



ПРОГРАМА ЗА ПАРЛАМЕНТАРНА ПОДДРШКА  
PROGRAMI PËR MBËSHITËTJE PARLAMENTARE  
PARLIAMENT SUPPORT PROGRAMME



СОБРАНИЕ НА РЕПУБЛИКА СЕВЕРНА МАКЕДОНИЈА



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
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Swiss Agency for Development  
and Cooperation SDC

# Institutional Mechanisms for the Implementation of The Code of Conduct (Comparative Overview)

Great Britain

Republic of Malta

Republic of Albania

Republic of Georgia

The United States of America



Имплементирано од:





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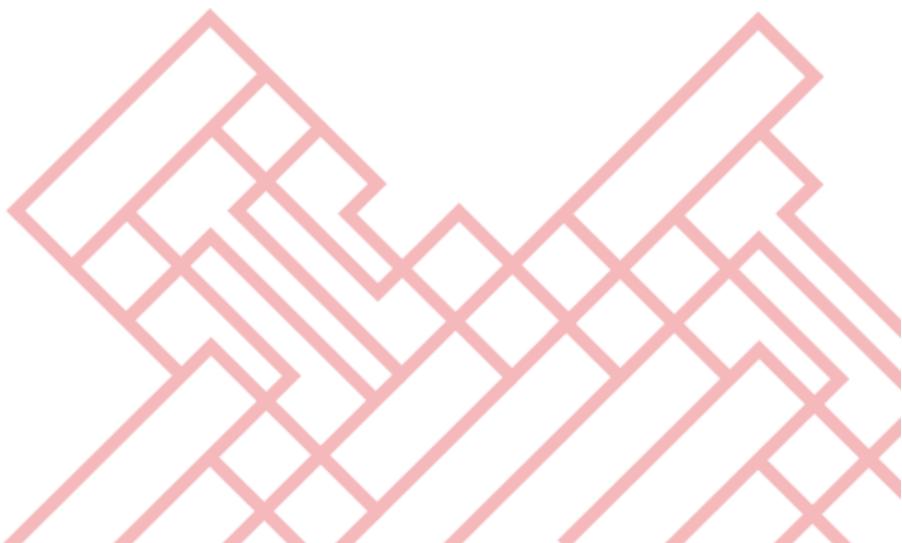


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## COMPARATIVE OVERVIEW

The comparative overview of the “Institutional Mechanisms for Implementation of the Code of Conduct”, presented in this document, took into consideration the existing established models from the assemblies of Great Britain, Republic of Malta, Republic of Georgia, Republic of Albania and the USA. Above all, the comparison brings about – a strong contrast: the precision of the complex mechanism of ethics of the old, liberal social-political traditions, versus the more or less – formal(ized) attempts to overcome the “detachment and self-interest” of the MPs from the so-called – transitory democracies.

The precision of the ethical mechanism in the assembly above all means: - unambiguously established ethical rules, officialized in – a code; - clear division of the responsibilities among the internal bodies that implement the agreed code; - open possibility for filing a complaint; - determining an adequate sanction for a proved unethical conduct; - option for specific accountable supervision before the professional public. However, regardless of how well intended it may all be, it would not make any sense if the person – “representative of the people” – essentially does not have developed awareness and sense that after a process of political elections he/she is given a limited mandate to represent the interests of the citizens that put their trust in him/her and so awarded this temporary, interim position – socially privileged, but indivisible from the personal responsibility.

Generally speaking, it turns out that – the efficiency of the institutionalized mechanism for prevention and/or correction of unethical conduct in the assembly is directly connected – to the scope and depth of the social memory, which draws its value system from the historical experience on the place and importance of the notion of “state”, but it simultaneously depends on the real touch, the constant relation with the political tradition in that state, which means that it also depends on the necessary readiness of the ethical corrective mechanism to constantly adapt to the changes, whose momentum is mainly dictated by the technical-technological development (for example – the speed of exchange and verifiability of data) and the economic challenges (for example – the local and/or global lobbying). At any rate, through the complex political relations, the crucial caution against the ethical trap from – the “detachment and self-interest” of the MPs proves to depend on the existence of a broad network of ethical correctors with an emphasized awareness for the notions of – “public interest” / “public good”, a network that is densely interwoven – by the expert, academic public, civic organizations, but also by respectable individuals who have proven their moral and political independence with a personal example through specific activities within a given social community.



## 1. GREAT BRITAIN

### 1.1 Institutional mechanisms

The Code of Conduct in the House of Commons of the United Kingdom Parliament is implemented through the coordination of jurisdiction between – the Commissioner for Standards and Committee on Standards. The model through which the parliament institutionally establishes and guarantees the agreed ethical order, standardizes a possibility for filing a complaint, and a well-functioning structure of adequate sanctions for unethical conduct, as well as ways for open communication with the public.

#### 1.1.1 Commissioner for Standards

The supervision of (non)compliance with the Code of Conduct (CC) is carried out by a **Commissioner for Standards**, an independent officer elected for a five-year mandate by the House of Commons.

##### Responsibilities of the Commissioner:

- to give advice/interpretation of the Code of Conduct (CC);
- to investigate allegations by a person filing a complaint on possible violation of the CC by an MP;
- to inform the person filing a complaint and call for the MP to respond to the allegations;
- to investigate allegations about insults, bullying and/or sexual harassment within the House of Commons;
- to decide independently, but timely to inform the Committee on Standards that a certain case can be resolved with a written apology submitted by the MP in question, and have the information published on the website of the Commissioner;
- to recognize the need for adapting the contents of the CC;
- to keep registers of financial and other types of interest;
- to file a report to the Committee on Standards.

##### The Commissioner is not responsible:

- for the manners of individual communication of the MPs with the public;
- for the individual performances of the MPs in the work of the Parliament;
- for criminal acts committed by an MP.

1 | Institutional Mechanisms for Implementation of the Code of Conduct, Comparative Overview, prepared by the Center for Change Management (CCM) within the PSP



## 1.1.2 Committee on Standards

The Committee on Standards is composed of 7 Members of Parliament elected by the House of Commons and 7 lay members (4 women and 3 men), proved professionals mainly (but not exclusively) in the domain of human rights, selected at a public competition issued by the House of Commons. The essential idea is for the members to represent as broader as possible scope of “communes” (local self-governments) and public services from the state, and the main task is to oversee the work of the Parliamentary Commissioner for Standards.

### Responsibilities of the Committee:

- to oversee the work of the Commissioner;
- to review the reports of the Commissioner in regard to (non)compliance with the CC submitted by the Commissioner;
- to provide opinion (as needed) on the content of some of the reports;
- to discuss certain cases of financial and other types of controversies;
- to summon an MP or a party leader to provide an internal statement;
- to discuss other cases of violation of the CC reported by the Commissioner;
- to propose (as needed) changes of the CC;
- to decide with consensus, although adding a so-called “separate opinion” is also allowed;
- to publish the conclusion on its web-site.

## 1.2 Registers of Members' and Parties' Financial and Other Types of Interests<sup>1</sup>

Separate registers are kept for the financial (donations, fees, awards, gifts, etc.) and other type of benefits that the MPs or certain MP groups and/or parties have received or receive individually, but also the journalists who cover the work of the parliamentary channel. The registers are accessible to the public, on the website of the House of Commons, and the Commissioner of Standards is charged to keep them. The manner in which the MP or the party informs about the received (financial) benefit is stipulated with a separate Rulebook.

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<sup>1</sup> <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/registers-of-interests/register-of-members-financial-interests/#:~:text=The%20main%20purpose%20of%20the,as%20a%20Member%20of%20Parliament.>



## 1.3 Filing a complaint for violation of the CC

### The complaints must:

- be submitted by an individual, whether it is an MP or a person outside of the Parliament;
- be in a written form, signed and containing the full name and surname of the appellant and his/her full postal address;
- refer clearly and provide support on the potential violation of the CC;
- send a copy of the complaint to the MP concerned.

## 1.4 Sanctions in case of violation of the Code of Conduct<sup>2</sup>

The Committee on Standards constantly works on reviewing all types of sanctions against the MPs who have violated the CC, considering the effectiveness and the ability to implement the sanctions adequately to the seriousness of the violation. The range of sanctions moves from: oral or written apology – imposed by the Committee, to – possible loss of salary, suspension or removal from the work of the House of Commons – at the proposal of the Committee, and following a decision of the House of Commons.

