



# ODIHR Public Ethics and Integrity Toolkit

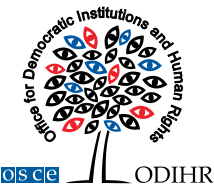
Guidelines for Parliaments





# ODIHR Public Ethics and Integrity Toolkit

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*ODIHR Public Ethics and Integrity Toolkit: Guidelines for  
Parliaments*

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# Introduction

Based on ODIHR's 2022 publication Parliamentary Integrity: A Resource for Reformers<sup>1</sup>, this tool is designed to support national parliaments in OSCE participating States in developing parliamentary integrity systems. It provides a concise roadmap for **designing and implementing a code of conduct for MPs from scratch**, as well as guidance for **parliaments that want to improve their existing integrity systems**. The tool contains the key standards, good practices and issues to consider when developing and adopting a robust parliamentary code of conduct. It also includes strategies for effective review, assessment and updating of established parliamentary integrity systems. By understanding that integrity mechanisms are dynamic, responsive frameworks that require regular refreshing in line with the evolving political landscape, these instruments can support meaningful, sustainable parliamentary integrity.

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1 Parliamentary Integrity: A Resource for Reformers, OSCE/ODIHR, 8 February 2022.

# Developing a parliamentary code of conduct

## Why develop a code of conduct?

Some countries regulate parliamentary integrity standards without codes of conduct. However, having a strong code of conduct for Members of Parliament (MPs) — one that collates the rules from primary and/or secondary legislation<sup>2</sup>, that explicitly states the values and principles of integrity to which society expects MPs to adhere and that introduces the possibility of enforcement — can be a powerful tool for upholding integrity. The formalization of a parliamentary code of conduct can help to reform integrity in parliament and improve the overall professionalization of politics. A parliamentary code of conduct can help:

- **To build a culture of public integrity** by encouraging public debate to identify challenges, build consensus on the standards and envisioned culture of integrity, and to ensure that public expectations about parliamentarians' conduct and integrity are fulfilled;
- **To professionalize parliaments** by setting standards for what is expected of MPs, helping them to execute their tasks effectively and in line with certain values, by fostering a sense of collegiality and a safe space for everyone working in the Parliament, both MPs and staff, boosting the diversity and prestige of the office, providing mechanisms that deal with harassment/bullying situations in a victim-centred manner and by defining effective advisory mechanisms to guide the MPs;
- **To prevent corruption** by setting clear rules to guard against undesirable conduct (such as conflicts of interest, bribery, abuses of office), consistently enforcing said rules through effective monitoring

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2 For example, laws establishing rules for holders of public office, laws regarding conflicts of interest, laws on declarations of assets, laws on parliaments and criminal or administrative offence codes.



and punishment of breaches, and facilitating the clarification of, and access to those rules;

- **To meet international standards**, which, in addition to signalling mere adherence to legally-binding obligations<sup>3</sup>, enables the State to join certain international associations or access aid;
- **To boost accountability to the public** by providing guidance to MPs on dilemmas and controversies that could lead to scandals and damage public trust; and
- **To secure frequent systematic review and reform**, which enables parliaments to promptly reflect new challenges, expectations and norms and address the changing nature of political life. Routine reviews and revisions to address potential shortcomings to existing rules help modernize them in line with the evolving political space (for instance, to the use of new technologies or mainstreaming of emerging inclusion priorities).

## Key considerations when developing a parliamentary code of conduct

Drafting a code of conduct is a comprehensive process encompassing several stages that closely relate to the overall process of initiating parliamentary integrity reform. Comprehensive, **early mapping of key steps and identifying the necessary resources and the relevant actors and their roles** is vital for the success of any parliamentary reform. There are a number of key points to consider to enable parliaments to take full advantage of the benefits that arise from an effective and constructive process.

### Key stages and considerations in developing a code of conduct

- a. Preparing to develop parliamentary standards:

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<sup>3</sup> For example, UN Convention against Corruption, UNGA resolution 58/4, adopted 31 October 2003; Council of Europe Criminal Law Convention against Corruption, Council of Europe, ETS – No. 173, Strasbourg, 27 January 1999.

- Draft ownership
  - Context and compatibility with existing normative framework
  - Inclusive and iterative consultation process
  - Modality of the code
- b. Drafting a code of conduct:
- Content of the code
  - Accompanying documents and/or guides to the code
  - Adoption process
- c. Comprehensive outreach plan beyond the content:
- Monitoring and enforcement mechanisms
  - Advisory and support mechanisms
  - Reviewing and updating standards regularly

### **Why reviews and updates are essential for codes of conduct**

Even the most elaborate examples of parliamentary codes of conduct need to be regularly updated **to accommodate changes in political circumstances and evolving integrity standards**. This review should ideally stem from a process driven by local ownership and recognized gaps in the existing integrity system. For example, the practice of MPs employing close relatives and family members as a part of their parliamentary staff was relatively common for a long time and has only come under closer scrutiny in recent years. The process of reviewing and updating a code also provides a **valuable opportunity to generate wider debate and public discussion** on parliamentary integrity standards, rules and expectations, reflecting national consensus. Therefore, in addition to regular briefings for new members of parliament and parliamentary staff, as well as functioning and accessible

support systems designed to foster a broad understanding of the integrity system, **parliamentary integrity standards and rules should be systematically reviewed and updated on a regular basis**, at least at the beginning of each parliamentary term. The timeframe of reviews should be tailored in good faith, to prevent potential misuse of the process for intentional impediments in implementation of parliamentary integrity standards. Moreover, additional guidelines or explanatory notes can be released to clarify certain specific topics.

