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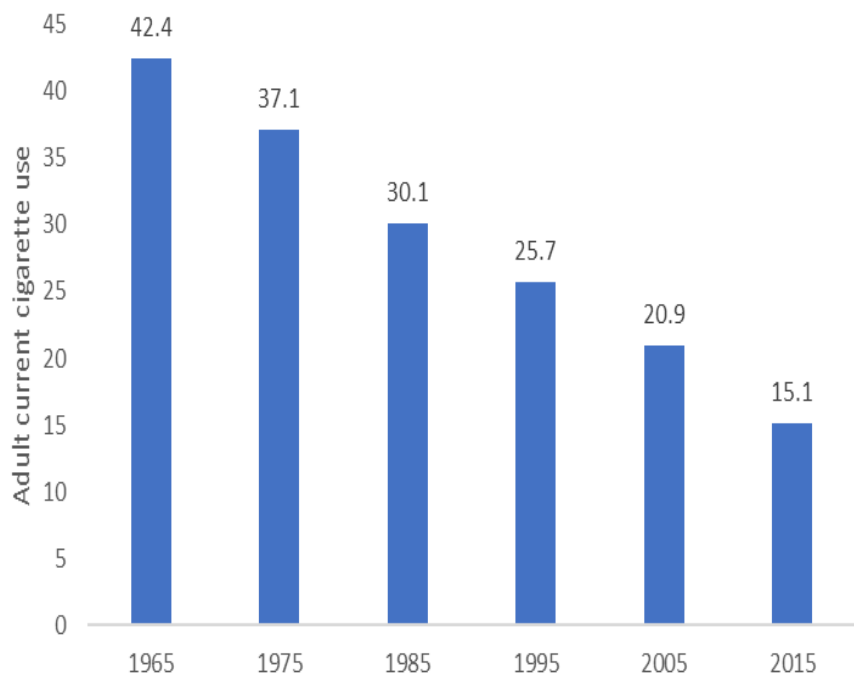
United Nations Office on Drugs and Crime

The Organized Crime Convention and the The Protocol to Eliminate Illicit Trade in Tobacco Products



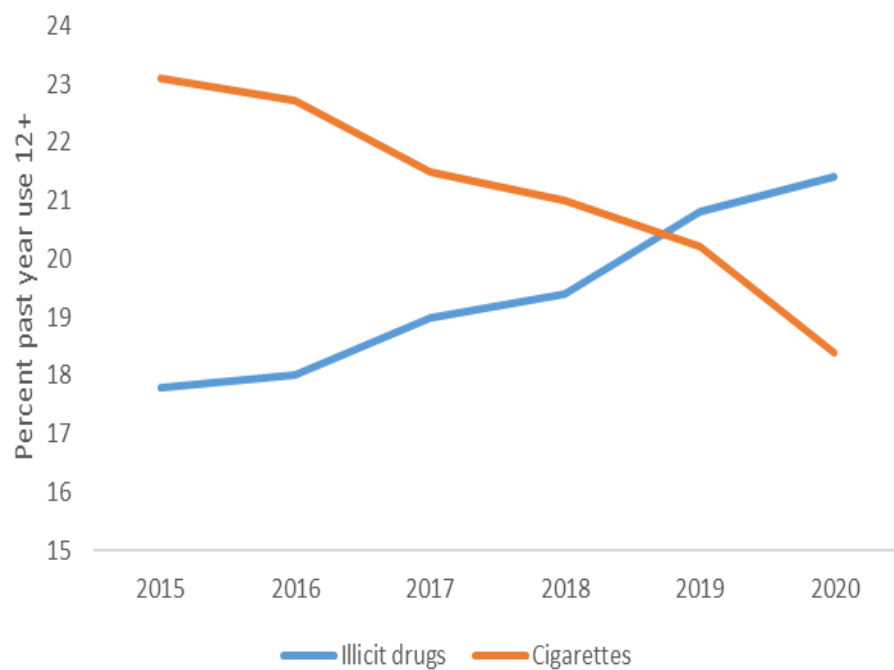
Why are we winning against tobacco addiction but not against illicit drugs?

