



## Economic and Social Council

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### Commission on Crime Prevention and Criminal Justice

#### Twenty-first session

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Item 5 (a) of the provisional agenda\*

**Integration and coordination of efforts by the  
United Nations Office on Drugs and Crime and  
Member States in the field of crime prevention and  
criminal justice: ratification and implementation of the  
United Nations Convention against Transnational  
Organized Crime and the Protocols thereto**

#### **Italy: draft resolution**

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolution:

### **Strengthening international cooperation in combating transnational organized crime**

*The Economic and Social Council,*

*Recognizing* that transnational organized crime has diversified and represents a threat to health and safety, security, good governance and the sustainable development of Member States,

*Emphasizing* that all States have a shared responsibility to take steps to counter the threat of transnational organized crime, including through international cooperation and in cooperation with relevant entities such as the United Nations Office on Drugs and Crime,

*Recalling* General Assembly resolution 66/181 of 19 December 2011, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”, in which the Assembly reaffirmed the importance of the United Nations Convention against Transnational Organized Crime and the Protocols thereto<sup>1</sup> as the main tools of the international

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\* E/CN.15/2012/1.

<sup>1</sup> United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.



community to fight transnational organized crime, drew attention to emerging policy issues such as piracy, cybercrime, abuse and exploitation of children, trafficking in cultural property, illicit financial flows and illicit trafficking in endangered species of wild fauna and flora, and invited the United Nations Office on Drugs and Crime to explore ways and means of addressing those issues,

*Stressing* the need for universal implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and of the United Nations Convention against Corruption,<sup>2</sup> as well the need for additional cooperation between Member States and private sector entities to counter transnational organized crime, as identified in various reports of the United Nations Office on Drugs and Crime,

*Recalling* Commission on Crime Prevention and Criminal Justice resolution 19/2 of 21 May 2010, entitled “Strengthening the collection, analysis and reporting of comparable crime-related data”, in which the Commission, inter alia, requested the United Nations Office on Drugs and Crime, in consultation with Member States, to strengthen the collection, analysis and reporting of accurate, reliable and comparable data on world crime trends and patterns and invited Member States to strengthen their efforts to review and improve data-collection tools in order to enhance knowledge on those trends and patterns,

*Considering* the United Nations Millennium Declaration,<sup>3</sup> in which heads of State and Government resolved to intensify their efforts to fight transnational crime in all its dimensions,

*Underscoring* the progressive involvement of organized criminal groups at all stages of both licit and illicit activities that can generate huge profits, including the production and distribution of counterfeit products,

*Recalling* Commission on Crime Prevention and Criminal Justice resolution 20/6 of 15 April 2011, entitled “Countering fraudulent medicines, in particular their trafficking”, in which the Commission urged Member States to prevent trafficking in fraudulent medicines by introducing legislation, as appropriate, covering, in particular, all offences related to fraudulent medicines, such as money-laundering, corruption and smuggling, as well as the confiscation and disposal of criminal assets, extradition and mutual legal assistance, to ensure that no stage in the supply chain of fraudulent medicines was overlooked,

*Recalling also* Commission on Crime Prevention and Criminal Justice decision 19/1 of 21 May 2010, in which the Commission decided to invite the United Nations Interregional Crime and Justice Research Institute to present to the Commission at its twentieth session an updated version of the report *Counterfeiting: A Global Spread, a Global Threat*,

1. *Reiterates* its call to those Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>4</sup> and encourages States parties to fully implement those legal instruments;

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<sup>2</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

<sup>3</sup> General Assembly resolution 55/2.

<sup>4</sup> United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

2. *Welcomes* resolution 5/5 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, in which the Conference decided to establish an open-ended intergovernmental working group to consider and explore options for the establishment of a mechanism or mechanisms to assist it in the review of the implementation of the Organized Crime Convention and the Protocols thereto, takes note with appreciation of the progress made by the Working Group in finalizing its recommendations to the Conference, and expresses the hope that the Conference at its sixth session will complete the task of establishing the review mechanism;

3. *Welcomes also* the establishment by the Secretary-General of the United Nations system task force on transnational organized crime and drug trafficking as threats to security and stability, for the purpose of developing an effective, comprehensive and coordinated response to such challenges, and takes note with appreciation of the high-level briefing on challenges in the fight against transnational organized crime and drug trafficking, held in New York on 7 February 2012;

4. *Invites* Member States, within the framework of their domestic legislation and international obligations, to consider reviewing their legal and regulatory frameworks in order to provide for the criminalization of the production and distribution of dangerous counterfeit products;

5. *Urges* Member States to consider, where appropriate, extending the relevant provisions of the Organized Crime Convention to the production and distribution of dangerous counterfeit products, especially in relation to money-laundering, corruption and smuggling, as well as seizing and confiscating the related criminal assets and cooperating by means of extradition and mutual legal assistance;

6. *Invites* Member States to consider enhancing their cross-border cooperation and applying the judicial and law enforcement cooperation mechanisms at their disposal in connection with the production and distribution of dangerous counterfeit products, so as to break the related distribution chain;

7. *Encourages* Member States to provide adequate mechanisms to ensure proper safety and control of the licit distribution chain with, where appropriate, the involvement and close cooperation with the private sector;

8. *Requests* the United Nations Office on Drugs and Crime, in consultation with Member States and relevant regional and international organizations, to continue to develop global analyses of the threats and modalities of transnational organized crime, to study new forms and dimensions of transnational organized crime and to analyse new and emerging challenges, in order to support evidence-based policy guidance;

9. *Invites* the United Nations Interregional Crime and Justice Research Institute, in consultation with Member States and in cooperation with other competent international entities, to continue to conduct research on the involvement of organized criminal groups in the production and distribution of counterfeit products, and requests the Secretary-General, in cooperation with the Institute, to report on that research to the Commission on Crime Prevention and Criminal Justice at its twenty-second session;

10. *Requests* the Secretary-General to submit a report to the Commission at its twenty-second session on the implementation of the present resolution.
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