The MP against whom there is a procedure for violation of the CC is required to cooperate fully with the authorized internal bodies – the Commissioner and the Committee. An MP's attempt to lobby with any member of the Committee – is considered to be a very serious violation of the ethical standards, and such cases usually end with a proposal for suspension of the MP from the work of the House of Commons.

## 2. REPUBLIC OF MALTA

### 2.1 Institutional mechanisms

The content of the Ethical Code for the Members of the Parliament of the Republic of Malta derives from the Law on Standards in Public Life, and the procedure for assessment of the unethical conduct of an MP, minister and/or a public official is handled by a Commissioner for Standards and a Standing Committee for Standards in Public Life. The model is open towards the public as a potential ethical corrector, and envisages a possibility for filing a complaint to the Commissioner, whose office after a performed investigation prepares a report and presents it before the Committee, which makes the final decision, sanctions and/or disciplinary measures.

<sup>2</sup> [https://publications.parliament.uk/pa/cm5801/cmselect/cmstandards/241/24104.htm#\\_idTextAnchor003](https://publications.parliament.uk/pa/cm5801/cmselect/cmstandards/241/24104.htm#_idTextAnchor003)

3 | Institutional Mechanisms for Implementation of the Code of Conduct, Comparative Overview, prepared by the Center for Change Management (CCM) within the PSP



## 2.1.1 Commissioner for Standards

The Commissioner for Standards in Public Life (CS) is appointed for a five-year mandate – without the right to be reelected, with the right to resign – by the President of the Republic of Malta, and on the basis of a resolution adopted by the Parliament (House of Representatives) with at least two thirds of the total number of MPs that, under certain circumstances, can replace the CS in the same procedure before the end of his/her mandate. For this position, the CS swears an oath before the Parliament Speaker, functions primarily on the basis of the “Code of Ethics of Members of Parliament” (henceforth CEMP)<sup>3</sup>, whose first version was adopted in 1995, but beside that regulation, the CS is also responsible for cases of unethical conduct in regard to the rules of “Code of Ethics for Ministers and Parliamentary Secretaries” and of the “Code of Ethics for the Commissioners”. The legal context for the CEMP is based directly on the very clearly and precisely formulated – Law on Standards in Public Life<sup>4</sup> (LSPL), and indirectly on the Law on Public Administration (Chapter 595 from the legislation of the Republic of Malta).

The Office of the CS (the facility is shared with the Office of the Ombudsman) is composed of: - director; - vice director (responsible for research and communications); - investigator – analyst of the investigations; - chair of the Office and two people employed as assisting personnel. The costs for the equipment of the Office, the financial support for the investigations, as well as the salary for the CS (in the range of the monthly allowances of a constitutional judge) and for the employees in his/her Office – are secured from the annual budget of the Parliament of the Republic of Malta, while every year, on 15 September, the CS submits to the Parliament a financial report for his work.

According to the rules from the LSPL, the following cannot be selected for the position of CS:

- Member of Parliament in the current composition of the Parliament
- counselor in the local self-government;
- public servant;
- person whose function or position is incompatible with LSPL;
- member of a artisanal, bank, trade or other union with paid working position.

<sup>3</sup> <https://www.parliament.mt/en/menues/about-parliament/code-of-ethics/members-of-parliament/>

<sup>4</sup> <https://parlament.mt/en/12th-leg/acts-12th/act-xiii-of-2017/>“ (текстовите на сите погоренаведени кодекси се комплементарни делови од целината на - Законот за стандардите за јавно живеење)



The CS jurisdiction is defined in details in the LSPL, and covers supervision, that is, investigations of potential violation of CEMP or a law or, in the cases of misuse of the position of political power by:

- the MPs, secretaries of the Parliament and the ministers;
- commissioners (persons outside of the public administration, in the service of counselors or employed in the secretariats of the ministries and in the secretariat of the Parliament, or as officials being replacement for empty spots in the public administration).

The Commissioner for Standards can open an investigation procedure at his/her own initiative or on the basis of complaint/petition. However, the CS cannot investigate a case of unethical conduct before 30 October 2008, the date when the LSPL was enforced, or investigate cases that are subject to criminal persecution or are already in police procedure. If the CS comes to a realization that an MP, minister, secretary in the Parliament or government commissioner violated a law or the CEMP, then he shows the findings to the person in question and gives him/her the necessary time to prepare legal defence. The CS can prepare a report that he/she then submits in the Parliament before the Standing Committee for Standards in Public Life. The CS can engage experts in the investigative procedure, such as external consultants, and if the expert is a public servant, then the prime minister has to give approval for his/her engagement.

In the context of the adequate three above mentioned codes of conduct, and in favour of his/her work, the CS can check the accuracy of data in the “survey sheets”, that is – the statements on financial interest or conflict of interests submitted by the MPs and the ministers. the CS can give recommendations for improving the texts of some of the codes of ethics, as well as the regulations for lobbying and accepting gifts.

### 2.1.2 Standing Committee for Standards in Public Life

The Law on Standards in Public Life is the ground for establishing the Standing Committee for Standards in Public Life (henceforth SCS) in the Parliament of the Republic of Malta. It is composed of four members/MPs: two from the majority party and two from the opposition. The Parliament Speaker is its Chair, whose vote is decisive in the cases of tie-vote. The SCS is the only parliamentary committee with an equal number of representatives from the government and the opposition. The role of the SCS is to oversee the work of the CS, that is, to review the reports that the CS submits after an investigation of unethical conduct.



## 2.2 Registers of Members' and Parties' Financial and Other Types of Interests<sup>5</sup>

The following are kept by the Parliament Speaker and are publicly accessible on the Parliament website:

- Register of the Member's Financial Interests (type – survey sheet) – which is submitted once a year and contains data on: - pre-mandate professional activities of the MP; - the identity of his/her employer; - the real estate of the MP, including the real estate of his/her family; - actions in and/or director and other official functions in firms, executive boards of commercial and non-commercial organizations; - investments; - bank deposits etc.;
- Register of statements on potential conflict of interests – statements that must be submitted before the parliamentary discussion on a certain law begins;
- Register of statements for trips outside of Malta – fully or partially financed by a group, company or a person, which directly concern the legislation of the Republic of Malta;

Additionally, the MP is obliged to inform timely in writing the Parliament Speaker or the appropriate state institution of cases when a third party exerts pressure on him/her for misconduct and/or attempt at corruption.

## 2.3 Filing a complaint for violation of CEMP

The complaint against anyone who is affected by the provisions of the LSPL can be submitted by anybody, and is submitted to the CS in the form of a letter or electronic template, and includes information on the full identity of the appellant, and if that person wants to stay anonymous, that should be specifically underlined to the CS. The complaint must contain information on the full identity of the appellee, and be accompanied by the explanation of the potential misconduct or committed offense. In exceptional cases, the complaint can also be submitted orally, but a transcript must in that case be made, which will be synchronized as an official statement and will be confirmed within ten days at the latest. Through an official telephone number of the Office of the CS a meeting is scheduled for such cases either personally with the CS or with another authorized official.

<sup>5</sup> <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/registers-of-interests/register-of-members-financial-interests/#:~:text=The%20main%20purpose%20of%20the,as%20a%20Member%20of%20Parliament.>



When filing a complaint, the time frame should be taken into consideration, that it – the CS cannot investigate acts of unethical conduct committed before 30 October 2008, the date when the LSPL came into force. The complaint is filed within thirty working days from the first realization of a case of unethical conduct, or at the latest one year after the deed was physically committed. The CS shall not take the complaint into consideration if it falls outside of these dates. The CS also does not look into complaints that are already a subject of an ongoing court procedure or tribunal procedure, processes before courts of offense or cases of investigation under the jurisdiction of the police.

The CS is entitled to rejecting a complaint, and in such a case is obliged to inform the appellant with written explanation, if he/she considers that the complaint is: - unfounded; - trivial; - arbitrary; - unjustified and/or malicious.

## 2.4 Sanctions in case of violation of CEMP and LSPL

The sanctions or the disciplinary measures for unethical conduct of those who are directly affected by the provisions of the LSPL are implemented solely by the Parliament – the Standing Committee for Standards in Public Life (SCS). The SCS makes the decisions for such procedures mainly on the basis of the investigations covered in the CS report.

