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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/51/610)]

51/59. Action against corruption

The General Assembly,

Concerned at the seriousness of problems posed by corruption, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development,

Also concerned about the links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering,

Convinced that, since corruption is a phenomenon that currently crosses national borders and affects all societies and economies, international cooperation to prevent and control it is essential,

Convinced also of the need to provide, upon request, technical assistance designed to improve public management systems and to enhance accountability and transparency,

Recalling the Inter-American Convention against Corruption, 1/adopted by the Organization of American States at the Specialized Conference for Consideration of the Draft Inter-American Convention against Corruption, held at Caracas from 27 to 29 March 1996,

Recalling also its resolutions 45/121 of 14 December 1990 and 46/152 of 18 December 1991, and Economic and Social Council resolutions 1992/22 of 30 July 1992, 1993/32 of 27 July 1993 and

994/19 of 25 July 1994,

recalling in particular its resolution 50/225 of 19 April 1996, adopted at its resumed session, on public administration and development,

recalling Economic and Social Council resolution 1995/14 of 24 July 1995 on action against corruption,

recalling also the work carried out by other international and regional organizations in this field, including the activities of the Council of Europe, the European Union, the Organisation for Economic Cooperation and Development and the Organization of American States,

Takes note of the report of the Secretary-General on action against corruption 2/ submitted to the Commission on Crime Prevention and Criminal Justice at its fifth session;

2. Adopts the International Code of Conduct for Public Officials annexed to the present resolution, and recommends it to Member States as a tool to guide their efforts against corruption;

3. Requests the Secretary-General to distribute the International Code of Conduct to all States and to include it in the manual on practical measures against corruption, 3/ to be revised and expanded pursuant to Economic and Social Council resolution 1995/14, with a view to offering both those tools to States in the context of advisory services, training and other technical assistance activities;

4. Also requests the Secretary-General to continue to collect information and legislative and regulatory texts from States and relevant intergovernmental organizations, in the context of his continuing study of the problem of corruption;

5. Further requests the Secretary-General, in consultation with States, relevant intergovernmental and non-governmental organizations, as well as in cooperation with the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to elaborate an implementation plan and submit it to the Commission on Crime Prevention and Criminal Justice at its sixth session, in conjunction with his report to be submitted pursuant to Economic and Social Council resolution 1995/14;

6. Urges States, relevant intergovernmental and non-governmental organizations, as well as the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to extend to the Secretary-General their full support in elaborating the implementation plan and in implementing paragraph 4 above;

7. Urges Member States carefully to consider the problems posed by the international aspects of corrupt practices, especially as regards international economic activities carried out by corporate entities, and to study appropriate legislative and regulatory measures to ensure the transparency and integrity of financial systems and transactions carried out by such corporate entities;

8. Requests the Secretary-General to intensify his efforts to closely cooperate with other entities of the United Nations system and other relevant international organizations and to more effectively coordinate activities undertaken in this area;

9. Also requests the Secretary-General, subject to the availability of extrabudgetary resources, to provide increased advisory services and technical assistance to Member States, at their request, in particular in the elaboration of national strategies, the elaboration or improvement of legislative and regulatory measures, the establishment or strengthening of national capacities to prevent and control corruption, as well as in training and upgrading skills of relevant personnel;
10. Calls upon States, relevant international organizations and financing institutions to extend to the Secretary-General their full support and assistance in the implementation of the present resolution;
11. Requests the Commission on Crime Prevention and Criminal Justice to keep the issue of action against corruption under regular review.

82nd plenary meeting
12 December 1996

ANNEX

International Code of Conduct for Public Officials

I. GENERAL PRINCIPLES

1. A public office, as defined by national law, is a position of trust, implying a duty to act in the public interest. Therefore, the ultimate loyalty of public officials shall be to the public interests of their country as expressed through the democratic institutions of government.
2. Public officials shall ensure that they perform their duties and functions efficiently, effectively and with integrity, in accordance with laws or administrative policies. They shall at all times seek to ensure that public resources for which they are responsible are administered in the most effective and efficient manner.
3. Public officials shall be attentive, fair and impartial in the performance of their functions and, in particular, in their relations with the public. They shall at no time afford any undue preferential treatment to any group or individual or improperly discriminate against any group or individual, or otherwise abuse the power and authority vested in them.

II. CONFLICT OF INTEREST AND DISQUALIFICATION

4. Public officials shall not use their official authority for the improper advancement of their own or their family's personal or financial interest. They shall not engage in any transaction, acquire any position or function or have any financial, commercial or other comparable interest that is incompatible with their office, functions and duties or the discharge thereof.
5. Public officials, to the extent required by their position, shall, in accordance with laws or administrative policies, declare business, commercial and financial interests or activities undertaken for financial gain that may raise a possible conflict of interest. In situations of possible or perceived conflict of interest between the duties and private interests of public officials, they shall comply with

the measures established to reduce or eliminate such conflict of interest.

5. Public officials shall at no time improperly use public moneys, property, services or information that is acquired in the performance of, or as a result of, their official duties for activities not related to their official work.

7. Public officials shall comply with measures established by law or by administrative policies in order that after leaving their official positions they will not take improper advantage of their previous office.