Highlighted sections, such as this one, appear throughout the document to highlight specifications and modifications to the described processes in terms of their relevance to a code of conduct review, as opposed to the development of a first draft. However, the revision process mirrors that of drafting in many ways. For instance, a revision process should also begin with a comprehensive mapping of relevant actors, steps, and resources for the review and/or revision process. If access to these actors or resources is not possible, the appropriateness of the review should be reconsidered and potentially postponed to ensure it can happen effectively.

## Draft Ownership

Prior to the code's conception, a **specific body should assume the indisputable responsibility for driving the process**. Existing good practice suggests that reforms driven by parliaments and initiated through consensus are much more easily enforced than those led by only one or a limited number of political parties, which are often hindered by a polarized or heavily politicized process.

The working body or group in charge of drafting the code should be established through a **fair and transparent process**. The body should

also be inclusive and representative of the diversity of the parliamentary structure and broader community, with gender parity and bring together diverse members from different geographic areas and political affiliations, of various age groups, with disability statuses, minority backgrounds, etc. They seek to challenge entrenched problems in political culture that reinforce partisan politics and the concentration of power among more established, or historically elite circles that ultimately hinder ethical conduct within the parliament. Additional diversity considerations could include the representation of members of parliamentary staff from a variety of functions and from different levels of the hierarchy.

All members of the drafting body should be models of individual integrity with untarnished reputations. The practice of including respected people, perceived as ethical leaders who are ready to lead by example in fostering wider commitment and adherence to the standards of parliamentary integrity even beyond the formal requirements, can greatly contribute to building a sense of ownership and secure the legitimacy of the process.

**There are different approaches to establishing a drafting body/group.** The drafting body can be formed within the parliament or as an external working group. There could also be parallel internal and external bodies, in which case it is important to establish how they will interact so that they complement each other rather than competing or duplicating work on the code. If the code is drafted within the parliament, it could be established as:

- a specially appointed ad-hoc committee,
- an existing parliamentary committee or the Speaker's office, or
- as a working group or sub-committee of a parliamentary management body.<sup>4</sup>

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4 OSCE/ODIHR, Parliamentary Integrity, p. 44.

The drafting body should carefully consider the modality through which it would seek the code to be adopted, in case this guides its own design structure and process. The design of the processes of developing and adopting the code should seek to **secure the legitimacy of the code** — for instance, in deciding if the code should be adopted by the plenary or signed by MPs individually.

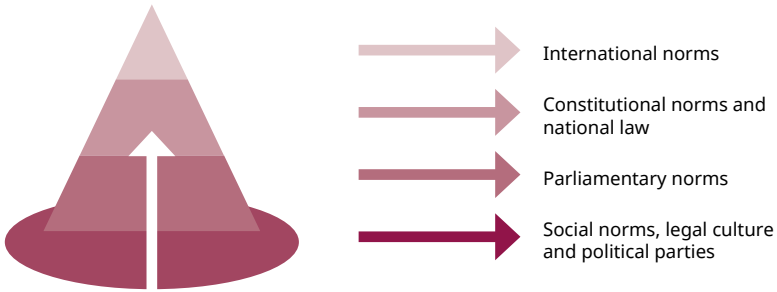
### For parliaments reviewing the existing code

The formal establishment and makeup of the body in charge of leading a review and/or revision of an existing code of conduct is just as important as when the code is first drafted, and for the same reasons. For a review process and new iteration of the code to enjoy trust and legitimacy, the selection body should also be established through a fair and transparent process. For a revision, the body should additionally consider how the new code or amendments should be adopted and, if this will differ from how the earlier code was adopted, this must be clarified and justified.

## Context and compatibility with existing context and normative framework

A code of conduct is not generally intended to replace existing integrity rules. Rather it seeks to make it easier to access and reference a range of provisions that may be scattered across different legal frameworks by collating them into a single document. At the same time, it allows for further development or clarification of existing regulations, and to complement these with aspirational values. Therefore, **it is necessary to conduct a comprehensive assessment of the existing content and normative framework at the early stage of the process.**

Figure 1. The normative framework of integrity standards<sup>5</sup>



The first step should include a thorough **mapping and assessment of existing formal and informal rules and norms** prescribed by the normative framework (in both primary and secondary legislation), as well as the **challenges and risks** that affect the work of the parliament and parliamentarians. This should cover the existing rules of conduct prescribed in the rules of procedure of the parliament, relevant parliamentary resolutions, any codes of conduct that might already exist for legislators or parliamentary staff, guides and manuals for legislators, and other laws that might hold relevant provisions. Any laws and regulation related to electoral systems and procedures, political parties and their financing, anti-corruption, as well as the status of the parliament and MPs are also of relevance. To ensure that the code fits the existing system in a consistent and harmonious manner, **other aspects of the integrity system should also be included in the initial assessment**. These include instruments such as registries of private interests and/or asset declarations, rules on expenses and allowances for MPs, rules on MPs' conduct in the chamber, and any rules regulating their relations with lobbyists, etc.

Drafting a single written list of integrity principles and rules into a code of conduct provides an excellent opportunity to summarize and reiterate all of the scattered, formal and informal, rules and norms that are relevant for MPs' conduct in a single, clear document that is easy for MPs to access and for others to hold them accountable against. The code should aim to build on the existing legal framework by adding

5 OSCE/ODIHR, *Parliamentary Integrity*, p. 30.

aspirational principles and guidelines. Early planning stages should therefore consider mapping the critical values and principles that would be enshrined in the code.