If the SCS adopts the CS report, then a warning or a demand for public apology may be issued to an MP, minister, Parliament Secretary, other parliamentary officers or commissioners who have committed an unethical act, but, depending on the contents and the seriousness of the offense, the SCS may also submit a request to the corresponding state institutions, including the Parliament, for further consequent legal resolution of the offense. If, on the other hand, the SCS does not agree with the findings of the CS report, then it can decide that the procedure be continued with further independent investigation by the CS, at the request of SCS, or the SCS can decide to carry out the investigation itself, with the help of the CS. In other cases, the SCS can fully reject the CS report, but in that case it must publically explain such a decision.



## 3. REPUBLIC OF ALBANIA

### 3.1 Institutional mechanisms

Institutionally, the process of checking a potential violation of the Code of Conduct of the MPs in the Parliament of the Republic of Albania is internal, that is, the competences are coordinated between – the Parliamentary Bureau and the Council on Rule Book, Mandates and Immunity Issues. A Member of Parliament, parliamentary group, as well as a representative of the general public may submit a complaint of unethical conduct of an MP to the Bureau. Following investigations by the Bureau and the Council, the Parliament makes a decision on adequate sanctions / disciplinary measures, stipulated and defined in the Parliament Rule Book.

#### 3.1.1. Parliamentary Bureau

The Parliamentary Bureau (PB) is the body in charge of implementing the Code of Conduct (CC). The PB is a body whose primary scope of action is the administrative and financial work of the Parliament. It has 10 members, the Parliament Speaker is its chair, and the other members are – the Vice President of the Parliament and representatives of the parliamentary secretariats.

Following a working meeting with the Secretariat on Procedures, Voting and Ethics (composed of 5 members named by the Parliament after an open vote, at the proposal of the Parliament Speaker, and after consultation with the presidents of the MP groups), the PB can analyse specific cases of conduct of a certain MP, in regard to:

- misuse of the political position, and against the honour and reputation of the MP as a representative of the Parliament;
- submitting false forms on his/her financial state and other types of benefit according to the CC;
- inciting unethical forms of misuse of the voters.

#### 3.1.2. Council on Rule Book, Mandate and Immunity Issues

The evaluation, which means – periodical (re)assessment and revision of the CC, is entrusted to the – Council on Rule Book, Mandates and Immunity (CRMI) – an advisory body on issues related to the procedure according to which the Parliament functions and makes decisions. In order to ensure equal representation among the parliamentary majority and minority in CRMI), the Parliament Speaker, as its chair, appoints 10 MPs following an opinion received by the presidents of the MP groups.



In order to assess the adequacy and the influence of the existing ethical standards from the CC on the parliamentary political activity of the MP, CRMI takes into consideration:

- the individual materials and the annual reports of the PB in regards to the cases of violation of the CC, as well as the disciplinary measures taken against the MPs for these violations;
- the descriptions of cases of violation of CC during the mandate;
- the register of disciplinary measures;
- the Albanian jurisprudence, as well as the changes in the Albanian legislation on issues covered by the CC;
- the international practice in regard to these issue.

CRMI prepares a report about these responsibilities, which is presented at a plenary session, but the report is not a subject to further parliamentary discussion; instead, the Parliament adopts it within a month from the presentation at the latest, and if it is necessary to undertake an initiative on amending or supplementing the CC, then the initiative is presented at a parliamentary session, along with the annual assessment and the relevant recommendations. On the basis of the CRMI report, each MP or MP group can initiate changes to the CC. Directly following the adoption of the report, the Parliament Speaker instructs that it be published on the official website of the Parliament, in a way that is easily accessible to the public.

Eight months at the latest before the end of the mandate of the parliament composition, the Parliament Speaker calls for a meeting of CRMI on which the representatives of civic organizations and interest groups are invited, recorded in a separate parliamentary register, for lobbying in favour of the civil society.

### 3.2 Registers of Members' and Parties' Financial and Other Types of Interests<sup>6</sup>

The parliamentary services keep various registers about various activities, but in regard to CC one of the most important is – the Register on Conflict of Interests, which is updated once a year, and is organized according to the present and past MP composition.

The Register contains the following data:

- the name of the physical or legal entity with whom/which the MP had a civil-legal agreement or any other kind of connection with the physical entities or subjects that resulted in generating revenue for the MP and which represents a continual conflict;

<sup>6</sup> <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/registers-of-interests/register-of-members-financial-interests/#:~:text=The%20main%20purpose%20of%20the,as%20a%20Member%20of%20Parliament.>



- rights on the capital of the companies owned by the spouse/partner, adult children and parents of the MP, and who can represent a limitation on the trade activities;
- a written statement of the MP concerning conflict of interests on certain issues discussed in the Parliament, or while he/she was an MP;
- the mandate, or the period when the person was an MP (in case the MP did not manage to remain an MP during the full mandate);
- a short description of the nature of conflict of interests;
- decisions of the PB on disciplinary measures undertaken against the MP and connected to the state of conflict of interests (if there are any);
- the form of the statement connected to occasional conflict of interests should also be attached.

The PB is the last merit address on cases when a certain MP did not report at all, or did not timely report a case of conflict of interests during the procedures when a certain draft-law is being discussed. The statement on the existence of a personal interest in a certain legislative area / discussion represents a separate template that is submitted to the Service for MP Support. At the request of at least one MP group, the PB must consider within 48 hours the disputable case, and assess whether the MP acted from the position of a conflict of interests. The statement on the existence of conflict of interests contains the following data:

- description of the agreement or the civic state that has resulted in generating income for the MP;
- the name of the individual, physical or legal entity with whom/which the agreement was made, or the relation of the MP in regard to the civil-legal relations etc., with the aim of generating revenues for the MP.

### 3.3 Filing a complaint for violation of the CC

A parliamentary group, as well as outside organizations and/or individuals can file a complaint to the Parliament in cases when they consider that the conduct of a certain MP in and/or outside of the Parliament does not correspond to the CC requirements, especially if the conduct transgresses the border of decency and leads towards decreasing the public trust in the Parliament as a state body. The complaint may consist of a written description of the case, but also of other accompanying audio/visual documentation that supports the evidentiary procedure.

The PB discusses the degree of violation of the CC potentially committed by a certain MP, and in determining the type of possible sanction, described and set in details in the Parliament Rules and Procedures, takes into consideration the data from – the Register of Disciplinary Measures, to determine, above all, if the MP repeats the conduct that is detrimental for the public reputation of the Parliament.



### 3.4 Sanctions in case of violation of the CC

The different types of sanctions, or – disciplinary measures, are stipulated in the Rules and Regulations of the Parliament. They can be pronounced against an MP who in different ways, verbally or physically, obstructs the work of the plenary and other type of parliamentary sessions or, with his/her public conduct harms the reputation of the institution. In the cases when the so-called “procedural rights” are violated or when “an offensive term and/or hate speech” is expressed, the role of the PB in regard to what is set down in the CC depends on the previous decisions / procedures that the Parliament Speaker takes against the person violating the Rules and Regulations. The Technical Secretariat and the Secretariat for Procedures and for Voting can also be involved indirectly in the phases of the whole disciplinary procedure, as needed and in accordance with their jurisdiction.

The disciplinary measures are divided into “light” and “heavy”, and the meaning and procedure for the implementation of each measure individually – are elaborated and explained in details in the parliamentary Rules and Procedures.

The “light measures”, without the right to appeal, include:

- temporary exclusion from parliamentary discussion;
- warning;
- taking away the right of speaking during a plenary session or a committee meeting.

The “heavy measures”, with the right to appeal, include:

- suspension from a plenary session, a committee meeting or another parliamentary body;
- suspension of up to 10 days from participation at a plenary session, from parliamentary committees and other parliamentary bodies.

For example, a certain incident can pass with a verbal notice directed toward the MP, but if that disciplinary measure proves to be ineffective, then the Parliamentary Speaker makes a decision to exclude the MP from the session, formulating the decision in a separate internal case that is presented to the PB, usually with a recommendation for stricter disciplinary measures. The PB decisions following the CC violation are published on the Parliament website.



