



## Economic and Social Council

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### Commission on Crime Prevention and Criminal Justice

Thirteenth session  
Vienna, 11-20 May 2004  
Agenda item 5

#### **International cooperation in combating transnational crime**

#### **Canada, Croatia and United Kingdom of Great Britain and Northern Ireland: revised draft resolution**

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

#### **International cooperation in the prevention, investigation, prosecution and punishment of fraud, criminal misuse and falsification of identity and related crimes**

*The Economic and Social Council,*

*Concerned* at the proliferation of national and transnational cases of fraud and related economic crimes and the involvement of organized criminal groups, modern technologies and criminal misuse and falsification of identity in such cases,

*Convinced* that forms of criminal misuse and falsification of identity such as the taking and criminal misuse of personal identifying information and the assumption of false identities constitute a significant and increasing problem related to fraud,

*Convinced also* that criminal misuse and falsification of identity is commonly associated with other illicit activities, including money-laundering, of organized criminal groups, corruption and terrorism and that the proceeds of fraud are used to finance such activities,

*Concerned* that the spread of modern information and communication technologies creates a vast range of new opportunities for fraud and criminal misuse and falsification of identity, which in turn jeopardizes the legitimate use of such technologies and represents a threat to States seeking to use such technologies for development,

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*Recalling* chapter XI of the report of the United Nations Commission on International Trade Law on its thirty-sixth session,<sup>1</sup> in which the Commission considered that it would be useful to conduct a study of forms of commercial fraud and that it might be possible for the Commission on Crime Prevention and Criminal Justice to conduct such a study,

*Recalling also* the report on the Colloquium on International Commercial Fraud, convened by the United Nations Commission on International Trade Law and held in Vienna from 14 to 16 April 2004,<sup>2</sup>

1. *Condemns* the perpetration of fraud, criminal misuse and falsification of identity and other illicit activities supported thereby;

2. *Encourages* Member States that have not already done so:

(a) To prevent, detect, investigate, prosecute and punish fraud and criminal misuse and falsification of identity through criminal law and other measures;

(b) To take into account the need to prevent and combat fraud and criminal misuse and falsification of identity in the development and regulation of relevant domestic commercial, financial or other institutions and systems;

(c) To facilitate the identification, tracing, freezing, seizure and confiscation of the proceeds of fraud and criminal misuse and falsification of identity;

3. *Also encourages* Member States to cooperate with one another in efforts to prevent and combat fraud and criminal misuse and falsification of identity, including through the United Nations Convention against Transnational Organized Crime<sup>3</sup> and other appropriate international instruments, and to consider the review of domestic laws on fraud and criminal misuse and falsification of identity, where necessary and appropriate, to facilitate such cooperation;

4. *Requests* the Secretary-General to convene, in consultation with regional groups and subject to the availability of extrabudgetary resources, an intergovernmental expert group, with representation based on the regional composition of the Commission on Crime Prevention and Criminal Justice and reflecting the diversity of legal systems and open to any Member State wishing to participate as an observer, to prepare a study on fraud and criminal misuse and falsification of identity, including:

(a) The nature and extent of fraud and criminal misuse and falsification of identity;

(b) Domestic and transnational trends in fraud and criminal misuse and falsification of identity;

(c) The relationship between fraud, other forms of economic crime, criminal misuse and falsification of identity and other illicit activities, including organized crime, money-laundering and terrorism;

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<sup>1</sup> *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 17 (A/58/17).*

<sup>2</sup> A/CN.9/555.

<sup>3</sup> General Assembly resolution 55/25, annex I.

(d) The prevention and control of fraud and criminal misuse and falsification of identity using commercial and criminal law, criminal justice and other means, and how these can be harmonized;

(e) The particular problems posed by fraud and criminal misuse and falsification of identity for developing countries and countries with economies in transition;

5. *Requests* the intergovernmental expert group to use the information gained by the study for the purpose of developing useful practices, guidelines or other materials in the prevention, investigation and prosecution of fraud and the criminal misuse and falsification of identity;

6. *Requests* the intergovernmental expert group, in carrying out its work, to take into consideration the relevant work of the United Nations Commission on International Trade Law and other bodies where relevant and appropriate, bearing in mind the need to avoid duplication;

7. *Invites* Member States to cooperate with and assist the intergovernmental expert group in its work, including by the provision of relevant and appropriate policy, legislative, research and other materials and by the provision of data about the nature and scope of fraud, criminal misuse and falsification of identity and related problems in each country;

8. *Also invites* Member States to make voluntary contributions in order to support the work of the intergovernmental expert group and to facilitate the participation of experts from developing countries therein;

9. *Invites* the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, under the substantive item entitled “Economic and financial crimes: challenges to sustainable development” and at its Workshop on Measures to Combat Economic Crime, including Money-Laundering, to consider and discuss the issues of fraud and criminal misuse and falsification of identity, and invites the intergovernmental expert group to take into account the results of those discussions in carrying out its work;

10. *Recommends* that the Secretary-General designate the United Nations Office on Drugs and Crime to serve as secretariat for the intergovernmental expert group, in consultation with the secretariat of the United Nations Commission on International Trade Law;

11. *Requests* the Secretary-General to submit a progress report on the work of the intergovernmental expert group and the plan of work for the study to the Commission on Crime Prevention and Criminal Justice at its fourteenth session and to submit, in a timely manner, a substantive report containing the results of the study to the Commission at its fifteenth session or, if necessary, at its sixteenth session, for its consideration;

12. *Also requests* the Secretary-General to circulate, in advance, the report on the work of the intergovernmental expert group and the results of the study, including any useful practices, guidelines or other materials, to all Member States in all official languages, in order to seek their views on the results of the study and to reflect any views or concerns expressed in the final report to the Commission on Crime Prevention and Criminal Justice.