries.

Twenty extradition requests related to illicit drug trafficking cases were made in 2004, 15 in 2005, and 27 in 2006. The countries that responded granted three such requests in 2004, two in 2005, and 10 in 2006. Among the main obstacles that Peru has encountered in making extradition requests to other countries for illicit drug trafficking cases, are problems in showing probable cause, in determining the whereabouts of the accused, and the principle of double jeopardy.

The country has signed several bilateral treaties and agreements on extradition with the following countries: Argentina, Belgium, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Ecuador, France, Great Britain, Italy, Korea, Mexico, the Netherlands, Panama, Paraguay, Spain, the United States of America, and Uruguay.

Since February of 2006, the central authority for international judicial cooperation has been the Office of the Attorney General. An extradition request was received from another country in an illicit drug trafficking case in 2004, and another in 2005. The country granted such requests on one occasion in 2004 and twice in 2005. In 2006, Peru received three extradition requests from other states for drug trafficking cases and responded to one, granting extradition. The country's legal system allows for the extradition of its citizens.

In the 2004–2006 period, several specialized training courses and briefings related to the control of illicit drug trafficking have been offered to different national entities, some in cooperation with international entities.

The country reports that these courses do not satisfy its training needs, stating that specialized training is required, primarily in special investigative techniques in prosecutor's offices in the interior of the country; and in anti-drug operations, comparative legislation, anti-drug intelligence, money laundering, and suspicious electronic transactions.

The country also indicates that operational training is needed on information technologies, non-intrusive techniques for detecting undeclared merchandise, methods for identifying, analyzing, and evaluating risks in procedures for incoming and outgoing cargo in customs, training in detector canes and new intrusive and non-intrusive technologies, among others.

**CICAD notes with satisfaction that the country has named a central authority responsible for handling extradition requests and for processing requests for legal assistance in criminal matters.**

**CICAD considers it necessary to expand the coverage of the courses on specialized techniques offered in order to meet the demand that exists for training in this area.**

**CICAD notes the detection of ecstasy in Peru. CICAD encourages the country to undertake awareness campaigns on the trafficking and use of synthetic drugs aimed at authorities responsible for demand and supply reduction and control.**



**RECOMMENDATIONS:**

9. CREATE AN INFORMATION SYSTEM TO CONSOLIDATE INFORMATION ON PERSONS FORMALLY CHARGED WITH AND CONVICTED OF CORRUPTION OFFENSES RELATED TO DRUG TRAFFICKING, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.
10. CONDUCT SPECIALIZED COURSES ON ILLICIT DRUG TRAFFICKING AND RELATED CRIMES THAT INCLUDE SPECIAL INVESTIGATION TECHNIQUES AT PROSECUTORS’ OFFICES IN THE PROVINCES.

**B. Firearms, Ammunition, Explosives and other Related Materials**

Responsibility for activities to control firearms, ammunition, explosives and other related materials in Peru falls to the General Directorate for the Control of Security Services and Control of Firearms, Ammunition, and Explosives for Civilian Use (DICSCAMEC), the Joint Command of the Armed Forces, Customs, and the National Police of Peru, as illustrated in the following chart:

**Authorities Responsible for the Control of Firearms, Ammunition, Explosives, and other Related Materials**

Responsibility	National Entity
<b>Issuance of import and in-transit licenses and authorizations</b>	<p><b>Firearms, ammunition, and explosives for civilian use:</b> DICSCAMEC, pursuant to approval of the Joint Command of the Armed Forces</p> <p><b>Military firearms, ammunition, and explosives:</b> Institutions of the Armed Forces and the National Police</p> <p>As for transit permits, the laws in force do not regulate this area.</p>
<b>Issuance of export licenses</b>	<p><b>Firearms, ammunition, and explosives for civilian use:</b> DICSCAMEC, pursuant to approval of the Joint Command of the Armed Forces</p> <p>Military firearms, ammunition, and explosives: There are no laws governing exports of military weapons.</p>
<b>Cancellation of licenses and authorizations</b>	<b>Firearms, ammunition, and explosives for civilian use:</b> DICSCAMEC and the Judicial Branch
<b>Confiscation or forfeiture of illicitly trafficked firearms or ammunition</b>	DICSCAMEC, Customs, Office of the Attorney General, National Police of Peru. In zones where a state of emergency has been declared, the Armed Forces may intervene.
<b>Information exchange within the country among relevant national entities</b>	Customs, National Police of Peru, DICSCAMEC, and the Joint Command of the Armed Forces
<b>Information exchange with relevant national entities in other countries</b>	Joint Command of the Armed Forces



