



Resolution 2182 (2017)¹

Follow-up to Resolution 1903 (2012): promoting and strengthening transparency, accountability and integrity of Parliamentary Assembly members

Parliamentary Assembly

1. The Parliamentary Assembly, as a statutory body of the Council of Europe, is responsible for promoting the principles of human rights, democracy and the rule of law that form the basis of the Council of Europe and are the common heritage of member States. Yet the universal nature of the subjects debated does not shield the Assembly from public or private interests that seek to influence the independent, impartial and objective exercise of the parliamentary process. The Assembly's reports on the situation in member States, as well as the conclusions of the Assembly's election observation missions, have a direct and obvious impact on the image and reputation of the countries concerned, with political and economic consequences, because they appraise the level of respect for human rights and democracy and because they are followed closely by national authorities, political leaders, the media and various sectors of civil society. Lastly, the Assembly's work on occasionally controversial societal issues, combined with a lack of global rules on lobbying, opens the door to possible undue pressure and opportunities for corruption.
2. The allegations of corruption and fostering of interests recently made against some members or former members of the Assembly have called into question, as never before, the credibility of the Assembly's actions and positions. Given the risk of lasting damage to the Assembly's reputation, an overall strategy has been adopted to guard against risks of corruption and reveal any covert practices.
3. As a first step, an independent external investigation body has been set up by the Assembly to carry out a detailed independent inquiry into the allegations of corruption and fostering of interests made against some members or former members of the Assembly. Its terms of reference and its composition were ratified by the Assembly in April and in June 2017 respectively. This body, comprising figures of high moral standing in the legal world, has started its work and is expected to deliver its report by the end of 2017.
4. The second step has been to establish a sound and coherent integrity framework within the Assembly with guidance from the Group of States against Corruption (GRECO). The Assembly expresses its gratitude to GRECO for the diligence with which it carried out a thorough review of the Assembly's integrity framework and the set of rules and mechanisms governing the conduct of its members. It welcomes the evaluation report entitled "Assessment of the Code of Conduct for Members of the Parliamentary Assembly of the Council of Europe" that GRECO adopted on 19 June 2017 and notes the relevance and quality of its recommendations, which have inspired the proposed changes to the rules.
5. The Assembly decides to adopt new rules of conduct and declaratory requirements to prevent corrupting behaviour in the Assembly in the future. It also decides to review current oversight of the principles of behaviour and rules of conduct incumbent on its members, which at present depends solely on the President of the Parliamentary Assembly and which GRECO describes as "excessively discretionary". The Assembly believes that the establishment of a new mechanism will allow impartial examination of alleged

1. *Assembly debate* on 10 October 2017 (31st Sitting) (see [Doc. 14407](#), report of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Mr Ian Liddell-Grainger). *Text adopted by the Assembly* on 10 October 2017 (31st Sitting).



breaches of ethical rules and principles, including those revealed by outside sources, and fair conduct of, and a faster start to, investigations of these allegations. It further decides to review the list of sanctions applicable in the event of proven breaches of the Assembly's ethical standards.

6. The Assembly also decides, as announced in [Resolution 2170 \(2017\)](#) on promoting integrity in governance to tackle political corruption and as recommended by GRECO, to adopt clear rules on access to, and movement within, Council of Europe premises for third parties during Assembly sessions and meetings, to establish a transparency register and to take effective steps to prevent former members involved in paid consultancy and lobbying from benefiting from specific advantages.

7. Accordingly, the Assembly decides to change oversight of the "Code of conduct for members of the Parliamentary Assembly" by replacing the "Observance of the code of conduct" section with the following new section:

"1. Implementation of this code is the responsibility of the President of the Assembly, the Committee on Rules of Procedure, Immunities and Institutional Affairs and the Assembly, in accordance with the powers and responsibilities granted to them by the Rules of Procedure and this code of conduct.

2. If a member is believed to have acted in breach of the code of conduct, the President of the Assembly may seek clarification and further information from the member concerned, the chairperson of the member's national delegation, the chairperson of the member's political group or the chairperson of the member's committee. The President of the Assembly may rule on minor breaches of the code of conduct if the Committee on Rules of Procedure, Immunities and Institutional Affairs has not been called upon to consider the same facts.

3. The Committee on Rules of Procedure, Immunities and Institutional Affairs (hereafter "the committee") shall examine alleged breaches of the code of conduct by members of the Assembly brought to its attention by the President of the Assembly or by at least 20 members of the Assembly representing at least five national delegations (using the appropriate investigation request form). It may also start an investigation of its own motion.

