



# Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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**Other serious crimes, as defined in the  
Convention, including new forms and  
dimensions of transnational organized crime**

### Belgium: draft resolution

## Countering organized crime related to falsified medical products

*The Conference of the Parties to the United Nations Convention against  
Transnational Organized Crime,*

*Expressing* its concern regarding substandard and falsified medical products as a continuing global issue with severe multidimensional consequences, both in terms of global public health risks, with those affected suffering serious health consequences or even death, and in terms of the emergence of resistance to the effects of medication, adverse financial repercussions for health systems, a loss of confidence among the general public regarding the quality, safety and efficacy of and access to pharmaceutical products, and health-care costs, emphasized by the coronavirus disease 2019 (COVID-19) outbreak and its numerous stakes and challenges,

*Recalling* General Assembly resolution [74/177](#) of 18 December 2019, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”, in which the Assembly recognized the progress made by the United Nations Office on Drugs and Crime in the delivery of advisory services and technical assistance to requesting Member States in the area of trafficking in falsified medical products,

*Recalling also* 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 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, and taking note of the subsequent report of the Executive Director of the United Nations Office on Drugs and Crime,<sup>1</sup> in which the Executive Director recommended making use of the provisions of the United Nations Convention against Transnational Organized Crime<sup>2</sup> to more effectively

\* [CTOC/COP/2020/1](#).

<sup>1</sup> [E/CN.15/2013/18](#).

<sup>2</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.



investigate and prosecute activities of organized criminal groups related to the production of and trafficking in fraudulent medicines,

*Emphasizing* the definition of substandard and falsified medical products endorsed by the World Health Assembly in 2017,<sup>3</sup>

*Considering* that the Convention should be fully used for the purpose of combating criminal offences related to the manufacturing of and trafficking in falsified medical products,

*Emphasizing* that efforts by States parties to implement the Convention are mutually reinforcing and contribute to their efforts to achieve the 2030 Agenda for Sustainable Development, adopted by the General Assembly in its resolution 70/1 of 25 September 2015, and recalling the Sustainable Development Goals contained therein, including target 3.8, on achievement of universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all,

*Reaffirming* the importance of providing the most extensive international cooperation consistent with relevant international instruments and mechanisms, through, inter alia, the use of special investigative techniques, joint investigations and mutual legal assistance, extradition and the confiscation of falsified medical products, including by exploring other possible normative developments, where appropriate, as well as national controls, and reaffirming also the importance of sharing knowledge and experiences in order to deepen cooperation to anticipate possible future pandemics and make health systems more resilient and sustainable, while fostering multilateralism in this area,

*Recognizing* the need, where appropriate, to strengthen and fully implement mechanisms to tackle organized criminal networks involved at all stages of the falsified medical products supply chain, in particular manufacturing and trafficking, by enhancing administrative, civil and criminal justice capacity and by strengthening collaboration between regulatory and law enforcement agencies,

*Noting* that falsified medical product-related crime is a lucrative enterprise and that States should ensure that measures are in place to criminalize the laundering of money obtained from such crime,

*Reaffirming* the willingness of States parties to cooperate on health and crime issues and to promote universal access to quality-assured medical products that are safe and affordable, while observing that a sufficient supply of certain medical products is still lacking, which undermines the performance of health-care systems in most parts of the developing world, in particular during crisis situations,

*Recognizing* the importance of information and data in developing and supporting public policies and efficient responses, and acknowledging the importance of collecting data and conducting analysis on the manufacturing of and trafficking in falsified medical products, with a view to assessing the modalities and routes of such trafficking in a timely manner,

*Taking note* of the research brief entitled “COVID-19-related trafficking of medical products as a threat to public health” by the United Nations Office on Drugs and Crime,

*Welcoming* the work done to counter the impact of substandard and falsified medical products by intergovernmental organizations, and recognizing the usefulness of existing mechanisms and instruments, such as the Council of Europe Convention on the Counterfeiting of Medical Products and Similar Crimes Involving Threats to Public Health (Medicrime Convention),<sup>4</sup>

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<sup>3</sup> World Health Assembly decision WHA70(21).