The legal and regulatory standards in place to describe the crime of illicit trafficking in and manufacture of firearms, ammunition, explosives and other related materials are: the Criminal Code promulgated in Legislative Decree No. 935 of April 1991; the Military Police Code of Justice promulgated with Legislative Decree No. 961 of January 2006; and Legislative Decree No. 635 of the Criminal Code, Law No. 25,054, Supreme Decree No. 007-98-IN, and Supreme Decree No. 019-71-IN.

The country presents data on persons formally charged with and convicted of possession of and illicit trafficking in firearms, ammunition, explosives, and other related materials in the following table:

**Persons Formally Charged with and Convicted of Possession of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials**

Year	Formally Charged	Convicted
2004	1,504	4
2005	1,611	2
2006	1,417	82

Peru has laws that establish administrative controls for the import, export, and transit movement of firearms, ammunition, explosives, and other related materials, as well as relevant sanctions. The standards governing firearms, ammunition, and other related materials, are set forth in Law 25,054 of June 1989; Supreme Decree 007-98-IN of October 1998; Law 28,627 of November 2005, Supreme Decree 019-71-IN (for other related materials only).

The standards for explosives are set forth in Law 28,627 and Supreme Decree 019-71-IN. In the 2004–2006 period, sanctions were applied to operations of in-transit movements explosives twice.

The national laws that require the issuance of import or in-transit licenses prior to authorizing the entry of shipments of firearms, ammunition, explosives, or other related materials are Law 25,054 of June 1989 and its Regulations, which were approved by Supreme Decree 007-98-IN, as well as Law 28,627 of November 2005 (Sanctions Authorization Law). Moreover, in 2004 entry authorization was denied to a shipment of 27,000 primers, due to the lack of an import or in-transit license or permit; and in 2006, authorization was denied for a shipment of 10,000 ammunition cartridges.

The country reports that in 2004 it seized 2,681 firearms, 958 in 2005, and 542 in 2006. Furthermore, the country confiscated several explosive materials as follows:

**Confiscated Explosive Materials, 2004–2006**

<b>Explosive Material</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Unit of Measure</b>
<b>Dynamite</b>	422	45	9,625	x 25 Kg.
<b>Safety Fuses</b>	—	2	64	X 1,000 m.
<b>Detonating Cord</b>	—	7	288	x 1,500 m.
<b>Bags of ANFO</b>	—	68	923	x 25 Kg.
<b>Antistatic Non-Electric Detonator Delay</b>	—	800	—	x 100 pieces
<b>Fulminate</b>	—	339	884	x 100 pieces
<b>Emulsion</b>	—	—	2,632	x 25 Kg.
<b>Antistatic Non-Electric Detonators</b>	—	—	633	x 1 piece
<b>Slow fuse</b>	—	38	91	x 1,000 m.
<b>Chargers</b>	—	—	479	x 1 piece
<b>Boosters</b>	—	—	158	x 350 pieces
<b>Igniters</b>	—	—	152	x 1,500 m.
<b>Detonators</b>	—	—	1,280	x 100 pieces
<b>Special Primer</b>	—	—	3,600	x 25 pieces
<b>Maxi Primer</b>	—	440	32,000	x 25 pieces
<b>Mini Primer</b>	—	—	210	x 25 pieces
<b>Ecoseis, emulsion</b>	—	—	3,600	x 25 pieces

Peru maintains computerized records on the import, export, and in-transit movement of firearms, ammunition, explosives, and other related materials. Since 1998, Peru has maintained records on the import and export of firearms and ammunition, and since 1999 it has had records on the import, export, and in-transit movement of explosives and other related materials.

The Joint Command of the Armed Forces is the national entity responsible for the exchange of information and cooperation with other countries regarding the control of firearms, ammunition, explosives, and other related materials<sup>4</sup>.

