



Economic and Social Council

Distr.: Limited
17 April 2007

Original: English

Commission on Crime Prevention and Criminal Justice

Sixteenth session

Vienna, 23-27 April 2007

Item 4 of the provisional agenda*

World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice

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 and prosecution of economic fraud and identity-related crime

The Economic and Social Council,

Concerned about substantial increases in the volume, rates of transnational occurrences and range of offences relating to economic fraud and identity-related crime,

Concerned about the role played by information, communications and computer technologies in the evolution of economic fraud and identity-related crime,

Concerned about the role played by organized criminal groups and terrorist groups in economic fraud and the use of the substantial proceeds of fraud to finance organized crime, corruption and terrorism,

Concerned about the serious threat that economic fraud poses to domestic and international projects relating to sustainable development, economic reform, post-conflict reconstruction and recovery from natural disasters,

* E/CN.15/2007/1.



Concerned about the use of identity-related crime to further the commission of other illicit activities, including economic fraud, crimes relating to migration and international travel, and terrorism,

Convinced of the need to enhance the ability to establish, validate and verify the identity of individuals in order to prevent and combat identity-related crime and other offences, including economic fraud, money-laundering, passport-, immigration- and travel-related offences, trafficking in persons and the smuggling of migrants, and to prevent international travel by terrorists and criminal offenders,

Bearing in mind the need to respect human rights and the privacy and other rights of persons in respect of their identities, identity documents and identification information and to protect identities and related documents and information from inappropriate disclosure and criminal misuse,

Bearing in mind the role played by commercial entities and other private sector interests in establishing and using identity for commercial and other non-governmental purposes, and the need for effective collaboration between Governments and the private sector in gathering information about economic fraud and identity-related crime and in developing and implementing effective measures to prevent, investigate and prosecute such crime,

Bearing in mind that the United Nations Convention against Transnational Organized Crime and the Protocols thereto¹ represent a major step forward in the fight against transnational organized crime, including economic fraud, identity-related crime and the other activities of organized criminal groups supported by such offences, being the primary international legal instruments and the basis for actions against organized crime, including criminalization, extradition, mutual legal assistance and law enforcement cooperation, prevention and technical assistance,

Bearing in mind that the Council of Europe Convention on Cybercrime,² an international legal instrument open to ratification or accession by States not members of the Council, specifically addresses computer fraud and computer forgery as well as other forms of cybercrime that may contribute to the commission of economic fraud, identity-related crime, the laundering of proceeds or other related illicit activities,

Recalling chapter XI of the report of the United Nations Commission on International Trade Law on its thirty-sixth session, in which it was noted that the Commission considered that it would be useful to conduct a study of forms of commercial fraud and was informed that it might be possible for the United Nations Commission on Crime Prevention and Criminal Justice to conduct such a study,³

Recalling also its resolution 2004/26 of 21 July 2004, in which it requested the Secretary-General to convene an intergovernmental expert group to prepare a study on fraud and the criminal misuse and falsification of identity, and to submit a report containing the results of that study to the Commission on Crime Prevention and

¹ General Assembly resolution 55/25, annexes I-III, and resolution 55/255, annex.

² Council of Europe, *European Treaty Series*, No. 185.

³ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 17 (A/58/17)*, para. 241.

Criminal Justice at its fifteenth session or, if necessary, at its sixteenth session, for its consideration,

1. *Condemns* the perpetration of economic fraud and identity-related crime;
2. *Notes with appreciation* the work thus far of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity;
3. *Accepts* the report of the Secretary-General on the results of the second meeting of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity;⁴
4. *Expresses its gratitude* to the Governments of Canada and the United Kingdom of Great Britain and Northern Ireland for their financial support of that work;
5. *Acknowledges* the assistance of Member States and the United Nations Commission on International Trade Law, which provided substantive information for the study, as well as that of the commercial entities that provided information via the United Nations Commission on International Trade Law and the reports of Member States;
6. *Requests* the Secretary-General to disseminate the report as widely as possible, pursuant to the conclusions and recommendations contained in the report;
7. *Urges* Member States to consider the report and be guided by its recommendations when developing effective strategies for responding to those problems;
8. *Also urges* Member States to consider modernizing their laws to reflect the recent evolution of economic fraud and the use of modern technologies to commit transnational fraud and mass fraud;
9. *Further urges* Member States to consider modernizing their laws to establish criminal offences for the illicit taking, copying, fabrication and misuse of identification documents and identification information;
10. *Urges* Member States that have not yet done so to ratify or accede to the United Nations Convention against Transnational Organized Crime⁵ and to consider acceding to the Council of Europe Convention on Cybercrime;⁶
11. *Urges* Member States to take into account the use of terms and the scope of application, pursuant to articles 2 and 3 of the United Nations Convention against Transnational Organized Crime, in the development of new offences relating to the criminal misuse and falsification of identity;
12. *Also urges* Member States to review their laws to ensure that appropriate jurisdictional rules are in place to effectively address transnational fraud and identity-related crime and keep pace with the evolution of those offences;

⁴ E/CN.15/2007/8 and Add.1-3.

⁵ General Assembly resolution 55/25, annex I.

⁶ Council of Europe, *European Treaty Series*, No. 185.

13. *Further urges* Member States to ensure that their judicial and law enforcement authorities cooperate more effectively in fighting fraud and identity-related crime, in particular by enhancing mutual legal assistance and extradition mechanisms, taking into account the transnational nature of such crime;

14. *Further urges* Member States to consult and collaborate with appropriate commercial and other private sector entities to the extent feasible, with a view to more fully understanding the problems of economic fraud and identity-related crime and cooperating more effectively in the prevention, investigation and prosecution of such crime;

15. *Encourages* the promotion of mutual understanding and cooperation between public and private sector entities through initiatives aimed at bringing together various stakeholders and facilitating the exchange of views and information among them;

16. *Recalls* paragraph 5 of its resolution 2004/26 of 21 July 2004, in which it requested 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, and calls upon Member States to contribute the necessary extrabudgetary resources to permit the conclusion of that work;

17. *Decides* to include “Economic fraud and identity-related crime” as the thematic topic for discussion by the Commission on Crime Prevention and Criminal Justice at its eighteenth session.