## 4. REPUBLIC OF GEORGIA

### 4.1 Institutional mechanisms<sup>7</sup>

The Council of Ethics is the body in charge of implementing the Code of Conduct in the Parliament of the Republic of Georgia. The Council works at its own initiative or following a complaint, filed individually by an MP or an MP group, but also by a citizen that considers that an ethical norm from the CC was violated at his/her detriment. The main remark for the Code is that, apart from the public announcement of the identity of the person violating the CC, there are no sanctions stipulated for unethical conduct of the Members of Parliament.

#### 4.1.1 Ethics Council<sup>8</sup>

The Ethics Council (EC) is a body of the Georgian Parliament in charge of supervision of the (non-)implementation of the provisions of the Code of Conduct. The Procedural Issues and Rules Committee determines the quotas for proportional party representation in the EC, at the latest a week after the adoption of the edict for the new parliamentary composition. The Parliamentary Bureau confirms the quotas for members of the EC, and the mandate lasts for one year. The organizational layout and the work of the EC are stipulated by the Statute and with separate provisions from the CC. An EC Secretariat is formed for organizational and technical support.

The CE is chaired by two co-chairs, elected internally by the other EC members – one from the ruling majority and one from the largest opposition party, but a co-chair can also be delegated from a parliamentary group that is not in coalition either with the ruling majority or the opposition. The number of members in the CE varies depending on the distribution of MPs in MP groups in the existing parliamentary composition, as well as on the number of independent MPs. However, care is taken that the composition be distributed proportionally, that is – the number of members in the EC selected from the ruling majority may not be more than half, and cases when independent MPs join an MP group from the parliamentary majority are taken into consideration. The EC has its own Rule Book, and the sessions, which are mostly closed to the public, are considered valid if majority of the members are present. The decisions are made by secret vote. The EC submits an annual report of its activities to the Parliament.

<sup>7</sup> <http://www.parliament.ge/en/kanonmdebloba/reglamenti.htm>

<sup>8</sup> <http://parliament.ge/ge/ajax/downloadFile/128924/%C3%A1%C6%92%E2%80%9D%C3%A1%C6%92%E2%80%94%94%C3%A1%C6%92%CB%9C%C3%A1%C6%92%E2%84%A2%C3%A1%C6%92%CB%9C%C3%A1%C6%92%2%A1%C3%A1%C6%92%E2%84%A2%C3%A1%C6%92%2%9D%C3%A1%C6%92%E2%80%9C%C3%A1%C6%92%E2%80%9D%C3%A1%C6%92%2%A5%C3%A1%C6%92%2%A1%C3%A1%C6%92%CB%9C-english.pdf>



Article 1 from the CC states that its content and functionality are primarily based on the Constitution of Georgia, the Parliament Rules and Procedures and on other adequate legislation of the state. The MP is a central figure, that is, his relation with the other MPs, employed in the Parliament, media, other institutions and with the public in general. Article 4 from the CC covers the specific areas that fall under the jurisdiction of the EC, and directly refer to the list of ethical obligations for the MP, elaborated in details in the previous – Article 2 from the CC. Hence the EC supervises the MP conduct when the MP:

- misuses the political position for his/her personal benefit and/or the benefit of his/her family and close relatives (the definition of these notions was taken from the Law against Conflict of Interests and against Corruption in the Public Service);
- has not submitted a written statement which is published on the Parliament website, before the beginning of the parliamentary discussion in which he/she knew that they participated with a potential conflict of interests;
- did not report a gift/award in the amount/value of 300 Georgian lari (around 70 euros), for which the EC Secretariat has a special – Register of Gifts, accessible on the Parliament website;
- lobbies during his/her mandate, despite knowing that this is not allowed;
- did not report on business meetings with lobby groups, and did not submit a statement in regard to such a meeting, which is published on the Parliament website;
- discriminates his/her colleagues and the employees in the Parliament – on the basis of – race, ethnicity, gender, religion, or other personal / collective affiliations;
- has not provided information for a personal official contact.

## 4.2 Registers of Members' and Parties' Financial and Other Types of Interests

A so-called Register of Authorized Lobby Groups is placed on the official Parliament website for the purposes of transparency regarding possible business relations of a certain MP and/or a certain MP group with a lobby group, and this is in accordance with the Law on Lobby Activities. Other three registers are –Register of Potential Conflict of Interests, Register of Violation of the CC Provisions and Register of Gifts, accessible at the Parliament website. The data for these three registers are entered in separate forms, and, for example, the form for a received gift contains data on: - the name and surname of the MP; the identity of the physical and/or legal entity of the person giving the gift; the date of receiving the gift; a short description and the value of the gift.



### 4.3. Filing a complaint for violation of the CC

The EC works on its own initiative or following a complaint, which is submitted on a special template – electronically or with a physical copy, raised either individually by an MP or by an MP group, but a complaint may also be filed by any person who considers that any CC norm was violated at his/her detriment. The EC accepts the complaint only if it is submitted within a month after the discovery of a certain information / event that is a potential violation of the CC, committed by an MP with an ongoing mandate. The MP that the complaint refers to is immediately informed on the content of the complaint, and is given 10 working days to prepare a response, and may also be permitted 5 additional days if he/she submits a letter with a reasonable explanation for delaying the response. In regard to an officially accepted complaint, the EC must make a decision within one month at the latest. The beginning of the discussion in reference to the complaint is scheduled at the latest 5 days after it has been submitted, and in case it is concluded that the complaint is not within the jurisdiction of the EC, then the appellant is timely informed to re-address it to a corresponding body. If the CC norms are violated by an EC member, then he/she is deprived of the right to discuss and vote in the EC, and the MP group that delegated him/her temporarily replaces him/her with another delegate until the case is cleared. The EC is authorized to demand information concerning the case, and the suspected MP is obliged to cooperate during the whole procedure. The procedure led by the EC is confidential, that is, the sessions are closed to the public, except in cases when both sides are EC members – the ruling majority and the opposition – decide otherwise. Regardless of the result – whether or not a CC provision for which a case was opened was violated, the EC is obliged to publish information on the Parliament website, including short description and the identity of the MP against whom there was a case.

### 4.4 Sanctions in case of violation of the CC<sup>2</sup>

For the time being, apart from publically announcing the identity of the person violating the CC provisions, which are in the jurisdiction of the EC, no other sanctions are stipulated. That is the main remark of the criticism of civil initiatives concerning the existing CC. In the cases of established financial or legal misuse of the MP function, the MP answers according to the adequate laws of the Republic of Georgia.

<sup>9</sup> <https://www.chemiparlamenti.ge/en/publication/code-ethics-parliament-georgia-not-effective-document>



## 5. USA

### 5.1 Institutional mechanisms<sup>10</sup>

In the US Congress – the Senate<sup>11</sup> and the House of Representatives have separate bodies for supervision of the ethical conduct of their members, of the officers and the other employees in these state institutions. Only the two bodies supervising the ethical conduct in the House of Representatives are presented below: - the House Committee on Ethics (HCE) and the Office of Congressional Ethics (OCE).

#### 5.1.1 House Committee on Ethics

The Committee on Ethics in the House of Representatives (henceforth HCE) was formed in 1967, but it was then known as the Committee on Standards of Official Conduct. HCE is a standing board and is authorized to interpret, rule and implement the “Code of Official Conduct in the House of Representatives” (COC), introducing the MPs, officers and employees in the Congress with its contents, and is charged, if needed, with investigating and sanctioning cases of unethical conduct. HCE accepts complaints against an MP in the House of Representatives only if they are submitted by another MP. In the HCE standing board 5 representatives are delegated from the Republicans and five from the Democrats,<sup>12</sup> and traditionally the most experienced person from the ruling majority is elected for a chair, while the everyday work is performed by nonpartisan officials, systematized as follows: - Chief Counsel; - Counsel to the Chairperson; - Counsel to the Committee Members; - Director of Administration; - Director of Investigations; - Director of Financial Disclosure/Reports; - Director of Advice and Education; - Senior Counsel; - Counsel; - Investigator; - Clerks and Assistants.

