

Resolution 10/5

Preventing and combating the manufacturing of and trafficking in falsified medical products as forms of transnational organized crime

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

Expressing its concern regarding falsified medical products as a continuing global issue with severe multidimensional consequences, both in terms of risks to public health, including serious health consequences or even death, and in terms of the effects of treatments, the adverse financial repercussions for health systems, a loss of confidence among the general public regarding the quality, safety and efficacy of and access to medical products, and health-care costs,

Recalling General Assembly resolution 74/270 of 2 April 2020 entitled “Global solidarity to fight the coronavirus disease 2019 (COVID-19)”, calling for multilateral cooperation, unity and solidarity, and acknowledging the need for all relevant stakeholders to work together at the national, regional and global levels and to provide assistance, especially to the most vulnerable, to ensure that no one is left behind and deprived of medical help,

Underlining the importance of multilateral action to overcome economic, commercial and financial constraints and reduce cargo travel time in order to facilitate the acquisition of supplies, reagents, medical equipment and medicines necessary for the diagnosis and treatment of the coronavirus disease (COVID-19) and to prevent, at the same time, the manufacturing of and trafficking in falsified medical products,

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, including in the area of trafficking in falsified medical products,

Taking note of Commission on Crime Prevention and Criminal Justice resolution 20/6 of 15 April 2011, entitled “Countering fraudulent medicines, in particular their trafficking”,¹ and taking note also of the subsequent report of the Executive Director of the United Nations Office on Drugs and Crime,²

Recognizing the definition, within its scope of application, of falsified medical products endorsed by the World Health Assembly in 2017,³

¹ In the present resolution, however, the definition of falsified medical products used is that endorsed by the World Health Assembly in its decision 70(21).

² E/CN.15/2013/18.

³ World Health Organization, document WHA70/23, appendix 3, para. 7 (c), as endorsed by the World Health Assembly in its decision 70(21), reads as follows:

Falsified medical products

Considering that the United Nations Convention against Transnational Organized Crime⁴ should be fully used for the purpose of combating the manufacturing of and trafficking in falsified medical products, in those cases falling within its scope,

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,

Emphasizing also that the implementation of the Convention for the combating of falsified medical products may result in improved access to safe, effective, quality and affordable essential medicines and vaccines for all,

Reaffirming the importance of enhancing the most extensive international cooperation possible, including in accordance with relevant international and regional instruments and mechanisms and domestic law, through, inter alia, the use of special investigative techniques, joint investigations and mutual legal assistance, extradition and the seizure, confiscation and disposal of proceeds of crime derived from the manufacturing of and trafficking in falsified medical products, as well as national controls, and reaffirming also the importance of sharing knowledge and experiences in order to deepen cooperation,

Recognizing the need, where appropriate, to establish or strengthen and effectively implement response policies to disrupt and dismantle organized criminal groups involved at all stages of the falsified medical products supply chain, as well as in emerging and evolving methods of distribution and sale, by enhancing the capacities of the entire crime prevention and criminal justice system and by strengthening coordination and collaboration between medicine and health regulatory agencies and law enforcement agencies,

Concerned about the laundering of proceeds derived from the manufacturing of and trafficking in falsified medical products, crimes which may contribute to the financing of other crimes or be funded through the proceeds of other crimes, in accordance with article 6 of the Convention,

Medical products that deliberately/fraudulently misrepresent their identity, composition or source.

Any consideration related to intellectual property rights does not fall within this definition.

Such deliberate/fraudulent misrepresentation refers to any substitution, adulteration, reproduction of an authorized medical product or the manufacture of a medical product that is not an authorized product.

“Identity” shall refer to the name, labelling or packaging or to documents that support the authenticity of an authorized medical product.

“Composition” shall refer to any ingredient or component of the medical product in accordance with applicable specifications authorized/recognized by NRRRA.

“Source” shall refer to the identification, including name and address, of the marketing authorization holder, manufacturer, importer, exporter, distributor or retailer, as applicable.

Medical products should not be considered as falsified solely on the grounds that they are unauthorized for marketing in any given country.

