

PCC.I/REC. 5 (XV-09) ¹

**FIGHT FRAUD IN THE PROVISION OF TELECOMMUNICATION SERVICES IN THE
AMERICAN HEMISPHERE**

The XV Meeting of Permanent Consultative Committee I: Telecommunications,

CONSIDERING:

- a) That the magnitude of fraudulent and/or illegal practices has grown substantially in our region, having a direct impact on different actors in our society;
- b) That these practices have a great negative impact on telecommunications growth;
- c) That the World Telecommunications Standardization Assembly of 2004 (WTSA-04) adopted Resolution 29 on alternative calling procedures such as by-pass or traffic source redefinition on international telecommunication networks, and that the ITU reaffirmed the right of each country to authorize, prohibit or regulate call-back practices;
- d) That in those countries where such practices are illegal, and or opposite to the rules, the effect is that licensees avoid payment of interconnection fees, network use and regulatory taxes and fees;
- e) That such practices have not only a negative economic impact on operators, but also on operators' users, who are the most affected ones; additionally, such illegal practices have also a negative impact on fiscal revenues States should collect if communications were routed with the correct identification;
- f) That the main impact of these practices affects society as a whole, since illegal acts are facilitated while judicial prosecutions are hindered,

RECOGNIZING:

- a) That the VIII Meeting of the Permanent Consultative Committee I (PCC.I) decided in 1998 to create a Rapporteur Group, within the context of the Working Group on Standards Coordination. . The Rapporteur Group was commissioned with the task of focusing on activities related to fraudulent roaming operations;
- b) That in the XII Meeting of PCC.I (26 June- 1 July 2000) the new Work Plan of the Rapporteur Group was accepted which included the problem of fraud and numbering;
- c) That the Rapporteur Group carried out surveys on experiences, current status and common features in each country of the Americas related to Legislation, Jurisprudence, Civil and Penal Categorization of offences, as well as coordination by the Controlling Agency;
- d) That CITELE has carried out four Seminars on Access Securing and Fraud Prevention where the different parties had the opportunity to explain the diverse fraudulent practices and the impact they caused;

¹ CCP.I-TEL/doc. 1872/09 rev. 1 cor.1

- e) That, as a result of studies carried out throughout these years, a number of decisions were made in this Commission, particularly Resolution PCC.I/RES.127 (XV-01) “Establishment of a standardized antifraud system in convergent telecommunication systems (FIXED-MOBILE-IP)” that deals with this specific issue;
- f) That fraud is recognized as a serious problem that requires coordinated action by governmental, private sector and international organizations;
- g) That Member States according to their legal and regulatory frameworks determine, as appropriate, penalties where, due to fraud, the automatic number identification (ANI) or other technical parameters are altered;
- h) That relevant governmental entities be able to act against fraud on their own initiative or begin an investigation based on allegations received from third party operators;
- i) That at the XIV Meeting of PCC.I held in Cuzco, Peru, document CCP.I-TEL/doc. 1656/09 rev.1 entitled “IDENTIFICATION OF IMPORTANT POINTS ABOUT FRAUD FOR THE AMERICAS REGION” was introduced for the information of delegations,

RECOMMENDS:

1. That all CITELE Member States be encouraged to combat fraudulent activities or practices deemed illegal in each country in relation to ICT.
2. That CITELE Member States work within their legal and regulatory frameworks to identify measures to aid in the control and verification of such illegal practices. Member States should ensure that the measures and sanctions are executed in an efficient manner.
3. That CITELE Member States should, through their legal and regulatory frameworks, as appropriate, report these types of practices to prevent their dissemination at the local, national and international levels.
4. That CITELE Member States, through their legal and regulatory frameworks as appropriate, may be encouraged to create interdisciplinary groups including the Government, Regulators, operators, supervisory and Control bodies and end users, with the purpose of counteracting the impact of Fraud in the provision of telecommunication services; it is advisable that each body have someone in charge of the topic, becoming the direct contact for the creation of sector-based round tables on the matter.
5. That CITELE Member states , through their legal and regulatory frameworks as appropriate, on an annual basis, consider collecting information on and report about the impact of fraud on telecommunications in their respective areas of influence, and also should list its main modalities and the way to eradicate it, and to share such information.
6. That CITELE Member States through their legal and regulatory frameworks as appropriate consider taking measures to protect consumers against fraud.
7. That CITELE Member States consider working with the ITU to disseminate information regarding fraud.

8. That CITELE Member States consider working and cooperating with other Member States to eradicate fraud and theft of telecommunication infrastructure.
9. That CITELE Member States consider creating databases as part of an overall anti-counterfeit and fraud program.
10. That in the next four-year work period, CITELE consider the drafting of a document containing the best practices at the regional level to prevent fraudulent activities on telecommunication networks.