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Commission on Crime Prevention and Criminal Justice

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Item 6 of the provisional agenda*

World crime trends and emerging issues and responses in the field of crime prevention and criminal justice

Colombia: draft resolution**

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

Prevention, protection and international cooperation against the use of new information technologies to abuse and/or exploit children

The Economic and Social Council,

Recalling General Assembly resolutions 55/63 of 4 December 2000, 56/121 of 19 December 2001 and 64/211 of 21 December 2009, concerning combating the criminal misuse of information technologies, as well as other relevant United Nations resolutions,

Reaffirming its resolutions 2004/26 of 21 July 2004, entitled “International cooperation in the prevention, investigation, prosecution and punishment of fraud, the criminal misuse and falsification of identity and related crimes”, and 2007/20 of 26 July 2007, entitled “International cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime”,

Taking note of resolution 9, on computer-related crimes, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in which States were called upon to intensify their efforts to more effectively combat computer-related abuses,

* E/CN.15/2011/1.

** On behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States.



Taking into consideration the outcome of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on meeting the challenges of the twenty-first century in combating crime and promoting justice,

Underscoring the importance of paragraph 42 of the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,¹ adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, in which the Congress invited the Commission on Crime Prevention and Criminal Justice to consider convening an open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, and welcoming the meeting of that expert group held in Vienna from 17 to 21 January 2011,

Expressing its recognition of the work of the Commission on Crime Prevention and Criminal Justice in combating cybercrime,

Bearing in mind that the United Nations Convention against Transnational Organized Crime² represents a major step forward in combating crimes relating to the use of new information and communications technologies,

Expressing concern that increasingly rapid technological advances have created new possibilities for the criminal misuse of new information and communications technologies,

Recalling the Convention on the Rights of the Child,³ in particular articles 10, 11, 21 and 32 to 36 of the Convention, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,⁴

Reaffirming that the sexual exploitation and abuse of children, regardless of the means by which such exploitation and abuse take place, are among the worst forms of child labour, as established by the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182), of the International Labour Organization,⁵

Taking into account the fact that spaces created using new information and communications technologies are heavily used by children for social interaction,

Emphasizing that new information and communications technologies have given rise to new ways of producing and marketing images and information that could be used by criminals to violate the rights of children,

Noting that, as a result of the technological advances of recent years, material that violates the integrity and rights of children is available to an increasing number of persons,

¹ A/CONF.213/18, chap. I, resolution 1.

² United Nations, *Treaty Series*, vol. 2225, No. 39574.

³ *Ibid.*, vol. 1577, No. 27531.

⁴ *Ibid.*, vol. 2171, No. 27531.

⁵ *Ibid.*, vol. 2133, No. 37245.

Expressing concern that new information and communications technologies have made it possible for criminals to contact children easily and in ways that were not previously possible,

Aware that new information and communications technologies make it possible to construct false identities that facilitate the abuse and/or exploitation of children by criminals,

Bearing in mind that technological developments have given rise to crimes such as the misappropriation, alteration, dissemination and misuse of photographs and videos featuring and information relating to children, the exposure of children to harmful content, the infecting of computers through the use of spyware or viruses, the grooming and sexual harassment and abuse of children and cyberbullying,

Reaffirming that children should be afforded the same protection in cyberspace as in the physical world,

Underscoring the importance of cooperation between States and the private sector in combating the use of new information and communications technologies to abuse and/or exploit children,

Underscoring also the importance of international cooperation and coordination in effectively combating the criminal misuse of new information and communications technologies for the purpose of abusing and/or exploiting children,

Recognizing that gaps in the access to and use of new information and communications technologies by States can diminish the effectiveness of international cooperation in combating the use of those technologies to abuse and/or exploit children,

1. *Calls upon* those States that have not yet done so to accede to the Convention on the Rights of the Child⁶ and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,⁷ the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182), of the International Labour Organization,⁸ the United Nations Convention against Transnational Organized Crime⁹ and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;¹⁰

2. *Urges* Member States to establish, develop and implement public policies and good practices aimed at protecting and defending the rights of children in spaces created using new information and communications technologies;

3. *Encourages* Member States to involve ministries responsible for telecommunications, agencies for data protection and representatives of the information and communications technology industry in intersectoral mechanisms

⁶ Ibid., vol. 1577, No. 27531.