On the basis of the US Constitution and a series of federal laws, and according to the ethical provisions of COC, constantly adapted according to the needs of the present social moment, HCE is designated to (re)investigate allegations for violation of the ethical standards, rules and regulations, as well as give recommendations before the House of Representatives or before corresponding federal bodies and institutions for further adequate actions regarding a specific case of unethical conduct by a member of the House of Representatives, state official or an employee in the Congress. Hence the main authorizing rules of the HCE are the following:

<sup>10</sup> <https://ethics.house.gov/about/committee-history>

<sup>11</sup> Комитет за етика во Сенатот - <https://www.ethics.senate.gov/public/>

<sup>12</sup> <https://www.govtrack.us/congress/committees/HSSO>



- establishes rules that regulate the conduct of the MPs in relation to – gifts, trips, activities in a political campaign, conflict of interests, relation towards the employees in the Congress, etc.;
- at its own initiative, carries out investigations whether the MPs in the House of Representatives follow the COC standards,
- gives recommendations before the House of Representatives in regard to the needed actions that would be taken following an investigation (for example – censure: taking away the right to speak in the House of Representatives; expulsion from the House of Representatives, or – not undertaking action unless moral guilt is established);
- gives advice to the MPs in the House of Representatives before they take a certain action that could be contrary to the ethical standards;
- through corresponding federal or state bodies and institutions, it reports verified evidence against an MP for whom it was assessed that he/she has probably violated a certain legal regulation.

As prevention from a potentially unethical conduct of the MPs, the following positions function in the structure of the HCE: - Counsel of Advice and Education; - Counsel of Financial Disclosure/Reports; - Counsel of Investigations – as positions that offer legal advice, and they are announced as positions in a public announcement and nonpartisan persons are selected for these positions; in this structural frame there is also the position of – Staff Assistants, who are mainly in charge of maintaining HCE computer and communication network.

The investigations carried out by HCE consist of cross-examination methods and techniques with which first the validity of the allegations for potential violation of COC is established, and then argumentation is prepared on the basis of which an adequate sanction and/or corrective measures are proposed. In investigating the validity of the findings, HCE can also take into consideration findings from investigations carried out by separate Investigative subcommittees – ISC), and investigation materials received from the OCE. HCE decides from case to case whether the allegations and certain phases of the procedure will be accessible to the public, primarily taking into consideration the presumption of innocence.



## 5.1.2 The Office of Congressional Ethics

With a Resolution of the House of Representatives from 2008 – the Office of Congressional Ethics (OCE)<sup>13</sup> was formed as an independent body for the supervision of ethics and responsibility in the Congress, in support of accountability and of publically accessible information, as an independent, non-partisan entity charged with reviewing allegations of potential misconduct against Members, officers and staff of House of Representatives. OCE works according to its own Code of Conduct,<sup>14</sup> and it is charged with carrying out investigations following allegations for violating a law, rule, regulation or other standards of conduct. The OCE Board, composed of non-partisan public persons, who must neither represent lobby groups nor serve the federal Government consists of – six members and two deputies, delegated after a mutual consent from among the proposals of the President of the House of Representatives and the leader of the minority in the House of Representatives. The President of the House of Representatives appoints three members (with a right to vote and of elected co-president) and one deputy. With this distribution, the Board members decide with a majority of votes on the result of the specific investigative procedure that goes through two phases, which in most cases is formed in a detailed report presented before the HCE, which is the only authorized body to decide either about sanctions or to decide to reject the continuation of the procedure. Unless OCE decides independently that it will not start a procedure after submitted allegations, or that the procedure should be ended in a certain phase of the investigation, in all other cases HCE must publically release the findings of the OCE investigation.

OCE does not have competences to determine a violation of a certain law, nor does it have competences to issue legal measures or propose or sanction an MP, officer or staff in the House of Representatives. Those procedures are in the jurisdiction of HCE. OCE is an entity that secures, legally contextualizes, assesses the relevance of the data for a certain case of reported misconduct, and publishes all of that quarterly in a publically accessible report. OCE is not authorized to review complaints / appeals of potentially unethical conduct of Senate members, of the President of the US or officers from the executive government.

The composition of the OCE staff is mainly attorneys and other experts with special experience in the areas of ethics and investigations.

The investigations carried out by OCE consist of two phases, named simply – a preliminary review and a second-phase review. Both phases must be approved by the OCE Board, and at the end of the preliminary review, the Board must vote in order to confirm whether the investigation will continue. In order for OCE to start the first phase, at least two Board members, one from each concerned side, on the basis of “reasonable cause” must point out in written form that the allegations for unethical conduct are founded. In the second phase, evidence is presented to the Board, and in order for this phase to continue, at least three members must vote that there is – “probable cause” to

<sup>13</sup> <https://oce.house.gov/about>

<sup>14</sup>

[https://oce.house.gov/sites/congressionaletics.house.gov/files/documents/OCE\\_Code\\_of\\_Conduct\\_2011.pdf](https://oce.house.gov/sites/congressionaletics.house.gov/files/documents/OCE_Code_of_Conduct_2011.pdf)



pursue the case, which according to the OCE Code means that – there is “substantial reason to believe allegations” that an MP, official or staff member has committed an offence.

Phase I of the investigation lasts for 30 days, and the OCE employees check the adequate legal aspects of the domain. The preliminary review is terminated if four members vote to terminate it. Phase II is limited to 45 days, with a possibility, if necessary, the Board to extend review for 14 days.

The nonpartisan officials of OCE secure evidence and testimonies with the help of interviews and through requests for the necessary documents to be submitted to them. All evidence secured in that way are subject to the Law on Perjury, which stipulates a sentence for perjury or falsifying documents. In each of the phases, the OCE provides to the person who is the object of investigation a review and a decision for the development of the investigation, and informs him/her timely when the Board votes that the report of the investigation should be referred to the Standards Committee for further review and for a final decision on the specific case.

In the case of tie-vote, the Board may send the final report to the Standards Committee as – unresolved. The Board may also send the information on alleged unethical conduct to another government committee, service or authorized body for a corresponding action. In the course of the procedure and the decision-making process by the Board – the investigation is strictly confidential. The House Committee on Ethics must make the OCE findings public within 45 days, unless it decides to delay the disclosure for additional 45 days, or if it decides that a subcommittee should also be formed for the whole investigative procedure. In that case, the disclosure of the report may be extended up to one year after transmittal. If the specific case is transferred to another state institutions considered to have jurisdiction over the case, then that institution may decide when the OCE findings shall finally be made public.

## 5.2 Registers of financial statements / reports

Among the more important registers which the House of Representatives keeps, in the context of the COC provisions, the following can be emphasized – the Register of financial statements / reports (RFS) and the Register of requests for classified information (RCI). For the purposes of better overview, the RFS is primarily kept on electronic template, prepared and updated by a specially selected official, who is in charge of timely submitting confirmation email, reminding the appellant that he/she has completed his/her obligation, and there is also a separate telephone number on which the official can be reached in case communication is needed. Before enabling access to “classified information” to an MP, delegate, permanent commissary, officer or House of Representatives staff member, he/she is obliged to swear – “an official oath”. RCI with the oaths is kept by a specially selected secretary, who takes care that the register be publically accessible through the digital archive of the House of Representatives.



### 5.3 Filing a complaint

The information for potential violation of the COC is sent to the OCE from various sources, including the public in general. The complaints for misconduct of an MP, officer or another employee in the House of Representatives are submitted to OCE on its official website through filling in the corresponding electronic template.

### 5.4 Sanctions for violation of COC<sup>15</sup>

The sanctions that can be recommended by the HCE to the House of Representatives as disciplinary measures against an MP cover denying or limiting any right, power, privilege or immunity if the House of Representatives can initiate such a sanction according to the Constitution. In extreme cases, HCE may even propose – expulsion from the House of Representatives, as well as rebuke and censure, that is, deprivation of the right to discussion. HCE can also propose to the House of Representatives sanction against an officer or staff member of the Congress, which covers: - dismissal from the working position; - rebuke; - fine or another punishment adequate to the seriousness of the established offense.

On the basis of experience grounded in its long history, HCE determines the proposals for punishments for unethical conduct in regard to the COC provisions strictly on the ground of detailed reviewing of each case individually.

