

COMMON ETHICAL PRINCIPLES FOR MEMBERS OF PARLIAMENT

LEGISLATIVE OPENNESS

ACTING PROFESSIONALLY

ENSURING PUBLIC INTEGRITY

VALUING DIVERSITY AND PLURALISM

SERVING AND ENGAGING CONSTITUENTS

CONTRIBUTING TO EFFECTIVE GOVERNMENT

ACTING TRANSPARENTLY AND IN GOOD FAITH

EXERCISING PROPER STEWARDSHIP OF PUBLIC RESOURCES

AVOIDING CONFLICT OF INTEREST AND IMPROPER INFLUENCE

SAFEGUARDING DEMOCRACY, HUMAN RIGHTS AND RULE OF LAW

Legislative Openness Working Group (OGP)

The Open Government Partnership's Legislative Openness Working Group is co-chaired by the Congress of Chile and the National Democratic Institute. The Working Group was launched in October 2013 to deepen the exchange of knowledge across governments, parliaments, civil society, and international institutions on the opportunities and challenges associated with opening the legislative process, specifically to inform OGP action plan commitments. Since its launch, the Working Group has engaged numerous actors across the OGP community through events, peer to peer exchanges, online engagement, research, and other activities.

As part of its work plan for 2015, the Working Group conducted extensive comparative research and compiled good practice in the area of legislative ethics and conduct. This document reflects that work, and is an attempt to compile good practice and summarize the emerging set of international standards on legislative ethics.

For more information on the Working Group and its activities, visit: <http://www.opengovpartnership.org/groups/legislative>.

OpeningParliament.org

OpeningParliament.org helps connect the world's civic organizations engaged in monitoring, supporting and opening up their countries' parliaments and legislative institutions. The website also serves as the home of the *Declaration on Parliamentary Openness*, where it is available in multiple languages and with extensive commentary.

OpeningParliament.org was created as a collaborative initiative by the National Democratic Institute, Sunlight Foundation and Latin American Network for Legislative Transparency, with support from the Open Society Foundations and the Omidyar Network. OpeningParliament.org and the Declaration on Parliamentary Openness are outcomes of a conference, held from April 30-May 2, 2012, that brought together parliamentary monitoring organizations from 38 countries worldwide to facilitate discussion of international strategies for improving access to useable parliamentary information and sharing good practices in advocating for parliamentary transparency and in monitoring parliamentary performance. The gathering was supported by the above partners, as well as the National Endowment for Democracy, World Bank Institute and the Embassy of Mexico to the United States.

For more information or questions, visit: www.openingparliament.org/contact.

To endorse the Common Ethical Principles, email ethics@openingparliament.org.

The Common Ethical Principles for Members of Parliament is available in the public domain. Please attribute the Open Government Partnership's Legislative Openness Working Group as the creator of this work.

Preface

Why ethical principles for members of parliament?

In recent years, the international parliamentary community has increasingly articulated common democratic norms and standards relating to parliaments. The Inter-Parliamentary Union (IPU) adopted the Universal Declaration on Democracy in 1997, which in addition to outlining the key elements of democracies, notes that democracy “requires the existence of representative institutions at all levels and, in particular, a Parliament in which all components of society are represented and which has the requisite powers and means to express the will of the people by legislating and overseeing government action.”

Since that time, many regional parliamentary associations, including the Commonwealth Parliamentary Association (CPA) and the Assemblée Parlementaire de la Francophonie (APF), have adopted benchmarks or criteria for democratic parliaments, which describe the key characteristics of a democratic parliament. More recently, the *Declaration on Parliamentary Openness* has become an important reference point for parliaments that wish to become more open and transparent. The *Declaration on Parliamentary Openness* has been endorsed by over 180 civil society parliamentary monitoring organizations from over 80 countries, as well as an increasing number of parliaments and parliamentary associations.