**CICAD acknowledges that Peru has a central authority for oversight of firearms, ammunition, explosives, and other related materials, with the backing of appropriate legislation, and considers that it should keep records of seizures of those items made in connection with illicit drug trafficking.**

**RECOMMENDATION:**

- 11. IMPLEMENT A REGISTRY ON SEIZURES OF FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS IN RELATION TO ILLICIT DRUG TRAFFICKING.**

<sup>4</sup> As prescribed in Ministerial Resolution No. 134-2007/PCM, the National Commission against the Manufacture of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CONATIAF) has among its functions that of supplying information on firearms, ammunition, explosives, and other related materials.



## C. Money Laundering

Money laundering is criminalized in articles 1 and 2 of Law 27765 of June 2002. This Legislation was modified by Law 28835 and by the legislative decree 986.

A conviction for a predicate offense is not necessary to initiate money laundering proceedings. The Law establishes money laundering as an autonomous offense distinct from others that generate illicit gain, such as illicit drug trafficking, offenses against the government, kidnapping, proxenetism, tax fraud, customs offenses, and terrorism, but not including the offense of knowingly handling proceeds of criminal origin.

Peru has incorporated in its legislation measures to prevent money laundering, establishing obligations of required reporters to implement the policies of knowledge of the client; identification of employees; control of operations through record keeping, the minimum information that they must contain and their availability; reports of suspicious transactions; the duty of confidentiality; prevention manuals on the subject; and prevention system collaborators and their requirements and duties; among other aspects.

The administrative controls to prevent money laundering cover banks, offshore banks, currency exchanges, stock exchanges, insurance, casinos, real estate, notaries, credit and debit card issuers, customs warehouses, customs agencies, couriers, car dealers, antiques traders, gold and jewel traders, hotels and restaurants. Administrative controls do not apply to the activities of lawyers and accountants.

Peruvian law establishes the obligation to declare monies and negotiable instruments entering or leaving the country if they exceed US\$10,000 or the equivalent in national currency.

The country reports that it has not yet implemented an information system to gather data on the number of persons formally charged with and convicted of money laundering crimes.

The Peruvian Financial Intelligence Unit (FIU), created by law 27.693 (as amended by Laws Nos. 28.009 and 28.306), is the national center for receiving, analyzing, processing, evaluating, and transmitting information in order to detect money laundering and financing of terrorism. The FIU is a member of the Egmont group.

The FIU began operations in 2003, has a staff of 52, including administrative and operational personnel, and has functional, technical, and administrative autonomy, although its budget comes from the Ministry of Justice. Its annual budget was approximately of US\$1,695,000 in 2004, US\$1,785,000 in 2005, and US\$1,827,000 in 2006.

The FIU can request information involving not only a reported suspicious operation, but also a joint national or international investigation, or a request for technical assistance. This information can be requested from any government agency, the required reporters themselves, and similar agencies abroad, particularly any of the members of the Egmont group.

Peru has national laws and regulations requiring obligated subjects, which includes activities and specific non-financial professions, such as casinos, real-estate agencies, traders in precious metals and stones, lawyers, notaries, corporate providers and trust services, to report suspicious or unusual transactions to the competent authorities.



Peruvian law states that required reporters must record operations of regular or occasional clients that exceed US\$10,000 or its equivalent in national currency. They must record multiple transactions that together are equal to or exceed US\$50,000 or its equivalent in national currency when they are carried out by or on behalf of the same person during one calendar month, in which case they shall be regarded as a single operation.

**Number of Reports of Suspicious Transactions  
Received and Investigated, 2004–2006**

Year	Number of Reports of Suspicious Transactions Received	Number of Reports of Suspicious Transactions Investigated
2004	209	16
2005	796	17
2006	1,179	9

Article 140 of Law No. 26702 (General Law of the Financial and Insurance Systems) bars corporations of the financial system and their directors and employees from providing any information on their clients' transactions without their written authorization, except as provided in Article 142 (information not included under bank secrecy) and Article 143 (disclosure of bank secrecy).

The superintendent and officers of the Bank and Insurance Superintendence (SBS) are required to uphold bank secrecy, unless the information required belongs to account holders whose checking accounts were closed due to the issuance of a check without funds. The directors and personnel of the Peruvian Central Reserve Bank, and the directors and personnel of audit societies, and risk-assessment companies are also required to uphold bank secrecy.

This Law does not apply to suspicious money laundering movements, which are referred to in the Fifth Section of this Law, in which case the entity in question is required to inform the FIU of such movements.