<sup>4</sup> Council of Europe Treaty Series, No. 211.

*Highlighting*, in this context, the contributions of intergovernmental organizations and the important role of the media, civil society, academia and private sector entities in the prevention and detection of and fight against trafficking in substandard and falsified medical products, and recognizing the need to cooperate with relevant international and regional organizations and mechanisms and non-governmental organizations,

1. *Reaffirms* that the United Nations Convention against Transnational Organized Crime constitutes an effective tool for international cooperation in combating the manufacturing of and trafficking in falsified medical products;

2. *Urges*, in this regard, all States that have not yet done so to consider ratifying or acceding to the Convention as soon as possible;

3. *Urges* States parties, in cooperation with relevant international and regional institutions as appropriate, to strengthen and fully implement measures and mechanisms to prevent the manufacturing of and trafficking in falsified medical products, including through the United Nations Office on Drugs and Crime technical assistance programmes, increase the effectiveness of authorities in identifying substandard and falsified medical products and foster international cooperation in preventing trafficking therein;

4. *Also urges* States parties to develop effective legislation to prevent, prosecute and punish the manufacturing of and trafficking in falsified medical products;

5. *Further urges* States parties to develop or amend, as appropriate, national legislation against trafficking in falsified medical products that should include falsified medical product-related crime as predicate offences to money-laundering and cover extradition and mutual legal assistance, as well as seizure, confiscation and disposal of proceeds of crime and property, equipment or other instrumentalities, to ensure that no stage in the manufacturing of and trafficking in falsified medical products is overlooked;

6. *Invites* States parties to review their legal and regulatory frameworks in order to provide effective legislation and improved regulatory mechanisms, including by means of strengthening the capacities and resources of national medicine regulatory authorities as well as regulatory harmonization, strengthening public-private partnerships that encompass manufacturers, importers, exporters, distributors and retailers, and promoting legislation that facilitates access to and the affordability of essential medical products;

7. *Calls upon* States parties to consider criminalizing the manufacturing of and trafficking in falsified medical products, including by making those offences a serious crime, as defined in article 2, paragraph (b), of the Organized Crime Convention;

8. *Urges* States parties to strengthen coordination and cooperation among their internal institutions involved in the prevention of and fight against manufacturing of and trafficking in falsified medical products, as well as through effective international cooperation arrangements for investigation and prosecution, including joint investigative teams, making use of best practices such as the effective use of international judicial networks;

9. *Requests* the United Nations Office on Drugs and Crime to continue raising awareness of the negative impact of manufacturing of and trafficking in falsified medical products, through advocacy campaigns and other measures, including outreach to and partnerships with civil society and the private sector, and encourages States parties to make strong efforts to publicize at the national level the detrimental health, social and economic consequences of substandard or falsified medical products and to highlight the risk of using such products from the illicit market or non-secured sources, in order to prevent a loss of public confidence in the quality, safety and efficacy of medicines in the pharmaceutical trade;

10. *Urges* States parties to provide the United Nations Office on Drugs and Crime with timely information and statistics on the manufacturing of and trafficking in falsified medical products involving, in particular, organized criminal groups;

11. *Invites* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, in consultation with States parties and in cooperation with other competent international organizations, to continue to conduct research on the modalities of manufacturing of and trafficking in substandard and falsified medical products, so as to provide a better framework of knowledge for effectively preparing evidence-based responses, and also invites the Office, in close cooperation with other competent international organizations and States parties, to continue developing tools on addressing falsified medical products, in accordance with its mandate;

12. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, 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 medical products and, where appropriate, the private sector, civil society organizations and professional associations, to assist States parties, through technical assistance, upon request, in building capacity to disrupt and dismantle the organized criminal groups engaged in all stages of the illicit supply chain, in particular trafficking, to better utilize the experiences, technical expertise and resources of each organization and to create synergies with interested partners;

13. *Invites* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to continue to conduct data collection and research on substandard and falsified medical products to assess the routes and moduli operandi associated with and the involvement of organized criminal groups in such trafficking, and to promptly inform States parties of emerging crime threats;

14. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report to the Conference at its eleventh session on the implementation of the present resolution;

15. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

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