Adult current cigarette use in the USA
1965-2015



Source: American Lung Association based on CDC data

Past year illicit drug vs cigarette use
12+ years in USA, 2015-2020



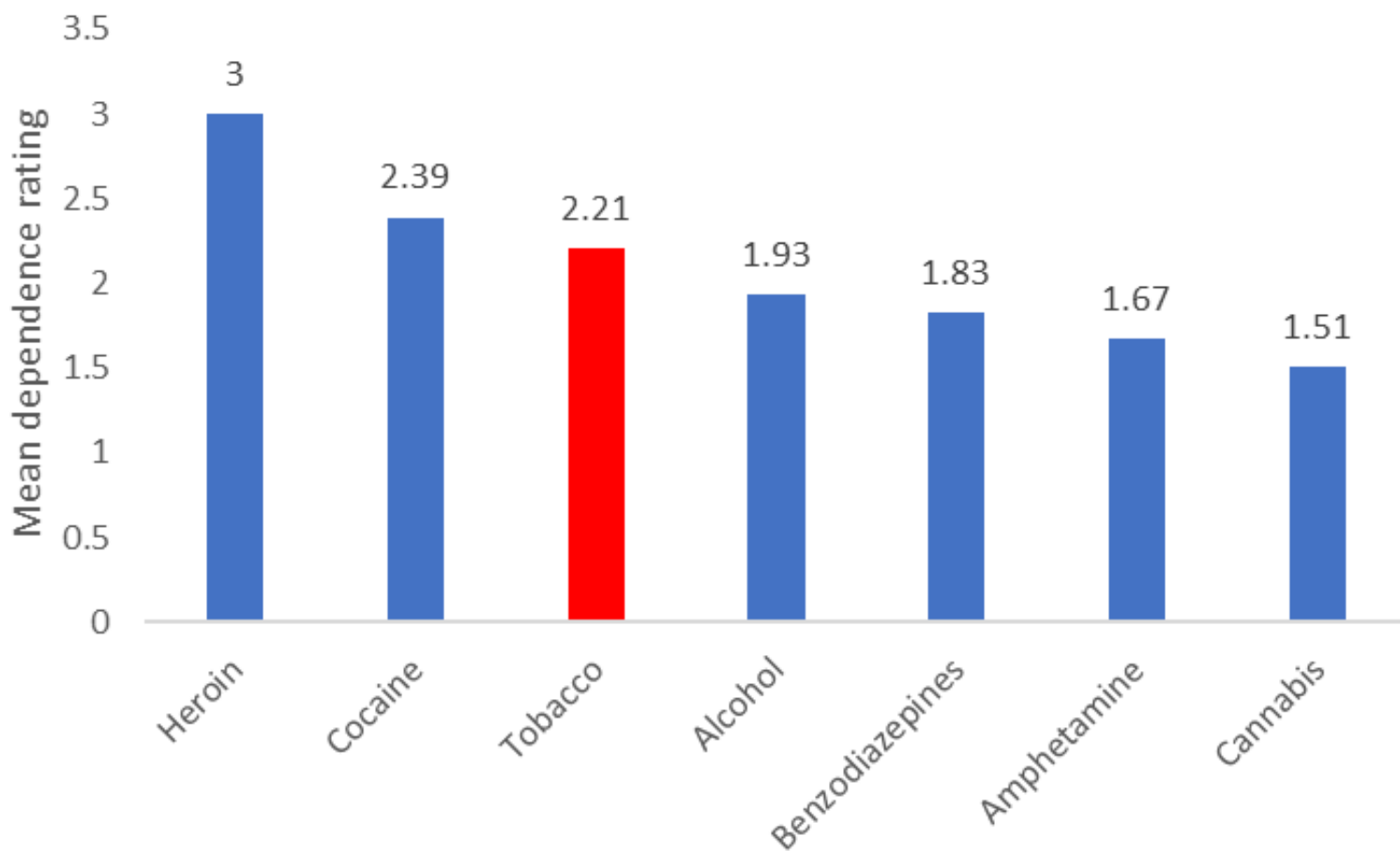
Source: Samsa 2021, Table A.8B



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Arguably, not because tobacco is less addictive