III. DISCLOSURE OF ASSETS

3. Public officials shall, in accord with their position and as permitted or required by law and administrative policies, comply with requirements to declare or to disclose personal assets and liabilities, as well as, if possible, those of their spouses and/or dependants.

IV. ACCEPTANCE OF GIFTS OR OTHER FAVOURS

9. Public officials shall not solicit or receive directly or indirectly any gift or other favour that may influence the exercise of their functions, the performance of their duties or their judgement.

V. CONFIDENTIAL INFORMATION

10. Matters of a confidential nature in the possession of public officials shall be kept confidential unless national legislation, the performance of duty or the needs of justice strictly require otherwise. Such restrictions shall also apply after separation from service.

VI. POLITICAL ACTIVITY

11. The political or other activity of public officials outside the scope of their office shall, in accordance with laws and administrative policies, not be such as to impair public confidence in the impartial performance of their functions and duties.

Notes

1/ See E/1996/99.

2/ E/CN.15/1996/5.

3/ International Review of Criminal Policy, Nos. 41 and 42 (United Nations publication, Sales No. E.93.IV.4).

*** RISOLUZIONE ADOTTATA DALL'ASSEMBLEA GENERALE
51/59 Azioni contro la corruzione**

*Traduzione non ufficiale, effettuata per uso
interno Azienda Ospedaliera San Gerardo

Allegato

Codice internazionale della condotta per i pubblici ufficiali.

PRINCIPI GENERALI

1. Un pubblico ufficio, così definito dalla legge nazionale, è una posizione di fiducia che ha l'obbligo di agire per il pubblico interesse. Per questo, l'estrema lealtà dei pubblici ufficiali deve essere rivolta agli interessi pubblici del proprio Paese, così espressi attraverso le istituzioni democratiche di governo.

2. I pubblici ufficiali devono garantire che eseguiranno il loro dovere e funzioni efficientemente, efficacemente e con integrità, in accordo con le leggi e le politiche amministrative. Dovranno sempre cercare di garantire che le risorse pubbliche delle quali sono responsabili saranno amministrate nel modo più efficace ed efficiente.

3. I pubblici ufficiali devono essere attenti, giusti e imparziali nello svolgimento del loro lavoro e, in particolare, nelle relazioni con il pubblico. Non dovranno mai permettersi nessun indebito trattamento preferenziale rivolto a gruppi o individui o discriminare in modo improprio gruppi o individui, o altrimenti abusare dell'autorità che rivestono.

CONFLITTI DI INTERESSE E INTERDIZIONE

4. I pubblici ufficiali non devono utilizzare la loro autorità per improprio vantaggio per loro stessi o per persone della loro famiglia o per personali interessi finanziari. Non devono essere coinvolti in contratti, acquisire alcuna posizione o funzione o avere alcun interesse finanziario, commerciale o altro simile che è incompatibile con il loro ufficio, funzione e obblighi o al di fuori dalla loro retribuzione ordinaria.

5. I pubblici ufficiali, nell'esercizio delle proprie funzioni, devono, in accordo con la legge o con le politiche amministrative, dichiarare affari, interessi finanziari e commerciali o attività intraprese per benefici finanziari che possono sollevare un possibile conflitto di interessi. In situazioni di possibile o percepito conflitto di interessi tra compiti e interessi privati del pubblico ufficiale, devono attenersi ai limiti stabiliti per ridurre o eliminare ogni conflitto di interessi.

6. I pubblici ufficiali non devono mai impropriamente utilizzare denaro pubblico, proprietà, servizi o informazioni che acquisiscono nell'esercizio del loro lavoro, o di conseguenza, i loro compiti ufficiali per attività non correlate con il loro lavoro ufficiale.

7. I pubblici ufficiali devono attenersi alle misure stabilite dalla legge o dalle politiche amministrative, cosicché, dopo aver lasciato la loro posizione ufficiale, non potranno avere vantaggi impropri dalle funzioni precedenti.

NOTIFICA DI ATTIVITA'

8. I pubblici ufficiali devono, in accordo con le loro posizioni e così come previsto dalla legge e dalle politiche amministrative, accettare di dichiarare o di divulgare tutti i loro possibili conflitti di interesse o attività personali e se possibile anche quelli dei loro familiari e/o dipendenti.

ACCETTAZIONE DI DONI O ALTRI FAVORI

9. I pubblici ufficiali non devono sollecitare o ricevere direttamente o indirettamente nessun dono o altri favori che possano influenzare l'esercizio delle loro funzioni, dell'esecuzione dei loro doveri o delle loro decisioni.

INFORMAZIONI CONFIDENZIALI

10. Problemi di natura confidenziale in possesso di un pubblico ufficiale devono mantenersi segrete, escluso nei casi previsti dalla legislazione nazionale, l'assolvimento del dovere o per necessità di giustizia altrimenti strettamente correlati. Tali restrizioni devono anche essere applicate dopo l'interruzione del rapporto di lavoro.

ATTIVITA' POLITICHE

11. La politica o altre attività del pubblico ufficiale al di fuori dallo scopo del suo lavoro non devono, in accordo con la legge e le politiche amministrative, danneggiare la fiducia del pubblico nell'imparzialità dello svolgimento delle proprie funzioni e doveri.