4. The committee meets in camera and shall act with due respect for confidentiality:

4.1. if it decides to open an investigation, it shall notify the member concerned and send him or her a copy of the evidence submitted to it in support of the allegations, inform the member of his or her rights and request the member's preliminary observations;

4.2. it shall hear the member concerned together with any witnesses; the records of these interviews or hearings shall be confidential;

4.3. it shall give the member concerned, at all stages of the proceedings, the opportunity to comment on all the evidence gathered during the investigation in support of the allegations, including evidence that has led to identification of possible further violations of the rules; it may consider any evidence provided by the member concerned and hear any witness proposed by the member concerned who is able to provide evidence relevant to the investigation;

4.4. before finalising its conclusions, it shall give the member the opportunity to comment on the factual parts of the draft report.

5. Members shall co-operate with the committee at all stages of the investigation. They must disclose any information or documents requested.

6. If the committee finds that the allegations have no basis, it will inform the complainants and the member concerned.

7. If the committee finds that there has been a minor violation of the code of conduct, owing to negligence for example, it will inform the member concerned and ask him or her to take the necessary steps. The committee shall decide whether the decision shall be published on the Assembly's website.

8. If the committee finds that there has been a serious breach of the code of conduct, it will prepare a report containing all the evidence gathered in the course of the investigation, the observations of the member concerned, and its conclusions. This report will be published on the Assembly's website. The committee shall decide whether to impose a sanction and determine the appropriate sanction, in accordance with Rule ["Measures in the event of non-compliance with the code of conduct"].

9. *If the committee finds that acts or omissions being investigated could constitute a violation of the criminal law of a member State, it will notify the relevant national authorities. It may decide to suspend the proceedings in the Assembly if it turns out that the national authorities are conducting an investigation into the same facts.*"

8. The Assembly further decides to strengthen the duty of integrity, accountability and transparency for its members by:

8.1. adding the following sentence at the end of Rule 6.2.b of the Rules of Procedure: "I declare that I have read and understood the Code of conduct for members of the Parliamentary Assembly and I undertake to abide by its provisions";

8.2. in order to prevent active bribery, amending paragraph 11 of the Code of conduct for members of the Parliamentary Assembly, by replacing the words "Members shall not request or accept any fee, compensation or reward" with the words "Members shall not **promise, give**, request or accept any fee, compensation or reward";

8.3. adding the following sentence at the end of paragraph 14 of the Code of conduct for members of the Parliamentary Assembly: "Gift declaration forms submitted by members shall be published on the Assembly's website";

8.4. adding, after the "Rules of conduct" section in the Code of conduct for members of the Parliamentary Assembly, the following new section entitled "Declarations of interests": "Members shall be personally responsible for submitting, at the opening of each session of the Parliamentary Assembly, a declaration of interests by means of the appropriate form. The declaration shall be published on the Assembly's website", inviting the Committee on Rules of Procedure, Immunities and Institutional Affairs to determine the content and format of declaratory requirements.

9. The Assembly decides to make provisions related to conflicts of interest more consistent by:

9.1. amending Rule 13 of the Assembly's Rules of Procedure "Code of conduct for members of the Assembly" as follows: "In the exercise of their duties, the members of the Assembly shall undertake to comply with the principles and rules set out in the Code of conduct for members of the Assembly **and other ethical regulations**, appended to these Rules of Procedure as complementary texts." [Rule 13.2 is deleted];

9.2. deleting Appendix III of the complementary texts on "Transparency and members' declaration of interest";

9.3. amending paragraph 1.1.1 of the "Code of conduct for rapporteurs of the Parliamentary Assembly" as follows: "**obligation to declare** any economic, commercial, financial or other interests, on a professional, personal or family level, connected with the subject of the report [footnote: **All candidates for rapporteurship shall declare any interests which might be considered relevant or conflicting with the subject of the report or with the country concerned by the report at the time of appointment in committee. This declaration shall be recorded in the minutes of the meeting**];

9.4. amending paragraph 3 of the Code of conduct for rapporteurs of the Parliamentary Assembly as follows: "Penalty for breaching the rules: Should a rapporteur fail to honour one or more undertakings, **in particular if he or she failed to declare any relevant interests or made an untruthful declaration, the committee shall withdraw his or her mandate and replace him or her**";

9.5. inviting the Bureau of the Assembly to amend the Guidelines on the observation of elections by the Parliamentary Assembly with a view to harmonising them with the provisions of the Code of conduct for members of the Parliamentary Assembly and the Code of conduct for rapporteurs of the Parliamentary Assembly, in particular with regard to declaratory requirements and the oversight and sanction mechanism.