### For parliaments reviewing the existing code

A consideration of the context for the code's initial adoption and subsequent revisions is no less important. This analysis should also include a review of updates to the legal framework that might be relevant to a revision of the code (see examples of potential laws or regulations above), as well as of the evolution of the political and cultural climate since the drafting of the original code. Wherever the code is in conflict with the surrounding environment and/or prevailing normative framework, an adjustment of some kind is needed.

A more comprehensive assessment of parliament's integrity system can also include a review of all integrity instruments, their compatibility with international standards and the effectiveness of their implementation. In addition to the parliamentary code of conduct, this could include any laws, bylaws, and regulations as well as formal and informal rules related to the conduct of MPs (as noted above).

### Inclusive and iterative consultation

Catalyzing an inclusive, open and meaningful public discussion on integrity standards and expectations regarding the behaviour of MPs enables the parliament to develop a **common understanding on appropriate conduct**. A wide and inclusive public discussion also helps address the low levels of public confidence in the parliament and parliamentarians, as well as public perception of corruption among MPs. **Consultations are most effective when they happen at different**

**stages of the development process**, including in the evaluation of working drafts. Good practice suggests that the process of drafting and updating codes of conduct benefits substantively from a multi-staged drafting process with iterative and inclusive public consultations. To ensure successful and inclusive consultations lead to concrete outcomes, it is valuable to assess the draft code from a gender, diversity and inclusion perspective, paying particularly close attention to components of the code that address discrimination, harassment and violence against women and marginalized communities. These inclusion consultations should naturally also include — or ideally be led by — members of those communities. It can also include analysis of previous cases or a simulation of hypothetical ones, to check how the system responds.

A comprehensive consultation process that **brings together different parts of society represents an essential first step** to inform both value mapping and code drafting. The consultation process should include parliamentary leadership, MPs (including members of all political parties represented in parliament) and parliamentary staff, as well as representatives from civil society (in particular the parliamentary monitoring organizations), academia, the private sector, historically marginalized and/or under-represented groups, and experts from (inter)national NGOs and international organizations. **Including the public in a fair and transparent process** through wide consultations on the first and successive drafts is equally important in order to **build legitimacy**. This can be achieved by establishing two-way communication channels with diverse groups of society to address their concerns and suggestions.

One way to benefit from wider expertise during the drafting process is to engage external experts in preparing the initial draft concept, once the official drafting body initiates the process. The draft concept should then be circulated and refined together with the members of the official drafting body. MPs and parliamentary staff should already be engaged in consultations and drafting at this stage of the process. In the next step of the process, consultations should be expanded beyond the parliament, by presenting and discussing a new, refined version of the draft concept in detail to the state institutions and civil society organizations that follow the work of parliament, to gather any inputs and advice that



might contribute to the code. The parliament should take these insights and advice into account, but its independence from influence by other state institutions must always be respected and protected.

It is essential to ensure a **cross-party consensus**, as well as the involvement of parliamentarians from historically marginalized and/or under-represented backgrounds. Involving the parliamentary authorities along with a broad cross-section of diverse parliamentarians fosters a sense of commitment and ownership. A code developed and introduced in a hurry, or imposed by majority without ensuring the necessary public consultation and broad consensus, will likely fail to build a wider common understanding and support for parliamentary integrity.

### For parliaments reviewing the existing code

The review of an existing code should include an analysis of the process by which the original code of conduct was adopted (and, if previously reviewed, earlier drafts). Much like the adoption process, the review and assessment of the code should be recognized through a cross-party consensus and involve a representative diversity of parliamentarians.

The following offers a list of questions that could guide the assessment of a drafting process:

- Was the working group in charge of drafting the code established in a transparent manner? Did it consist of diverse and reputable members?
- Was there a cross-party consensus on the development of a code of conduct?
- How long did the process of drafting and adopting the code last?

- Who took part in the drafting process, and what were their roles in each stage?
- Were there any wider consultative processes conducted in the framework of developing the code of conduct? If so, which stakeholders were engaged in the process, in what role and at which stage of the drafting process?
- What were the results of the consultation process?
- Did any international organizations give any additional assistance in the drafting process?
- How was the code of conduct adopted?
- Was an outreach plan developed and implemented upon the adoption of the code to give civil society, the media and the public information about the code?

## Modality of the code

After finalizing all rounds of consultations and gathering inputs from all relevant actors, the drafting body will finalize and approve the draft. The final version of the code should be adopted by a plenary vote or resolution, preferably with a qualified majority in order to increase its importance and legitimacy.

The next step is deciding **how the code of conduct will be adopted**. It is important to define the form that the code will take before drafting it, as this will significantly impact its structure and other elements.

There are three broad categories of code modalities:

- ***Stand-alone documents***: codes of conduct that are adopted separately and **without mention** of existing legal and normative frameworks that regulate MPs’ conduct. One common example of this is the adoption of parliamentary resolutions.<sup>6</sup> Adopting codes in the form of parliamentary declarations or primary laws is another, less common, option.
- ***Overarching documents***: codes that **collate** legal and regulatory obligations of MPs and staff **in one place**. These may include a combination of frameworks that are both legally binding and non-binding.<sup>7</sup>
- ***Embedded in legally binding documents***: A final option is to **incorporate** code values and principles into existing, legally enforceable frameworks on MPs’ conduct. The most widespread approach in the OSCE region is to incorporate the parliamentary code as a part of the rules of procedure, such as in an annexe (20 out of 39 parliamentary codes of OSCE participating States)<sup>8</sup>, or in a specific law on parliamentarians, such as a Law on the Status of MPs. Although formalization of the code of conduct in the rules of procedure is not necessary, it is often recommended by relevant international or regional organizations; for instance, GRECO advises formalization to ensure the “effective enforcement and accountability regime of the Code”.<sup>9</sup>

Even if a code of conduct is not adopted as a legally binding document, it can still help regulate MPs’ behaviour by simply existing and being widely recognized; this can foster an environment in which breaches of the code are not acceptable and, in turn, deter individual MPs from potential breaches.

