

Transparency International Anti-Corruption Helpdesk Answer

Codes of conduct for parliamentarians

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Allegations of corruption and other misconduct by parliamentarians have become common in many countries. This has contributed to low public trust in the legislature, including its legitimacy to effectively hold the executive to account.

In the face of swelling corruption and other misconduct, parliamentary codes of conduct set benchmarks for acceptable behavior against the values of integrity, honesty, impartiality and objectivity, providing clarity on ambiguous aspects of the law. They contribute to professionalising politics and enhancing public trust in parliaments, allowing them to demonstrate high levels of ethical behavior.

The content of codes of conduct for parliamentarians may include conflict of interest provisions, asset declaration requirements, rules on gifts and hospitalities, post-employment restrictions and elements of lobbying regulation. Although they are designed to regulate the conduct of parliamentarians, they should not or cannot regulate all aspects of their lives, nor should they interfere with the independence of parliament and parliamentarians or threaten their ability to carry out their public duties.

The development of the code is just as important as the final content of the code of conduct as it relates to ensuring its effectiveness. International standards recommend that the adoption procedure should be inclusive, transparent and consultative. Dissemination of the code, through its publication, communication in different media and training courses, is essential for implementation, as is the existence of clear and transparent procedures for monitoring breaches of the rules, for investigating misconduct and for sanctioning offenders.



Query

Provide an overview of codes of conduct for parliamentarians, including best practices for the development and implementation of such codes. Please include examples from Commonwealth countries.

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Caveat

This Answer builds on previous Helpdesk Answers on the topic: [Parliamentary Ethics Committees](#), [The Effectiveness of Codes of Conduct for Parliamentarians](#), [Implementing Codes of Conduct in Public Institutions](#), as well as the [Topic Guide on Codes of Conduct](#).

Introduction

Worldwide, the public perception of elected officials has been affected by corruption scandals and reports of widespread misconduct (Transparency International 2019a; Transparency International 2019b; Transparency International 2019b; Transparency International 2020; Transparency International 2021a; Transparency International 2021b). For legislators, ethical failings have the additional impact of undermining their legitimacy as a key institution responsible for holding the executive accountable. As Stapenhurst and Pelizzo (2004 p.4) sum up, “any form of legislative misconduct undermines the public trust in the democratic system”, threatening its legitimacy and, by consequence, its survival.

Main points

- Parliaments often rank among the most corrupt institutions in countries.
- Codes of conduct for parliamentarians have been central in efforts to improve their standing before voters. They establish clear, effective and fair rules of conduct.
- Adoption procedures should be inclusive, transparent, and consultative. Dissemination of the code is essential, as is the existence of clear and transparent procedures for monitoring breaches of the rules, for investigating misconduct and for sanctioning offenders.
- Codes of conduct for parliamentarians may include, in its content, conflict of interest policies, asset declaration requirements, rules on gifts and hospitalities, post-employment restrictions and elements of lobbying regulation.

The development of frameworks to regulate the behaviour of legislators has been part of efforts to improve parliament's standing before voters. These regimes intend to signal what type of behaviour is considered appropriate and what is inappropriate. A central element of these regimes is the code of conduct.

A code of conduct for parliamentarians, also known as a legislative code of conduct, is "a formal document which regulates behaviour of legislators by establishing a political culture which places considerable emphasis on the propriety, correctness, transparency and honesty of parliamentarian's behaviour" (Stapenhurst & Pelizzo 2004 p. 9).

While a code of conduct is an important element of an ethics and integrity regime, it is not the only one. In fact, the Commonwealth Parliamentary Association (CPA) highlights the fact that the code should be embedded within a wider integrity system, which includes a host of other legislation and institutions (CPA 2016 p. 13). Legislation on lobbying, campaign finance, and undue influence are just some examples of complementary rules to codes of conduct.

The need to establish a code of conduct for parliamentarians has been highlighted in a number of international standards. Codes of conduct for public officials have been recognised by the [United Nations Convention against Corruption](#) (UNCAC) as an important tool in combating corruption and promoting integrity, honesty and responsibility. The UNCAC stipulates that "each State Party shall endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable and proper performance of public functions" (art. 8.2). In addition, the convention recommends that states institute reporting systems, mechanisms for declaration of assets and interests and disciplinary procedures to deal with violations to the codes of conduct (art. 8.4, 8.5, 8.6). The [International Code of Conduct for Public Officials](#), adopted by the United Nations General Assembly in 1996, has served, for decades, as an important reference to the development of codes of conduct around the world.

Similarly, the [Inter-American Convention against Corruption](#) recommends that states adopt

"standards of conduct for the correct, honourable, and proper fulfilment of public functions", as well as mechanisms to enforce those standards (art. 3). According to the [Commonwealth Principles on the Three Branches of Government](#) (Latimer House Principles), members of parliament should "develop, adopt and periodically review appropriate guidelines for ethical conduct", which should address conflicts of interest with the goal of enhancing transparency, accountability and public confidence (Commonwealth Secretariat 2008 p. 12).

The Parliamentary Assembly of the Organisation for Security and Co-operation in Europe (OSCE), in 2006, also adopted the [Brussels Declaration](#), which urged states to "develop and publish rigorous standards of ethics and official conduct for parliamentarians and their staff", to "establish efficient mechanisms for public disclosure of financial information and potential conflicts of interest by parliamentarians and their staff" and to "establish an office of public standards to which complaints about violations of standards by parliamentarians and their staff be made" (OSCE 2012 p. 8).