10. Furthermore, the Assembly decides to review its system of sanctions, by harmonising and expanding the list of potential sanctions by:

10.1. adding, after the "Observance of the code of conduct" section in the Code of conduct for members of the Parliamentary Assembly, the following new section on "Measures in the event of non-compliance with the code of conduct":

"In cases of serious or repetitive breaches of the rules of conduct by a given member, the Committee on Rules of Procedure, Immunities and Institutional Affairs may take one or several of the following measures: temporary deprivation of the right to speak and to be enrolled on the

list of speakers; temporary deprivation of the right to sign an amendment, a motion for a resolution or recommendation or a written declaration; temporary deprivation of the right to address questions to the Committee of Ministers; temporary deprivation of the right to be appointed rapporteur or temporary ban on acting as a committee rapporteur; temporary ban on being a member of an ad hoc election observation committee; temporary deprivation of the right to stand as a candidate for President of the Assembly or chairperson or vice-chairperson of a committee or sub-committee; and temporary deprivation of the right of institutional representation of the Assembly and its committees”;

10.2. amending accordingly the reference to the Code of conduct for members of the Parliamentary Assembly in paragraph 3 of the additional provisions relating to “Conduct of members of the Parliamentary Assembly during Assembly debates (Rule 22 of the Rules of Procedure)”.

11. As regards the introduction of a coherent framework to strengthen transparency in relations with extra-institutional actors and prevent any undue influence of public or private interests on the independent, impartial and objective exercise of the parliamentary mandate in the Assembly, the Assembly decides to:

11.1. with regard to the rules on access to and movement within Council of Europe premises during Assembly sessions, instruct the Bureau of the Assembly to revise these rules and the appendices to the rules in question, in order to introduce specific identification of lobbyists, together with a system for reporting improper conduct, and, in this connection, consider establishing a register of lobbyists;

11.2. amend the special rules on honorary association with the Parliamentary Assembly by replacing the last sentence of paragraph 1 by the following: “The honorary associate will be given a diploma mentioning this title”; by deleting paragraphs 2.a and 2.b on the prerogatives of honorary associates; and by replacing paragraph 3 by the following paragraph: “When awarded the title of honorary associate, the former member of the Assembly shall sign a sworn declaration stating that he or she is not involved in representing or fostering another person’s or entity’s interests in the Assembly. The former member shall be stripped of the title if he or she failed to declare any relevant interests or made an untruthful declaration”;

11.3. amend the special rules on the title and prerogatives of Honorary President of the Parliamentary Assembly by replacing the last sentence of paragraph 1 by the following: “The Honorary President will be given a diploma mentioning this title”; by deleting paragraphs 2.b and 2.c; and by replacing paragraph 3 by the following paragraph: “When awarded the title of Honorary President, the former President of the Assembly shall sign a sworn declaration stating that he or she is not involved in representing or fostering another person’s or entity’s interests in the Assembly. The Honorary President shall be stripped of the title if he or she failed to declare any relevant interests or made an untruthful declaration”;

11.4. instruct the Bureau to collect such declarations from existing honorary associates and Honorary Presidents;

11.5. amend the Code of conduct for rapporteurs of the Parliamentary Assembly by adding a new paragraph 3 as follows: “3. Rules applicable to the publication of sources used in the drafting of the report: The committee can ask the rapporteur, or the rapporteur may decide himself or herself, to publish, in an appendix to the draft report, the list of individuals, experts and representatives of governmental or non-governmental organisations consulted, met or received in the process of drafting the report”.

12. The Assembly decides that the amendments to the Rules of Procedure and complementary texts set out in this resolution shall enter into force upon their adoption. The new provisions on honorary association with the Parliamentary Assembly, as well as on the prerogatives of Honorary President of the Parliamentary Assembly, are applicable as from adoption to all former members of the Assembly who enjoy the status.

13. The Assembly takes note of the GRECO recommendation on guidance, training and awareness raising for members with regard to the rules of conduct and invites the Committee on Rules of Procedure, Immunities and Institutional Affairs to foster best practice in areas such as gifts and similar benefits, members’ participation in outside events and members’ travel at the invitation of third parties.

14. Lastly, the Assembly calls on the chairpersons of the political groups to strengthen the integrity frameworks of these groups and in particular to take due account of the GRECO recommendation on review of the political groups’ accounting procedures and submission of annual accounts of all political groups to the External Audit.