

Wednesday, 14 October 2020

INTRODUCTORY STATEMENT

Agenda item 3: Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime

Excellencies, distinguished delegates, ladies and gentlemen,

The Member States highlighted at different forums the role of the Organized Crime Convention as a viable and useful tool to foster international cooperation and technical assistance aimed at addressing serious crimes, as contained in the Convention, including new forms and dimensions of transnational organized crime.

Serious crime is defined in article 2, subparagraph (b), of the Organized Crime Convention as meaning “conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.” These crimes have been identified by the Conference to include cybercrime, identity-related crimes, trafficking in cultural property, environmental crime, maritime piracy, organ trafficking, and trafficking in falsified medical products.¹

¹ The scope of these crimes has been identified by the Conference itself, at its various sessions. Please see the reports of the COPs 8 and 10 available at http://www.unodc.org/documents/treaties/CTOC_COP_19_Report_-_edited_version.pdf; and http://www.unodc.org/documents/treaties/organized_crime/COP5/CTOC_COP_2010_17/CTOC_COP_2010_17_E.pdf

Relevant United Nations system entities have also called on Member States to consider designating some of these types of crime as serious crime within the meaning of article 2 (b) of the Organized Crime Convention.²

As we mark the 20th anniversary of the adoption and opening for signature of the Convention, several national authorities can attest to the increasing role of the Convention as an essential and adaptable tool to address the above-mentioned offences, most of which were not explicitly foreseen at the time of its adoption. This shows the modernity of the Convention and its continuous relevance in addressing problems posed by the everchanging transnational organized crime.

Over the last two years, UNODC has continued supporting States parties to the Convention to address these serious crimes including their new and emerging forms through various initiatives aimed at inter alia strengthening the ability of law enforcement and criminal justice officers to conduct investigations and prosecutions of these forms of crime.

Ladies and Gentlemen, please allow me to provide an update on some of the activities UNODC has undertaken in this regard since the last session of the Conference.

In relation to Trafficking in cultural property:

² See, for example, General Assembly resolution 68/186, Security Council resolution 2347 (2017), Economic and Social Council resolution 2013/40 and resolutions 23/1, 27/5 and 28/3 of the Commission on Crime Prevention and Criminal Justice (see, respectively, E/2014/30-E/CN.15/2014/20, E/2018/30-E/CN.15/2018/15, and E/2019/30-E/CN.15/2019/15), which pertain to trafficking in cultural property and in wildlife, in particular in protected species of wild fauna and flora, trafficking in forest products, including timber, and the smuggling of commercial goods.

The increased recognition of the transnational nature of cultural property offences further highlights the potential role of the Organized Crime Convention as a key aspect of criminal justice response to addressing these offences.

Since 2018, UNODC has focused on enhancing its close cooperation with UNESCO, INTERPOL, the World Customs Organization (WCO) and OSCE, to deliver technical assistance, aimed at strengthening national mechanisms to counter trafficking in cultural property and related offences, including through the use of the Organized Crime Convention to counter these offences. For example, in March 2019, in Bangkok, the UNODC-WCO Container Control Programme partnered with UNESCO in delivering a joint sub-regional advanced training on countering trafficking of cultural objects on the containerized supply chain, including with a view to prevent that trafficked cultural property be used to generate profits for organized criminal groups and to finance terrorist groups. UNODC has also contributed to several OSCE workshops on combatting illicit cross-border trafficking in cultural property in selected countries in Eastern Europe and Asia.

UNODC continues to disseminate various relevant tools aimed at assisting States address cultural property offences. These include a directory of contact points designated by national authorities to facilitate international cooperation within the application of the Organized Crime Convention, for addressing cultural property offences, as well as a collection of national legislation and case law decisions on cultural property. These tools are accessible on the UNODC SHERLOC management portal.

