



# Economic and Social Council

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## Commission on Crime Prevention and Criminal Justice

Twentieth session

Vienna, 11-15 April 2011

Agenda item 6

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

### **Colombia\* and Philippines: 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:

### **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”,

*Reaffirming also* Commission on Crime Prevention and Criminal Justice resolution 16/2 of 27 April 2007, entitled “Effective crime prevention and criminal justice responses to combat sexual exploitation of children”,

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



*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,

*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,<sup>1</sup> 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 Crime<sup>2</sup> 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,<sup>3</sup> and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,<sup>4</sup>

*Reaffirming* that 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<sup>5</sup> requires States parties to take immediate and effective measures to secure the prohibition and elimination of use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances,

*Reaffirming also* Commission on Crime Prevention and Criminal Justice resolution 19/1 of 21 May 2010, entitled “Strengthening public-private partnerships to counter crime in all its forms and manifestations”, as well as taking into consideration the outcome of the United Nations Office on Drugs and Crime symposium on public-private partnerships against transnational organized crime, held in Vienna on 8 April 2011, in which States called for effective cooperation with the private sector to combat sexual exploitation of children in a digital age,

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<sup>1</sup> A/CONF.213/18, chap. I, resolution 1.

<sup>2</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>3</sup> *Ibid.*, vol. 1577, No. 27531.

<sup>4</sup> *Ibid.*, vol. 2171, No. 27531.

<sup>5</sup> *Ibid.*, vol. 2133, No. 37245.

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

*Stressing* that new information and communications technologies and applications are being misused to commit child sexual exploitation crimes and that technical developments have permitted the appearance of crimes such as the production, distribution or possession of child sexual abuse images, audio or video, the exposure of children to harmful content, the grooming, harassment and sexual abuse of children and cyberbullying,

*Bearing in mind* the potential risks associated with certain content found on the Internet and virtual social networks and that easy contact with criminals online may affect the integral development 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,

*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,

*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,

*Noting* the thematic discussion entitled “Protecting children in a digital age: the misuse of technology in the abuse and exploitation of children” held by the Commission on Crime Prevention and Criminal Justice at its twentieth session,

1. *Urges* those States that have not yet done so to consider ratifying the Convention on the Rights of the Child<sup>6</sup> and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,<sup>7</sup> the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182), of

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<sup>6</sup> Ibid., vol. 1577, No. 27531.

<sup>7</sup> Ibid., vol. 2171, No. 27531.

the International Labour Organization,<sup>8</sup> the United Nations Convention against Transnational Organized Crime<sup>9</sup> and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;<sup>10</sup>

2. *Urges* Member States to establish, develop and implement public policies and good practices aimed at protecting and defending the rights of the child,<sup>11</sup> referring to security, privacy and intimacy in spaces created using new information and communications technologies;

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

4. *Urges* Member States to adopt measures, including, where appropriate, legislation, designed to criminalize all aspects of the misuse of technology to commit child sexual exploitation crimes and to consider, in accordance with national and international law, appropriate measures to detect and remove known child sexual abuse images from the Internet and to facilitate the identification of those responsible for the abuse and/or exploitation of children;

5. *Encourages* Member States to promote the creation and application of adequate verification measures to protect children online;

6. *Urges* Member States to specify the production, distribution, dissemination, voluntary receipt and possession of child sexual abuse and exploitation images as a criminal offence in their legal systems, along with deliberate and repeated access to websites containing such images and viewing this type of content stored online;

7. *Also urges* Member States, consistent with their national legal frameworks, to cooperate closely with Internet service providers, mobile telephone companies and other key actors to establish appropriate and efficient mechanisms, possibly including legislation for the reporting of child sexual abuse images and materials to the relevant authorities, to block websites with child sexual abuse images and to cooperate with law enforcement in the investigation and prosecution of the offenders responsible;

8. *Encourages* Member States to incorporate in their national legislation, in conformity with their legal systems, measures for saving and ensuring rapid access to electronic data 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 adequate resources to carry out their tasks effectively to their offices responsible for investigating and prosecuting the

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<sup>8</sup> Ibid., vol. 2133, No. 37245.

<sup>9</sup> Ibid., vol. 2225, No. 39574.

<sup>10</sup> Ibid., vol. 2237, No. 39574.

<sup>11</sup> The terms “child” and “children” refer to boys, girls and adolescents.

perpetrators of crimes committed using new information and communications technologies to violate the rights of the child;

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, as well as awareness-raising activities aimed at parents and educators to prevent such crimes;

11. *Invites* Member States to implement effective reporting mechanisms whereby their citizens can report websites and/or virtual activities related to child sexual exploitation crimes;

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

13. *Encourages* Member States to create and implement mechanisms for the appropriate authority to identify children who are abused and/or exploited through 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, taking into account, where appropriate, relevant data collected by the open-ended intergovernmental expert group to conduct a comprehensive study on the problem of cybercrime, 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 and other organizations within the United Nations system, such as the United Nations Children's Fund, the International Telecommunication Union and the Office of the United Nations High Commissioner for Human Rights, with a view to promoting the exchange of experience and good practices;

16. *Also requests* the United Nations Office on Drugs and Crime, taking into account, where appropriate, relevant data collected by the expert group to conduct a comprehensive study on cybercrime, to design and carry out an assessment of the needs of States for training in the investigation of offences against children committed by 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, subject to the availability of resources and not duplicating the efforts of the International Criminal Police Organization;

17. *Urges* Member States to increase their coordination and cooperation and 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;

18. *Encourages* Member States to take advantage of the knowledge and efforts, as well as the prevention initiatives, of the United Nations, other

international organizations, regional organizations, civil society and the private sector to combat the criminal misuse of new information and communications technologies;

19. *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;

20. *Invites* Member States to provide technical assistance and technology transfer, including training on investigational tools, 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 the child;

21. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-third session on the implementation of the present resolution;

22. *Invites* Member States and other donors to provide extrabudgetary resources for implementation of the relevant paragraphs of the present resolution, in accordance with the rules and procedures of the United Nations.