



**ORGANIZATION OF
AMERICAN STATES (OAS)**



MEM
**MULTILATERAL EVALUATION
MECHANISM (MEM)**

**INTER-AMERICAN DRUG ABUSE
CONTROL COMMISSION (CICAD)**

**SECRETARIAT FOR MULTIDIMENSIONAL
SECURITY (SMS)**

Peru

Evaluation Report on Drug Control

2014



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**Organization of American States (OAS)
Secretariat for Multidimensional Security (SMS)
Inter-American Drug Abuse Control Commission (CICAD)**

Multilateral Evaluation Mechanism (MEM)

Peru

**EVALUATION REPORT ON DRUG CONTROL
2014**



PREFACE

The Multilateral Evaluation Mechanism (MEM) is a diagnostic tool, designed by all member states of the Organization of American States (OAS), to periodically carry out comprehensive, multilateral evaluations on the implementation level of the Plan of Action of the Hemispheric Drug Strategy of member states of the Inter-American Drug Abuse Control Commission (CICAD). As part of the Secretariat of Multidimensional Security (SMS), CICAD is the OAS specialized agency responsible for the implementation of this Mechanism, 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 valuable source of information on the progress achieved by the individual and collective efforts of the governments of OAS member states, thus strengthening hemispheric cooperation, promoting dialogue among governmental authorities of member states and precisely channeling assistance to areas requiring greater attention by optimizing resources. The MEM process in itself is assessed by the Intergovernmental Working Group (IWG) comprised of delegations from all member states, which meets before the onset of each evaluation round to review and strengthen all operational aspects of the mechanism.

The national evaluation reports for the Sixth Round collect the results of the level of implementation of the 27 recommendations, emanating from the Plan of Action 2011-2015 of the Hemispheric Drug Strategy 2010, and were drafted by experts in the different areas, assigned by each member state. Experts do not work on their own country's report, guaranteeing the transparent, objective and multilateral nature of the MEM. Each chapter is based on countries' responses to a survey covering the main thematic areas of the Hemispheric Drug Strategy: institutional strengthening, demand reduction, supply reduction¹, control measures and international cooperation, as well as additional and updated information, provided by the government-appointed coordinating entities.

This report covers the country evaluation for the MEM Sixth Evaluation Round, which covers the 2013 to mid-2014 period. All MEM reports are available through the following webpage: <http://www.cicad.oas.org>.

¹ In accordance with the CICAD Commissioner's agreement at their fiftieth regular session (November 2011), the supply reduction chapter refers exclusively to the topic of illicit crops. For this reason, the CICAD Commissioners decided, at their fifty-fourth regular session (December 2013), that the recommendations in this chapter (11 to 15) would only be applied to those countries that have significant illicit crops.



INSTITUTIONAL STRENGTHENING

RECOMMENDATION 1

ESTABLISH AND/OR STRENGTHEN NATIONAL DRUG AUTHORITIES, PLACING THEM AT A HIGH POLITICAL LEVEL, WITH THE MISSION TO COORDINATE THE EFFECTIVE PLANNING AND IMPLEMENTATION OF NATIONAL DRUG POLICIES.

Evaluation: Complete

Peru's national drug authority is the National Commission for Development and Life without Drugs (DEVIDA), under the Presidency of the Council of Ministers, which has a budget and legal basis. The national authority coordinates the areas of demand reduction, supply reduction, alternative, integral and sustainable development programs, control measures, drugs observatory and international cooperation. The country has a coordination mechanism for the effective planning and implementation of its national drug policies.



INSTITUTIONAL STRENGTHENING

RECOMMENDATION 2

DESIGN, IMPLEMENT, STRENGTHEN AND UPDATE NATIONAL EVIDENCE-BASED STRATEGIES AND POLICIES ON DRUGS.

Evaluation: Complete

Peru has the National Strategy for the Fight against Drugs 2012-2016, which covers the areas of demand reduction, supply reduction, control measures, and international cooperation. The relevant actors participate in the design, drafting and execution of the National Strategy. The Strategy has a monitoring and evaluation framework. The country has undertaken activities to update policies, plans and programs in accordance with the evaluation of the Strategy.



INSTITUTIONAL STRENGTHENING

RECOMMENDATION 3

ESTABLISH AND/OR STRENGTHEN NATIONAL OBSERVATORIES ON DRUGS OR SIMILAR TECHNICAL OFFICES TO DEVELOP NATIONAL DRUG INFORMATION SYSTEMS AND FOSTER SCIENTIFIC RESEARCH ON THIS SUBJECT.

Evaluation: Mostly complete

Peru has the Peruvian Observatory on Drugs (OPD). The country has all of the priority studies in the demand reduction area and has most of the priority information in supply reduction. Peru has carried out a study on the economic and social costs of drugs. Information on drug demand and supply reduction is disseminated to all relevant parties.

