

Resolution

2009/22

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,

Convinced of the need to have in place appropriate and effective domestic powers to detect and investigate, prosecute and punish economic fraud and identity-related crime, as well as mechanisms for promoting international cooperation to prevent and combat such forms of crime, and recognizing the close relationship between identity-related crime and information and communications technologies,

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

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 obligations,¹ including individual privacy rights,

Bearing in mind also the conclusions and recommendations of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity,² convened pursuant to Economic and Social Council resolution 2004/26 of 21 July 2004,

¹ Including, as appropriate, those contained in the Universal Declaration of Human Rights (General Assembly resolution 217 A (III), art. 6), the International Covenant on Civil and Political Rights (Assembly resolution 2200 A (XXI), annex, art. 16) and the Convention on the Rights of the Child (United Nations, *Treaty Series*, vol. 1577, No. 27531, art. 7).

² E/CN.15/2007/8 and Add.1-3.

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,

Reaffirming the importance of the United Nations Convention against Transnational Organized Crime and the Protocols thereto³ and of the United Nations Convention against Corruption⁴ in terms of preventing and combating economic fraud and identity-related crime,

Taking note of the Convention on Cybercrime,⁵ currently the only international treaty specifically addressing computer-related fraud, computer-related forgery and other forms of cybercrime that may contribute to the perpetration of economic fraud, identity-related crime, money-laundering and other related illicit activities,

Recalling that, in its resolution 2007/20 of 26 July 2007, it requested the United Nations Office on Drugs and Crime to provide, upon request and subject to the availability of 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 were in place,

1. *Takes note* of the report of the Secretary-General on international cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime,⁶ 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. *Also 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 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. *Welcomes* the initiative of the International Criminal Police Organization (INTERPOL), the United Nations Office on Drugs and Crime and the Government of Austria, with the support of the European Anti-Fraud Office and other partners, to work collaboratively towards the establishment of an international anti-corruption academy and looks forward to the academy

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.

⁶ E/CN.15/2009/2 and Corr.1.

becoming fully operational in the shortest possible time and contributing to the building of capacity in the area of countering economic fraud and identity-related crime, as well as corruption;

6. *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,⁷ convened pursuant to Economic and Social Council resolution 2004/26 of 21 July 2004:

(a) To combat economic fraud and identity-related crime by ensuring adequate investigative powers and, where appropriate, by reviewing and updating the relevant laws;

(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, including websites and other online forums used to facilitate trafficking in identity information or documents, such as passports, driving licences and national identity cards;

(c) To consider, where appropriate, the establishment of new offences and the updating 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 prevent and combat economic fraud and identity-related crime, in particular by making full use of the relevant international legal instruments;

(e) To develop an approach for the collection of comparable data on the nature and extent of identity-related crime, including, where feasible, from the victim's perspective, that would allow the sharing of data among appropriate law enforcement entities and provide a central source of data at the national level on the nature and extent of identity-related crime, taking due account of national law;

(f) To study, at the national level, the specific short- and long-term impact of economic fraud and identity-related crime on society and on victims of such forms of crime and develop strategies or programmes to combat those forms of crime;

(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 through computer emergency response teams or other mechanisms providing an emergency response capability to public and private organizations requiring technical support and advice during periods of electronic attack or other network security incidents;

7. *Requests* the United Nations Office on Drugs and Crime, in consultation with Member States and taking into account relevant intergovernmental organizations and, in accordance with the rules and procedures of the Economic and Social Council, experts from academic institutions, relevant non-governmental organizations and the private sector, to collect, develop and disseminate:

⁷ E/CN.15/2007/8 and Add.1-3.

(a) Material and guidelines on the typology of identity-related crime and on relevant criminalization issues to assist Member States, upon request, 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 assistance material for training, such as manuals, compilations of useful practices or guidelines and scientific, forensic or other reference material for law enforcement officials and prosecution authorities in order to enhance their expertise and capacity to prevent and combat economic fraud and identity-related crime;

(c) A set of useful practices and guidelines to assist Member States in establishing the impact of such crimes on victims;

(d) A set of material and best practices on public-private partnerships to prevent economic fraud and identity-related crime;

8. *Also requests* the United Nations Office on Drugs and Crime to provide technical assistance, including legal expertise, upon request to Member States in reviewing or updating their laws dealing with economic fraud and identity-related crime in order to ensure that appropriate legislative responses are in place;

9. *Further requests* the United Nations Office on Drugs and Crime to make available to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its fifth session and the Conference of the States Parties to the United Nations Convention against Corruption at its third session the text of the present resolution and the outcome of the thematic discussion on economic fraud and identity-related crime held at the eighteenth session of the Commission on Crime Prevention and Criminal Justice, with a view to promoting the full use of the relevant provisions of those instruments to prevent and combat identity-related crime;

10. *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, with the aim of facilitating cooperation between various stakeholders from both sectors through the continuation of the work of the core group of experts on identity-related crime, the composition of which should respect the principle of equitable geographical distribution, and to report on the outcome of its work to the Commission on Crime Prevention and Criminal Justice on a regular basis;

11. *Invites* Member States and other donors to provide extrabudgetary resources to support the work set out in paragraphs 7 and 10 of the present resolution;

12. *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.