**Requests to Obtain Documents from Banks and Other Financial Institutions, 2004–2006**

Year	Number of money laundering cases submitted to the public prosecutor's office from ROS and joint investigations	Number of requests to obtain documents from banks or other financial institutions	Number of cases in which documents and financial records were obtained
2004	16	32	16
2005	24	48	24
2006	30	60	30

Seizures are regulated by Article 102 of the Criminal Code. The provision does not address the scope of the measure regarding assets indirectly related to the proceeds of crime.



The Executive Office of Drug Control of the Ministry of the Interior (OFECOD) is the entity that manages seized or forfeited assets related to illicit drug trafficking. The value of the assets forfeited in money laundering cases is presented in the following table:

**Value of Assets Forfeited in  
Money Laundering Cases,  
2004–2006**

<b>Year</b>	<b>Value of Assets (US\$)</b>
<b>2004</b>	2,901
<b>2005</b>	3,000,000
<b>2006</b>	154,400,000

According to the Law on Extradition, and the Supreme Decree 044-93, money laundering is an extraditable offense, with the treaties being the applicable legal basis in the first instance and domestic law being applicable on a secondary basis in the absence of treaties. Peruvian law does not prohibit the extradition of its nationals.

**CICAD recognizes that Peru has a legal framework to prevent and control money laundering. However, CICAD notes that lawyers and accountants are not subject to administrative control measures.**

**CICAD notes that the country does not have an information system on persons formally charged and convicted for money laundering.**

### **RECOMMENDATIONS:**

12. ESTABLISH AN INFORMATION SYSTEM THAT WILL ENABLE THE COUNTRY TO GATHER DATA ON PERSONS FORMALLY CHARGED WITH AND CONVICTED OF MONEY LAUNDERING OFFENSES, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.
13. EXTEND ADMINISTRATIVE CONTROLS TO PREVENT MONEY LAUNDERING TO LAWYERS AND ACCOUNTANTS, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.



## CONCLUSIONS

CICAD notes the progress Peru has made during the evaluation period. The country has a National Strategy, which is largely funded through international cooperation. The National Commission for Development and Life without Drugs (DEVIDA) is the authority responsible for coordinating national anti-drug policies in the country and, according to its statements, non-governmental and private organizations have played an important role in these activities.

Peru has important challenges to meet, such as: ratifying the United Nations Convention on the Law of the Sea (1982), as well as expanding the coverage of its prevention programs, creating systems to compile drug-related information, marketing the products and services created by alternative development projects, and the improvement of its mechanisms to control pharmaceutical products and chemical substances.

With the creation of the Peruvian Drugs Observatory, national studies were conducted on drug use among school students (2005) and in the general population (2006). Also, the country has implemented a system for recording drug-use related deaths as part of the National Drug Demand Reduction Information System. CICAD encourages the country to strengthen the coordination among the various drug agencies so they can submit information to the Observatory in a timely fashion. It is also important to implement a computerized system for information handling, and to strengthen human and technical resources.

CICAD notes that during the evaluation period, the country has made efforts in preventing drug use by means of undergraduate and postgraduate training, with the participation of universities. It has also expanded short courses and included the topic as an obligatory subject on school curricula. CICAD notes the results and effectiveness of the measures adopted by the country in drug-use prevention and urges the country to continue with the process of evaluating the demand reduction programs.

CICAD observes that the country has standards of care for drug abuse treatment, with due legal basis, has begun a process of evaluating treatment centers, and has implemented programs targeting juvenile offenders. The challenge facing the country is to make progress with the implementation of an integrated and centrally coordinated system of permanent training for treatment professionals.

CICAD notes that the country has made efforts, with support from international cooperation, to eradicate illicit crops, mainly coca plantations, together with efforts in the area of alternative development. However, CICAD notes in the statistics reported by the country an increase in the country's coca cultivations.

The country has made progress in enacting legislation, and it has set up the Multisectoral Technical Group for controlling pharmaceutical diversions. Peru has a mechanism for following up on and preventing the diversion of all the chemicals scheduled in the international conventions. Moreover, CICAD notes that the country is currently designing a new Chemical Component Control System.