Peru, in the area of supply reduction of drugs, does not have priority information regarding the number of seizures of pharmaceutical products, quantity of pharmaceutical products seized, or number of laboratories producing illicit drugs of synthetic origin.



DEMAND REDUCTION

RECOMMENDATION 4

DEVELOP AND IMPLEMENT COMPREHENSIVE DEMAND REDUCTION POLICIES, PLANS AND/OR PROGRAMS.

Evaluation: Mostly complete

Peru has demand reduction programs that include the areas of prevention, early intervention, treatment and rehabilitation. These programs have been designed using available evidence from recognized organizations, as well as information from magnitude and trends in drug use. The country monitors and evaluates the demand reduction programs carried out, and updates them in accordance with the results of the evaluations. Also, Peru adopted a multisectoral approach to implementing its demand reduction programs, with the participation of a variety of sectors.

Peru does not have programs for social reinsertion or recovery support services.



DEMAND REDUCTION

RECOMMENDATION 5

DESIGN AND IMPLEMENT A COMPREHENSIVE SYSTEM OF EVIDENCE-BASED UNIVERSAL, SELECTIVE, AND INDICATED PREVENTION PROGRAMS, WITH MEASURABLE OBJECTIVES, AIMED AT DISTINCT TARGET POPULATIONS, INCLUDING AT-RISK GROUPS.

Evaluation: Started

Peru offers universal prevention programs addressing drug use in different population groups.

Peru does not have selective or indicated prevention programs, nor has it designed a comprehensive prevention system.



DEMAND REDUCTION

RECOMMENDATION 6

PROMOTE THE INTEGRATION OF TREATMENT AND RECOVERY PLANS AND PROGRAMS INTO THE PUBLIC HEALTH SYSTEM AND ADDRESS DRUG DEPENDENCE AS A CHRONIC, RELAPSING DISEASE.

Evaluation: Mostly complete

Peru has a network of public health system facilities responsible for health needs within its territory. These facilities carry out drug use screening and have screening instruments for early detection of drug use, they provide counselling and brief intervention, and systematically refer persons affected by drug use to treatment through private healthcare services. The public health system provides out-patient and residential treatment services for persons affected by drug abuse. Private institutions and non-governmental organizations (NGOs) provide residential and out-patient treatment services, rehabilitation, aftercare and recovery support services. Facilities that provide treatment and rehabilitation coordinate with the private sector to provide care for persons affected by drug use, they have a computer system for monitoring programs and professional personnel trained to implement and manage these systems, thereby enabling information on treatment and rehabilitation programs being implemented to be collected and compiled. The country has an accreditation system for drug treatment centers.

Peru does not have public sector follow-up programs.



DEMAND REDUCTION

RECOMMENDATION 7

FACILITATE ACCESS FOR DRUG-DEPENDENT PERSONS TO A SYSTEM OF DRUG TREATMENT, REHABILITATION, SOCIAL REINSERTION, AND RECOVERY SERVICES THAT ARE EVIDENCE-BASED AND FOLLOW INTERNATIONALLY-ACCEPTED QUALITY STANDARDS.

Evaluation: Partially complete

Peru undertakes actions to facilitate access to treatment, rehabilitation, and social reinsertion for different population groups affected by drug use. The treatment and rehabilitation interventions are tailored to the population profiles being served.

Peru does not have social reinsertion interventions tailored to the population profiles being served.



DEMAND REDUCTION

RECOMMENDATION 8

EXPLORE THE MEANS OF OFFERING TREATMENT, REHABILITATION, SOCIAL REINSERTION AND RECOVERY SUPPORT SERVICES TO DRUG-DEPENDENT CRIMINAL OFFENDERS AS AN ALTERNATIVE TO CRIMINAL PROSECUTION OR IMPRISONMENT.

Evaluation: Not started

Peru has no national legislation or administrative guidelines that establish and provide for alternatives to incarceration for drug-dependent criminal offenders.



DEMAND REDUCTION

RECOMMENDATION 9

STRENGTHEN GOVERNMENTAL RELATIONSHIPS WITH ACADEMIC AND RESEARCH INSTITUTIONS AND SPECIALIZED NON-GOVERNMENTAL ORGANIZATIONS (NGOs), IN ORDER TO GENERATE EVIDENCE ON THE DEMAND FOR DRUGS.

Evaluation: Complete

Peru has a national drug authority that maintains cooperative relations with academic and research institutions and civil society organizations that address topics related to drug demand reduction. The information produced by these organizations and institutions is used to develop the budget for drug-use prevention and treatment. Peru works with these institutions and organizations to support and improve their capacity to regularly compile data and produce reports on drug use trends.



DEMAND REDUCTION

RECOMMENDATION 10

PROMOTE AND STRENGTHEN TRAINING AND CONTINUING EDUCATION OF PROFESSIONALS, TECHNICIANS AND OTHERS INVOLVED IN THE IMPLEMENTATION OF DEMAND REDUCTION ACTIVITIES.

