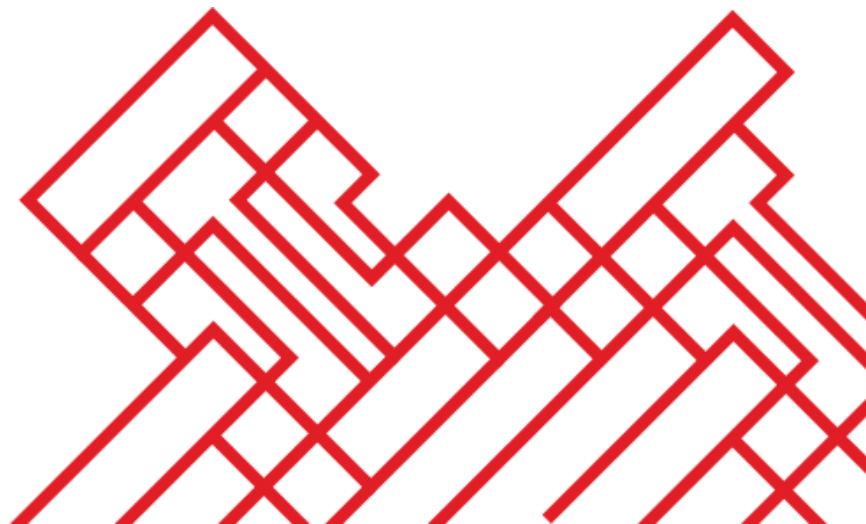


*Annex to the OSCE/ODIHR Opinion on the Draft Code of Ethics for the Members of the Assembly of the Republic of North Macedonia*



ПРОГРАМА ЗА ПАРЛАМЕНТАРНА ПОДДРШКА  
PROGRAMI PËR MBËSHËTETJE PARLAMENTARE  
PARLIAMENT SUPPORT PROGRAMME

# Code of Ethics for Members of the Parliament (MP's) (working version)



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## **ASSEMBLY OF THE REPUBLIC OF NORTH MACEDONIA**

Pursuant to Article 184, paragraph 1 of the Rules of Procedure of the Assembly of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia" No. 91/2008, 119/10, 23/13 and 152/19), the Assembly of the Republic of North Macedonia, at the session held on -----, 2021 adopted the following:

### **CODE OF ETHICS FOR THE MEMBERS OF PARLIAMENT IN THE ASSEMBLY OF THE REPUBLIC OF NORTH MACEDONIA**

The Code of Ethics for the Members of Parliament in the Assembly of the Republic of North Macedonia (hereinafter: the Code) regulates the basic ethic principles and determines the standards of conduct of the Members of Parliament (MP's).

The Code is a self-regulatory tool whose purpose is not to control the work of MPs, but to establish standards of conduct, to provide instructions for conduct, to establish common rules for responding to unacceptable conduct, and to ensure trust of the public in the work of the Members of Parliament and the Assembly.

The Law on the Members of Parliament, the Law on the Assembly and the Rules of Procedure of the Assembly create the framework that regulates the work of the Assembly, the working procedures and the role of the Members of Parliament. The Code is a complementary document to these documents and addresses how MPs should behave, what is expected of them and establishes the standards of good conduct and quality of work to which they have agreed. The monitoring and application of the Code are mandatory, so it is necessary for every MP to be familiar with the content of the Code, to understand and respect the norms it contains. Violation of the Code may lead to the imposition of appropriate sanctions on the MP.

If the MP is not sure how a certain norm contained in the Code is applied or there is a moral dilemma in a certain situation, he / she can seek advice on the application of the Code from the body in charge of confidential counseling.

The Code is accompanied by Instructions for use of the Code of Ethics for MP's of the Assembly of the Republic of North Macedonia, which is not part of the Code, and which aims to provide additional explanation of the norms contained in the Code and their proper application.

#### **I. GENERAL PROVISIONS**

##### **Subject**

The Code of Ethics for the Members of Parliament in the Assembly of the Republic of North Macedonia (hereinafter: the Assembly) is a document that regulates the basic principles and standards of ethic conduct of the Members of Parliament.