Codes of conduct for parliamentarians

Corruption risks in the legislature

Allegations of misuse of parliamentary resources or public funds by MPs have become common in many countries. They relate to the misuse of resources for the personal benefit of parliamentarians or in favour of a political party or to the recruitment of staff. For instance, a major scandal in the United Kingdom in 2009 related to the abuse of the expenses and allowances system by MPs who made excessive and inappropriate expenses claims. Nepotism is also a common risk in some parliaments, with family members recruited to work in MPs' offices (OSCE 2012 p. 49-50).

A recurring practice in Brazil's legislative chambers is for parliamentarians to require that staff give them back part of their salaries – this is known as *rachadinha*. Often, the member of staff would not be actually working but are "ghost employees",

who are only appointed for their position to serve as conduits for public funds to be embezzled by parliamentarians (Politize 2021).

Obtaining undue advantage and personal benefits due to privileged information is another form of corruption risk in the legislature. For example, in the United States, there have been allegations that senators conducted stock trades based on confidential information they received about the COVID-19 pandemic (Kelly 2020). Suggesting that there is a widespread problem, the New York Times (2022) alleged that 97 members of the US Congress reported stock trades in companies influenced by committees in which they are members. While these trades are not necessarily irregular, they underscore concerns about potential conflicts of interest and use of inside information. On this same issue, 72 members of Congress were found to have violated regulations that required them to disclose financial trades – but penalties for these irregularities are extremely small (Business Insider 2022).

The risks of bribery and influence peddling are also significant in parliaments around the world. MPs are frequently accused of receiving payments – whether in the form of bribes or campaign donations – in exchange for votes or other legislative actions. For example, in 2020, there were allegations that German MPs received bribes to support the Azerbaijani regime in the Parliamentary Assembly of the Council of Europe (OCCRP 2020). In Kenya, an MP admitted to receiving a US\$1,000 bribe to support the appointment of the majority leader (BBC 2021).

Parliaments, as with any public body, must procure goods and services from the private sector. Procurement proceedings are mired with corruption risks, and parliamentarians and their staff may be involved in corrupt dealings related to these proceedings. In Zimbabwe, overpriced laptops recently acquired by parliamentary staff have led to calls for investigations and dismissal of the staff involved (All Africa 2022).

These are only a few of the examples of corruption risks within parliaments. Recent surveys from Transparency International's [Global Corruption Barometer](#) also demonstrate that, around the world, public confidence in parliaments and their members has been profoundly affected by

corruption. As an institution, parliament frequently ranks among the most corrupt:

- In Europe, 28 per cent of people surveyed think that most or all members of parliament are corrupt, the worst result among all the institutions included in the questionnaire (Transparency International 2021a p. 14).
- In Africa, 36 per cent of people surveyed have that same perception, the third worst result among national institutions (Transparency International 2019a p. 12).
- In Latin America and in the Caribbean, 52 per cent of people surveyed believe that most or all senators and members of the house of representative are corrupt, the second worst result among institutions included in the survey (Transparency International 2019b p. 14).
- In the Middle East and in North Africa, 44 per cent of people surveyed think that MPs are mostly or entirely corrupt, the worst result among institutions included in the survey (Transparency International 2019c p.12).
- In the Pacific region, 36 per cent of people surveyed believe that most or all members of parliament are corrupt, the worst result among the institutions included in the survey (Transparency International 2021b p.21).
- In Asia, 32 per cent of people surveyed believe that most or all members of parliament and senators are corrupt, the worst result among the institutions included in the survey (Transparency International 2020 p.14)

Declining trust in elected officials translates to diminished satisfaction and support for democracy, which highlights the importance of instituting tools to promote ethics and integrity in parliaments (Stapenhurst & Pelizzo 2004 p. 5). In the face of mounting corruption scandals in parliaments, with substantial impact on the public's perception of their integrity, and considering their importance in any democratic state, codes of conduct can play an important role in reducing corruption risks and, thus, in strengthening democracy and the systems of checks and balances.

Overview of codes of conduct

A code of conduct is “a statement of principles and values that establishes a set of expectations and standards for how an organisation, government body, company, affiliated group or individual will behave, including minimal levels of compliance and disciplinary actions for the organisation, its staff and volunteers” (Transparency International 2009). As such, it should establish clear, effective and fair rules of conduct. It should also include provisions and procedures designed to ensure that these rules are adequately enforced (IPU 2022 p. 8).

There is considerable confusion about the difference between codes of conduct and codes of ethics. This distinction has remained controversial, and they are often mislabelled. According to the UNODC (2022), a code of ethics is more rules based, with an emphasis on encouraging and supporting ethical behaviour, while the code of conduct is more compliance based, with an emphasis on practical guidelines and sanctions in case of non-compliance.

Additionally, two types of codes of conduct have been identified in the literature: i) aspirational codes, that establish broad ethical principles that individuals should follow but do not detail what is and what is not appropriate behaviour, and ii) rule based codes, which are more ‘legalistic’ and specify what is considered appropriate conducts and/or list misconducts, as well as determining corresponding sanctions (Jenkins 2015 p. 4).