Evaluation: Complete

Peru has introductory training programs and continuing education courses for personnel involved in implementing drug demand reduction activities. The country also cooperates with international agencies to implement these courses. The country offers training programs at the certificate, diploma, undergraduate and graduate levels, focusing on a science-based approach and best practices, in order to build knowledge and strengthen capacities in the areas of technical and professional expertise. Technical and professional experts have available to them advanced regional and international training programs on the subject. Peru conducts regular evaluations to ensure that the drug demand training meets its personnel needs, and the results of those evaluations are used to prioritize areas of intervention, make decisions regarding prevention strategies to be developed, and design strategies to improve access for and participation of affected populations.



SUPPLY REDUCTION

RECOMMENDATION 11

ADOPT AND/OR IMPROVE COMPREHENSIVE AND BALANCED MEASURES AIMED AT REDUCING THE ILLICIT SUPPLY OF DRUGS.

Evaluation: Complete

Peru has a regulatory framework that defines the policies at the national level on the reduction of the illicit supply of drugs. The Ministry of the Interior's Strategic Plan for the Fight against Illicit Drug Trafficking 2013 aims to neutralize organizations dedicated to drug trafficking, money laundering and related crimes; destroy the majority of seized drugs; prevent their production, trafficking and sale; reduce illicit coca cultivation; prevent re-planting; and seize illicit controlled chemical precursors. Peru has prepared national studies and reports regarding the components of the illicit supply of drugs, and uses information from national assessments, studies and reports as the basis for the development of national illicit drug supply reduction policies and plans. The risk factors identified in the assessment of the dynamics of the illicit supply of drugs are addressed in supply reduction policies and plans.



SUPPLY REDUCTION

RECOMMENDATION 12

ADOPT AND/OR IMPROVE DATA COLLECTION AND ANALYSIS MECHANISMS WITH A VIEW TO CARRYING OUT ASSESSMENTS THAT WILL FACILITATE THE DEVELOPMENT OF PUBLIC POLICIES AIMED AT THE REDUCTION OF THE ILLICIT SUPPLY OF DRUGS.

Evaluation: Complete

Peru, through the National Commission for Development and Life without Drugs (DEVIDA), the Executive Drug Control Directorate of the National Police of Peru and the Special Project for the Control and Reduction of Coca in the Upper Huallaga Valley (CORAH), collects and analyzes internal and relevant external information to implement reduction policies for crops used in illicit drug production. The institution responsible for the collection, analysis and publication of drug-related information produces periodic reports consolidating the results and level of progress made in meeting established indicators for national drug supply reduction policies and plans. Peru estimates illicit crop cultivation and illicit production of drugs. The United Nations Office on Drugs and Crime (UNODC), in conjunction with DEVIDA, measures coca crops based on satellite imagery of Peru's coca growing regions. The CORAH Project measures coca crop eradication areas directly, with support from Global Positioning Systems (GPS). The relevant personnel receive ongoing training on the use of new technology to measure crops.



SUPPLY REDUCTION

RECOMMENDATION 13

PROMOTE STUDIES AND RESEARCH THAT CONTRIBUTE TO THE EARLY IDENTIFICATION AND MONITORING OF NEW AND EMERGING TRENDS THAT COULD PROVIDE UPDATED INFORMATION ON THE ILLICIT SUPPLY OF DRUGS.

Evaluation: Complete

Peru, through DEVIDA's Budget Program for Comprehensive and Effective Management of the Control of the Drug Supply, completed a study in December 2013 on the productivity index for coca cultivation in the Apurimac, Ene and Mantaro River Valley (VRAEM). Previously, the country also carried out studies on new trends, dynamics and changes in the productivity of illicit crops used in illicit drug production. The purpose of these studies was to determine the coca leaf yield in the country's major production valleys. Peru has information on the illicit supply of drugs and its connection with other forms of transnational organized crime, and shares this information with other countries, in accordance with established cooperation agreements.



SUPPLY REDUCTION

RECOMMENDATION 14

ACCORDING TO THE NEEDS OF EACH COUNTRY, ADOPT COMPREHENSIVE MEASURES, SUCH AS INTEGRAL AND SUSTAINABLE ALTERNATIVE DEVELOPMENT AND LAW ENFORCEMENT INITIATIVES.

Evaluation: Complete

Peru carries out eradication programs and activities to reduce illicit coca, marijuana and poppy crops. The country manually eradicated 10,290 hectares of coca in 2011, 14,171 hectares in 2012 and 23,785 hectares in 2013. Additionally, the country eradicated 156,872 kg of marijuana in 2011, 979,640 kg in 2012 and 3,423 kg in 2013. Moreover, Peru eradicated 18 hectares of poppy in 2012 and 25.5 hectares in 2013. The country did not eradicate poppy crops in 2011. Peru evaluates and monitors its eradication programs. Local civil society in Peru participates in the design and implementation of alternative, integral and sustainable development programs and projects. The country highlights civil society participation through regional and local government involvement in prioritizing the activities and projects that will be funded.