I am also pleased to observe the renewed interest of the Conference on the matter. The discussion of a new resolution is in itself an important step. The reawakening

of the discussion during the Conference is of the utmost importance to strengthen the fight against the scourge caused by this form of trafficking.

On combating Wildlife and Forest Crime

The Global Programme for Combating Wildlife and Forest Crime continues to support Member States to effectively prevent, identify, investigate, prosecute and adjudicate wildlife, forest and fisheries crime. In the past two years, training courses reached more than 2,000 criminal justice personnel across 30 countries. New resource tools were developed to build Member State capacity to investigate and prosecute wildlife, forest, and fisheries crime as well as to prevent corruption and conduct parallel financial investigations. These tools were disseminated through delivery of related training to requesting countries. New projects were developed to respond to the COVID-19 pandemic, notably to mitigate the health risks posed by wildlife trafficking.

The Programme promoted regional and international cooperation, for example, by supporting Wildlife Enforcement Networks and the African Wildlife Forensics Network, and hosting Wildlife Inter-Regional Enforcement meetings. UNODC's close collaboration with other UN agencies and relevant partners continued through the International Consortium on Combating Wildlife Crime and the United Nations Inter-Agency Task Force on Illicit Trade in Wildlife and Forest Products.

UNODC also provided normative guidance to Member States, assisting the development of new legislation in harmonization with the Organized Crime Convention and encouraging authorities to criminalize serious wildlife, forest,

and fisheries offences to enable access to the international cooperation provisions of the Convention.

Also, the tabling of a resolution addressing environmental crime is an important step forward that witnesses the flexibility of the Convention as a global instrument to tackle transnational organized crime in all its forms.

Maritime Piracy

UNODC Global Maritime Crime Programme (GMCP) continued to support States in combating piracy and maritime crime by assisting criminal justice systems, delivering operational support and building capacity in maritime law enforcement. Assistance has included strengthening member states' maritime domain awareness through the use of technology to allow for more targeted patrolling. The Programme has also developed technical assistance in new areas including protecting critical infrastructure and strengthening digital border management.

Furthermore, regional maritime law enforcement capacity building has focused on the establishment of four Visit-Board-Search-Seizure (VBSS) training centres which offer two weeks training in boarding operations. UNODC also established Indian Ocean Forum on Maritime Crime, with a new sub-group on transnational organized crime at sea which focuses on supporting the development of strategies to disrupt the trade in Somali charcoal and the trafficking in licit and illicit goods that might finance terrorist activities in Somalia.

Falsified Medical Products related crime

Discussing falsified medical products during the worst pandemic which the world has seen in 100 years is of self-evident importance. The growing phenomenon of the falsification of medical products threatens the right to life of millions of people around the world, but it can also undermine the very foundations of our societies through a multidimensional impact that includes health, economic and socioeconomic consequences. The fact that States parties are discussing the adoption of a resolution on this topic shows that the matter will stay at the centre of the international debate in the years to come, strengthening our tools to address this scourge.

In 2019, UNODC launched *Combating Falsified Medical Product-Related Crime: A Guide to Good Legislative Practices*. This guide supports States in enacting or strengthening domestic legislation to combat falsified medical product-related crime, providing generic sample provisions, real world examples and explanatory material.

UNODC has continued its work in improving the knowledge base for effective policies to prevent and combat falsified medical product-related crime through the SHERLOC knowledge management portal. SHERLOC brings together legislation, case law, strategies and literature concerning falsified medical products-related crime, among 14 other crime types. SHERLOC contains nearly 500 annotated legislative provisions concerning falsified medical product-related crime from 90 countries, as well as 45 summaries of judicial cases involving prosecutions for such offences. These materials provide insights into both the

nature of falsified medical product-related crime and its serious effects on victims around the world.