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

Recognizing the increased trafficking in falsified medical products, including those containing narcotic drugs and psychotropic substances,

Acknowledging the importance of verified information and reliable data in developing and supporting public policies and efficient responses and of conducting analysis on the manufacturing of and trafficking in falsified medical products, with a view to assessing the modalities and routes of such manufacturing and 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, as a preliminary assessment in the context of the COVID-19 pandemic,

Aware of the existence of the work of the United Nations Office on Drugs and Crime on combating the manufacturing of and trafficking in falsified medical products,⁵

Highlighting, in this context, the contributions of intergovernmental organizations and the role of the media, civil society, academia and the private sector in the prevention and detection of and fight against the manufacturing of and trafficking in falsified medical products, recognizing the need to cooperate with relevant international and regional organizations and mechanisms and non-governmental organizations, as appropriate, and recognizing also the contributions made by existing international and regional instruments,

1. *Affirms* that the United Nations Convention against Transnational Organized Crime constitutes a useful tool for international cooperation in preventing and combating the manufacturing of and trafficking in falsified medical products, in those cases falling within its scope;

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

3. *Calls upon* States parties that have not yet done so to develop and implement, as appropriate, effective and comprehensive legal frameworks to prevent, prosecute and punish the manufacturing of and trafficking in falsified medical products, consistent with the Convention and taking into consideration the relevant resolutions of the World Health Assembly;

4. *Calls upon* States parties to make the manufacturing of and trafficking in falsified medical products, in appropriate cases and in accordance with national legislation, a serious crime as defined in article 2, paragraph (b), of the Organized Crime Convention;

5. *Urges* States parties to criminalize corruption and the laundering of proceeds of crime, in accordance with national legislation, including when related to the manufacturing of and trafficking in falsified medical products, and strengthen international cooperation, including extradition and mutual legal assistance, as well

⁵ Including the publication entitled *Combating Falsified Medical Product-Related Crime: A Guide to Good Legislative Practices* (Vienna, 2019).

as during 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, improved regulatory mechanisms, including by means of strengthening the capacities and resources of competent regulatory authorities;

7. *Calls upon* States parties to strengthen and fully implement response measures and mechanisms to prevent and combat the manufacturing of and trafficking in falsified medical products, including in cooperation with relevant international and regional organizations;

8. *Invites* States parties to strengthen coordination and cooperation among their national authorities involved in the prevention of and fight against the manufacturing of and trafficking in falsified medical products, including through effective international cooperation, such as mutual legal assistance and extradition mechanisms, and other international cooperation arrangements for investigation and prosecution, including joint investigations, when appropriate and in accordance with national law, making use of best practices such as the effective use of international and regional law enforcement and judicial cooperation networks;

9. *Requests* the United Nations Office on Drugs and Crime, within its mandate and in consultation with States parties, the World Health Organization, the World Customs Organization, the International Criminal Police Organization (INTERPOL) and other relevant international and regional organizations, to continue raising awareness of the negative impact of the 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 falsified medical products and to highlight the risk of using such products from the illicit market, in order to prevent a loss of public confidence in the quality, safety and efficacy of medical products;

10. *Encourages* States parties to provide, on a voluntary basis, the United Nations Office on Drugs and Crime with up-to-date information and statistics on the manufacturing of and trafficking in falsified medical products, taking into consideration the relevant World Health Assembly resolutions;

11. *Invites* States parties to participate in the World Health Organization member State mechanism on substandard and falsified medical products;

12. *Invites* the United Nations Office on Drugs and Crime, in accordance with its mandate and subject to the availability of extrabudgetary resources, in close consultation with States parties and in cooperation with other competent international organizations, to conduct data collection and research on the manufacturing of and trafficking in falsified medical products, and also invites the Office, in accordance with its mandate, in close consultation with States parties and in cooperation with other competent international organizations, to develop guidelines or handbooks so as to provide a

better framework of knowledge for effectively preparing evidence-based responses addressing falsified medical products;

13. *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 World Health Organization, the World Customs Organization and INTERPOL, 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 manufacturing and trafficking, to better utilize the experiences, technical expertise and resources of each organization and to create synergies with interested partners;

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.