SUPPLY REDUCTION

RECOMMENDATION 15

PROMOTE ACTIONS TO REDUCE THE NEGATIVE IMPACT ON THE ENVIRONMENT CAUSED BY THE WORLD DRUG PROBLEM, IN ACCORDANCE WITH NATIONAL POLICIES.

Evaluation: Complete

Peru completed, in 2013, two environmental studies on the impact of illicit drug production and trafficking: the Study on Water Quality in the Apurimac River Valley and the Study on Environmental Impact of Illicit Trafficking of Cocaine in Peru. The institutions responsible for the implementation of drug and environmental policies at the various levels of government in Peru coordinate regarding the use of these environmental management tools. Peru works with other countries on issues involving the environmental impact of illicit drugs, in order to mitigate the negative environmental impact of the world drug problem.



CONTROL MEASURES

RECOMMENDATION 16

IMPLEMENT PROGRAMS TO PREVENT AND REDUCE THE ILLICIT PRODUCTION OF PLANT-BASED AND SYNTHETIC DRUGS.

Evaluation: Mostly complete

Peru has mechanisms to detect and identify laboratories for the illicit production of plant-based and synthetic drugs, in the form of procedures that are confidential in nature; in 2012 these procedures made possible the dismantling of 1,126 laboratories producing cocaine paste and 26 laboratories producing cocaine hydrochloride. The country has protocols, which are also confidential in nature and for the internal use of the Peruvian National Police (PNP) Executive Anti-drug Directorate (DIREJANDRO), for the dismantling of these types of laboratories. These protocols include safety measures that law enforcement agents must follow to minimize risks when carrying out this type of operation. This Directorate also collects and compiles national data on laboratories detected and dismantled, as well as information regarding crimes related to drug trafficking. The PNP's National Anti-drug School (ESANDRO) is the institution responsible for guiding the training, specialization and improvement of anti-drug police personnel. In coordination with other national entities and agencies in other countries, it promotes training in various areas related to drug trafficking, some of which relate to the dismantling of laboratories.

Peru's protocols for the dismantling of laboratories illicitly producing drugs do not include measures to minimize the environmental impact, and the country has not implemented or taken part in ongoing training programs for law enforcement agents responsible for control activities related to dismantling laboratories for illicit drug production.



CONTROL MEASURES

RECOMMENDATION 17

ADOPT OR STRENGTHEN CONTROL MEASURES IN ORDER TO PREVENT THE DIVERSION OF CONTROLLED CHEMICAL SUBSTANCES TOWARDS ILLICIT ACTIVITIES.

Evaluation: Complete

Peru has criminalized the acts set out in Article 3 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988. It has specific regulations on the control of chemical substances subject to control, as established under Article 12 of the Convention. Peru has an authority responsible for coordinating activities to control these substances. The country has an updated register of individuals and corporations handling controlled chemical substances with some exceptions for domestic users. Also, Peru has established administrative and civil penalties for infractions or violations by individuals or corporations that handle controlled chemical substances. Peru has mechanisms for the issuance of and timely response to pre-export notifications for controlled chemical substances.



CONTROL MEASURES

RECOMMENDATION 18

ADOPT OR STRENGTHEN CONTROL MEASURES TO PREVENT THE DIVERSION OF NARCOTICS, PSYCHOTROPIC SUBSTANCES, PHARMACEUTICAL PRODUCTS WITH PSYCHOACTIVE PROPERTIES AND THOSE USED IN THE PRODUCTION OF SYNTHETIC DRUGS.

Evaluation: Complete

Peru has regulations for the control of narcotics, psychotropic substances and preparations containing them, as established in the United Nations Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, and the United Nations Convention on Psychotropic Substances of 1971. The country has established an authority responsible for coordinating control activities for narcotics, psychotropic substances, and psychoactive pharmaceutical products; the legal functions and powers of this agency are clearly defined. The country has mechanisms for estimating the annual requirements for narcotic drugs and psychotropic substances, as provided for under current law. These mechanisms enable it to compile the information called for in Article 19 of the United Nations Single Convention on Narcotic Drugs, 1961. The country's legislation provides for application of administrative and civil penalties for infractions or violations of the regulations by medical professionals, administrators, and legal representatives of establishments that handle narcotics, psychotropic substances, and psychoactive pharmaceutical products.



CONTROL MEASURES

RECOMMENDATION 19

ENSURE THE ADEQUATE AVAILABILITY OF NARCOTICS NEEDED FOR MEDICAL AND SCIENTIFIC USE.