Peru has made progress with the results of the control measures adopted in the country for strengthening the control of illicit drug trafficking. It has also developed a forum for timely exchanges of operational information among the agencies responsible for controlling drug trafficking. CICAD considers that the country should extend the coverage of the courses offered in order to satisfy the demand for training in the control of illicit drug trafficking in general and trafficking in chemicals in particular.





CICAD considers that Peru needs to develop a mechanism for estimating the amounts of firearms, ammunition, explosives and other related materials intended for illicit drug-trafficking organizations. With regard to money laundering, the country has an adequate legal framework and infrastructure for strengthening its efforts in that area.

CICAD observes that Peru has a legal framework to combat money laundering, and encourages the country to implement administrative controls for the activities performed by lawyers and accountants. CICAD also encourages the country to develop an information system on persons formally charged with and convicted of money laundering.

CICAD acknowledges Peru's efforts within the framework of the Multilateral Evaluation Mechanism (MEM) and encourages the country to continue participating actively in the process.



## SUMMARY OF RECOMMENDATIONS

The following recommendations are assigned to Peru in order to assist the country in strengthening its policies to combat the problem of drugs and related activities and increase multilateral cooperation in the Hemisphere:

### INSTITUTIONAL STRENGTHENING

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

### DEMAND REDUCTION

2. IMPLEMENT A TRAINING AND REFRESHER SYSTEM FOR TEACHERS, WITH THE GOAL OF IMPLEMENTING THE EDUCATIONAL GUIDANCE AND TUTORING DEPARTMENT'S (DITOE) PREVENTION PROGRAM WITH 100% COVERAGE.
3. EXPAND THE EVALUATION ACTIVITIES FOR PREVENTION PROGRAMS IMPLEMENTED IN THE COUNTRY.
4. IMPLEMENT A REGISTRY SYSTEM FOR PATIENTS IN TREATMENT CENTERS.

### SUPPLY REDUCTION

5. ESTABLISH AN AUTOMATED INFORMATION MANAGEMENT SYSTEM TO FACILITATE THE CONTROL OF PHARMACEUTICAL PRODUCTS.
6. STRENGTHEN THE AGENCIES RESPONSIBLE FOR THE CONTROL OF PHARMACEUTICAL PRODUCTS THROUGH ADEQUATE PROFESSIONAL PERSONNEL, CONTINUOUS TRAINING, AND COMPUTER PROGRAMS.
7. CARRY OUT RESEARCH AND TRAINING ACTIVITIES RELATED TO THE PREVENTION AND CONTROL OF THE ILLICIT TRAFFIC OF PHARMACEUTICAL PRODUCTS AND OTHER DRUGS VIA THE INTERNET, WHICH WILL ENABLE THE COUNTRY TO IDENTIFY ITS REGULATORY AND OPERATIVE NEEDS.
8. EXPAND THE COVERAGE OF THE COURSES OFFERED FOR THE CONTROL OF CHEMICAL SUBSTANCES, TO SATISFY THE DEMAND FOR TRAINING IN THIS AREA.

### CONTROL MEASURES

9. CREATE AN INFORMATION SYSTEM TO CONSOLIDATE INFORMATION ON PERSONS FORMALLY CHARGED WITH AND CONVICTED OF CORRUPTION OFFENSES RELATED TO DRUG TRAFFICKING, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003–2004.
10. CONDUCT SPECIALIZED COURSES ON ILLICIT DRUG TRAFFICKING AND RELATED CRIMES THAT INCLUDE SPECIAL INVESTIGATION TECHNIQUES AT PROSECUTORS' OFFICES IN THE PROVINCES.
11. IMPLEMENT A REGISTRY ON SEIZURES OF FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS IN RELATION TO ILLICIT DRUG TRAFFICKING.



12. ESTABLISH AN INFORMATION SYSTEM THAT WILL ENABLE THE COUNTRY TO GATHER DATA ON PERSONS FORMALLY CHARGED WITH AND CONVICTED OF MONEY LAUNDERING OFFENSES, A RECOMMENDATION REITERATED FROM THE **THIRD EVALUATION ROUND, 2003–2004.**
13. EXTEND ADMINISTRATIVE CONTROLS TO PREVENT MONEY LAUNDERING TO LAWYERS AND ACCOUNTANTS, A RECOMMENDATION REITERATED FROM THE **THIRD EVALUATION ROUND, 2003–2004.**



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