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6 For example, see [House of Commons Code of Conduct and Guide to Rules](#).

7 For example, the Scottish Parliament has adopted a [Code of Conduct](#) that, along with setting out the rules, also gives detailed citations and analyses of the relevant parts of other laws.

8 For example, the [Code of Conduct for the Members of German Bundestag](#) or the [Latvian parliamentary code](#) were adopted as annexes to the rules of procedure.

9 [Fourth Evaluation Round: Corruption Prevention in Respect of Members of Parliament, Judges and Prosecutors](#), Council of Europe GRECO, 7 December 2018, para. 10.

## Content of the code of conduct

Codes can be ‘**rules-based**’, or ‘**principles-based**’ or, ideally, both. Rules-based codes focus on prescribing specific behaviour; this offers more clarity and details by collating relevant obligations in one place, but can result in complex, lengthy documents that are overly legalistic and hard to follow. A principles-based or ‘aspirational’ code lists only the principles and values to which MPs should aspire and seek to embody. These codes can be perceived as simple but ambiguous enough to generate uncertainty, and are therefore often accompanied by a manual or handbook with more detailed explanations (see below).<sup>10</sup> A combination of rules and values therefore generally yields the most robust codes, enabling them to define the foundational rules and requirements for behaviour while also offering aspirational principle-led guidance.

### *Deciding on the aspects of conduct that will be regulated*

In addition to the format and type of content, preparation for the drafting process should also include **mapping different areas that should be addressed within the code**. These frequently include:

- The **behaviour of MPs** in conducting parliamentary business, including attendance and voting rules<sup>11</sup>, language in the chamber<sup>12</sup>, dress codes, policies to promote flexibility for a more family-friendly parliament and a zero-tolerance policy towards violent, hateful or discriminatory behaviour or language.<sup>13</sup> These rules should be balanced against the right to freedom of expression, given the fundamental importance of the freedom of parliamentary

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10 For example, the US House of Representatives code is complemented by the 456-page House Ethics Manual, 2008 Edition.

11 The Parliament of Canada Act, for example, obliges MPs to provide a tally of their attendance rate at the end of each month and makes deductions from their MPs’ allowance if they have been absent for more than 21 sittings.

12 In Latvia, the parliamentary Code of Ethics requires that MPs avoid “using words, gestures and other actions that can be insulting”, as well as “offensive or otherwise inappropriate statements that may dishonour the Saeima”.

13 See, for instance, the definition of what constitutes “unparliamentary language”, offered by the UK House of Commons or the Rules of Order and Decorum – Unparliamentary Language, by the Canadian House of Commons.

debate to a democratic society. An inclusive, gender-mainstreamed perspective is particularly critical for the code of conduct to effectively prevent, address and sanction discrimination on any grounds, such as gender, ‘race’, colour, ethnic or social origin, language, religion or belief, membership of a national minority, property, birth, disability, age or sexual identity or orientation.

## The role of codes of conduct in combating violence against women in politics

Sexism, abuse and violence against women are pervasive and systemic problems affecting women in parliaments and the functioning of parliaments as institutions.

Codes of conduct are critical mechanisms for addressing and helping eradicate violence against women in parliaments. Explicit mention of, and attention to sexual harassment, abuse and violence are essential.<sup>14</sup> Countering violence against women in parliament demands a comprehensive set of actions, including prevention, protection, prosecution and coordinated policies. Examples from the OSCE region highlight the importance of having robust definitions of various forms of gender-based violence in politics, as well as coupling such behaviour with effective, proportionate and dissuasive sanctions.<sup>15</sup>

In the United Kingdom parliament, a separate track has been created to deal with behaviour issues, including sexual harassment and violence, since it requires a victim-centred approach and very

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- 14 See [Addressing Violence Against Women in Politics in the OSCE Region: Toolkit. Tool 2 - Addressing Violence against Women in Parliaments](#), OSCE/ODIHR, 27 November 2022, for guidance to parliaments on preventing violence against women in parliaments. Also see [Realizing Gender Equality in Parliament: A Guide for Parliaments in the OSCE Region](#), OSCE/ODIHR, 6 December 2021.
- 15 See [Tool 2 - Addressing Violence against Women in Parliaments](#), pp. 15-20, “Annexe 1: Examples of Parliamentary Codes Addressing Violence”.

specific skills. The Independent Compliance and Grievance Scheme exists in parallel to the MPs' Code of Conduct and both mechanisms are interconnected. Occasionally, a concern is voiced about potential misuse of the system. However, research into false sexual accusations shows that the number of suspected false accusations remains statistically very small and should not be a reason not to develop a scheme that would make parliaments a safe space for all<sup>16</sup>.