Evaluation: Complete

Peru periodically calculates the availability of narcotics or psychotropic pharmaceutical products that are specially prescribed and have been previously selected and included in the Single National Petition. This calculation takes into account the requirements of public and private health facilities in the various regions of the country. The country analyzes impediments to adequate availability and should problems arise, takes remedial action, including nationwide redistribution, analyses and discussions to support the decision making process by those responsible for ensuring adequate availability, and participation of private agents who can undertake actions to promote access to these medicines.



CONTROL MEASURES

RECOMMENDATION 20

STRENGTHEN NATIONAL ORGANIZATIONS FOR THE CONTROL OF ILLICIT DRUG TRAFFICKING AND RELATED CRIMES.

Evaluation: Complete

Peru conducts periodic evaluations of the strengths and weaknesses of the entities responsible for the control of drug trafficking and related crimes, and has annual plans for ongoing training for the agencies responsible for control activities. The country has a formal mechanism for the exchange of information among the entities responsible for the control of drug trafficking and related crimes, as well as legal frameworks to address their prevention. Peru's laws and regulations include provisions for the safe and final disposal of seized drugs.



CONTROL MEASURES

RECOMMENDATION 21

IDENTIFY NEW TRENDS AND PATTERNS REGARDING ILLICIT DRUG TRAFFICKING AND RELATED CRIMES.

Evaluation: Not started

Peru has not conducted studies on recent trends in drug trafficking and related crimes.



CONTROL MEASURES

RECOMMENDATION 22

PROMOTE IMPROVEMENTS IN INFORMATION SYSTEMS ON ILLICIT DRUG TRAFFICKING AND RELATED CRIMES.

Evaluation: Partially complete

Peru has national statistics on drug trafficking and related crimes, which include a number of variables of interest, provided by the various authorities involved and categorized by year. The country is implementing a new drug information management system in order to improve the quantity and quality of the data recorded. Drug characterization and impurity profiling studies conducted employ various chemical analysis techniques.

Peru does not have standardized methods to compile and verify the data provided by the various entities. The country has not conducted technical studies or research on drug trafficking and related crimes and it does not have a national early warning system on new behaviors of criminal organizations in drug trafficking.



CONTROL MEASURES

RECOMMENDATION 23

ADOPT MEASURES FOR EFFECTIVE COOPERATION IN CRIMINAL INVESTIGATIONS, INVESTIGATION PROCEDURES, COLLECTION OF EVIDENCE, AND THE EXCHANGE OF INTELLIGENCE INFORMATION AMONG COUNTRIES, ASSURING DUE RESPECT FOR THE VARIOUS NATIONAL LEGAL SYSTEMS.

Evaluation: Complete

Peru has formal mechanisms for the effective and secure exchange of intelligence information in the investigation of cases of drug trafficking and related crimes, for which it has signed inter-institutional agreements with other countries. The country has formal mechanisms for coordination and the exchange of information and best practices on the prevention, investigation and control of activities relating to drug trafficking via the Internet. Peru participates in training programs on the exchange of intelligence information in the investigation of cases of drug trafficking and related crimes, which are offered by national and international organizations. The country also has legal frameworks for the investigation of assets in drug trafficking cases.



CONTROL MEASURES

RECOMMENDATION 24

ADOPT OR STRENGTHEN, AS APPLICABLE, CONTROL MEASURES FOR THE ILLICIT TRAFFICKING OF FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS ASSOCIATED WITH ILLICIT DRUG TRAFFICKING.

Evaluation: Partially complete

Peru criminalizes the illicit manufacturing of and trafficking in firearms, ammunition, explosives and other related materials. In order to prevent losses or diversion, the country takes the necessary measures to ensure the security of firearms, ammunition, explosives and other related materials imported into the country; of ammunition, explosives and other related materials exported; and of firearms, ammunition, explosives and other related materials in transit. Peru requires the appropriate marking of firearms, permitting identification of the serial number. The country maintains a system of licenses for the export, import and international transit of firearms, ammunition, explosives and other related materials. Peru has a national authority responsible for coordinating control activities for the illicit manufacturing of and trafficking in firearms, ammunition, explosives and other related materials, including the measures provided for in Article 8 of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials of 1997.

Peru has not taken all necessary measures to ensure the security and prevent the loss or diversion of firearms being exported. The country does not require the marking of firearms to permit identification of the name of the manufacturer or place of manufacture. In addition, the country does not require the appropriate marking of all confiscated or forfeited firearms. Peru does not maintain a register of firearms, ammunition, explosives and other related materials seized in operations relating to drug trafficking.



CONTROL MEASURES

RECOMMENDATION 25

ESTABLISH, UPDATE, OR STRENGTHEN LEGISLATIVE AND INSTITUTIONAL FRAMEWORKS IN MATTERS OF PREVENTION, DETECTION, INVESTIGATION, AND PROSECUTION OF MONEY LAUNDERING.

