



MEETING OF SECRETARIES GENERAL

Friday 29 September 2023 – 8.30 am to 10 am

STANDARDS IN PUBLIC LIFE, INTEGRITY FRAMEWORK OF PARLIAMENTS

BACKGROUND DOCUMENT

The vast majority of national parliaments, as well as parliamentary assemblies, have ethical standards that guide the work of parliamentarians in the discharge of their mandate. This regulatory framework may be internal to parliament – a code of conduct, ethical rules set out in the Standing Orders, reporting obligations decided by the decision-making body – or external (national anti-corruption legislation applicable to all holders of public office or mandate; legislation on elections, party financing, campaign financing, etc.).

Typically, this integrity framework contains the rules and principles governing parliamentarians' relationships with interests and third parties, the disclosure of their activities, duties and, where applicable, their financial interests (e.g., assets and income), the disclosure of gifts, benefits, and relationships with third parties. It contains standards of behaviour that are applicable and provides for sanctions in case of violation. Mechanisms for monitoring the implementation of the rules of conduct and sanctions are essential for the effectiveness of the code of conduct, whether external (quasi-judicial body, standards commissioner) or internal (self-regulation by the parliament under the authority of the president of the parliament, a standing or special committee). Evaluating the efficiency and effectiveness of these mechanisms for monitoring ethical obligations, as well as the "performance" of the sanctions system, and strengthening them, makes it possible to increase the credibility of the parliamentary institution.

The integrity framework is based on the **principles of transparency and accountability**. Perceptions on irresponsibility of elected officials and political decision-makers as well as corruption and misconduct scandals erode confidence in political institutions, including parliaments. Promoting greater transparency and accountability is a fundamental part of a healthy democracy. However, the concept of accountability of parliamentarians to the citizens who elected them has clearly evolved.

In recent years, with the development of the role of civil society and the media in monitoring public action, including parliamentary activity, elected representatives are increasingly subject to a duty to set an example, with the result that the conduct of parliamentarians as a whole, even beyond the exercise of their elected mandate, tends to fall within this corpus of ethical rules.

Political exemplarity implies that the behaviour of parliamentarians, as representatives of the citizens, is irreproachable: behind the moralisation of public life and this emerging principle of exemplarity, it is the bond of trust that citizens have with their elected representatives and thus correlatively with the institutions that is at stake. These developments upset the traditional ethical framework established by parliaments in that exemplarity goes beyond the strict framework of the exercise of office to apply to the general conduct of an elected official in any public or even private activity.

Drawing on the regulatory framework, practice and experience in their assemblies, the Secretaries General are invited to share their thoughts on the following guiding questions:

On the evolution of the ethical framework:

- Is your parliament currently engaged in a process of reflection to develop the ethical framework governing the conduct of its members, whether in terms of its scope, the principles on which it is based, the system of control or the system of sanctions for breaches of ethical rules and principles?
- Does your parliament have a regulation or code of conduct for parliamentarians containing rules on undesirable or inappropriate behaviour (bullying, harassment and sexual harassment, sexual misconduct, aggressive behaviour, intimidation, violence, hate speech, etc.)?
- How does your parliament deal with allegations of undesirable or inappropriate behaviour or misconduct? Does it have a procedure for dealing with complaints?
- Do the rules of conduct applicable to parliamentarians refer to conduct in public life outside the exercise of their parliamentary mandate?

Mechanisms for monitoring and enforcing the code of conduct:

- In order to make them more effective, does your parliament envisage reviewing the procedure for monitoring the implementation of the rules of ethics and the range of sanctions that can be imposed on parliamentarians who break the rules?
- Beyond the traditional range of sanctions applicable (written or oral apology, warning, temporary exclusion, suspension of parliamentary allowance, fine), is your parliament considering implementing other measures, such as public and media dissemination of decisions?

On parliaments' relations with wider civil society and citizens' perception of their action:

- What means or instruments could increase citizens' confidence in their parliamentarians?
- Should citizens be better able to hold parliamentarians accountable?
- Do you have any means or procedures in place in your country to involve citizens in the accountability of parliamentarians?
- Can citizens initiate scrutiny proceedings against parliamentarians for unethical conduct or behaviour?

On relations with lobbyists, representatives of civil society and NGOs:

- Does your parliament have, or is it considering, a regulation on lobbying or does it keep a register of lobbyists? Are members required to report their contacts with lobbyists?
- Is there a framework for the behaviour of parliamentarians on social networks?

On the promotion of ethical behaviour:

- What measures has your parliament put in place to prevent and raise awareness of undesirable behaviour?
- Are there educational training or awareness-raising seminars for parliamentarians in your parliament, where they have the opportunity to become familiar with the ethical rules that should govern their conduct?
- Is there a body or person in your parliament (e. g. an ethics officer, a commissioner, an ethics board, a committee) responsible for monitoring the implementation of ethical rules, drawing up guidelines, advising parliamentarians on ethical and behavioural issues at their request, advising on the conduct of parliamentarians, recommending solutions to ethical conflicts?

On the integrity of parliamentary staff:

- Does your parliament have an integrity framework for parliamentary staff (staff code of conduct, civil servants legislation, administrative acts, etc.)?
- If so, what are the obligations of the officers? Taking an oath or signing a general declaration? The obligation to declare any conflict of interest or to submit a declaration of assets?
- Can parliamentary staff express opinions on political issues through public and social media?

The **European Centre for Parliamentary Research and Documentation (ECPRD)** has been very active in promoting the exchange of information, experience and best practices on the subject of integrity and conduct of parliamentarians. Reference may be made to the following requests initiated by the national parliaments:

- Request 5335 - Regulation for Members of Parliament regarding undesirable behaviour (2023)
- Request 4815 - Investigations into bullying, harassment and sexual misconduct (2021)
- Request 4537 - Support of Members of Parliaments in terms of ethical guidance of their conduct (2020)
- Request 4451 - Sanctions available to Parliaments to apply to Members of Parliament (2020)
- Request 4127 - The Charter of the Council of Ethics (2019)
- Request 4065 - Code of Conduct for MPs
- Request 3857 - Gifts accepted by Members of Parliament (2018)
- Request 2946 and 2468 – Structures and Procedures with regard to the Code of Conduct for MPs (2015)