- **Conflicts of interest that might occur during (or after) an MP's mandate**, such as the rules on reporting their financial and outside interests, incompatible activities and/or roles, receiving gifts and ad hoc declarations of conflicts of interests. Approaches to this matter vary widely depending on the national context.
- **Treatment and employment of parliamentary staff.**<sup>17</sup>
- **MPs' allowances, expenses and use of parliamentary resources.**<sup>18</sup>
- **Engagement with lobbyists** and politically-connected individuals (such as oligarchs) or third parties, as well as internal procedures for the valuation, acceptance and reporting of gifts.<sup>19</sup>
- **MPs' employment after leaving office**, including provisions to regulate 'revolving doors' between the public and private

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16 [Kimberly Lonsway et al., False Reports: Moving Beyond the Issue to Successfully Investigate and Prosecute Non-Stranger Sexual Assault, National Sexual Violence Resource Center, 2008](#); [Lisa Lazard, Here's the truth about false accusations of sexual violence, The Open University website, 24 November 2017.](#)

17 [In Austria, the Parliamentary Employees Law \(in German\) bans the employment of "close relatives", defining the term to include cousins and cohabitating partners in Article 2.](#)

18 [See OSCE/ODIHR, Parliamentary Integrity, pp. 65-67. See also the chapter on the public funding and abuse of state resources in Guidelines on Political Party Regulation, 2nd Edition, OSCE/ODIHR and the Council of Europe Venice Commission, 6 April 2023.](#)

19 [See, for instance, Recommendation iv. on Ukraine, in the GRECO Second Compliance Report, Council of Europe, 28 April 2022, p. 8.](#)

sector, such as ‘cooling off’ periods before accepting a post-parliamentary position in the private sector.<sup>20</sup>

- **Additional rules to ensure substantive inclusion and representation of historically marginalized groups.** Codes of conduct should also promote a parliamentary culture that is inclusive and non-discriminatory. This might include support for measures aimed at ensuring substantive inclusivity and representation of under-represented groups, such as quotas.

### Parliamentary immunity

The fundamental need to ensure MPs’ freedom of speech and expression when executing their professional duties is essential for the protection parliament’s autonomy from other branches of power. However, the privileges of non-liability and inviolability have occasionally been grossly misused, significantly damaging public confidence in parliamentarians as well as the institution of the parliament itself. One of the issues that should be carefully considered, especially in societies with highly polarized media, are cases in which the non-liability protection granted to MPs’ statements in the chamber are misused for slandering and defaming their own colleagues or fellow MPs, leaving them unable to sue the perpetrators and clear their name. The principle of inviolability has been used by some MPs to avoid being prosecuted for corruption, sexual harassment or other crimes.<sup>21</sup>

Clear, balanced, transparent and enforceable procedures for waiving parliamentary immunity — as prescribed in 2006 by the OSCE Parliamentary Assembly Resolution on Limiting Immunity for Parliamentarians in Order to Strengthen

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20 For example, Norway requires MPs to wait six months after leaving office before taking up a private-sector role.

21 For a detailed explanation, see OSCE/ODIHR, Parliamentary Integrity, p. 26.

Good Governance, Public Integrity and the Rule of Law in the OSCE Region<sup>22</sup> — are necessary to ensure a functioning parliamentary integrity system. Although there are no international standards that explicitly regulate parliamentary immunity at the national level, useful resources and guidelines can be found in GRECO's Fourth Evaluation Round: Evaluation and Compliance Reports<sup>23</sup>, the Venice Commission 2014 report on the scope and lifting of parliamentary immunity<sup>24</sup> and the rules and guidelines developed by the European Parliament.<sup>25</sup>

### For parliaments reviewing the existing code

The review of an existing code of conduct should not only consider the content of the prevailing draft, but also the modality through which it was adopted and its implementation since adoption. The following offers a list of questions that could guide the assessment of a code's robustness:

- What type of code of conduct has been selected? (rules-based, principles-based or hybrid)
- Are MPs required to publicly commit to the code? (e.g., by signing a document or swearing an oath)
- What areas of behaviour are regulated by the code? (e.g., participation in debates, attendance and voting, parliamentary language and conduct, dress code, etc.)

22 [Brussels Declaration of the OSCE Parliamentary Assembly](#), OSCE, 7 July 2006, p 33.

23 [Fourth Evaluation Round](#), Council of Europe, GRECO website.

24 [Report on the Scope and Lifting of Parliamentary Immunities](#), Council of Europe Venice Commission, Strasbourg, 14 May 2014.

25 [Rules of Procedure of the European Parliament](#), 9th parliamentary term – July 2023.



- How are conflicts of interests and rules on incompatibility of public and private roles regulated, as well as employment after leaving office?
- What rules are foreseen for asset declaration, disclosing interests and regulating the acceptance of gifts?
- Are there any rules and/or measures to prevent discrimination or violence based on 'race', ethnicity, age, sex, sexuality, gender identity, disability, religion or other grounds?
- Are there any rules and/or measures to foster and promote equal participation of women and other historically marginalized or under-represented groups, as well as an understanding of equality standards?<sup>26</sup>
- Are there any provisions regulating allowances, expenses and parliamentary resources?
- How is the treatment of parliamentary staff regulated?
- How does the code regulate lobbying?

## Accompanying documents/manuals/guides

Additional documents accompanying the code of conduct, such as **guides, manuals, templates** or **handbooks** that explain different aspects of the code in greater detail, can significantly contribute to an easier understanding of the code and its consistent enforcement.<sup>27</sup> The

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26 For additional information on standards and best practice in combating violence against women in politics, see the OSCE/ODIHR, Addressing Violence Against Women in Politics in the OSCE Region Tool 2.

