



Economic and Social Council

Distr.: Limited
26 March 2009

Original: English

Commission on Crime Prevention and Criminal Justice

Eighteenth session

Vienna, 16-24 April 2009

Item 4 (a) 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: work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized 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 economic fraud and identity-related crime

The Economic and Social Council,

Concerned about the serious threats posed by economic fraud and identity-related crime and by other illicit activities that those forms of crime support,

Concerned also about the exploitation of new information, communications and commercial technologies by perpetrators of economic fraud and identity-related crime and about the threats that such exploitation poses to commerce and to those technologies and their users,

Concerned further about the short- and long-term impact of economic fraud and identity-related crime on victims,

Convinced of the need to have in place appropriate and effective domestic powers to investigate, prosecute and punish economic fraud and identity-related

* E/CN.15/2009/1.



crime, as well as mechanisms for promoting international cooperation to prevent and combat such forms of crime,

Convinced also of the need to develop comprehensive, multifaceted and coherent strategies and measures to counter such forms of crime, including both reactive and preventive measures,

Convinced further of the need to explore the development of appropriate and timely support and services for victims of economic fraud and identity-related crime,

Convinced further of the importance of partnerships and synergy among public and private sector entities and civil society in developing such strategies and measures,

Bearing in mind the need to respect the human rights of persons related to their identity and the need to protect identities and related documents and information from inappropriate disclosure and criminal misuse, consistent with national and international human rights norms, including individual privacy rights,

Bearing also in mind the conclusions and recommendations of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity, convened pursuant to Economic and Social Council resolution 2004/26 of 21 July 2004,¹

Recalling that, in its resolution 2004/26, 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,

Recalling also that, in its resolution 2007/20 of 26 July 2007, it requested the United Nations Office on Drugs and Crime to provide, upon request, legal expertise or other forms of technical assistance to Member States reviewing or updating their laws dealing with transnational fraud and identity-related crime, in order to ensure that appropriate legislative responses to such offences were in place,

1. *Welcomes* the report of the Secretary-General on international cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime,² which contains information on the efforts of reporting Member States to implement Economic and Social Council resolution 2007/20 of 26 July 2007 and on their strategies for responding to the problems posed by such forms of crime;

2. *Takes note* of the thematic discussion of the Commission on Crime Prevention and Criminal Justice at its eighteenth session on the theme “Economic fraud and identity-related crime”;

3. *Acknowledges* the efforts of the United Nations Office on Drugs and Crime to establish, in consultation with the United Nations Commission on International Trade Law, a core group of experts on identity-related crime and bring together on a regular basis representatives from Governments, private sector

¹ E/CN.15/2007/8 and Add.1-3.

² E/CN.15/2009/2.

entities, international and regional organizations and academia to pool experience, develop strategies, facilitate further research and agree on practical action against identity-related crime;

4. *Takes note* of the work of the core group of experts on identity-related crime at its meetings held in Courmayeur, Italy, on 29 and 30 November 2007 and in Vienna on 2 and 3 June 2008 and from 20 to 22 January 2009;

5. *Encourages* Member States, taking into account the recommendations of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity:

(a) To review and update their laws dealing with domestic and transnational economic fraud with a view to enhancing investigative powers so that such forms of crime can be tackled effectively;

(b) To develop and maintain adequate law enforcement and investigative capacity to keep abreast of and deal with new developments in the exploitation of information, communications and commercial technologies in economic fraud and identity-related crime;

(c) To consider the establishment of new offences and the modernization of existing offences in response to the evolution of economic fraud and identity-related crime, bearing in mind the advantages of common approaches to criminalization, where feasible, in facilitating efficient and effective international cooperation;

(d) To strengthen international cooperation to combat economic fraud and identity-related crime, in particular by making full use of the relevant international legal instruments, including the United Nations Convention against Transnational Organized Crime and the Protocols thereto,³ the United Nations Convention against Corruption⁴ and the Convention on Cybercrime;⁵

(e) To develop a mechanism for the collection of uniform data on the nature and extent of identity-related crime, including from the victim's perspective, that would allow sharing of data among appropriate law enforcement entities and provide a central source of data on the nature and extent of identity-related crime;

(f) To study the specific short- and long-term impact of economic fraud and identity-related crime on victims and develop strategies or programmes to address the needs of those victims;

(g) To adopt useful practices and efficient mechanisms for supporting and protecting victims of economic fraud and identity-related crime and, to that effect, enable effective cooperation between public and private sector entities;

6. *Requests* the United Nations Office on Drugs and Crime, in consultation with other relevant intergovernmental organizations and, where appropriate, with experts from academic institutions and the private sector, to collect or develop and disseminate:

³ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

⁴ *Ibid.*, vol. 2349, No. 42146.

⁵ Council of Europe, *European Treaty Series*, No. 185.

(a) Material and guidelines on the typology of identity-related crime and on relevant criminalization issues to assist Member States in the establishment of new identity-based criminal offences and the modernization of existing offences, taking into account the pertinent work of other intergovernmental organizations engaged in related matters;

(b) Technical training material, such as manuals, compilations of useful practices or guidelines, for law enforcement officials and prosecution authorities in order to enhance their expertise and capacity in the fight against economic fraud and identity-related crime;

(c) An assessment of the impact of identity-related crime on victims and other useful material on issues relevant to victims of identity-related crime, such as compilations of useful practices and guidelines;

(d) Useful material to assist Member States and the private sector in the prevention of economic fraud and identity-related crime;

7. *Requests* the United Nations Office on Drugs and Crime to strengthen collaboration with the Council of Europe secretariat in promoting the ratification and implementation of the Convention on Cybercrime;

8. *Also requests* the United Nations Office on Drugs and Crime to continue its efforts, in consultation with the United Nations Commission on International Trade Law, to promote mutual understanding and the exchange of views between public and private sector entities on issues related to economic fraud and identity-related crime, including through the continuation of the work of the core group of experts on identity-related crime and through other initiatives aimed at facilitating cooperation between various stakeholders from both sectors;

9. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice, at its twentieth session, on the implementation of the present resolution.