



## Economic and Social Council

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### Commission on Crime Prevention and Criminal Justice

Thirteenth session

Vienna, 11-20 May 2004

Item 5 of the provisional agenda\*

### International cooperation in combating transnational crime

#### Canada: 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, identity theft 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 identity theft in such cases,

*Convinced* that forms of identity theft 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 identity theft is commonly associated with other illicit activities, including money-laundering, other illicit activities 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 identity theft, which in turn jeopardizes the legitimate use of such technologies and represents a threat to States seeking to use technologies for development,

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\* E/CN.15/2004/1/Rev.1 and Corr.1.



*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, identity theft and other illicit activities supported by fraud or identity theft;

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

(a) To develop, adopt and vigorously enforce criminal law and other measures to prevent, detect, investigate, prosecute and punish fraud and identity theft;

(b) To take into account the need to prevent and combat fraud and identity theft 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 identity theft;

3. *Also urges* Member States to cooperate with one another in efforts to prevent and combat fraud and identity theft, 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 identity theft, where necessary and appropriate, to facilitate such cooperation;

4. *Requests* the Secretary-General, subject to the availability of extrabudgetary resources, to convene an expert group, with equitable geographical representation, to prepare a study on fraud and identity theft, including:

(a) The nature and extent of fraud and identity theft;

(b) Domestic and transnational trends in fraud and identity theft;

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

(d) The effects, if any, of the development of modern information and communication technologies on fraud and identity theft;

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

(f) The particular problems posed by fraud and identity theft for developing countries and countries with economies in transition;

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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.

5. *Requests* the expert group, in carrying out its work, to take into consideration the relevant work of the Commission on International Trade Law and other bodies where relevant and appropriate;

6. *Requests* Member States to cooperate with and assist the expert group in its work, including by the provision of relevant and appropriate policy, legislative, prosecutorial, research and other materials and by the provision of data about the nature and scope of fraud, identity theft and related problems in each country;

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

8. *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 identity theft and to develop recommendations to be forwarded to the expert group for its consideration;

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

10. *Requests* that the Secretary-General submit a progress report on the work of the expert group to the Commission on Crime Prevention and Criminal Justice at its fourteenth session and substantive reports on the results of the study and the recommendations of the expert group to the Commission at its fifteenth and sixteenth sessions for its consideration and action.

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