For parliaments and parliamentarians to meet these democratic standards, it is essential that parliaments build and maintain the public trust by conducting their work according to high standards of ethics. Recognizing the importance of ethical standards for democratic parliaments, the Commonwealth Parliamentary Association recently developed *Recommended Benchmarks for Codes of Conduct Applying to Members of Parliament*. Whereas that document focuses on the characteristics of a parliamentary code of conduct, these *Common Ethical Principles for Members of Parliament* (the “*Common Ethical Principles*”) represent an attempt to gather and codify basic norms that individuals should adhere to while serving as a member of parliament. It is intended to provide general guidance for members of parliament on emerging global norms and standards of parliamentary behavior. The document was drafted by members of the Legislative Openness Working Group of the Open Government Partnership (OGP) in consultation with partners from the OpeningParliament.org network and the broader parliamentary community. Comments on the draft document were solicited through an open online process.

Introducing the *Common Ethical Principles for Members of Parliament*

The *Common Ethical Principles* expands upon the emerging body of international standards, including the CPA’s *Recommended Benchmarks for Codes of Conduct Applying to Members of Parliament* and the Declaration on Parliamentary Openness. The *Common Ethical Principles* is the product of a review of parliamentary ethics and conduct globally and seeks to codify cross-cutting principles of ethical parliamentary conduct as expressed by parliaments and parliamentarians themselves. In particular, the *Common Ethical Principles* draws heavily on two comparative publications on parliamentary conduct and ethics. The first, the *Handbook on Parliamentary Ethics and Conduct: A Guide for Parliamentarians*, was produced under the auspices of the Global Task Force

on Parliamentary Ethics of the Global Organization of Parliamentarians Against Corruption (GOPAC). The second document, *Background Study: Professional and Ethical Standards for Parliamentarians*, was prepared by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE).

The *Common Ethical Principles* calls on members of parliament to: safeguard democracy and human rights, serve the public interest above all else, ensure public integrity and avoid conflicts of interest, carry out their public duties professionally and transparently, and value diversity and political pluralism. The document outlines both prescriptive rules and aspirational principles that members of parliament should adhere to in pursuing legislative or political reform. This document may also serve as a tool for civil society parliamentary monitoring organizations seeking to monitor conduct and behavior.

It is important to acknowledge that in some political environments, individual members of parliament may face challenges in complying with higher ethical standards than their political competition. For instance, a member of parliament who does not accept certain types of campaign contributions may not have access to the same resources as candidates who do accept such contributions. In such circumstances, this document is intended as a roadmap for individual members of parliament to push for systemic change or reform to ensure that all members of the institution adhere to the same high ethical standards.

The *Common Ethical Principles* seeks to recognize that members of parliament operate in a wide variety of cultural, political, and legal contexts. In many cases, the document uses general language in an effort to be widely applicable. A forthcoming detailed commentary will provide specific guidance on how each of the principles have been addressed by parliaments around the world, as well as guidelines for determining whether or not the principle has been met.

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Table of Contents

- 1. Safeguarding Democracy, Human Rights, and Rule of Law**
 - 1.1 Upholding the Constitution and Rule of Law
 - 1.2 Protecting Human Rights and Democracy
 - 1.3 Respecting Democratic Institutions
- 2. Serving the Public Interest**
 - 2.1 Contributing to Effective Governance
 - 2.2 Acting Diligently
 - 2.3 Serving and Engaging Constituents
 - 2.4 Acting Transparently and in Good Faith
- 3. Ensuring Public Integrity**
 - 3.1 Exercising Proper Stewardship of Public Resources
 - 3.2 Avoiding Conflicts of Interest and Improper Influence
 - 3.3 Disclosing Business Relationships and Financial Information
 - 3.4 Strengthening Public Integrity Systems
- 4. Acting Professionally**
 - 4.1 Acting with Civility and Decorum
 - 4.2 Treating Parliamentary Staff Fairly
 - 4.3 Protecting Confidentiality
- 5. Valuing Diversity and Pluralism**
 - 5.1 Valuing Diversity
 - 5.2 Valuing Political Pluralism

1. Safeguarding Democracy, Human Rights, and Rule of Law

1.1 Upholding the Constitution and Rule of Law

- 1.1.1 Members of parliament shall observe and uphold their country's constitution, laws and regulations, except in narrow cases to exercise civil disobedience in support of democracy or human rights.
- 1.1.2. Members of parliament have a duty to ensure that national laws and practices are consistent with these Common Ethical Principles and with international law and their country's treaty obligations.