Evaluation: Complete

Peru criminalizes money laundering according to the terms of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and the United Nations Convention against Transnational Organized Crime of 2000. The country's legislation for the prevention and control of money laundering complies with the terms of the Financial Action Task Force (FATF) recommendations. Its Financial Intelligence Unit (FIU) conforms to the operating principles of the EGMONT Group and the FATF recommendations regarding FIUs. The country also has laws for the forfeiture of assets relating to money laundering that include temporary measures such as the freezing and embargo of assets in order to prevent their use, transfer or disposal.



CONTROL MEASURES

RECOMMENDATION 26

CREATE OR STRENGTHEN, IN ACCORDANCE WITH NATIONAL LEGISLATION, THE COMPETENT NATIONAL ORGANIZATIONS FOR THE MANAGEMENT OF SEIZED AND/OR FORFEITED ASSETS, AND THE DISPOSITION OF FORFEITED ASSETS.

Evaluation: Complete

Peru has a single agency responsible for the management and disposition of seized and forfeited assets in cases of drug trafficking and money laundering. The country has a legal framework that establishes the procedures to be followed to determine the final disposition of seized and forfeited assets, and has manuals, regulations and guidelines on asset management. In addition, the country participates in training programs on the management of seized and forfeited assets.



INTERNATIONAL COOPERATION

RECOMMENDATION 27

REAFFIRM THE PRINCIPLE OF COOPERATION CONTAINED IN INTERNATIONAL INSTRUMENTS TO ADDRESS THE WORLD DRUG PROBLEM, THROUGH ACTIONS TO ENSURE COMPLIANCE AND EFFECTIVENESS.

Evaluation: Mostly complete

Peru has ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, the United Nations Convention against Transnational Organized Crime of 2000 and the Inter-American Convention on Mutual Assistance in Criminal Matters of 1992, and has designated authorities in accordance with the terms of those Conventions. The country permits extradition for drug trafficking or money laundering crimes, or the trial of a person whose extradition for those crimes was denied on grounds of nationality or territoriality. The country has legal provisions that enable it to provide reciprocal judicial assistance to third party States in investigations, trials, and legal proceedings for drug trafficking and money laundering. In addition, the country has implemented measures to authorize forfeiture of proceeds derived from drug trafficking, or property of equal value, as well as the materials and equipment or other instrumentalities used in or intended for use in any manner in the commission of such a crime. The country has adopted other specific measures to strengthen international cooperation in the fight against drug trafficking and has a national entity or central point of contact, pursuant to Article 13 of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components, and Ammunition. Peru has laws or other legal provisions that permit the use of controlled delivery for narcotics and psychotropic substances, in order to identify persons implicated in the crime of drug trafficking.

Peru does not require appropriate marking of firearms manufactured within its territory nor of those that are imported.



CONCLUSIONS

The MEM Sixth Evaluation Round report reflects the country's internal reality regarding the implementation of the Hemispheric Drug Strategy (2010) and its Plan of Action (2011-2015) from 2013 to mid-2014. CICAD recognizes that among the 27 common recommendations, Peru has completed 16, five mostly completed, three partially completed, one started and two not started.

In the area of Institutional Strengthening, Peru has a national drug authority which functions under the Presidency of the Council of Ministers. The country has a national anti-drug strategy and a national observatory on drugs. The country has carried out all of the priority demand reduction studies (3 of 3) and has the majority of the priority supply reduction information (8 of 11).

In the area of Demand Reduction, Peru has demand reduction programs in the areas of prevention, early intervention, and treatment and rehabilitation, which are evaluated and updated. However, there are no social reinsertion or recovery support programs. The country has universal prevention programs, but does not have selective or indicated prevention, nor does it have a comprehensive prevention system. The public health system facilities conduct drug use screening and provide guidance and brief intervention, make referrals to treatment and offer treatment services, but do not follow-up. Private institutions and NGOs offer treatment, rehabilitation, aftercare and recovery support services. Treatment centers have a system of accreditation. Peru does not have alternatives to incarceration for drug-dependent criminal offenders. Programs and plans are developed with the support of academic and research institutions and civil society organizations. Training and continuing education for demand reduction personnel range from certificate to the graduate levels and include a science-based approach and best practices.

In the area of Supply Reduction, Peru has a regulatory framework that defines updated policies for the reduction of the illicit supply of drugs at the national level. The country gathers and analyzes information to implement policies to reduce illicit crops used in drug production, and carries out studies and research that supports the early identification and monitoring of new and emerging trends, in order to generate updated information on illicit supply of drugs. Peru carries out illicit crop eradication programs and implements various alternative, integral and sustainable development programs. The country also carried out two studies on the environmental impact of the production



and trafficking of drugs, its relevant agencies coordinate amongst themselves on the use of environmental management tools, and works with other countries on issues involving the environmental impact of illicit drugs.