27 For example, see the UK's House of Commons Code of Conduct and Guide to Rules, or the House Ethics Manual complementing the US House of Representatives' code.

accompanying documents enable the drafters to elaborate and clarify some of the aspects regulated in the code of conduct in more detail, as well as to reflect on other issues that are only implied in the code through the integrity principles. In this way, they aim to offer MPs **additional guidance** on how to interpret key principles and values prescribed by the code and prevent uncertainty and controversy around particular aspects of MPs' behaviour, as well as give advice on particularly challenging aspects such as relations with lobbyists.

### For parliaments reviewing the existing code

Wherever additional documents are part of an existing code, these should be reviewed as well. Documents can be assessed for their effectiveness, clarity and relevance, and first-hand accounts of their implementation are an essential part of this analysis. Should changes to the code be made, it is critical to ensure that accompanying documents are harmonized with the new draft and put into effect (or eliminated) at the same time.

## Adoption process

The process of adopting the code is one of the important tools for **securing the legitimacy of the code**. It is vital that a code is not simply imposed but, rather, agreed upon through a cross-party process. Reforms driven by the parliament as a whole and rooted in consensus may be easier to enforce than those that are developed through a polarized or heavily politicized process. This highlights the importance of involving a broad cross-section of parliamentarians in the early stages of development so as to facilitate a smooth adoption process rooted in consensus.

Parliaments should carefully consider an appropriate procedural mechanism for adopting the code, enabling appropriate transparency

and sufficient time to ensure that inputs from all relevant stakeholders have been received. While adoption procedures may differ among parliaments, the application of urgent procedures or untransparent processes must be avoided in the adoption of the code

## Comprehensive outreach plan

**A comprehensive outreach plan** to inform civil society, the media and the wider public about the information in the code and training on parliamentary standards is vital for boosting the accountability of parliaments and MPs and for preventing unethical conduct. This plan should be outlined at the start of the drafting process, in consultation with parliamentary monitoring organizations and key media outlets that are following the work of MPs. It should also include keeping the public informed about all drafting stages and giving people an insight into the work of the drafting body and the topics it discusses. This way, the public can provide feedback on the ongoing discussions and decisions. The outreach plan should schedule periods for the receipt and incorporation of feedback from public consultations.

### For parliaments reviewing the existing code

Comprehensive outreach is equally important to a code of conduct review. Public and civil society actors should be informed of, and invited to provide feedback to all stages of the review. This is exceptionally valuable for understanding public knowledge and perception of the existing code and its implementation, as well as its impact on building trust. Time should also be built into the review process to consider and iterate new drafts based on public feedback.

## Monitoring and enforcement mechanisms

Adopting and prescribing standards cannot guarantee substantial improvement in parliamentary integrity in practice without the necessary follow-up step: setting up a robust framework of mechanisms and tools for their meaningful implementation. This system consists of two components: **monitoring** the extent to which MPs are respecting the rules, and exploring the manner and extent to which the mechanisms and tools for the **enforcement of these rules are used in practice**. **Suitable sanctions for misconduct**, as well as tools for their effective enforcement, are crucial. **Clear and consistent procedures for monitoring** MPs' conduct, investigating any breaches and misconduct and punishing offenders should be considered in designing the monitoring and enforcement system:

- Who can make a complaint and how?
- Who initiates and conducts an investigation?
- Who decides and imposes the sanction and how?

Enforcement mechanisms range from the traditional **self-regulation** within the parliament (for instance, specialized parliamentary committees or bodies)<sup>28</sup>, to hybrid systems of **co-regulation** and **external regulation** (for instance, having Commissions on Ethics, or Ethical Advisers outside the parliamentary structure).<sup>29</sup> The mechanism chosen will depend on the characteristics of each parliament and substantive power and independence of the existing institutions. While **self-regulation brings stronger protection of a parliament's independence** from other branches of power and avoids the risk of the executive dominating the parliament, experience suggests that it **relies heavily on the individual**

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28 Self-regulation examples can be found in Ireland, Poland and Canadian provinces. For more details, see Part Three: Monitoring and Enforcement in OSCE/ODIHR, Parliamentary Integrity, pp.74-95.

29 The UK offers an example of a hybrid system, while the parliaments of Iceland and France have transitioned from co-regulation to an external system of enforcement. See Part Three: Monitoring and Enforcement in OSCE/ODIHR, Parliamentary Integrity, pp. 80-82.

**integrity of MPs and can be more vulnerable to political polarization.** To this end, it is particularly crucial to ensure the representation — or even leadership — of MPs from opposition parties in self-regulating monitoring mechanisms, as well as ensuring that procedures are not used to target members of the opposition unfairly or disproportionately.

Regardless of the model chosen, ensuring **independent, impartial, continuous and proactive** monitoring and enforcement of the rules is crucial for effective internal integrity control mechanisms in any parliament. For this purpose, the parliament needs to ensure institutional capacity and define a range of effective, proportionate and dissuasive sanctions. Thus, a key precondition for developing the monitoring and enforcement mechanisms is the planning and allocation of adequate human and financial resources for the effective implementation of the code of conduct. In the United Kingdom, the Code consists of two parts: the Code itself and the procedural part that outlines all the implementation details. Separating content and procedure can be one way to go.