Codes of conduct are considered especially useful in the public sector. They set benchmarks to assess behaviour against the values of integrity, honesty, impartiality and objectivity. Additionally, they can provide clarity on ambiguous aspects of the legislation, notably where the licit behaviour is not necessarily ethical. Codes of conduct serve as general reference guides for officials, determining how to deal with ethical dilemmas and outlining expectations of behaviour. Lastly, they provide a framework with definitions, procedures, and enforcement mechanisms (Jenkins 2015 p. 4).

In the case of parliamentarians, specifically, they usually originate from a variety of backgrounds and occupations. There are no examinations or minimal formal qualifications required, in most

cases. Turnover is usually high, with many MPs entering and leaving parliament with each electoral cycle. In this sense, codes of conduct serve to professionalise politics, establishing professional standards that will be equally required for all parliamentarians. This can help build a sense of collegiality and boost the prestige of the office (OSCE 2012 p. 9).

Codes of conduct also enhance relationships with third parties and manage risks associated with ethical decision-making (Chêne 2014 p. 2). The Global Organisation for Parliamentarians against Corruption (GOPAC) lists a number of reasons why developing an ethics and conduct regime is necessary for parliaments:

- It allows parliamentarians to demonstrate high levels of ethical behaviour, consistent with their public duties, which includes monitoring the executive branch and holding its members accountable.
- It can deter and sanction specific cases of unethical behaviour, contributing to prevention and combating corruption.
- It enhances public trust in parliaments and in its members and, consequently, in the democratic system in general.
- It implements international commitments, such as Article 8 of the UNCAC, which has been ratified by most countries, as it relates to parliamentarians (Power 2010 p. 5).

Though specific corruption scandals or reports about widespread ethical misconduct are often the spark that leads to the development and enactment of codes of conduct for parliamentarians (Power 2010 p. 13), the purpose of a code of conduct may be broader. A fundamental question that needs to be answered at the beginning of the development process is: what does this code of conduct seek to address and how? In essence, this will also allow for the effectiveness of the code to be realistically evaluated over the implementation process.

There is, thus, a wide range of rules that regulate the behaviour of parliamentarians which may be included in the code, including rules of procedure which aim to maintain order in the legislative proceedings. However, the focus of this Answer lies in the rules of conduct which aim to enhance transparency and accountability within parliament.

Limitations

Although codes of conduct are designed to regulate the conduct of parliamentarians, they should not or cannot regulate all aspects of their lives. In general, it is not considered appropriate for codes of conduct to regulate private behaviour or the personal lives of MPs. In some countries, however, provisions have been made to ensure that private matters can come into the purview of regulation if they affect parliament. For example, the Lithuanian code of conduct for state politicians determines that “the conduct or personal features of a state politician that are related to certain circumstances of his private life and that are likely to have influence over public interests shall not be considered private life” (OSCE 2012 p. 19).

Other limitations to the regulation that may be set in a code of conduct refer to the risk that the regulation will interfere with the independence of parliament and parliamentarians and threaten their ability to carry out their public duties (OSCE 2012 p. 20). The independence of parliamentarians is important not only in the face of the executive branch but also inside of parliament as it relates to their interactions with political parties and other MPs.

Within the Commonwealth’s Anti-corruption Benchmarks, the need to ensure that parliament is independent is reaffirmed through recommendations that parliamentarians have security of tenure during their elected term of office and that they are only suspended or dismissed for material non-performance or reasons of incapacity or misconduct on the basis of an independent, impartial and publicly declared process (Commonwealth Secretariat 2021 p. 44-45).

Ensuring the separation of powers and the independence of the legislative branch is essential not only for anti-corruption purposes but also for preserving the rule of law and democratic stability. According to the Latimer House Principles, “parliamentarians must be able to carry out their legislative and constitutional functions in accordance with the constitution, free from unlawful interference” (Commonwealth Secretariat 2008).

Parliamentary immunity exists to guarantee the independence of elected representatives in order for them to exercise their democratic functions effectively, and to protect the parliamentary institution (PACE 2016). An MP’s freedom of speech and of expression cannot be constrained since it is essential to the performance of their institutional role.

Parliamentary immunity manifests in two forms: non-liability and inviolability. Non-liability refers to an exemption from legal proceedings (investigations, indictments, suits) for acts carried out, including votes and speeches, in the discharge of parliamentary duties. Inviolability is a form of legal protection that limits the application of certain legal measures (arrest, detention, prosecution) against MPs for acts unrelated to their duties, except in very specific circumstances, which vary from country to country (PACE 2016). Efforts should be made, therefore, to ensure that the regulation of parliamentary standards does not interfere with aspects of MPs’ legitimate work and that it does not serve to prosecute opposing parliamentarians.

Opposition parties and legislative minorities¹ play a fundamental role in a democracy, ensuring responsible government and effective checks and balances. For these reasons, it is essential that their rights and freedoms of association, expression and assembly are guaranteed by the constitution, by the country’s legislation and by the rules of procedure of parliament, and they should not be undermined by the code of conduct. MPs in the opposition or minority should not be criminalised, harassed or disadvantaged in any way (Bulmer 2021 p. 6).

Relevant factors for ensuring effectiveness

It has been widely recognised that there is no one-size-fits-all solution for improving the ethical standards in a given institution, which includes parliaments (OSCE 2012 p. 10). This means that neither the process of developing, nor the final

¹ Although these are equivalent in a parliamentary system, in presidential or semi-presidential systems, the political

party holding the majority of seats in congress may be different from the president’s party.

content of a code of conduct can be copied from one country to the other. However, lessons can certainly be drawn from past experiences, and general recommendations have been compiled from such experiences.

