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Agenda item 6

World crime trends and emerging issues and responses in the field of crime prevention and criminal justice

Argentina: revised draft resolution

Countering fraudulent medicines, in particular their trafficking

The Commission on Crime Prevention and Criminal Justice,

Stressing that, for the purposes of the present resolution and without prejudice to other accepted definitions or work in this area, “fraudulent medicines”, usually referred to as “falsified medicines”, include purported medicines whose contents are inert, are less than, more than or different from what is indicated, or have expired,

Expressing its concern regarding fraudulent medicines as a growing global issue that has severe consequences, both as a public health risk, with those affected suffering serious health consequences or even death, and a loss of confidence by the general public regarding the quality, safety and efficacy of pharmaceutical products and higher health-care costs,

Expressing its concern also over the risks posed to human health and safety by fraudulent medicines in all stages of the supply chain, in particular their trafficking, advertising and distribution,

Recalling that fraudulent medicines continue to be an important issue for the international community, as witnessed by the efforts of the World Health Organization and the International Criminal Police Organization in this area,

Noting with concern the involvement of organized criminal groups in all aspects of trafficking in fraudulent medicines, and underscoring in that regard the potential utility of the United Nations Convention against Transnational Organized Crime¹ in reinforcing international cooperation in the fight against trafficking in

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



fraudulent medicines, including their illicit production and distribution, through, inter alia, mutual legal assistance, extradition and the recovery of the proceeds of crime,

Wishing to raise awareness among all States concerning the urgent need for the international community to act and combat the threat posed by fraudulent medicines, and recognizing the importance of providing the most extensive international cooperation consistent with relevant international instruments and mechanisms, as well as national controls,

Noting that all stages of the fraudulent-medicine supply chain, in particular distribution and trafficking, require neither sophisticated infrastructure nor a high level of skill, and that as new methods for identifying fraudulent medicines are developed, criminals continually improve their methods of replicating packaging, holograms and other physical aspects, as well as the chemical composition, of their products,

Recognizing the need, where appropriate, to strengthen and fully implement mechanisms for tackling organized crime networks involved in all stages of the fraudulent-medicine supply chain, in particular distribution and trafficking, by enhancing criminal justice capacity,

1. *Urges* Member States and relevant international and regional institutions, as appropriate, to strengthen and fully implement measures and mechanisms to prevent trafficking in fraudulent medicines and to strengthen international cooperation, including through the United Nations Office on Drugs and Crime legal and operational technical assistance programmes, to increase the effectiveness of authorities in identifying and responding to trafficking in fraudulent medicines;

2. *Urges* 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 is overlooked;

3. *Invites* Member States to review their legal and regulatory frameworks in order to provide effective legislation and improved regulatory mechanisms, including by means of strengthening public-private partnerships that encompass manufacturers, importers, exporters, distributors and retailers, so as to significantly deter organized criminal networks that participate in trafficking in fraudulent medicines;

4. *Encourages* Member States to adopt measures enhancing cross-border cooperation, including exchange of information, joint investigations, special investigative techniques and enforcement at the national, regional and international levels and to promote the cooperation of national law enforcement agencies aimed at curbing trafficking in fraudulent medicines, in particular by promoting existing tools and considering new tools;

5. *Invites* Member States to make strong efforts to publicize at the national level the detrimental health, social and economic consequences of purchasing medicines that may be fraudulent, and to highlight the risk of using medicines from

the illicit market in order not to create a loss of public confidence in the quality, safety and efficacy of medicines in the pharmaceutical trade;

6. *Invites* the United Nations Office on Drugs and Crime, in consultation with Member States and in cooperation with other competent international organizations, to continue to conduct research on the modalities of transnational organized crime, including its involvement in the issue of fraudulent medicines, so as to provide a better framework of knowledge for effectively preparing evidence-based responses to this illicit trade;

7. *Encourages* the United Nations Office on Drugs and Crime, in consultation with Member States, to identify key Member States in the most affected regions and to provide corresponding technical assistance to such Member States, upon request;

8. *Requests* the United Nations Office on Drugs and Crime, in accordance with its mandate and in close cooperation with other United Nations bodies and international organizations, such as the International Narcotics Control Board, the World Health Organization, the World Customs Organization and the International Criminal Police Organization, as well as relevant regional organizations and mechanisms, national agencies that regulate medicines and, where appropriate, the private sector, civil society organizations and professional associations, to assist Member States in building capacity to disrupt and dismantle the organized criminal networks engaged in all stages of the illicit supply chain, in particular distribution and trafficking, to better utilize the experiences, technical expertise and resources of each organization and to create synergies with interested partners, and invites Member States and other donors to provide extrabudgetary contributions for the relevant provisions of the present resolution, in accordance with the rules and procedures of the United Nations;

9. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report to the Commission on Crime Prevention and Criminal Justice at its twenty-second session on the implementation of the present resolution.