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Commission on Crime Prevention and Criminal Justice

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Agenda item 5 (a)

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, 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,

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 thereto¹ as the main tools of the international

¹ 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, within its mandate, ways and means of addressing those issues,

Stressing the need for promoting universal adherence to, as well as full implementation of, the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Convention against Corruption² and other relevant international instruments, as well as the importance of additional cooperation between Member States and private sector entities, as appropriate, 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, affected by increased criminal and terrorist threats and challenges,

Recalling also General Assembly resolution 66/180 of 19 December 2011, entitled “Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking”, in which the Assembly urged Member States and relevant institutions to reinforce and fully implement mechanisms to strengthen international cooperation, including mutual legal assistance, in order to combat all forms and aspects of trafficking in cultural property and related offences, such as the theft, looting, damage, removal, pillage and destruction of cultural property, and to facilitate the recovery and return of stolen cultural property,

Recalling further the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,³ adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, in which the Commission on Crime Prevention and Criminal Justice was invited to consider convening an open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime,

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

² Ibid., vol. 2349, No. 42146.

³ General Assembly resolution 65/230, annex.

Member States to strengthen their efforts to review and improve data-collection tools in order to enhance knowledge on those trends and patterns, as well as Economic and Social Council resolution 2012/[...] entitled “Improving the quality and availability of statistics on crime and criminal justice for policy development”,

Taking note of the commitment made by Heads of State and Government in the United Nations Millennium Declaration to intensify their efforts to fight transnational crime in all its dimensions, including trafficking as well as smuggling in human beings and money-laundering, to take concerted action against international terrorism and to redouble their efforts to implement their commitment to counter the world drug problem, and stressing the need to integrate crime prevention and criminal justice strategies and measures into broader United Nations goals,

Recalling General Assembly resolution 64/293 of 30 July 2010, entitled “United Nations Global Plan of Action to Combat Trafficking in Persons”, General Assembly resolution 65/232 of 21 December 2010, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”, 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”, in which the Commission urged full and effective implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons, and expressing the view that the Plan of Action will, inter alia, enhance cooperation and better coordination of efforts in fighting trafficking in persons and full implementation of the United Nations Convention against Transnational Organized Crime⁴ and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention,⁵

Underscoring the growing 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 falsified and fraudulent 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, and, in this regard, noting the Conference hosted by the Government of the Russian Federation in Moscow from 26 to 28 October 2011 on countering the spread of counterfeit medical products,

Recalling also Commission on Crime Prevention and Criminal Justice decision 19/1 of 21 May 2010 on “Strengthening crime prevention and criminal justice responses to counterfeiting and piracy”,

⁴ United Nations, *Treaty Series*, vol. 2225, No. 39574.

⁵ *Ibid.*, vol. 2237, No. 39574.

Mindful of the links which may exist, in some cases, between transnational organized crime and terrorism, as well as the need for further research and cooperation to address that issue,

Recognizing the involvement of transnational criminal organizations in all aspects of crimes having a significant impact on the environment,

Noting with appreciation 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 within the United Nations system an effective and comprehensive approach to transnational organized crime and drug trafficking, and reaffirming the crucial role of Member States as reflected in the Charter of the United Nations,

Welcoming the signing of the memorandum of understanding between the United Nations Office on Drugs and Crime and the World Tourism Organization,

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,⁶ 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. *Requests* the Executive Director of the United Nations Office on Drugs and Crime, as the co-chair of the United Nations system task force on transnational organized crime and drug trafficking as threats to security and stability, to keep Member States informed on the progress of the work of the task force;

4. *Invites* the United Nations Office on Drugs and Crime to request Member States and interested international organizations, including regional organizations, to submit their views to the Office on ways and means of enhancing the effectiveness of international cooperation in countering criminal and terrorist threats and challenges to the tourist sector, including by means of public-private partnerships, and requests the Office to provide a report on these submissions to the Commission on Crime Prevention and Criminal Justice at its 22nd session;

5. *Invites* Member States, within the framework of their domestic legal systems and international obligations, to consider reviewing their legal and regulatory arrangements in order to provide for the criminalization of the production and distribution of falsified and fraudulent products linked to organized crime;

⁶ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

6. *Also invites* Member States to consider, where appropriate, applying the relevant provisions of the Organized Crime Convention to the activities of transnational organized criminal groups, including those involving the illicit manufacture, production and distribution of falsified and fraudulent 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, and invites Member States also to consider enhancing their cross-border cooperation in this area, including with a view to breaking the related criminal 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 of the private sector;

8. *Urges* Member States to consider, among other effective measures, within the framework of their national legal systems, criminalizing activities related to all forms and aspects of trafficking in cultural property and related offences by using a broad definition that can be applied to all stolen, looted, unlawfully excavated and illicitly exported or imported cultural property and to apply the relevant provisions of the United Nations Convention against Transnational Organized Crime to foster international cooperation in order to address such criminal activities, including by applying judicial and law enforcement cooperation mechanisms at their disposal;

9. *Takes note with appreciation* of the report of the Secretary-General on crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking,⁷ including its recommendations, and looks forward to the continued work of the intergovernmental expert group established by the Economic and Social Council to address crime prevention and criminal justice responses to protect cultural property;

10. *Urges* Member States to consider, among other effective measures, in accordance with their national legal systems, addressing different forms and manifestations of transnational organized crime that have a significant impact on the environment, including illicit trafficking in endangered species of wild fauna and flora;

11. *Reiterates* its invitation to Member States and other donors to provide extrabudgetary resources for these purposes, in accordance with the rules and regulations of the United Nations, to implement Commission on Crime Prevention and Criminal Justice resolution 20/7 of 15 April 2011, including the convening of the second session of the open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime;

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

⁷ E/CN.15/2012/15.

13. *Invites* the United Nations Interregional Crime and Justice Research Institute and other institutes of the United Nations crime prevention and criminal justice programme network, in consultation with Member States and in cooperation with other competent international entities, to continue to conduct research on different forms of transnational organized crime;

14. *Requests* the Secretary-General to continue his efforts towards enhancing the analytical contributions of the United Nations Interregional Crime and Justice Research Institute and other institutes of the United Nations crime prevention and criminal justice programme network, as well as their transparency to Member States, including by means of strengthening their working links with the Commission on Crime Prevention and Criminal Justice;

15. *Requests* the United Nations Office on Drugs and Crime, in consultation with Member States and relevant regional and international organizations, to continue developing technical assistance tools that may be used to support the implementation of the Organized Crime Convention and the Protocols thereto, the United Nations Convention against Corruption and other relevant United Nations instruments;

16. *Invites* States and other donors to provide extrabudgetary resources for these purposes, in accordance with the rules and procedures of the United Nations;

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