The development process is just as important as the final content of the code of conduct relates to its effectiveness. This process is instrumental in ensuring the legitimacy and support for the code, as well as for creating a culture and environment where these rules and principles are followed by most MPs (OSCE 2012 p. 38).

The process for developing a code of conduct or an ethics regime for parliamentarians has been divided into four stages by the GOPAC:

- (i) Creating the political will for reform: this will depend on the building a coalition around the need for the code. It may be prompted by a political crisis, by a corruption scheme being discovered or by general concern about (reduced) public trust in the institution.
- (ii) Getting agreement on ethical principles. They are based on existing values, standards and practices, as well as on a consensus for necessary change.
- (iii) Developing detailed rules that will govern the conduct of parliamentarians.
- (iv) Establishing the regulatory system and training members: this includes both developing the enforcement protocols and implementing the code throughout the institution (Power 2010 p. 11).

The effectiveness of a code of conduct depends on a number of factors, some of which are detailed below. A participatory development process, with transparency and inclusion, clear dissemination and capacity building plans and efforts, solid structures for guidance, monitoring and review and a robust enforcement system have all been mentioned as essential to ensuring the effectiveness of the code of conduct in public institutions (Chêne 2014 p. 1).

Participatory development process

The IPU (2022 p. 9) recommends that the adoption procedure for codes of conduct should be inclusive, transparent and consultative. By inclusive, the concern is with the assurance that the code was not solely developed by a few parliamentarians or by the majority party. This would lead to increased concerns about the possible weaponisation of the code of conduct to target minority members or to restrict the independence of legislators. Members of minority parties should therefore be involved in the process of developing the code of conduct from the beginning (IPU 2022 p. 9).

While the initial phase of this process should include a wide range of MPs, through general debates, at a later stage, it may be more effective to delegate the task of writing the code to a committee (Power 2010 p. 10). Membership of this committee should reflect the overall composition of the parliament, ensuring representation of minority members.

Transparency entails allowing society to fully understand all of its phases and the decisions made along the way. Finally, IPU recommends that the development of the code should be consultative, allowing for different stakeholders to participate in the process, presenting suggestions, criticisms and general input. The involvement of multiple stakeholders in the development process will increase ownership over the final product (Chêne 2014 p. 2).

The code's provision may be inspired by international recommendations and best practices from other legislative bodies, but it should also consider the local/regional/national context and issues. Participation of society in its development will increase the potential of it effectively addressing the main corruption risks surrounding that legislative body.

The scope of application of the code of conduct may vary in that it can be applicable to parliamentary staff or not. In any case, besides the members of parliament, the code should be, according to the IPU (2022 p. 8), applicable to other appointed officials in parliament, such as secretary-generals.

A separate code may be developed for parliamentary staff. Alternatively, other codes of conduct which encompass the entire or parts of the public administration may be applicable to them. Either way, detailed rules of conduct for these public officials are important to ensure that they act with independence and impartiality as well as to prevent the abuse of power and conflicts of interest (Zampini 1997 p. 1).

The final decision on adopting the code of conduct should be taken by means of a vote by the entire legislative body. Its adoption should be welcomed by the parliament's leadership (Chêne 2014 p. 3). Endorsement of the code of conduct by the speaker, party leaders and committee chairs will help ensure support from all MPs.

When adopted, the parliamentary code of conduct should be published and made available to the public on a freely accessible website. If this is not included in that document, the website should also give information on "the process to determine allegations regarding misconduct in the appointment, regulation and dismissal of members of parliament" and "an explanation of the complaints and reporting systems" (Commonwealth Secretariat 2021 p. 48).

Implementation

While the code of ethics should be based on standards of behaviour already accepted in parliament, it should also seek to establish new standards, serving to continuously promote integrity and transparency (Power 2010 p. 10). Progress, however, depends on effective implementation, especially as it relates to "new" practices and standards of behaviour.

In this sense, it is essential that the code of conduct is published and made available through a variety of means, including the parliament's website (CPA 2016).

A measure to ensure that every member of that legislative body is acquainted with the code of conduct is to make it obligatory for them to formally accept or recognise the code of conduct at the beginning of their term (IPU 2022 p. 9).

Induction training may also be an important tool to ensure that parliamentarians are actually aware of the provisions in the code. Regular training sessions, assessments of individual ethical competence and collective activities are all relevant in ensuring the code of conduct is well understood by all MPs (CPA 2016 p. 11).

The Commonwealth Anti-Corruption Benchmarks recommends that parliamentarians are trained according to the code of conduct (Commonwealth Secretariat 2021 p. 45). The IPU (2022 p. 10) recommends that programmes and activities be available for MPs and their staff to promote standards of conduct through guidance and training. For example, they may be required to demonstrate that they have read and understood the code's provisions (CPA 2016 p. 11)

Dissemination should not, according to international recommendations, be restricted to the parliament. The public and the media should also be educated on the rules contained in the code of conduct as way of encouraging them to hold parliamentarians accountable for any misconduct (OSCE 2012 p. 11).

