

Commission on Crime Prevention and Criminal Justice

Report on the sixteenth session*
(28 April 2006 and 23-27 April 2007)

Draft resolution II (Adopted by ECOSOC resolution 2007/20)

International cooperation in the prevention, investigation, prosecution and punishment 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 often 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,

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,

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 also 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 further 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

* The present document is an advance version of the report of the Commission on Crime Prevention and Criminal Justice on its sixteenth session. It will be issued subsequently in final form as *Official Records of the Economic and Social Council, 2007, Supplement No. 10 (E/2007/30)*.

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

crime, including criminalization, extradition, mutual legal assistance and law enforcement cooperation, prevention and technical assistance,

Bearing in mind further that the United Nations Convention against Corruption² represents a major step forward in the fight against corruption, including forms of corruption related to economic fraud and identity-related crime,

Taking note of the Council of Europe Convention on Cybercrime,³ which is an international legal instrument open to ratification or accession by States not members of the Council and which specifically addresses computer-related fraud and computer-related forgery, as well as other forms of cybercrime that may contribute to the commission of economic fraud, identity-related crime, money-laundering 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,⁴

Taking note of the report on the seventh meeting of the International Group for Anti-Corruption Coordination, held in Bangkok on 21 and 22 April 2005,

Recalling 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 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. *Welcomes* 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;⁵
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. *Encourages* Member States to consider the report and, as appropriate and consistent with their domestic law, national legal

² General Assembly resolution 58/4, annex.

³ Council of Europe, *European Treaty Series*, No. 185.

⁴ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 17* (A/58/17), para. 241.

⁵ E/CN.15/2007/8 and Add.1-3.

framework, including jurisdiction, and relevant international instruments, to avail themselves of its recommendations when developing effective strategies for responding to the problems addressed in the report, bearing in mind that further study may be appropriate;

8. *Also encourages* Member States to consider updating their laws in order to tackle the recent evolution of economic fraud and the use of modern technologies to commit transnational fraud and mass fraud;

9. *Further encourages* Member States to consider establishing or updating, as appropriate, criminal offences for the illicit taking, copying, fabrication and misuse of identification documents and identification information;

10. *Further encourages* Member States to make full use of modern technologies to prevent and combat economic fraud and identity-related crime;

11. *Urges* Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime;⁶

12. *Encourages* Member States to consider acceding to the Council of Europe Convention on Cybercrime,⁷ as well as to any other international legal instrument relevant or applicable to economic fraud and identity-related crime;

13. *Also encourages* 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 establishing or updating, as appropriate, offences relating to the criminal misuse and falsification of identity;

14. *Requests* the United Nations Office on Drugs and Crime to provide, upon request and subject to extrabudgetary resources, 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 are in place;

15. *Encourages* Member States to take appropriate measures so that their judicial and law enforcement authorities may cooperate more effectively in fighting fraud and identity-related crime, if necessary by enhancing mutual legal assistance and extradition mechanisms, taking into account the transnational nature of such crime and making full use of the relevant international legal instruments, including the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption;⁸

16. *Also encourages* 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;

17. *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, and requests the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to facilitate such cooperation, in consultation with the secretariat of the

⁶ General Assembly resolution 55/25, annex I.

⁷ Council of Europe, *European Treaty Series*, No. 185.

⁸ General Assembly resolution 58/4, annex.

United Nations Commission on International Trade Law, pursuant to Economic and Social Council resolution 2004/26 of 21 July 2004;

18. *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 invites Member States to contribute the necessary extrabudgetary resources to permit the conclusion of that work;

19. *Decides* to include “Economic fraud and identity-related crime” as a potential thematic topic for discussion by the Commission on Crime Prevention and Criminal Justice at one of its future sessions;

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