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<sup>15</sup> <https://ethics.house.gov/house-ethics-manual>

19 | Institutional Mechanisms for Implementation of the Code of Conduct, Comparative Overview, prepared by the Center for Change Management (CCM) within the PSP



## EXAMPLES OF ORGANIZATIONAL STRUCTURE FOR IMPLEMENTING ETHICS CODES

State	Supervising body	Publicly accessible registers	Complaint procedure	Sanctions
<b>Great Britain</b>	<ul style="list-style-type: none"> <li>- <b><u>Commissioner for Standards</u></b> <u>an independent officer, selected by the House of Commons on a public announcement</u></li> <li><u>Competences:</u> <ul style="list-style-type: none"> <li>- gives advice/interpretation of the Code of Conduct (CC);</li> <li>- investigates allegations by a person filing a complaint on possible violation of the CC by an MP;</li> <li>- informs the appellant and calls for the MP to respond to the allegations;</li> <li>- investigates allegations about insults, bullying and/or sexual harassment within the House of Commons;</li> <li>- decides independently, but timely informs the Committee on Standards that a certain case can be resolved with a written apology submitted by the MP in question, and have the information published on the website of the Commissioner;</li> <li>- recognizes the need for adapting the contents of the CC;</li> <li>- keep registers of financial and other types of interest of the MPs in the House of Commons;</li> <li>- files a report to the Committee on Standards.</li> </ul> </li> <li>- <b><u>Committee on Standards</u></b></li> </ul>	<p>Separate registers are kept for the financial (donations, fees, awards, gifts, etc.) and other type of benefits that the MPs from the House of Commons or certain MP groups and/or parties have received or receive individually, but also the journalists who cover the work of the parliamentary channel.</p> <p>The registers are accessible to the public, on the website of the House of Commons, and the Commissioner of Standards is charged to keep them.</p> <p>The manner in which the MP or the party informs about the received (financial) benefit is stipulated with a separate Rulebook.</p>	<p style="text-align: center;"><u>The complaints must:</u></p> <ul style="list-style-type: none"> <li>- be submitted by an individual, whether it is an MP or a person outside of the Parliament;</li> <li>- be in a written form, signed and containing the full name and surname of the appellant and his/her full postal address;</li> <li>- refer clearly and provide support on the potential violation of the CC;</li> <li>- send a copy of the appeal to the MP in question.</li> </ul>	<ul style="list-style-type: none"> <li>- The Committee on Standards constantly works on reviewing all types of sanctions against the MPs who have violated the CC – considering the effectiveness and the ability to implement the sanctions adequately to the seriousness of the violation.</li> <li>- at the proposal of the Committee, and following a decision of the House of Commons, the range of sanctions moves from: oral or written apology – imposed by the Committee, to – possible loss of salary, suspension or removal from the work of the House of Commons.</li> <li>- the MP against whom there is a procedure for violation of the CC is required to cooperate fully with the authorized internal bodies – the Commissioner and the Committee. An MP's attempt to lobby with any member of the Committee – is considered to be a very serious violation of the ethical standards, and such cases usually end with a proposal for suspension of the MP from the work of the House of Commons.</li> </ul>

	<p><b>composition:</b> 7 Members of Parliament and 7 lay members (4 women and 3 men), proved professionals mainly (but not exclusively) in the domain of human rights, selected at a public competition issued by the House of Commons.</p> <p><u>Competences:</u></p> <ul style="list-style-type: none"> <li>- oversees the work of the Commissioner;</li> <li>- review the reports of the Commissioner in regard to (dis)respecting the CC submitted;</li> <li>- provides opinion (as needed) on the content of some of the reports;</li> <li>- discusses certain cases of financial and other types of controversies;</li> <li>- summons an MP or a party leader to provide internal statement;</li> <li>- discusses other cases of violation of the CC reported by the Commissioner;</li> <li>- proposes (as needed) changes of the CC;</li> <li>- decides with consensus, although adding a so-called "separate opinion" is also allowed;</li> <li>- publishes the conclusion on its web-site.</li> </ul>			
<p><b>Republic of Malta</b></p>	<p><b>1. <u>Commissioner for Standards in Public Life</u></b></p> <p><u>The Commissioner must not be:</u></p> <ul style="list-style-type: none"> <li>- Member of Parliament in the current composition of the Parliament</li> <li>- counselor in the local self-government;</li> <li>- public servant;</li> <li>- person whose function or position is incompatible with the LSPL;</li> <li>- member of a artisanal, bank, trade or other union with paid working position.</li> </ul> <ul style="list-style-type: none"> <li>- The Commissioner is appointed for a five-year mandate – (without the right to reelection, with</li> </ul>	<p>The Parliament Speaker keeps the registers, and they are publically accessible on the Parliament website:</p> <ul style="list-style-type: none"> <li>- Register of the Member's Financial Interests (type – survey sheet);</li> <li>- Register of statements on potential conflict of interests –statements that must be submitted before the parliamentary discussion on a certain law begins;</li> <li>- Register of statements for trips outside of Malta;</li> </ul>	<p>The complaint can be submitted to the Commissioner for Standards by anyone, and it must:</p> <ul style="list-style-type: none"> <li>- be submitted in the form of a letter or electronic template;</li> <li>- in exceptional cases, the complaint can also be submitted orally, but a transcript must in that case be made, which will be synchronized as an official statement and will be confirmed within ten days at the latest;</li> </ul>	<p>The sanctions or the disciplinary measures for unethical conduct are implemented solely by the Parliament – the Standing Committee for Standards in Public Life (SCS).</p> <p>The sanctions:</p> <ul style="list-style-type: none"> <li>- are mainly founded on the findings from the investigations covered in the Commissioner's report;</li> <li>- for an MP, minister, Parliament Secretary or other parliamentary officers and government officials – they cover:</li> </ul>

the right to resign) by the President of the Republic of Malta, and on the basis of a resolution adopted by the Parliament with at least two thirds from the total number of MPs, who, in certain circumstances, can replace the CS according to the same procedure before the end of his/her mandate.

**The Commissioner can:**

- open an investigation procedure at his/her own initiative or on the basis of complaint/petition;
- engage experts in the investigative procedure as external consultants, and if the expert is a public servant, then approval by the prime minister must be demanded;
- present the findings to the MP, minister, Parliament Secretary or government official and give him/her sufficient time to prepare legal defence – in case he/she has violated a law or the Code of Ethics;
- check the accuracy of data in the “survey sheets”, that is – the statements on financial interest or conflict of interests submitted by the MPs and the ministers.
- give recommendations for improving the texts of some of the codes of ethics, as well as the regulations for lobbying and accepting gifts.
- prepare a report that will then be submitted in the Parliament to the Standing Committee on Standards in Public Life

**The Commissioner cannot** – investigate cases of misconduct that are subject to criminal pursuit or are already in police procedure.

2. **Standing Committee for Standards in Public Life**

- Register of written statements by an MP in cases when a third party exhorts pressure on the MP for unethical conduct and/or attempt at corruption.

- for an oral complaint, a meeting with the Commissioner is scheduled through an official telephone number of the Office of the CS;
- contain the full identity of the appellant (if he/she wants to remain anonymous, it should be specifically emphasized to the Commissioner);
- state the full identity of the appellee, with an accompanying explanation of the potential unethical conduct or a committed offence;
- be submitted within thirty working days from the first realization of a case of unethical conduct, or at the latest one year after the deed was physically committed. The CS shall not take the complaint into consideration if it falls outside of these dates;

**The complaint is rejected:**

- if it is already a subject of an ongoing court procedure or tribunal procedure, if a process has been initiated before a court of offenses or cases of investigation under the competences of the police.

warning or a demand for public apology, but, depending on the contents and the seriousness of the offense, the SCS may also submit a request to the corresponding state institutions, including the Parliament, for further consequent legal resolution of the offense.

If the Committee does not agree with the findings of the Commissioner, then:

- it can decide that the procedure be continued with further investigation;
- it can fully reject the Commissioner’s report, but in that case it must publically explain such a decision.

