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Transnational Organized Crime and Fraudulent Medicines

UNODC aims at making the world safer from crime, drugs and terrorism through security and justice for all. This includes preventing and fighting organised crime. Transnational organized crime manifests in many forms, including trafficking in fraudulent medicines.¹

While there remains significant gaps in our understanding of the problem, trafficking in fraudulent medicines is recognized as a major public health threat, leading to an estimated 200,000 deaths² worldwide every year. It disrupts the legitimate pharmaceutical supply chain, can foster pathogenic resistance and increase the cost of treatment, while hampering medical research and development.

Illicit gains derived from the trade undermine the rule of law by fuelling corruption and strengthening organized crime. Unchecked, the illicit trade in fraudulent medicines may also lead to an erosion of people's confidence in the capacity of public institutions to provide a safe health environment.

As the guardian of the United Nations Convention against Transnational Organized Crime, UNODC has been given a unique mandate by the Crime Commission (April 2011, Resolution 20/6) to assist Member States in the fight against trafficking

* E/CN.15/2012/1.

¹ UNODC defines fraudulent medicines as medicines where the contents are inert, less than indicated, more than indicated, different than indicated, misbranded, or expired. It does not include adequate generics labeled as generics, even if produced in contravention of intellectual property law. It does not include traditional medicines, which are what they purport to be but which may not be clinically effective for the purposes they are generally used. It is intended to address only cases involving criminal intent (Mens Rea) and not unintentional and mistakes made in content and dosage.

² WHO, 2008.



in fraudulent medicines. To implement this resolution, UNODC is developing a phased approach in consultation with all relevant counterparts.

Due to the cross cutting nature of, and the involvement of organized crime networks in, the traffic in fraudulent medicines, UNODC is well equipped to help Member States and the international community in countering the problem. Within its mandate and expertise, UNODC will contribute to this concerted effort by focusing on the transnational organized crime dimension of the fraudulent medicine trade. Possible areas of interventions for UNODC include: legal and judicial assistance; institution building; operational law enforcement and border control assistance; forensic and technical assistance; research and analysis and awareness raising.

A Phased and integrated approach to countering the problem

UNODC is now engaged in a preparatory and consultative phase, which will lead to the formulation of UNODC strategy on the topic. This would be followed by the design and launch of a first phase of implementation.

As part of the preparatory phase, UNODC is assessing the feasibility of further developing its capacity to analyse transnational organized trafficking in fraudulent medicines and report on the topic. As mandated by Member States,³ UNODC continues to conduct research on trafficking in fraudulent medicines, presently in the context of regional transnational organized crime threat assessments. The purpose of the feasibility assessment is to examine the manner in which the capacity to conduct such work could be strengthened and systematized.

UNODC is also conducting a “landscape survey” of the activities of all major stakeholders and significant initiatives that have been carried out in this field. This will help UNODC to identify priority areas for its interventions, to avoid duplications and to foster synergy with other actors in that area.

The findings of the preparatory phase will be complemented with the outcome of an international conference that UNODC will hold on the 5th and 6th of July, in Vienna, with all relevant stakeholders, civil society and private sector actors, to chart the way forward for UNODC, finalize its strategy and design the first phase of implementation.

UNODC aims at articulating its efforts around the following axis's: legal and judicial assistance; national and regional institution building; operational law enforcement and border control assistance; forensic and technical assistance; and awareness raising. It is foreseen that the *first phase* will mainly focus on “research and assessment” and “legal issues”. The aim is to identify the transnational organized crime dimension of the issue of fraudulent medicines so as to build up the knowledge base for evidence-based responses to this illicit trade (in line with UNODC crime mandate) and analyse regional needs in terms of fraudulent medicines trafficking. UNODC will also assess the needs in terms of legal

³ “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;” (E/2011/30-E/CN.15/2011/21 p. 48).

assistance and start providing support to assess national vulnerabilities and help, in partnership with other international and key regional players, concerned governments develop targeted responses to support the criminal justice systems to deal with the identified threats (selected countries are to be identified in Africa, Asia and Latin America). Based on the outcome of Phase One, the second phase seeks to expand the strategy implementation to combat fraudulent medicines. Because of the wide spectrum of activities in which various national counterparts must engage to address the involvement of organized crime networks in fraudulent medicines, coordination will be crucial in the role played by UNODC. The approach must be sufficiently consistent so as to deal simultaneously with the health, law enforcement, judicial, regulatory and institutional bodies; as well as civil society and the private sector.

International Cooperation and Partnerships

UNODC is committed to working closely with the international community to ensure that the fight against fraudulent medicines is conducted in a coordinated and harmonious manner, drawing from the added values of each UN and non-UN agency and organization that have and can play a role in this enterprise. Through the UNTOC, the UNODC can help provide Member States with the necessary tools to address the ancillary areas linked to fraudulent medicines (corruption, money-laundering and confiscation as well as international cooperation in criminal matters, etc.).

This strong desire to work in partnership extends to all concerned international and national bodies. The UNODC will seek out collaboration for joint activities with all key players (such as INCB, Eurojust, Europol, European Medicines Agency, national regulatory agencies, ICPO/INTERPOL, UNICRI, WCO, UNICRI, WHO, regional organizations, national institutions, the Pharmaceutical Security Institute, the private sector and other relevant stakeholders).