Enforcement

According to the IPU (2022 p.8), "procedures for monitoring breaches of the rules, investigating whether misconduct has occurred and sanctions for offenders, must also be clear, consistent and transparent".

Parliaments should also have complaints and reporting systems that allow for the presentation of confidential and anonymous questions, concerns and complaints by any person regarding not only members of parliament, but also the institution's personnel. This system should provide "prompt and effective response to such questions, concerns and complaints" and it should implement measures to address them (Commonwealth 2021 p. 47). The existence of mechanisms to handle complaints against individual MPs is also recommended by Transparency International's National Integrity System (Transparency International 2011 p. 7).

The process for overseeing the conduct of parliamentarians should be independent, impartial and public. This includes assessment over their compliance with the code of conduct and any conflict of interests, as well as investigations and disciplinary proceedings concerning complaints and reports of corruption and breaches of other regulations (Commonwealth Secretariat 2021 p. 46).

The IPU (2022 p. 10) recommends that final decisions on investigations should be reached in a timely fashion and that they should be publicly available. A possible exception refers to aspects of the procedure or decision that relate to the personal life of the parliamentarians, which have little or no impact on the public's assessment of the case. MPs should, however, have the right to appeal or review decisions that have been made against them (CPA 2016 p. 10).

The Commonwealth recommends that parliaments publish a report that includes all complaints and reports of corruption or breaches of regulations in connection with its activities or of its members. Reports should also note how the complaints and reports were dealt with. Information about these proceedings should also be provided – considering exceptions related to the privacy and safety of MPs – through freedom of information (FOI) requests (Commonwealth Secretariat 2021 pp. 46-48).

The stocktaking needed to compile these reports will also be useful in providing information about the need to review and update the code of conduct, as will the feedback from the public and civil society. This will be especially important in the first few years after the enactment of the code, that may also “be revised in light of any changes that may occur in the organisation or its environment” (Chêne 2014 p. 5).

Transparency of enforcement proceedings demonstrates the effectiveness of the code of conduct since it presents evidence about when and how the code has been enforced. It will also provide details about the misconduct of parliamentarians, as well as the sanctions applied to them. In turn, this leads to increased public

confidence in parliament, and promotes a culture of accountability across the public sector.

Content of code of conducts

Codes of conduct should be made up of three distinct components or parts (Power 2010 p. 10):

- (i) Principles: the ethical principles that all parliamentarians should uphold. They will also be useful in interpreting rules and filling gaps when situations arise and there are no specific provisions regulating them.
- (ii) Rules: the detailed provisions that determine what is acceptable behaviour for MPs.
- (iii) Regulatory framework: mechanisms for enforcing the rules and applying sanctions.

Principles

Principles are abstract formulations that represent values and ideals. One example is the UK Committee on Standards in Public Life set [Seven Principles for Public Life](#) – the so-called Nolan Principles – which serve as the basis for the ethical standards expected of public office holders, including elected officials. The seven principles are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.² According to the integrity principle, officials should “avoid putting themselves under any obligation to people or organisations that might try inappropriately to influence them in their work [...]. They must declare and resolve any interests and relationship”.

Additionally, the Commonwealth Parliamentary Association (2016 p. 2) recommends that MPs should “act in good conscience; respect the intrinsic dignity of all; act so as to merit the trust and respect of the community; give effect to the ideals of democratic government and abide by the letter and spirit of the constitution and uphold the separation of powers and the rule of law; hold

² See also CPA's Recommended Benchmarks for Codes of Conduct Applying to Members of Parliament

themselves accountable for conduct for which they are responsible; and exercise the privileges and discharge the duties of public office diligently and with civility, dignity, care and honour".

Rules

Rules are more specific. According to Transparency International, for example, all codes of conduct for public officials should explicitly define and ban bribery as well as unacceptable uses of state property (Jenkins 2015 p. 5-6). Among other topics that Transparency International's National Integrity System considers relevant in parliamentary integrity mechanisms: rules on gifts and hospitalities, post-employment restrictions, recording and disclosure of contacts with lobbyists, conflict of interest policies and asset declarations (Transparency International 2011 p. 9).

Conflicts of interest

A conflict of interest arises when the private interests of a parliamentarian affect their ability to perform their public duties. Defending the public's interest is at the heart of the parliamentarian's mandate as an elected official, and private interests may result in the official making decisions that benefit themselves rather than the public.

Addressing conflicts of interest is a complex endeavour, which may involve different institutions and several pieces of legislation (IPU 2022 p. 12). While a code of conduct is an important component of this toolbox, it will not necessarily be the only one. Therefore, it is important that the code of conduct for parliamentarians is aligned with other laws and regulations that deal with this issue and that it considers the specificities of MPs and their role in a democracy.

According to the Latimer House Principles, "conflict of interest guidelines and codes of conduct should require full disclosure by ministers and members [of parliament] of their financial and business interests" (Commonwealth Secretariat 2008 p. 20).

The declaration of interests can be made according to two types of non-mutually exclusive proceedings: ad hoc or routine. In an ad hoc

proceeding, parliamentarians disclose specific interests in connection with an activity – debate, vote, event attendance, etc. – which may lead to or give the impression of a conflict of interests. In a routine procedure, parliamentarians are required to present, when taking office and, afterwards, periodically, a declaration of their interests. In some countries, the interests of family members and close associates should also be included in these declarations (Power 2010 p. 23-24).