	<p><b>composition:</b> four members/MPs: - two from the ruling majority and two from the opposition; the Parliament Speaker is its Chair, whose vote is decisive in the cases of tie-vote.</p> <p><u>Competences:</u></p> <ul style="list-style-type: none"> <li>- the SCS oversees the work of the Commissioner for Standards – reviews the reports that the CS submits after an investigation of unethical conduct of an MP, minister, government official, public servant and/or Secretary in the Parliament.</li> </ul>		<ul style="list-style-type: none"> <li>- The CS informs the appellant in written form, if he/she considers that the complaint is: - unfounded; - trivial; - arbitrary; - unjustified and/or malicious.</li> </ul>	
<p><b>Republic of Albania</b></p>	<p><b>1. Parliamentary Bureau</b></p> <p><b>composition:</b> - 10 members, the Parliament Speaker is its chair, and the other members are – the Vice President of the Parliament and representatives of the parliamentary secretariats;</p> <p>Following a working meeting with the <b>Secretariat on Procedures, Voting and Ethics</b> (composed of 5 members appointed by the Parliament after an open vote, at the proposal of the Parliament Speaker, and after consultation with the presidents of the MP groups), the PB can analyze specific cases of conduct of a certain MP, in regard to the following:</p> <p><u>Competences:</u></p> <ul style="list-style-type: none"> <li>- misuse of the political position, and against the honour and reputation of the “Member of Parliament” as a representative of the Parliament;</li> <li>- submitting false forms on one’s own financial state and other types of benefit according to the Code of Conduct;</li> </ul>	<p><b>Register on Conflict of Interests</b> – it is kept by a separate parliamentary service, and the last merit point of assessing the validity of data from the register is – the Parliamentary Bureau;</p>	<p>The complaints on violation of the CC are submitted to the address of the Parliamentary Bureau, and can be submitted by a parliamentary group, but also by external organizations and/or individuals;</p> <p><u>The complaint is composed of:</u></p> <p>a description of the case in a written form, but also other accompanying audio/visual documentation that supports the evidentiary procedure;</p>	<p>The PB discusses the degree of violation of the CC potentially committed by a certain MP, and, in establishing the type of possible sanction, described in details and stipulated in the Rules and Regulations of the Parliament, takes into consideration the data from – the Register of Disciplinary Measures primarily in order to establish whether the MP repeats a certain conduct detrimental for the public reputation of the Assembly;</p> <p>The different types of sanctions, or – disciplinary measures, are stipulated in the Rules and Regulations of the Parliament. They can be pronounced against an MP who in different ways, verbally or physically, obstructs the work of the plenary and other type of parliamentary sessions or, with his/her public conduct harms the reputation of the institution;</p> <p>The Technical Secretariat and the Secretariat for Procedures and for Voting can also be involved indirectly in the phases of the whole disciplinary procedure, as</p>

	<p>- inciting unethical forms of misuse of the voters.</p> <p><b>2. <u>Council on Rule Book, Mandates and Immunity (CRMI)</u></b></p> <p>- an advisory body on issues related to the procedure according to which the Parliament functions and makes decisions.</p> <p><b><u>composition: Parliament Speaker, as its chair, appoints 10 MPs following an opinion received by the presidents of the MP groups</u></b></p> <p><u>Competences:</u></p> <ul style="list-style-type: none"> <li>- it evaluates – periodically (re)assesses and revises the Code of Conduct (CC);</li> <li>- <u>reviews:</u> <ul style="list-style-type: none"> <li>o the necessary materials and the annual reports of the PB in regards to the cases of violation of the CC, as well as the disciplinary measures taken against the MPs for these violations;</li> <li>o the descriptions of cases of violation of CC during the mandate;</li> <li>o the register of disciplinary measures;</li> <li>o the Albanian jurisprudence, as well as the amendments in the Albanian legislation on issues covered by the CC;</li> <li>o the international practice in regard to these issues;</li> </ul> </li> </ul>			<p>needed and in accordance with their competences;</p> <p>The disciplinary measures are divided into “light” and “heavy”, and the meaning and procedure for the implementation of each measure individually – are elaborated and explained in details in the parliamentary Rules and Procedures.</p> <p>The “light measures”, without the right to appeal, include:</p> <ul style="list-style-type: none"> <li>• temporary exclusion from parliamentary discussion;</li> <li>• warning;</li> <li>• taking away the right to speaking during a plenary session or a committee meeting.</li> </ul> <p>The “heavy measures”, with the right to appeal, include:</p> <ul style="list-style-type: none"> <li>• exclusion from a plenary session, a committee meeting or another parliamentary body;</li> <li>• exclusion up to 10 days from participation at a plenary session, from parliamentary committees and other parliamentary bodies.</li> </ul> <p>A certain incident can pass with a verbal reprimand directed toward the MP, but if that disciplinary measure proves to be ineffective, then the Parliamentary Speaker makes a decision to exclude the MP from the session, formulating the decision in a separate internal case that is presented to the PB, usually with a recommendation for stricter disciplinary measures. The PB</p>
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	<ul style="list-style-type: none"> <li>○ prepares a report about these responsibilities, which is presented at a plenary session (the report is not a subject to of further parliamentary discussion; instead, the Parliament adopts it within a month from the presentation at the latest;</li> </ul> <p>Eight months at the latest before the end of the mandate of the parliament composition, the Parliament Speaker calls for a meeting of CRMI on which the representatives of civic organizations and interest groups are invited, recorded in a separate parliamentary register, for lobbying in favour of the civil society.</p>			<p>decisions following the CC violation are published on the Parliament website.</p>
<p><b><u>Republic of Georgia</u></b></p>	<p><b>1. <u>Ethics Council (EC)</u></b></p> <ul style="list-style-type: none"> <li>- body within the Parliament of the Republic of Georgia</li> </ul> <p><b><u>composition:</u></b> The Procedural Issues and Rules Committee determines the quotas for proportional party representation in the EC, at the latest a week after the adoption of the edict for the new parliamentary composition. The Parliamentary Bureau confirms the quotas for members of the EC, and the mandate lasts for one year. The CE is chaired by two co-chairs, elected internally by the other EC members – one from the ruling majority and one from the largest opposition party, but a co-chair can also be delegated from a parliamentary group that is not in coalition either with the ruling majority or the opposition. The number of members in the CE varies depending on the distribution of MPs in MP groups in the existing parliamentary composition, as well as on the number of independent MPs.</p> <p><b><u>Competences:</u></b></p>	<p>The following registers are posted on the official Parliament website:</p> <ul style="list-style-type: none"> <li>- Register of Authorized Lobby Groups, in accordance with the Law on Lobby Activities;</li> <li>- Register of Potential Conflict of Interest;</li> <li>- Register of Violation of the CC Provisions;</li> <li>- Register of Gifts</li> </ul>	<p>A complaint is submitted on a special template – electronically or with a physical copy, raised either individually by an MP or by an MP group, but a complaint may also be filed by any person who considers that any CC norm was violated at his/her detriment;</p> <p><b><u>The complaint is reviewed:</u></b></p> <ul style="list-style-type: none"> <li>- if it is submitted within a month after the discovery of a certain information / event that is a potential violation of the CC, committed by an MP with an ongoing mandate;</li> <li>- and the EC makes a decision within one month at the latest, and the beginning of the discussion in reference to the</li> </ul>	<p>For the time being, apart from publically announcing the identity of the person violating the CC provisions, which are in the jurisdiction of the EC, no other sanctions are stipulated. That is the main remark of the criticism of civil initiatives concerning the existing CC. In the cases of established financial or legal misuse of the MP function, the MP answers according to the adequate laws of the Republic of Georgia.</p>