A **wide variety of sanctions** is used across the OSCE region (see Figure 2).<sup>30</sup> Softer ‘reputational’ sanctions are much more widespread and used in practice, but there are also examples of heavier penalties that raised controversial disputes.<sup>31</sup>

It is important to ensure the proportionality of the sanctions. Their weight should be proportionate to the severity and number of violations, and should take into account additional factors, such as the underlying legislation regulating the status of MPs and related safeguards.<sup>32</sup> In addition to their individual careers, the reputational risk of an MP’s misbehaviour

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30 There is a broad range of sanctions in different countries of the OSCE region related to asset declarations, ranging from simple naming in the plenary session, as in the case of Sweden, or apologizing before the House of Commons in the United Kingdom, to considering such breaches as criminal action as in the case of Italy or Georgia. See OSCE/ODIHR, *Parliamentary Integrity*, pp. 86-95.

31 For instance, the president of the European Parliament, Antonio Tajani, penalized a Polish MEP, Janusz Korwin-Mikke, by taking away 30 days of his subsistence allowance due to sexist statements. However, the merit of such stern punishment raised debates, and the European Court of Justice overturned the punishment.

32 For more details on different approaches to sanctions, see Chapter 3.3. Penalties for misconduct in OSCE/ODIHR, *Parliamentary Integrity*, pp. 86-95.

can also have significant repercussions for their political parties, ranging from negative outcomes in opinion polls to electoral losses.

Figure 2. Potential sanctions

Reputational sanctions	Administrative sanctions	Heavy administrative sanctions
<ul style="list-style-type: none"> <li>• ‘Naming and shaming’ largely affects an MP’s standing and reputation</li> <li>• Disciplinary sanctions, such as warnings, public announcements or ‘calls to order’</li> <li>• Public apologies or admissions of guilt</li> </ul>	<ul style="list-style-type: none"> <li>• A range of fines — in France, up to 45,000 euros and a three-year prison sentence for deliberate omissions or false declarations</li> <li>• Cuts to salary, graded according to the severity of the offence</li> <li>• Withdrawing the right to speak during a particular debate</li> <li>• Temporary exclusion from debates</li> </ul>	<ul style="list-style-type: none"> <li>• Temporary suspension from office (while retaining the right to vote)</li> <li>• Voters ‘recalling’ the mandate of MPs in their constituency</li> <li>• Losing the parliamentary seat</li> </ul>

### For parliaments reviewing the existing code

The review of an existing code offers a unique opportunity to assess and reconsider the effectiveness of its implementation, monitoring and enforcement within the evolving political landscape. Below is a list of questions that could guide the assessment of a code’s monitoring and enforcement mechanisms:

- What model of monitoring and enforcement mechanism is foreseen in the code?
- If relevant, does the parliament have the capacity to conduct investigations in self-regulating systems? If externally regulated, what is the relationship between the external institution

in charge of monitoring and enforcement and the parliament, and is it appointed by, or accountable to the parliament?

- Are there sufficient resources to ensure effective monitoring and enforcement?
- Are there adequate provisions for a safe and efficient complaints mechanism for allegations of sexual harassment and sexual violence, and effective and deterrent sanctions?
- How is the disclosure of complaints regulated? Are there any safeguarding rules foreseen to protect the rights of MPs and prevent abuse?
- Are the rules enforced in a systematic, consistent and impartial manner?
- How many confirmed breaches, complaints and proceedings have been recorded throughout the life of the code?

In addition, a regular (e.g., annual) anonymous survey for MPs and other stakeholders can help to determine how familiar they are with the existence of the code of conduct and its content. These surveys can indicate how to tailor outreach campaigns to raise their levels of understanding and engagement.

## Advisory and support mechanisms

**Setting up support systems** to provide advice, training and support to MPs is another fundamental step in ensuring that a code of conduct is enforced consistently and meaningfully. The parliament should ensure that all MPs, regardless of their background or political affiliation, are well informed and aware of the rules and obligations prescribed in the code of conduct, in a consistent and systematic manner.

Some examples of good practice include **regular, applied training courses for all MPs and parliamentary staff**, as well as ethical and integrity training, including on the prevention of sexism, harassment and violence, as well as establishing a designated parliamentary body tasked with offering formal or informal advice and guidance to MPs.<sup>33</sup> In addition, some codes include annexes with commitments to appropriate behaviour for signature and some countries even publish lists of signatories.<sup>34</sup> The EU Parliament's rules and guidelines,<sup>35</sup> for example, require each member to sign a declaration confirming their commitment to complying with the code.<sup>36</sup>

In addition to a proper **induction programme** for all new MPs and parliamentary staffers, parliaments should offer **different instruments to enable their MPs' support networks**, such as tailored courses for parliamentarians on selected topics (e.g., gender equality and diversity, office management and staffing), mentorship sessions with experienced MPs providing first-hand advice and ongoing advisory services for parliamentarians. Parliaments are also recommended to refresh MPs' knowledge at least twice during their term of office or, better still, on an annual basis. Most importantly, MPs should be aware of

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33 See Fourth Evaluation Round, Council of Europe, GRECO website, Ireland, para. 110.

34 See the OSCE/ODIHR Addressing Violence against Women in Parliaments - Tool 2.

35 Rules of Procedure of the European Parliament.

36 Members who have not signed this declaration may not be elected as office-holders in Parliament or any of its bodies, neither be appointed as a rapporteur nor participate in an official delegation or inter-institutional negotiations. All declarations, whether signed or not, will be published on members' profile pages on the Parliament's website.



bodies within or outside the parliament that they may consult if they are unsure of permissible or expected conduct.