1.2 Protecting Human Rights and Democracy

- 1.2.1 Members of parliament shall respect the outcomes of all legitimate democratic elections.
- 1.2.2 Members of parliament shall refrain from and denounce the use of violence, threats, or intimidation to achieve political objectives.
- 1.2.3 Members of parliament have a duty to ensure effective implementation of international democracy and human rights norms and commitments.
- 1.2.4 Members of parliament have a duty to work to strengthen the quality of democracy, both in their own countries and around the world.
- 1.2.5 Members of parliament have a duty to protect and foster the ability for civil society organizations and media to operate openly and freely, both in their own country and around the world.

1.3 Respecting Democratic Institutions

- 1.3.1 Members of parliament have a duty to advocate for and protect the institutional powers and prerogatives of the legislature, as delineated in the constitution and constitutional legislation.
- 1.3.2 Members of parliament have a duty to ensure that the parliament's budget contains sufficient resources for all members of parliament to carry out their responsibilities, and that these resources are equitably distributed.
- 1.3.3 Members of parliament shall not use parliamentary immunity to shield themselves against the just application of the law.

2. Serving the Public Interest

2.1 Contributing to Effective Governance

- 2.1.1 Members of parliament shall use their best efforts to contribute to effective governance through oversight, legislation, and representation.

2.2 Acting Diligently

- 2.2.1 Members of parliament shall devote their full energies, best efforts, and utmost diligence to their position and all associated duties.
- 2.2.2 Members of parliament shall inform themselves of all matters under parliamentary consideration.

2.3 Serving and Engaging Constituents

- 2.3.1 Members of parliament shall represent citizens without regard to race, ethnicity, gender, religion, or minority status and without regard to partisan affiliation or political contributions.
- 2.3.2 Members of parliament shall use their best efforts to be accessible to their constituents and to engage constituents in the legislative process.
- 2.3.3 Members of parliament have a duty to support public hearings or other mechanisms for receiving citizen input.
- 2.3.4 Members of parliament are accountable to their constituents, and have a duty to inform and educate citizens about democracy, their rights, the activities of the parliament, and how citizens can engage in the legislative process.

2.4 Acting Transparently and in Good Faith

- 2.4.1 Members of parliament shall give relevant, complete, and truthful answers to legitimate questions put to them by constituents, media, public servants, and other public affairs actors, both during their campaigns and in the course of their parliamentary duties.
- 2.4.2 Members of parliament shall be accessible to the media and shall not intentionally mislead the press regarding parliamentary business.
- 2.4.3 Members of parliament have a duty to support parliament in complying with international norms and international best practice on parliamentary transparency.
- 2.4.4 Members of parliament have a duty to work with civil society organizations to advance legislative openness reform, where it is appropriate to do so.

3. Ensuring Public Integrity

3.1 Exercising Proper Stewardship of Public Resources

- 3.1.1 Members of parliament shall exercise stewardship of public resources in a responsible, transparent, participatory, and accountable manner.
- 3.1.2 Members of parliament have a responsibility to diligently work to avoid waste and inappropriate uses of public resources.
- 3.1.3 Members of parliament have a duty to ensure that public resources are not used, and do not appear to be used, to unfairly advantage any particular group, political party, or candidate or to advance a private, rather than public, interest.