	<p>The EC is authorised to demand information regarding a case of unethical conduct of an MP, and the suspect is obliged to collaborate in the course of the whole procedure. The EC sessions are closed to the public, unless both its members – the ruling majority and the opposition – decide otherwise. EC is obliged to disclose its decision through the Parliament website.</p> <p>The conduct of the MP is supervised when the MP:</p> <ul style="list-style-type: none"> <li>- misuses the political position for his/her personal benefit and/or for the benefit of his/her family and close relatives (the definition of these notions was taken from the Law against Conflict of Interests and against Corruption in the Public Service);</li> <li>- has not submitted a written statement which is published on the Parliament website, before the beginning of the parliamentary discussion in which he/she knew that they participated with a potential conflict of interests;</li> <li>- did not report a gift/award in the amount/value of 300 Georgian lari (around 70 euros), for which the EC Secretariat has a special – Register of Gifts, accessible on the Parliament website;</li> <li>- lobbies during his/her mandate, despite knowing that this is not allowed;</li> <li>- accepts gifts / awards from lobby groups, , despite knowing that this is not allowed;</li> <li>- did not report on business meetings with lobby groups, and did not submit a statement in regard to such a meeting, which is published on the Parliament website;</li> </ul>		<p>complaint is scheduled at the latest 5 days after it has been submitted;</p> <p>in case it is concluded that the complaint is not within the competences of the EC, then the appellant is timely informed to re-address it to a corresponding body;</p> <p>the MP that the complaint refers to is immediately informed on the content of the complaint, and is given 10 working days to prepare a response, and may also be permitted 5 additional days if he/she submits a letter with a reasonable explanation for delaying the response.</p>	
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	<ul style="list-style-type: none"> <li>- discriminates his/her colleagues and the employees in the Parliament – on the basis of – race, ethnicity, gender, religion, or other personal / collective affiliations;</li> <li>- did not provide information for a personal official contact.</li> </ul> <p>If an EC member violates the CC norms, then he/she is deprived of the right to discuss and vote in the EC, and the MP group that delegated him/her temporarily replaces him/her with another delegate until the case is resolved.</p>			
<p><b>USA</b></p>	<p>The US Congress – the Senate and the House of Representatives have separate bodies for supervision of the ethical conduct of their members, of the officers and the other employees in these state institutions. Only the two bodies supervising the ethical conduct in the House of Representatives are presented below: - the <u>House Committee on Ethics (HCE)</u> and the <u>Office of Congressional Ethics (OCE)</u>.</p> <p><b>1. House Committee on Ethics (HCE)</b></p> <p><u>a standing board with authorization to interpret, manage and implement the “Code of Official Conduct in the House of Representatives” (COC), and which trains the MPs, officers and staff in the Congress for its contents, and is authorized, if needed, to investigate cases against them, and to sanction cases of unethical conduct;</u></p> <p><b>composition:</b> - 5 representatives from the Republicans and 5 from the Democrats are delegated to the HCE Standing Board, and traditionally the most experienced person from the ruling majority is elected for a chair, while the everyday work is performed by nonpartisan officials, systematized as follows: - Chief Counsel; - Counsel</p>	<p>Among the more important registers which the House of Representatives keeps record of, the following can be emphasized:</p> <ul style="list-style-type: none"> <li>▪ the Register of financial statements / reports (RFS);</li> <li>▪ the Register of requests for classified information (RCI);</li> </ul> <p>for the purposes of better overview, the RFS is primarily kept on electronic template, prepared and updated by a specially selected official, who is in charge of timely submitting confirmation email, reminding the appellant that he/she has completed his/her obligation, and there is also a separate telephone number on which the official can be reached in case communication is needed;</p> <p>before enabling access to “classified information” to an MP,</p>	<p>The information for potential violation of the COC are sent to the OCE from various sources, including the public in general. The complaints for misconduct of an MP, officer or another employee in the House of Representatives are submitted to OCE on its official website through filling in the corresponding electronic template.</p>	<p>The sanctions <u>that can be recommended by the HCE to the House of Representatives</u> as disciplinary measures against an MP cover – denying or limiting any right, power, privilege or immunity if the House of Representatives can initiate such a sanction according to the Constitution. In extreme cases, <u>HCE may even recommend</u> – expulsion from the House of Representatives, as well as rebuke and censure, that is, deprivation of the right to discussion. HCE can also propose to the House of Representatives sanctions against an officer or staff member of the Congress, which cover: - dismissal from the working position; - rebuke; - fine or another punishment adequate to the seriousness of the established offense.</p>

	<p>to the Chairperson; - Counsel to the Committee Members; - Director of Administration; - Director of Investigations; - Director of Financial Disclosure/Reports; - Director of Advice and Education; - Senior Counsel; - Counsel; - Investigator; - Clerks and Assistants;</p> <p><u>Competences:</u></p> <ul style="list-style-type: none"> <li>- establishes rules that regulate the conduct of the MPs in relation to – gifts, trips, activities in a political campaign, conflict of interests, relation towards the employees in the Congress, etc.;</li> <li>- at its own initiative, carries out investigations to determine whether the MPs in the House of Representatives follow the COC standards;</li> <li>- gives recommendations before the House of Representatives in regard to the needed actions that would be taken following an investigation;</li> <li>- <u>gives advice</u> to the MPs in the House of Representatives before they take a certain action that could be contrary to the ethical standards;</li> <li>- The House Committee on Ethics must make the OCE findings public within 45 days, unless it decides to delay the disclosure for additional 45 days, or if it decides that a subcommittee should also be formed for the whole investigative procedure. In that case, the disclosure of the report may be extended up to one year after transmittal.</li> <li>- to corresponding federal or state bodies and institutions <u>reports</u> verified evidence against an MP who is suspected with great probability to have violated a certain legal regulation;</li> </ul>	<p>delegate, permanent commissary, officer or House of Representatives staff member, he/she is obliged to swear – “an official oath”.</p> <p>RCI with the oaths is kept by a specially selected secretary, who takes care that the register be publically accessible through the digital archive of the House of Representatives.</p>		
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**2. Office of Congressional Ethics (OCE)**

independent body for the supervision of ethics and responsibility in the Congress in support of accountability and publically accessible information, as an independent, nonpartisan body charged to review the complaints for potential unethical conduct of an MP, officer or staff in the House of Representatives. OCE works according to its own Code of Conduct, and it is authorized to implement investigations regarding allegations on the violation of a law, rule, regulation or other standards of conduct.

**composition:** the OCE Board, composed of non-partisan public persons, who must neither represent lobby groups nor serve the federal Government, consists of – six members and two deputies, delegated after mutual consent from among the proposals of the President of the House of Representatives and the leader of the minority in the House of Representatives. The President of the House of Representatives appoints three members (with a right to vote and of elected president) and one deputy, while the leader of the minority appoints three members (with a right to vote and of elected co-president) and one deputy. With this distribution, the Board members decide with a majority of votes on the result of the specific investigative procedure that goes through two phases, which is then conveyed in a detailed report presented before the HCE, which is the only authorized body to decide either about sanctions or to decide to reject the continuation of the procedure.

The composition of the OCE staff is mainly attorneys and other experts with special experience in the areas of ethics and investigations.

Competences:

<ul style="list-style-type: none"> <li>▪ OCE does not have jurisdiction to determine a violation of a certain law, nor does it have jurisdiction to issue legal measures or propose or sanction an MP, officer or staff in the House of Representatives. Those procedures are in the jurisdiction of HCE.;</li> <li>▪ OCE is an entity that secures, legally contextualizes, assesses the relevance of the data for a certain case of reported misconduct, and publishes all of that quarterly in a publically accessible report;</li> <li>▪ OCE is not authorized to review complaints / appeals of potentially unethical conduct of Senate members, of the President of the US or officers from the executive government;</li> <li>▪ the investigations carried out by OCE are strictly confidential and consist of two phases, named simply – a preliminary review and a second-phase review. Both phases must be approved by the OCE Board, and at the end of the preliminary review, the Board must vote in order to confirm whether the investigation will continue;</li> <li>▪ In each of the phases, the OCE provides to “the suspect” a review and a decision for the development of the investigation, and informs him/her timely when the Board votes that the report of the investigation should be referred to the HCE for further review and for a final decision on the specific case;</li> <li>▪ In the case of tie-vote, the Board may send the final report to the HCE as – unresolved issue;</li> <li>▪ The Board may also send the information on alleged unethical conduct to another government committee, service or authorized body for a corresponding action;</li> </ul>			
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	<ul style="list-style-type: none"> <li>▪ if a specific case is given to a state institution which is established as having jurisdiction over that case, then that institution can decide when the OCE findings will finally be publicly accessible.</li> </ul>			
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## Information about the project

The Swiss Program for Parliamentary support (PSP) will support the efforts of the Assembly of the Republic North Macedonia for independence through building consensus, structural reforms and building of capacities in institutional development the Assembly; in its legislative and supervisory roles and in his institutional transparency and accountability. PSP are implemented by the National democratic institute, the Institute for democracy "Societas Civilis" - Skopje and the Center for Change Management, for support of the strategic planning of The Assembly; for reforms in the management of human resources; for improved assessment the impact of regulation and processes for procurement; for commitment to open data and through the measurement of public opinion and the monitoring of efforts for reforms, including for greater civil engagement in the processes of creation policies.

## Information about CCM

The Center for Change Management (CCM) is a think tank, non-governmental organization that believes that strengthening the capacities of public administration, the civil sector, the business community, Euro-integration and investing in people are the main agents for change in society. This document was prepared by the CCM in cooperation with NDI, the Commission on Rules of Procedure and Mandate-Immunity Issues and representatives from the parliamentary groups in the Parliament, which refer to the application of the Code of Ethics for Members of Parliament in the Parliament of the Republic of North Macedonia, and in the direction of improving the system for ethics in the RNM Assembly.

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