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Commission on Crime Prevention and Criminal Justice

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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: revised 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 in all its forms and manifestations

The Economic and Social Council,

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

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

Reiterating the strong conviction, expressed by the General Assembly in its resolution 55/25 of 15 November 2000, entitled “United Nations Convention against Transnational Organized Crime”, that the United Nations Convention against Transnational Organized Crime¹ constitutes an effective tool and the necessary legal

* E/CN.15/2012/1.

¹ United Nations, *Treaty Series*, vol. 2225, No. 39574.



framework for international cooperation in combating the growing links between transnational organized crime and terrorist crimes,

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 thereto² as the main tools of the international 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, within its mandate, 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, the United Nations Convention against Corruption³ and other relevant international instruments, as well as 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 19/1 of 21 May 2010, entitled “Strengthening public-private partnerships to counter crime in all its forms and manifestations”, and noting the importance of further developing such partnerships, including in or in relation to specific sectors, for example the tourism sector, which may be affected by increased criminal and terrorist threats and challenges,

Recalling also 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,

Stressing the need to further consolidate and intensify efforts in implementing the commitments made in the United Nations Millennium Declaration,⁴ in which Heads of State and Government resolved to intensify their efforts to fight transnational crime in all its dimensions, including trafficking as well as smuggling in human beings and money-laundering,

Recalling General Assembly resolution 64/293 of 30 July 2010, entitled “United Nations Global Plan of Action to Combat Trafficking in Persons”, and Commission on Crime Prevention and Criminal Justice resolution 20/3 of 15 April 2011, entitled “Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons”, and underlining the importance of their full implementation, including by means of strengthening cooperation and

² Ibid., vols. 2225, 2237, 2241 and 2326, No. 39574.

³ Ibid., vol. 2349, No. 42146.

⁴ General Assembly resolution 55/2.

improving coordination among States, United Nations bodies and agencies and other relevant international, regional and subregional organizations,

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*,

Noting the outcome of the international high-level conference held in Moscow from 26 to 28 October 2011 and hosted by the Government of the Russian Federation at which the Council of Europe Convention on the Counterfeiting of Medical Products and Similar Crimes involving Threats to Public Health was opened for signature,

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,⁵ and encourages States parties to fully implement those legal instruments;

2. *Welcomes* resolution 5/5 of 22 October 2010 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 and launching it as soon as possible, bearing in mind the urgent need to improve the implementation of the Convention and its Protocols;

3. *Also welcomes* 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, notes the high-level briefing on challenges in the fight against transnational organized crime and drug trafficking, held in New York on 7 February 2012, and invites the Executive

⁵ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

Director of the United Nations Office on Drugs and Crime to keep States regularly informed of the progress of work in this area;

4. *Further welcomes* the signing of the memorandum of understanding between the United Nations Office on Drugs and Crime and the World Tourism Organization, and requests the Executive Director of the Office to submit to the Commission on Crime Prevention and Criminal Justice at its twenty-second session, in close consultation with the World Tourism Organization and, as appropriate, other relevant international and regional organizations, a report on ways and means, including public-private partnerships, of enhancing the effectiveness of international cooperation in countering criminal and terrorist threats and challenges to the tourism sector;

5. *Invites* Member States, drawing on the principle of shared responsibility and keeping in mind the need for a comprehensive and balanced approach, within the framework of their domestic legislation and international obligations, to consider reviewing their legal and regulatory arrangements in order to provide for the criminalization of the production and distribution of illicitly manufactured goods linked to organized crime, especially goods that are dangerous to the health and safety of consumers, to be considered as “dangerous counterfeit products”;

6. *Urges* Member States to consider, where appropriate, extending the relevant provisions of the Organized Crime Convention to the manufacture, 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, as well as coordinated law enforcement actions;

7. *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 manufacture, production and distribution of dangerous counterfeit products, so as to break the related distribution chain;

8. *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 of the private sector;

9. *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;

10. *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;

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