⁷ Ibid., vol. 2171, No. 27531.

⁸ Ibid., vol. 2133, No. 37245.

⁹ Ibid., vol. 2225, No. 39574.

¹⁰ Ibid., vol. 2237, No. 39574.

for addressing the misuse of new information and communications technologies to abuse and/or exploit children, with a view to offering comprehensive solutions to such misuse;

4. *Urges* Member States to adopt legislation aimed at the removal of content that encourages the abuse and/or exploitation of children and to facilitate the identification of persons responsible for the misuse of new information and communications technologies to abuse and/or exploit children;

5. *Encourages* Member States to develop mechanisms for verifying the age of users who enter virtual spaces intended for use by children;

6. *Urges* Member States to criminalize the intentional production, distribution, sharing, voluntary receipt, possession and storage of virtual pornographic content involving children and the use of and gaining of access to such material;

7. *Also urges* Member States to adopt legislation obliging Internet service providers, mobile telephone companies, companies responsible for search engines and other key actors to report websites with pornographic content that feature children and provide for the removal of such content;

8. *Encourages* Member States to incorporate in their national legislation measures for saving and ensuring rapid access to electronic information during criminal investigations relating to the use of new information and communications technologies to abuse and/or exploit children;

9. *Urges* Member States to provide offices responsible for investigating and punishing the perpetrators of crimes committed using new information and communications technologies to violate the rights of children with the resources required by those offices to carry out their tasks effectively;

10. *Encourages* Member States to implement awareness-raising activities to provide children with information on the mechanisms through which they can seek protection and assistance and report cases of abuse and/or exploitation in spaces created using new information and communications technologies;

11. *Invites* Member States to implement effective reporting mechanisms whereby their citizens can report websites and/or virtual activities that are harmful to children;

12. *Urges* Member States to conduct campaigns to raise awareness among the general public of the dangers of misuse of new information and communications technologies;

13. *Encourages* Member States to create and implement mechanisms for identifying children who are abused and/or exploited using new information and communications technologies and to establish procedures for protecting them;

14. *Urges* Member States to promote the drafting and adoption of codes of conduct and other mechanisms of corporate social responsibility for Internet service providers, mobile telephone companies, Internet cafes and other relevant key actors;

15. *Requests* the United Nations Office on Drugs and Crime to carry out a study facilitating the identification, description and evaluation of the effects of new information technologies on the abuse and exploitation of children, while taking

into account relevant studies carried out by regional organizations with a view to promoting the exchange of experience and good practices;

16. *Also requests* the United Nations Office on Drugs and Crime to design and carry out an assessment of States' needs for training in the investigation of offences against children committed using new information and communications technologies and, on the basis of the results of that survey, to design a training and technical assistance programme to assist Member States in combating such offences more effectively;

17. *Urges* Member States to step up their coordination and cooperation in combating the use of information technologies to abuse and exploit children;

18. *Encourages* Member States to take advantage of the efforts of the United Nations, other international organizations and regional organizations to combat the criminal misuse of new information and communications technologies;

19. *Urges* Member States to exchange information regarding good practices and successful experiences in combating the use of new information and communications technologies to abuse and/or exploit children;

20. *Also urges* Member States to ensure that mutual assistance regimes ensure the timely exchange of evidence in cases relating to the use of new information and communications technologies to abuse and/or exploit children;

21. *Invites* Member States to facilitate technology transfer, particularly for the benefit of developing countries, with a view to enabling those countries to develop national capacity to effectively combat the activities of criminals who use new information and communications technologies to violate the rights of children;

22. *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.