Declarations of interests should include information about the individual's other sources of income, including ownership interests in businesses and other ventures. Part of this information may be contained in the tax returns, which the code of conduct may require the MP to present. Investments are assets, but they may also produce specific private interests that should be disclosed (Stapenhurst & Pelizzo 2004 p. 9). Past interests may also be relevant, for example, if the parliamentarian held a previous job or office that may be affected by their current activities. Therefore, requiring the disclosure of past professional activities is not uncommon in parliamentary codes of conduct.

The Commonwealth Parliamentary Association (2016 p. 7) recommends that "there should be an effective mechanism to verify any disclosure and to immediately notify any discrepancy in a public report".

Disclosure of interests allows for voters to judge whether the actions of a parliamentarian were influenced by their private concerns or made for their own benefit (Power 2010 p. 23). This is why, after the declaration of interests is submitted by an MP, it should be published, in open format, in the most accessible means available – generally, the parliament's website (CPA 2016 p. 7).

Some codes of conduct create mechanisms to provide specific instructions or advice to parliamentarians who face possible conflicts of interest. For example, the [Code of Conduct for Members of the European Parliament with respect to financial interests and conflicts of interest](#) determines that, when an MP is unable to address a conflict of interest, they should report it to the president. There is also the possibility, in cases of ambiguity, that MPs seek advice from the Advisory Committee on the Conduct of Members.

Ethics advisers – whether individuals or bodies – should be independent and selected through a non-partisan process. They should be available to discuss ethical dilemmas with MPs, who must have confidence that both the information provided by them and the advice offered are not disclosed to the public (CPA 2016 p. 9).

Some countries institute prohibitions from holding some or all forms of outside employment in order to preserve the independence of parliamentarians and avoid conflicts between their private business interests and their public duties (Power 2010 p. 26). There are some additional and more specific provisions which may be included in the code of conduct with the goal of eliminating or reducing conflicts of interests, such as: i) prohibition from advising foreign governments; ii) prohibition from holding more than one public office at a time; iii) cooling-off periods after holding elected office (IPU 2022 p. 14).

Post-employment restrictions are especially relevant for elected officials who have access to sensitive (and valuable) information due to their official role (Power 2010, p. 27). However, depending on the nature of the code of conduct, it may not be binding for former members, meaning these restrictions should be imposed by law (CPA 2016 p. 14). The European Parliament code of conduct restricts the enjoyment of benefits granted to former MPs if they engage in lobbying activities (art. 6).

According to the IPU (2022 p. 13), civil society organisations and other external stakeholders should have their participation acknowledged and encouraged by parliament to raise awareness, prevent and manage conflicts of interest. This will lead to increased public confidence in parliament.

Gifts and hospitalities

Many codes of conduct include detailed rules on the acceptance of gifts by parliamentarians. They can be completely forbidden, or a threshold may be set to prohibit parliamentarians from receiving gifts over a certain value. For example, the [Code of Conduct for Members of the European Parliament](#) determines that gifts with an approximate value of more than €150 should not be accepted.

In other cases where it is deemed undiplomatic to refuse a gift, it may be accepted in the name of the legislative body as a whole or of the country and, then, delivered to the officials responsible for preserving public assets.

Registration requirements are also employed to ensure transparency in the relationship between the gift-giver and the parliamentarian (IPU 2022 p. 15). For example, the [Code of Conduct for members of the Parliamentary Assembly of the Council of Europe](#) (PACE) determines that all gifts and hospitalities of a value in excess of €200 should be registered with the secretariat.

Codes of conduct may also have specific rules restricting hospitality and require parliamentarians to disclose sponsored travel and accommodation (IPU 2022 p. 15) plus rules about allowances and expenses. Parliamentarians need adequate resources to carry out their duties – funds to maintain local offices, pay for travel costs, and so on. The use of these allowances and expense accounts should be regulated to avoid abuses, wasteful spending and misuse, especially for the political or personal benefits of the parliamentarian (OSCE 2012 p. 10-11).

Asset declarations

Asset declarations have become a widely adopted anti-corruption tool. They are especially useful in detecting early signs of illicit enrichment. Assets also correlate with interests, meaning these declarations assist in preventing and identifying conflicts of interest. For example, if an MP holds stocks in a company, they have interest in the company's success because that will increase the value of the stocks.

The timing for submitting asset declarations varies. Much like declarations of interests, joining and leaving parliament are generally considered important moments for presenting declarations. Regular updates – for example, yearly – allow for a more detailed monitoring over the parliamentarians' asset evolution (IPU 2022 p. 15). Asset declarations of MPs' family members may also be required to provide a fuller and more precise picture of their patrimony.

Asset declarations “will typically include property, shares, directorships, trusts, partnerships and any other investments”. Information about liabilities should also be included in these declarations (Power 2010 p. 24).

Similar to declarations of interests, declarations of assets and liabilities raise concerns about the safety of parliamentarians and the privacy of their family members. In many countries, these concerns are dealt with through limitations of public access to sections or specific contents included in these declarations (Power 2010 p. 23). For example, the address of the house owned by a parliamentarian – presumably where they live – may be blacked out of the document available for public consultation.

Lobbying³

The Latimer House Principles recommend that “whilst responsive to the needs of society and recognising minority views in society, members of parliament should avoid excessive influence of lobbyist and special interest groups” (Commonwealth Secretariat 2008 p. 20).