In the area of Control Measures, Peru has mechanisms and protocols to detect, identify and compile information regarding laboratories for the illicit manufacture of plant-based and synthetic drugs. However, protocols for their dismantling do not include measures to minimize environmental damage, and does not offer or participate in ongoing training programs for personnel responsible for control activities related to dismantling laboratories.

Regarding the control of pharmaceutical products and controlled chemical substances, Peru has legislation for their control, and cooperates with other States. The country has regulations regarding the manufacture of and internal distribution channels for controlled chemical substances, and a relevant authority with the powers necessary to coordinate activities to control their diversion. Regarding narcotics, psychotropic substances and preparations containing them, the country estimates its projected needs, ensuring adequate availability for medical and scientific purposes, and carries out regular evaluations that include trends in the use of licit substances subject to international control and the analysis of impediments.

Peru has formal mechanisms for the exchange of information among the institutions responsible for the control of drug trafficking and related crimes, as well as for the secure and effective exchange of intelligence information in the investigation of related cases. In addition, the country has annual training plans for the agencies responsible for the control of drug trafficking and related crimes, has statistical information on this topic at the national level, and has laws and regulations that provide for the safe and final disposal of seized drugs. However, Peru does not have studies on recent trends in drug trafficking and related crimes, or a national early warning system on new behaviors of criminal organizations in this area.

The legislation criminalizing the illicit manufacture of and trafficking in firearms, ammunition, explosives and other related materials, with the exception of exported firearms, includes measures to prevent losses or diversion in the course of licit trade, and the country has a national authority that carries out these measures. The country does not require that firearms marking include the name of the manufacturer or the place



of manufacture, does not require the marking of all seized or forfeited firearms, and therefore does not have a register of these materials seized in operations and activities related to drug trafficking.

Peru has legislation that criminalizes money laundering and regulations for its prevention and control, as well as a Financial Intelligence Unit and regulations for the seizure and forfeiture of assets related to money laundering. The measures the country has for the management and disposal of seized and forfeited assets related to this offense include guidelines for the appropriate management of those assets, and a single agency responsible for this task.

In the area of International Cooperation, Peru has ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, the United Nations Convention against Transnational Organized Crime of 2000, the Inter-American Convention on Mutual Assistance in Criminal Matters of 1992 and has designated central authorities, in accordance to said conventions. The country has legal provisions to permit extradition for the crimes of drug trafficking and money laundering. Also, the country has laws and legal provisions for reciprocal judicial assistance to third party States in investigations, trials, and legal proceedings for drug trafficking and money laundering. Also, there are laws and legal provisions that permit the use of controlled delivery of narcotics and psychotropic substances in order to identify persons involved in the crime of drug trafficking. However, the country does not require appropriate marking of firearms manufactured within its territory nor of those that are imported.

CICAD recognizes Peru for its continued participation and commitment during the Sixth Evaluation Round of the MEM. In accordance with its national situation, the country is encouraged to fully implement the Plan of Action (2011-2015) of CICAD's Hemispheric Drug Strategy (2010).



SUMMARY OF THE STATUS OF COMPLIANCE WITH RECOMMENDATIONS

INSTITUTIONAL STRENGTHENING		
NO.	RECOMMENDATION	EVALUATION
1	Establish and/or strengthen national drug authorities, placing them at a high political level, with the mission to coordinate the effective planning and implementation of national drug policies.	COMPLETE
2	Design, implement, strengthen and update national evidence-based strategies and policies on drugs.	COMPLETE
3	Establish and/or strengthen National Observatories on Drugs or similar technical offices to develop national drug information systems and foster scientific research on this subject.	MOSTLY COMPLETE
DEMAND REDUCTION		
4	Develop and implement comprehensive demand reduction policies, plans and/or programs.	MOSTLY COMPLETE
5	Design and implement a comprehensive system of evidence-based universal, selective, and indicated prevention programs, with measurable objectives, aimed at distinct target populations, including at-risk groups.	STARTED
6	Promote the integration of treatment and recovery plans and programs into the public health system and address drug dependence as a chronic, relapsing disease.	MOSTLY COMPLETE
7	Facilitate access for drug-dependent persons to a system of drug treatment, rehabilitation, social reintegration, and recovery services that are evidence-based and follow internationally-accepted quality standards.	PARTIALLY COMPLETE
8	Explore the means of offering treatment, rehabilitation, social reinsertion and recovery support services to drug-dependent criminal offenders as an alternative to criminal prosecution or imprisonment.	NOT STARTED
9	Strengthen governmental relationships with academic and research institutions and specialized non-governmental organizations (NGOs), in order to generate evidence on the demand for drugs.	COMPLETE
10	Promote and strengthen training and continuing education of professionals, technicians and others involved in the implementation of demand reduction activities.	COMPLETE