The Code covers the areas of expected action and behavior of MPs in the public sphere, taking into account the function they perform. The Code refers to all aspects of the

MP's public life. Its purpose is not to regulate the private life of the MP, except when his / her private life significantly violates the integrity and public trust in the MP and in the Assembly.

The Code of Ethics also sets the framework for establishing mechanisms for monitoring the application of the Code.

The content of the Code of ethics reflects the commitment and efforts of MPs to apply this specific set of moral values and norms that promote good, positive and desirable behavior. Following the principles and standards outlined in the Code, expresses the personal moral commitment of the MP, to apply and promote these principles in their work and behavior.

### **Aims of the Code of Ethics**

The aim of the Code is to provide a framework of principles and standards for the conduct of MPs in the exercise of their functions as representatives of the citizens.

The Code of Conduct for MPs aims:

- to regulate and promote the ethical principles and standards of conduct and behavior that are expected from the MPs during the exercise of the function for the duration of their mandate, which contribute to building mutual trust, tolerance and understanding;
- to increase the openness, transparency and integrity of the Members of Parliament and the Assembly and to strengthen the public confidence in the office of Member of Parliament.

## **II. BASIC ETHIC PRINCIPLES AND VALUES**

### **Commitment to the public interest and democratic values**

The MP represents the public interest in his / her work, always having in mind the development goals of the state, the public interest and the rights and interests of all citizens and entities in the community. Respects the values and norms of the community and works to promote them.

### **Objectivity and fairness**

In the exercise of the function, the MP acts objectively, impartially, without prejudices and without intention to achieve personal gain or ambition for himself or for other people close to him. The MP will not act solely on the basis of personal feelings, beliefs and convictions, will not exclude different views, will take into account different opinions and will provide decision-making based on facts.

### **Equality**

In his / her work and behavior, the MP enables the exercise of the constitutionally guaranteed rights of equality and non-discrimination, by creating equal opportunities and respecting diversity.

### **Openness and transparency**

The MP is open and transparent in the official communication with the citizens and the media. He/she expresses his views and opinions openly, clearly, concisely and

unambiguously. He/she fosters a culture of work where citizens could easily access information and data on the work of their representatives and the Assembly, except in cases where the information and data on the work of the MP are of a confidential nature.

### **Mutual respect**

During the exercise of the function, the Member of Parliament pays special attention and respect to the personality and reputation of each individual, to the fellow MPs, to the employees in the parliamentary service, and takes care of preserving the reputation of the MPs and the Assembly.

### **Integrity**

The MP performs the function impartially, without influence from domestic and foreign sources of power (persons or organizations) that could influence the exercise of official tasks, as well as without personal financial and material interests in accordance with the applicable legal norms. The MP avoids situations that could lead to suspicion of corruption or conflict of interest and clearly and unequivocally promotes the values of good governance, honesty and truthfulness.

### **Efficiency and economy**

In the exercise of his / her function, the Member of Parliament acts responsibly towards the financial and material means, equipment and other resources of the institution that are made available to him / her; uses the resources rationally and efficiently, exclusively for the needs of performing the parliamentary function.

### **Leadership**

The MP demonstrates by personal example the ethical principles and standards in his/her work and behavior and opposes immoral conduct. He /she encourages and supports other MPs, other holders of public office and citizens to act in accordance with these principles.

## **II. EXPECTED ACTION AND BEHAVIOUR OF MEMBERS OF THE PARLAMENT**

### *Professional exercise of the function*

The MP performs the function professionally, in a timely and dedicated manner, and with full capacity, in accordance with the Rules of Procedure, laws and other regulations that regulate the duties of the MPs, protecting their reputation and the reputation of the Assembly.

The MP attends the plenary sessions and the sessions of the working bodies of the Assembly, actively participates in the discussion and decision-making and makes a constructive contribution to the improvement and strengthening of the legislation and the efficient implementation of the oversight function of the Assembly.

### *Conduct at the plenary sessions and sessions of the working bodies*

The MP speaks and acts with attention and respect for the person and reputation of each individual and takes care not to damage the reputation of other MPs and the reputation of the Assembly. He/she is careful not to present data and assessments from the personal or family life of the MPs and other holders of public office with which he/she may damage their honor and reputation.