Much like conflict of interest measures, lobbying regulation is a multi-faceted issue which involves a number of stakeholders and, possibly, several institutions. The Commonwealth Parliamentary Association recommends that, in general, all of the aspects should be regulated by a law and not just through a non-statutory code which is non-binding (CPA 2016 p. 14).

Considering those limitations, a code of conduct can, in theory, address some aspects of this issue with the goal of preventing undue influence, reducing corruption risks and increasing transparency – complementing and in line with laws. For example, it can require parliamentarians to maintain a public schedule with information on meetings taken with lobbyists.

If a legal framework regulating lobbying already exists in the country, the code of conduct can establish sanctions for non-compliance with the

law’s provisions by parliamentarians. The code of conduct can also require that parliamentarians (and staff) notify competent bodies of any person conducting illegal lobbying.

Regulatory framework

The existence of a special committee or similar body responsible for enforcing the code of conduct and for reviewing and updating it has been considered a best practice (IPU 2022 p. 10). However, there is a considerable diversity of enforcement models which, mainly, distinguish themselves based on where this body is located, among other aspects.

The central question in this regard is whether parliaments can be trusted to police themselves, or an external independent body is required. In all of the models, however, there are a few factors that need to be in place to ensure the effectiveness of the enforcement system (Chêne 2016 p. 2):

- The institution responsible for enforcing the rules must be perceived as legitimate.
- Its procedures must be transparent.
- Funding should be adequate, with a stable and secure budget to allow the institution to function with independence.

Concerning the different models, each of them presents benefits and risks (OSCE 2012 p. 63-65):

- Self-regulation: parliament itself monitors the application of the code of conduct, reviews allegations of misconduct and imposes sanctions. While this preserves parliaments from outside interference, especially from the executive branch, it also runs the risk of perpetuating impunity if internal bodies are not willing to scrutinise the conduct of their colleagues.
 - Examples of countries with self-regulatory models: Canadian provinces, Ireland and Poland.

³ Lobbying, here, refers to “any activity carried out to influence a government or institution’s policies and decisions in favor of a specific cause or outcome” (see

<https://www.transparency.org/en/corruptionary/lobbying>). It does not refer to individual MPs making efforts to win over votes and support from fellow MPs.

- External regulation: An external regulator monitors the application of the code, reviews allegations of misconduct and imposes sanctions. This external body may be seen as more legitimate, but there is a risk of undermining the separation of powers. It might also discourage MPs from taking responsibility for their conduct and holding colleagues accountable for misconducts.
 - Examples of countries with external regulation models: United Kingdom and France.
- Co-regulation or hybrid model: it combines features of both models, seeking to preserve the advantages and to mitigate the inherent risks of each model.
 - Examples with co-regulation models: United States and Serbia.

The CPA lists a number of possible sanctions that may be imposed on MPs in a host of countries and jurisdictions. Among them, in order of severity: warning, reprimand, rebuke, censure, formal admonition, suspension (with and without loss of salary), expulsion, disqualification from holding public office and imprisonment (CPA 2016 p.12). However, it is essential that sanctions should proportionate to the severity of the misconduct in order to produce the desired dissuasive effect (IPU 2022 p. 10).

Examples from Commonwealth countries

There is no global survey assessing how many countries have adopted codes of conduct for parliamentarians. In Europe, a survey conducted by the European Center for Parliamentary Research and Documentation in 2014 concluded that 11 out of 29 parliaments had codes of conduct: France, Germany, Ireland, Norway, Malta, Latvia, Lithuania, Poland, Portugal, UK and the European Parliament (UK Parliament 2014)

The Cayman Islands Human Rights Commission (CIHRC) found, in 2020, that out 18 Caribbean Commonwealth countries and jurisdictions, only two had enacted a code of conduct for

parliamentarians: Trinidad & Tobago and Turks & Caicos (CIHRC 2020).

In this section of the Answer, the experiences of different countries of the Commonwealth and the Caribbean with parliamentary codes of conduct will be further detailed. Previous Helpdesk Answers have examined the experiences of different countries. The 2016 Answer on parliamentary ethics committees detailed the regulation in the United States, United Kingdom, France, Poland and Ireland (Chêne 2016). The 2012 Answer on [The effectiveness of codes of conduct for parliamentarians](#) focused on the experiences of the United States, the European Parliament and the United Kingdom (Martini 2012). In the interesting of diversity, other countries were selected to be analysed in this Answer.

Australia

The Parliament of Australia (2012) conducted a review of the parliamentary codes of conduct in the country, including in its sub-national government, and in other English-speaking countries (UK, US, Canada and New Zealand).

At the federal level, Australia does not have a code of conduct, despite the many instances and allegations of misconduct of MPs since 1975. There is only a statement of ministerial standards, which applies only to government ministers, and it is not independently enforced (The Centre for Public Integrity 2021). However, there are [public registries](#) of the private interests of the members of the House of Representatives. Although there is lobbying regulation in Australia, it is mostly unapplicable to parliamentarians (Parliament of Australia 2012 p.17).

In a few Australian provinces, parliamentary codes of conduct have been implemented, including New South Wales and Queensland (Parliament of Australia 2012).