In June 2020, UNODC published a research paper on “COVID-19 Related Trafficking of Medical Products as a Threat to Public Health”. The Global Programme to Support the Capacities of States to Prevent and Combat Serious and (transnational) Organized Crime also provided expertise and support towards the inclusion of trafficking in falsified medical products in project documents implemented at the field office level and towards the development of a possible UNODC strategy to address the diverse criminal offenses relating to falsified medical product manufacture and trafficking, with a short-term focus on the trafficking of COVID-19 related falsified medical products.

On countering Cybercrime

Criminals are seeking to profit from the COVID-19 crisis, including through exploiting the information and communications technologies for criminal purposes.

UNODC continues the support the intergovernmental processes on cybercrime. The Open-ended intergovernmental expert group to carry out a comprehensive study of the problem of cybercrime held its sixth session from 27 to 29 July 2020 in a virtual format in light of the COVID-19 pandemic. The participants exchanged experience and challenges in cybercrime prevention and international cooperation to fight this crime and shared views on strengthening efforts in these regards.

UNODC also provides the secretariat services to the ad hoc committee to elaborate a comprehensive international convention on countering the use of information and communications technologies for criminal matters, established by the GA resolution 74/247 of 27 December of 2019. In light of the COVID-19 pandemic, the organizational session of the Committee was postponed from August 2020 to a date as early as the circumstance permits but not later than 1 March 2021. UNODC has been assisting the Member States to prepare the organizational session mandated to agree on an outline and modalities of the further activities of the Committee.

Moreover, UNODC strengthened the provision of technical assistance and capacity-building to Member States to counter cybercrime including by providing tailor made support to more than 50 countries in the areas of cybercrime prevention, reporting, investigation, legislation and research.

As a result of UNODC's cybercrime awareness-raising activities, hundreds of thousands of caregivers and educators across the globe have been empowered to teach about online risks and cybercrime and sensitized students. Strategies on cybercrime prevention in public schools were launched in El Salvador and Guatemala. With UNODC's support, El Salvador, jointly with the Internet Watch Foundation, established an online child sexual abuse Reporting Portal.

In 2019, the Global Programme on Cybercrime trained over 1,800 criminal justice practitioners from 36 countries in Asia, Central America and Africa. In the Lao People's Democratic Republic, UNODC assisted the Police Force with

establishing and training the personnel of their first ever digital forensic laboratory. In cooperation with the Office of the United Nations High Commissioner for Human Rights, UNODC supported Fiji in drafting the Cybercrime Act 2020. To support evidence-informed policy making and law enforcement measures, UNODC conducted research on darknet-based threats in South-East Asia.

Linkages between organized crime and terrorism

UNODC supports Member States' efforts to address the linkages between terrorism and organized crime through a wide array of policy, legislative, and operational assistance including on border management, counter-financing of terrorism, responses against the illicit trafficking of firearms, cultural property, wildlife and other goods, international cooperation and prison management. Increased capacity of maritime ports, airports and cargo facilities to disrupt organized criminal and terrorist networks has led to significant seizures and arrests. Other relevant tools that UNODC has recently produced for the benefit of Member States include a Practical Guide for Requesting Electronic Evidence Across Borders, a Mutual Legal Assistance Request Writer Tool, a Handbook on Gender Dimensions of Criminal Justice Responses to Terrorism and a Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons.

In 2019, the Security Council adopted resolutions 2462 and 2482 which specifically address the issue of the linkages between terrorism and organized crime, with resolution 2482 focusing exclusively on this issue.

In particular, the resolution 2482 requested UNODC and UN Office of Counter Terrorism to prepare a report of the Secretary-General on actions taken by Member States and United Nations Global Counter-Terrorism Coordination Compact Entities to address the issue of linkages between terrorism and organized crime. The Secretary-General's report was issued in July 2020 and discussed by the Security Council in August 2020.

Distinguished delegates,

The Conference is invited to discuss issues related to full use of the mechanisms and techniques available in Organized Crime Convention to address other serious crime, including these new forms and dimensions of transnational organized crime. Your comments and information contribute to enhanced international cooperation and technical assistance.

Thank you for your attention.