3.2 Avoiding Conflicts of Interest and Improper Influence

- 3.2.1 Members of parliament shall avoid conflicts of interest in which personal interests prevent or appear to prevent them from performing their duties in the public interest.
- 3.2.2 Members of parliament shall not use the influence conferred upon them for private gain, or in a way that creates the appearance of doing so.
- 3.2.3 Members of parliament shall not accept financial contributions to their campaign or their party that may improperly influence, or give the appearance of improperly influencing, the performance of public duties.
- 3.2.4 Members of parliament shall not engage with lobbyists, government affairs professionals, or interest groups in a way that may create actual or perceived improper influence.
- 3.2.5 Members of parliament shall not knowingly accept a gift, above a specified value, that may create a perception of improper influence.
- 3.2.6 Members of parliament shall not engage in activities during or after their period of public service that improperly influence the parliament or government, or create the appearance of doing so.

3.3 Disclosing Business Relationships and Financial Information

- 3.3.1 Members of parliament shall disclose sufficient information regarding their business relationships and financial interests, including information for close family members, to give the public confidence that the member is acting to advance public interests rather than private interests.

3.4 Strengthening Public Integrity Systems

- 3.4.1 Members of parliament shall support the enactment and enforcement of laws and regulations that strengthen public integrity.
- 3.4.2 Members of parliament shall advance a culture of ethics in the legislature and ensure that parliament's ethics rules are effective and meaningfully enforced.
- 3.4.3 Members of parliament shall cooperate fully with parliamentary investigations, report instances of unethical conduct, and support a system for investigating and addressing ethical violations in a manner that is insulated from political influence.
- 3.4.4 Members of parliament shall actively support mechanisms or resources, such as an ethics advisor or ethics orientation, to ensure that all members and parliamentary staff are provided with the training and support necessary to fully understand and adhere to rules on ethics and conduct.
- 3.4.5 Members of parliament shall support civil society monitoring of adherence to parliamentary rules on ethics and conduct, and shall support provision of sufficient information about parliamentary operations and members of parliament to allow civil society to play this role.

4. Acting Professionally

4.1 Acting with Civility and Decorum

- 4.1.1 Members of parliament shall act in a manner that is respectful of their fellow members of parliament or citizens, and that does not diminish the dignity of the parliamentary institution.
- 4.1.2 Members of parliament shall exercise civility and use appropriate parliamentary language in political discourse and parliamentary debate.

4.2 Treating Parliamentary Staff Fairly

- 4.2.1 Members of parliament shall not discriminate in the hiring or treatment of staff on the basis of race, ethnicity, gender, religion or any other qualifications apart from merit and performance.
- 4.2.2 Members of parliament shall respect and uphold the distinction between partisan and nonpartisan staff. Members of parliament shall not seek to influence hiring decisions for nonpartisan staff on any basis other than merit, and shall respect the impartiality and independence of nonpartisan staff in the performance of their duties.
- 4.2.3 Members of parliament shall not use parliamentary staff for personal gain or ask parliamentary staff to engage in actions outside their official duties. Members of parliament shall not engage in nepotism.

4.3 Protecting Confidentiality

- 4.3.1 Members of parliament have a duty to protect the confidentiality of classified materials and prevent the inappropriate use of classification systems to shield government from public criticism.
- 4.3.2 Members of parliament shall respect the privacy interests of citizens who share personal information with members, such as in the context of constituency service.

5. Valuing Diversity and Pluralism

5.1 Valuing Diversity

- 5.1.1 Members of parliament have a duty to create an atmosphere of inclusion within the legislature for all segments of society.
- 5.1.2 Members of parliament shall demonstrate zero tolerance with respect to all forms of hate speech or intimidation, whether based on race, ethnicity, gender, religion, minority status, or other basis.
- 5.1.3 Members of parliament have a duty to ensure reasonable accommodations to facilitate the full participation of people with disabilities in the parliamentary process.

5.2 Valuing Political Pluralism

- 5.2.1 Members of parliament have a duty to protect space for plural political discourse in the institution and society.
- 5.2.2 Members of parliament shall treat all colleagues with respect, regardless of party or political affiliation.

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