### **For parliaments reviewing the existing code**

An assessment of a code's implementation in practice must include a review of its accompanying advisory and support mechanisms. The following list contains questions that could guide this evaluation:

- What kind of support mechanisms have been established?
- Are the support mechanisms open and available to all groups regulated by the parliamentary integrity system?
- How often is training provided and refreshed?
- Is there a regular and continuous induction programme in place for all new MPs?
- Is there any training given on gender equality and diversity, including on sexual harassment policies, the use of gender-sensitive language and training on providing reasonable accommodations for persons with disabilities?
- Is there any space for civil society organizations to contribute meaningfully to shaping and updating the code of conduct, as well as in holding parliamentarians to account?

### **Reviewing and updating standards regularly**

Upon their establishment, parliamentary integrity systems should enable mechanisms for regular review and innovation in order to keep the integrity system effective and contribute to the building of public

confidence. **A systematic and thorough assessment of a code of conduct and levels of its enforcement** should be institutionalized through annual evaluation reports and their presentation to the parliament. These reports could also encompass a wider assessment of the parliamentary integrity system.

### **For parliaments reviewing the existing code**

In addition to the considerations offered above, a review of a code should also assess the standards for reporting, evaluation and revision of a code. The following is a series of questions to guide this process:

- Are there any rules to ensure that integrity standards are reviewed and updated in a regular and systematic manner?
- Is there an obligation to prepare and publish annual evaluation reports, assessing the implementation of parliamentary integrity standards? If so, is it respected in practice?
- Who is in charge of preparing and presenting the reports? Are these reports presented to the parliament and made publicly available? What kind of information do they offer?
- Is there a procedure and/or mechanism for regular systematic reviews and updating of the parliamentary integrity system?
- When was the last time that the parliamentary integrity system was updated? Who took part in the process, and was it conducted in a consultative and inclusive manner?

## Selected documents and publications outlining relevant parliamentary integrity standards

### Selected documents

- OSCE, Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Copenhagen, 1990.
- United Nations, General Assembly Resolution 51/59 on Action against Corruption, 12 December 1996.
- Council of Europe, Resolution (97) 24 on the Twenty Guiding Principles for the Fight against Corruption, 6 November 1997.
- OECD, Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and Related Documents, 21 November 1997.
- Council of Europe, Criminal Law Convention on Corruption, 27 January 1999.
- Council of Europe, Recommendation 60 on Political Integrity of Local and Regional Elected Representatives, Strasbourg, 17 June 1999.
- PACE, Resolution 1214: Role of Parliaments in Fighting Corruption, 5 April 2000.
- United Nations Office on Drugs and Crime United Nations Convention Against Corruption, UNCAC, 31 October 2003.
- OSCE Ministerial Council, Decision No. 14/04, “2004 OSCE Action Plan for the Promotion of Gender Equality”, Sofia, 7 December 2004.
- OSCE Parliamentary Assembly, Brussels Declaration of the OSCE Parliamentary Assembly and Resolutions Adopted at the 15th Annual Session, Brussels, 2006.

- OSCE Ministerial Council, Decision No. 7/94, “Women’s Participation in Political and Public Life”, Athens, 2 December 2009.
- Council of Europe Congress of Local and Regional Authorities, Resolution 401, Preventing Corruption and Promoting Public Ethics at Local and Regional Levels, Strasbourg, 28 October 2010.
- OECD, Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, 2011.
- OSCE, OSCE Human Dimension Commitments – Fourth Edition, 27 April 2023.
- European Commission for Democracy through Law (Venice Commission), Report on the Scope and Lifting of Parliamentary Immunities, Strasbourg, 14 May 2014.
- Council of Europe Congress of Local and Regional Authorities, Resolution 316, Rights and Duties of Local and Regional Elected Representatives, Strasbourg, 19 October 2016.
- GRECO, Assessment of the Code of Conduct for Members of the Parliamentary Assembly of the Council of Europe, 19 June 2017.
- PACE, Follow-Up to Resolution 1903 (2012): Promoting and Strengthening Transparency, Accountability and Integrity of Parliamentary Assembly Members, PACE, 10 October 2017.
- GRECO, Corruption Prevention: Members of Parliament, Judges and Prosecutors: Conclusions and Trends, October 2017.
- GRECO, Fourth Evaluation Round: Corruption Prevention in Respect of Members of Parliament, Judges and Prosecutors, 7 December 2018.
- OSCE Ministerial Council, Decision No. 4/18, “Preventing and Combating Violence against Women”, Milan, 10 December 2018.
- GRECO, Codes of conduct for public officials. GRECO findings & recommendations, Strasbourg, 20 March 2019.
- Open Government Declaration, Open Government Partnership, September 2011.

## Selected publications and guidelines

- Manfred Nowak, Human Rights: Handbook for Parliamentarians, Inter-Parliamentary Union and Office of the United Nations High Commissioner for Human Rights, No. 8, 2005.
- Greg Power, Handbook on Parliamentary Ethics on Conduct – A Guide for Parliamentarians, Global Organization of Parliamentarians Against Corruption & Westminster Foundation for Democracy, 2006.
- IPU, Guidelines for the Elimination of Sexism, Harassment and Violence against Women in Parliament, 2019.
- OSCE/ODIHR, Gender Equality in Elected Office: A Six-Step Action Plan, 9 September 2011.
- OSCE/ODIHR, Compendium of Good Practices for Advancing Women’s Political Participation in the OSCE Region, 25 February 2016.
- OSCE/ODIHR, Realizing Gender Equality in Parliament. A Guide for Parliaments in the OSCE Region, 6 December 2021.
- OSCE/ODIHR, Participatory Gender Audits of Parliaments: A Step-by-Step Guidance Document, 16 August 2022.
- OSCE/ODIHR, Addressing Violence against Women in Politics in the OSCE Region Toolkit, 27 November 2022.

