



## Economic and Social Council

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### Commission on Crime Prevention and Criminal Justice

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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: draft resolution**

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

#### **Curbing trafficking in fraudulent medicines**

*The General Assembly,*

*Aware* of how important it is for States to fight against transnational organized crime, one of its forms being international health fraud,

*Stressing* that the term “fraudulent medicines” includes medicines whose contents are inert, are less than, more than or different from what is indicated, are misbranded or have expired, and also stressing that that term is not related to the issue of intellectual property law and, in particular, should not be identified with generic or traditional medicines,

*Expressing its concern* regarding fraudulent medicines as a growing global issue that has severe consequences for developing countries, both as a public health risk, with those affected suffering serious health consequences or even death, and as a pollution of the pharmaceutical chain leading to a loss of confidence by the general public regarding the quality, safety and efficacy of authentic pharmaceutical products,

*Recalling* that the issue of fraudulent medicines remains largely unaddressed by the international community, with the exception of the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health, which has not yet entered into force,



*Alarmed* by the growing 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 Crime<sup>1</sup> in reinforcing international cooperation in the fight against trafficking in 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 from fraudulent medicines, and recognizing the importance of providing the most extensive international cooperation framework consistent with applicable international instruments and mechanisms,

*Observing* that fraudulent medicines have severe negative health consequences for both the population at large and national health-care systems, as well as acute economic consequences, generally devolved to national Governments, which have to bear the costs of fighting the illicit trade, and increased medical costs because of prolonged treatment periods, medical complications and the spread of treatment-intensive diseases caused by the use of fraudulent medicines,

*Noting* that producing fraudulent medicines requires 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,

*Observing* that many criminal groups involved are also involved in other crimes, such as money-laundering, corruption and smuggling, and that detection of those crimes is often avoided through sophisticated criminal techniques exploiting vulnerabilities in areas where adequate legal frameworks and law enforcement and other regulatory bodies do not perform efficiently,

*Recalling* the United Nations Convention against Transnational Organized Crime, which provides the United Nations Office on Drugs and Crime with a strong mandate to address the critical criminal issues of trafficking in fraudulent medicines,

*Recognizing* the need, where appropriate, to strengthen and fully implement mechanisms for tackling organized crime networks involved in the production of and trafficking in fraudulent medicines by enhancing the criminal justice capacity,

1. *Takes note with appreciation* of the report of the United Nations Office on Drugs and Crime entitled *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*,<sup>2</sup> where the issue of fraudulent medicines is addressed;

2. *Urges* Member States and relevant institutions, as appropriate, to strengthen and fully implement measures and mechanisms to curb trafficking in fraudulent medicines and to strengthen international cooperation, including through

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<sup>1</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>2</sup> United Nations publication, Sales No. E.10.IV.6.

the United Nations Office on Drugs and Crime legal and operational technical assistance programmes, to increase the effectiveness of authorities to identify and respond to trafficking in fraudulent medicines;

3. *Urges* Member States to prevent trafficking in fraudulent medicines by introducing appropriate legislation, 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 avenue of manufacturing, distribution or sale of fraudulent medicines is overlooked;

4. *Invites* Member States to review their legal and regulatory frameworks in order to provide effective legislation and improved regulatory mechanisms that encompass manufacturers, importers and exporters, distributors and retailers so as to significantly deter organized criminal networks that participate in the global trade of fraudulent medicines;

5. *Encourages* Member States to adopt measures enhancing cross-border control, 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 introducing new ones;

6. *Invites* Member States to make strong efforts to publicize at the national level the detrimental health, social and economical consequences of purchasing medicines that may not be authentic, 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 legitimate pharmaceutical trade;

7. *Invites* the United Nations Office on Drugs and Crime to carry out further research and threat assessments on the magnitude of the issue of fraudulent medicines, their impact and the involvement of transnational organized crime, so as to provide a better framework of knowledge for effectively preparing evidence-based responses to this illicit trade;

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 World Health Organization, the World Customs Organization, the International Criminal Police Organization and the European Police Office, as well as the private sector, regional bodies, civil society organizations, professional associations, private partners and others, to better assist Member States in disrupting and dismantling the organized criminal networks responsible for the production, distribution and sale of and trafficking in fraudulent medicines, 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 those purposes, in accordance with the rules and procedures of the United Nations;

9. *Encourages* the United Nations Office on Drugs and Crime to identify key countries in affected regions, as well as public, private, civil society and non-governmental organization partners that have a strong interest in promoting and moving this issue forward through the provision of a strong mandate and guidance;

10. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-second session on the implementation of the present resolution.

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