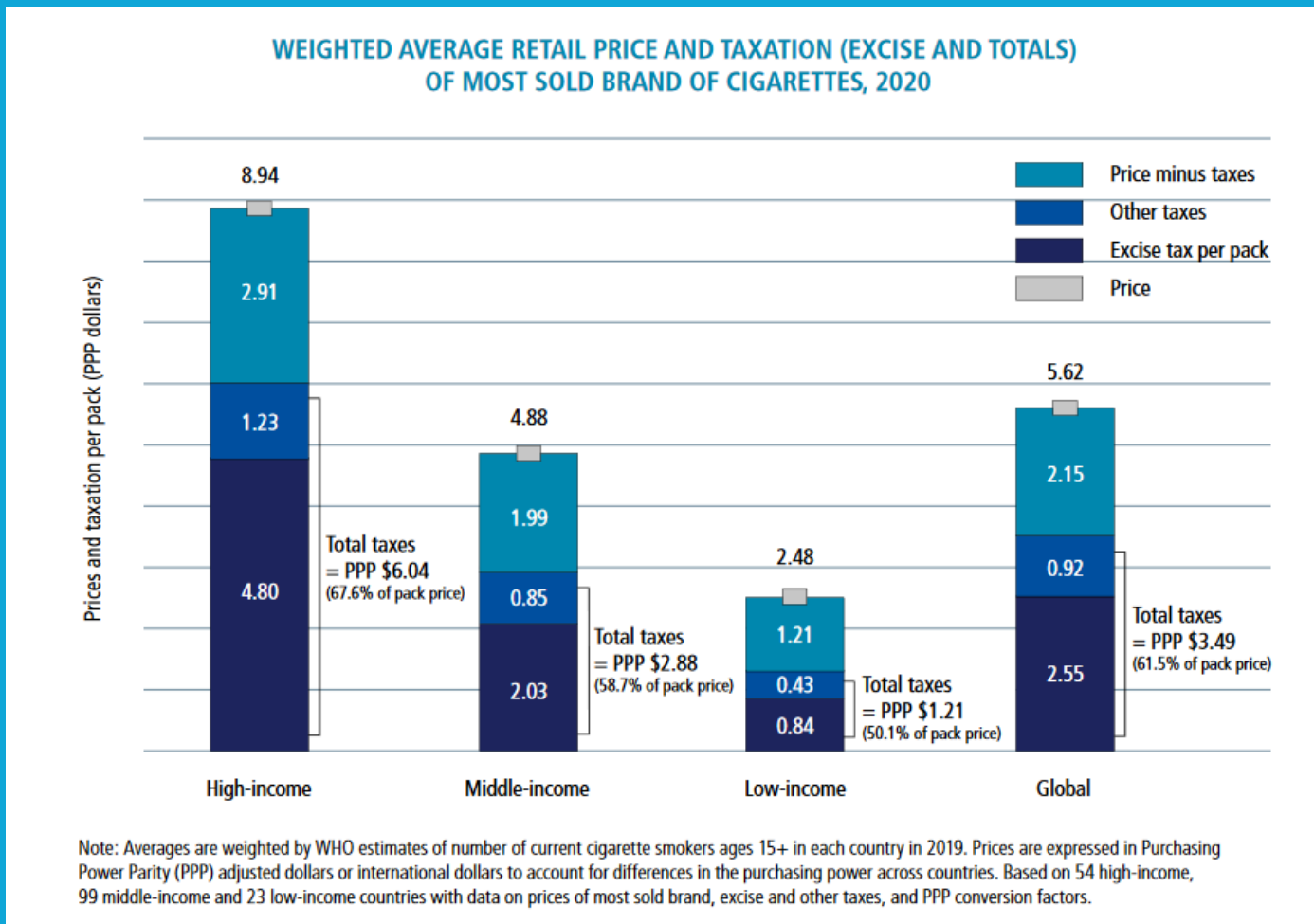


Source: Nutt et al 2007



One key contributor is undermined by smuggling

“Raising taxes to increase the price of tobacco products is the single most effective tobacco control measure”





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The Protocol to Eliminate Illicit Trade in Tobacco Products of the Framework Convention on Tobacco Control

- Entered into force 25 September 2018 and has 66 Parties
- Article 14: “Each Party shall adopt... such legislative and other measures as may be necessary to establish all of the following conduct as unlawful under its domestic law...[and] determine which...shall be criminal offences...”





Key provisions of the Organized Crime Convention

- Requirements to criminalize particular conduct
 - participation in an organized criminal group (conspiracy)
 - laundering of proceeds of crime
 - corruption
 - obstruction of justice
- Requirements to establish particular legal measures
 - e.g. liability of legal persons, confiscation of proceeds of crime, special investigative techniques
- Provisions promoting international cooperation
 - e.g. through extradition, mutual legal assistance, joint investigations



Scope of the Organized Crime Convention

Per Article 3(1), the Convention applies to **serious crime and offences established in accordance with the Convention** where:

- It involves an **organized criminal group**
- The offence is **transnational** in nature



Article 2 – definition of ‘organized criminal group’

1. A **structured group** of three or more persons existing for a period of time
2. **Acting in concert**
3. With the **aim** of committing one or more:
 - Serious crimes (punishable by at least four years imprisonment ; or
 - Offences established in accordance with the Convention
4. In order to obtain a **financial or other material benefit**, either directly or indirectly



Could cigarette smuggling be combatted utilizing UNTOC?

- Yes, if the relevant offence is punishable by four or more years in prison (e.g. 18 U.S. Code § 2342, Philippines Anti-Agricultural Smuggling Act of 2016), or
- Is prosecuted as one of the four crimes under UNTOC (including conspiracy)
- Would allow:
 - Extradition
 - Joint investigation/MLA
 - Cooperation for confiscation (including legal persons)