Canada

Members of the House of Commons of Canada are subject to the [conflict of interest code](#). It provides that MPs “shall not act in any way to further his or her private interests or those of a member of the member’s family, or to improperly

further another person's or entity's private interests". It also includes provisions restricting the use of influence from MPs' position or of inside information to further private interests (art. 8-10).

Concerning disclosure, the code determines that MPs should make both ad hoc disclosures of private interests, in case they might be affected by a matter that is before the House of Commons or a committee of which they are members, and regular disclosures. The latter should be done within 60 days of the election of the MP and, afterwards, annually. The disclosure statement should include each asset and liability of the MP and all of their sources of income (art. 20). Finally, the code also includes rules on gifts and hospitalities (art. 14-15) and restriction of business interests (art. 16-19). The code is administered by the conflict of interest and ethics commissioner, who has a seven-year mandate.

In Canada, there is also a similar [ethics and conflict of interest code for senators](#), which is administered by the office of the senate ethics officer.

India

In 2005, India's upper house of parliament, known as Rajya Sabha, adopted a [code of conduct for members](#). It contains fairly generic provisions, similar to many codes of ethics.

The code of conduct determines that members should resolve any conflict of interest in such a way that their private interests, including financial interests, are subordinated to the duty of their public office. There is also an explicit provision banning the acceptance of any fee, remuneration or benefit – a bribe – in exchange for a vote or any other legislative conduct.

Concerning parliamentarians' legislative activities, the code of conduct instructs them to not to give certificates or to "lend ready support to any cause of which they have no or little knowledge". Finally, it requires members to respect all religions and work for the promotion of secular values.

Additionally, the Electoral Commission of India has a [Model Code of Conduct for the Guidance of Political Parties and Candidates](#), which sets standards of conduct during elections.

Ghana

In 2013, the Parliament of Ghana adopted a code of conduct for its members. It was the result of the work of an ad hoc committee, which looked at other codes of conduct in force in Ghana, at the international literature on the subject and at the particular political and ethical challenges in the country.

The [Code of Conduct for the Members of Parliament of the Republic of Ghana](#) requires members to avoid placing themselves in situations where their private interests might conflict with the common good. This includes a ban on gifts that may be considered to have been given with the intention of influencing the member's legislative duties and a restriction on engaging in outside business activities.

The code determines that members "shall not use information acquired in the performance of a parliamentary duty as a means for making money for him/herself or for that of a business associate, friend, or family member". It requires members to declare their business, financial, pecuniary, proprietary or other monetary interests to the register of financial interests. Finally, it provides that the ethics committee is responsible for investigating all matters relating to the adherence of members to the rules of the code, falling to the house of parliament as a whole to decide on sanctions.

Turks & Caicos

In 2012, the Integrity Commission of Turks and Caicos Islands (TCI) published the [Code of Conduct for Persons in Public Life in TCI](#). Not coincidentally, this was the same year in which a revised constitution came into effect and a general election was held, leading to the reinstitution of self-governance on the islands. Since 2009, part of the TCI's constitution had been suspended, and the UK had assumed formal control of the territory. Between 2009 and 2012, an inquiry was conducted into government corruption as well as a wide-ranging review of the islands' legal framework. This led to the indictment of several former government officials, including the country's prime minister, and to the enactment of reforms.

The code of conduct was developed according to instructions set forth in the revised 2012 [TCI Constitution](#), which created the integrity commission and determined that it should “formulate and publish, after consultation in the islands, a code of conduct for persons in public life, keep the code under review and amend or replace it as it considers necessary or desirable, and, in accordance with any ordinance, investigate any alleged failures to abide by the code by persons subject to it, either in response to a complaint or on its own initiative” (Sec. 102).

The code of conduct includes specific chapters for different groups of public officials, including ministers, members of the House of Assembly, special advisers, chief executives of commissions and other public bodies and public officials in general. The chapter concerning parliamentarians contains three parts:

- Part I: members should observe the Nolan Principles and the Guide to Identifying, Avoiding and Managing Conflict of Interests. It also determines that breaches to the code may constitute an act of corruption or other criminal offence
- Part II: details general and specific obligations, which include behaving with integrity and probity, maintaining privileged information as confidential and not using it for private gains, and refusing bribes.
- Part III: concerning relations with other public officials, the code determines that parliamentarians should not intervene in issues affecting the career of public officials.

According to the [Guide on Identifying, Avoiding and Managing Conflicts of Interest](#), parliamentarians have to file declarations of assets, incomes and liabilities and a statement of registerable interests.

Trinidad & Tobago

In 1987, the Houses of Parliament of Trinidad & Tobago adopted a code of ethics for parliamentarians including ministers. The code

provided that parliamentarians should avoid situations where their private interests would conflict with their public duties, requiring that they disclose the conflict if it arose. Furthermore, the code required parliamentarians to be “scrupulous in the use public properties and services” and not to permit their misuse by other persons. Additional sections of the code dealt with specific rules applicable to ministers (OAS 2004 p. 8).

A standing ethics committee was to be responsible for receiving, investigating and reporting on breaches of the code, especially on allegations of conflicts of interest. The lack of external oversight led to concerns about the effectiveness of this legal arrangement (OAS 2004 p. 7).

However, this code was enacted by an act of parliament, which made it binding only for that legislative term. The code of conduct, currently in force, included in the [Integrity in Public Life Act](#) is not applicable to parliamentarians, since the public service commission and the ombudsman cannot properly investigate them (OAS 2005 p. 14).

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