SUPPLY REDUCTION		
11	Adopt and/or improve comprehensive and balanced measures aimed at reducing the illicit supply of drugs.	COMPLETE
12	Adopt and/or improve data collection and analysis mechanisms with a view to carrying out assessments that will facilitate the development of public policies aimed at illicit supply of drugs reduction.	COMPLETE
13	Promote studies and research that contribute to the early identification and monitoring of new and emerging trends that could provide updated information on the illicit supply of drugs.	COMPLETE
14	According to the needs of each country, adopt comprehensive measures, such as integral and sustainable alternative development and law enforcement initiatives.	COMPLETE
15	Promote actions to reduce the negative impact on the environment caused by the world drug problem, in accordance with national policies.	COMPLETE
CONTROL MEASURES		
16	Implement programs to prevent and reduce the illicit production of synthetic and plant-based drugs.	MOSTLY COMPLETE
17	Adopt or strengthen control measures in order to prevent the diversion of controlled chemical substances towards illicit activities.	COMPLETE
18	Adopt or strengthen control measures to prevent the diversion of narcotics, psychotropic substances, pharmaceutical products with psychoactive properties and those used in the production of synthetic drugs.	COMPLETE
19	Ensure the adequate availability of narcotics needed for medical and scientific use.	COMPLETE
20	Strengthen national organizations for the control of illicit drug trafficking and related crimes.	COMPLETE
21	Identify new trends and patterns regarding illicit drug trafficking and related crimes.	NOT STARTED
22	Promote improvements in information systems on illicit drug trafficking and related crimes.	PARTIALLY COMPLETE
23	Adopt measures for effective cooperation in criminal investigations, investigation procedures, collection of evidence, and the exchange of intelligence information among countries, assuring due respect for the various national legal systems.	COMPLETE
24	Adopt or strengthen, as applicable, control measures for the illicit trafficking of firearms, ammunition, explosives, and other related materials associated with illicit drug trafficking.	PARTIALLY COMPLETE



25	Establish, update, or strengthen legislative and institutional frameworks in matters of prevention, detection, investigation, and prosecution of money laundering.	COMPLETE
26	Create or strengthen, in accordance with national legislation, the competent national organizations for the management of seized and/or forfeited assets, and the disposition of forfeited assets.	COMPLETE
INTERNATIONAL COOPERATION		
27	Reaffirm the principle of cooperation contained in international instruments to address the world drug problem, through actions to ensure compliance and effectiveness.	MOSTLY COMPLETE



GLOSSARY

I. INSTITUTIONAL STRENGTHENING

Relevant actors: includes civil society, scientific community, university based researchers, government at the national, regional and local levels.

II. DEMAND REDUCTION

Alternatives to incarceration: vary from jurisdiction to jurisdiction, but most involve suspension of the judicial process provided the offender volunteers to participate in a monitored drug treatment program.

Available evidence: use of information, from different sources, to support an effect with an adequate degree of confidence, so that it can be used as a basis for a particular recommendation. The quality of the information sources will indicate the level of confidence for the estimate of the effect.

Comprehensive (prevention) system: organizations and programs that provide addiction prevention services, and are interconnected with each other and with several organizations, programs and channels that provide support services.

Indicated prevention programs: a set of actions targeting persons who use drugs.

Public health system: Includes all organizations, institutions and resources whose principal objective is to carry out activities designed to improve health. The majority of national health systems include the public, private, traditional and informal sectors. The four primary functions of a health system include: provision of services, generation of resources, financing and management.

Selective prevention programs: a set of actions targeting a specific segment of the population, which, because of personal, social, family, or socio-cultural and related characteristics, is vulnerable to the diverse risk factors leading to drug use.



Social reinsertion: any social intervention with the aim of integrating former or current problem drug users into the community. The three ‘pillars’ of social reinsertion are (1) housing, (2) education and (3) employment (including vocational training). May also be referred to as “social re-integration.”

Universal prevention programs: a set of preventive actions targeting the entire population independent of risk.

III. SUPPLY REDUCTION

Regulatory framework: the set of established laws and regulations that governs the activities of the institutions responsible for the formulation, development and application of drug supply reduction policies and/or programs.

Risk factors: risk factors are those conditions that contribute to the emergence or strengthening of illicit activities and/or to the neutralization of law enforcement activities.

Social inclusion: a situation which ensures that all citizens, without exception, are able to exercise their rights, use their skills, and take advantage of opportunities available to them.

Vulnerable populations: those sectors or population groups that, due to poverty, ethnic origin, health, age, gender or disability, are unable to develop and improve their circumstances. This vulnerability places such persons at a disadvantage with regard to exercising their full rights and freedoms.

IV. CONTROL MEASURES

Drug characterization and impurity profiling: use of scientific laboratory information in support of law enforcement operation work, aimed at establishing links between drug samples. It consists of the systematic collection and sharing, in a standardized form, of physical and chemical information on a drug seizure, including the analysis and use of trace impurities to link different drug samples.



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