The MP supports and promotes freedom of expression, taking care not to turn it into hate speech. He / she does not act or speak in a way that may provoke hatred, intolerance and / or violence on a personal, ideological, religious, national, ethnic, gender or racial basis.

The MP focuses on the topic of the debate, respects the time for presentation, does not interrupt other speakers, nor does he/she use electronic devices in a way that disrupts the course of the session.

The MP provides reasoned explanations for the motives of his/her actions and efforts in the decision-making process in the Assembly. He / she avoids using unnamed and unverified sources of information in his/her arguments.

The MP does not call for or incite any kind of discrimination. The MP does not practice and support harassment, including gender-based harassment against a person or group.

The MP stands for the evaluation of merit and competence and does not support a reckless and inappropriate model of behavior.

The MP builds good interpersonal relationships and promotes the organizational culture of the institution.

The MP communicates openly and regularly with the citizens, other entities in the community and the media in the exercise of their function.

#### *Behaviour with parliamentary services and other employees in the institution*

The MP treats the employees in the parliamentary service and other employees with respect, maintaining the professional relationship and showing respect and trust in their expertise, professionalism and impartiality.

The MP refrains from acting in a way which may cause suspicion of attempting to influence the professional decisions and actions of the employees, as well as the quality of their work.

The MP does not endanger the political neutrality of the service of the Assembly. The MP condemns the unprofessional, protectionist or discriminatory actions in the exercise of official duties and responsibilities by the employees in the Assembly and other employees in the public sector institutions.

The MP supports and encourages the professional work and strives to protect the employees from any kind of harassment and pressure in the exercise of their work.

#### *Behaviour at official events of the Assembly and events outside the legislature*

The MP represents the interests of the state in participating in official events organized by the Assembly, foreign and international organizations and institutions, civil society organizations,

informal organizations, private entities with common goals, advisory groups, to which he shows due respect and attention towards the views and opinions of others, preserving their own reputation and the reputation of the institution they represent.

The MP acts on his / her own behalf at events that are not related to the exercise of the function.

The MP does not share confidential information that he/she has acquired during the exercise of the function.

#### *Descent dress*

The Member of Parliament pays attention to the appearance and manner of dressing at other official events outside the Assembly and takes care not to damage his / her reputation and the reputation of the institution he/ she represents.

### **III. PREVENTION OF CORRUPTION**

#### *Abuse of function and trading in influence*

In his/her actions, behavior and decision-making, the MP is guided by the public interest and the interest of the citizens that he/she represents in accordance with the Constitution, the laws and the principles of equality and non-discrimination. He/she acts conscientiously, professionally, responsibly, honestly, efficiently and impartially.

In the exercise of his / her function, the Member of Parliament respects the rules related to the prohibition of corruption and avoids any behavior that in accordance with domestic and international legislation could be qualified as a corrupt act.

The MP does not use his / her function, nor his / her constitutional and legal competencies, to propose and vote for laws, other regulations or general acts, for obtaining material and / or intangible benefit, reward or service for himself or others, nor uses the information he receives while performing the function for his own personal benefit or for the benefit of another person.

The MP does not use his / her position to influence the institutions for making a decision or a decree in exercising a certain civil right, such as:

- employment without respecting the merit system;
- making decisions in favor of a person or entity;
- influence in a public procurement procedure, procedure for awarding concessions, subsidies, distribution of budget public funds and state aid in order to favor a person or a legal entity;
- influence of objectivity and fairness in court proceedings, etc.
- The MP avoids situations that may put him / her in a state of dependence on the influence of stakeholders and external entities, and at the same time to influence contrary to the public interest in decision-making.

The MP is obliged to report any act related to corruption, as well as any violation of the provisions of the Law on Prevention of Corruption and Conflict of Interest that he / she found out in the exercise of his / her function.

The MP condemns corruption and any attempt at corruption, and by his / her behavior shows that he / she stands firmly on these commitments.

### *Receiving gifts*

The MP does not expect and does not receive any kind of gifts that may lead him / her to suspect the existence of corruption, except the protocol gifts received at official events in the amount and manner determined by the Law on Prevention of Corruption and Conflict of interests, the Law on Use and Disposal of State-Owned and Municipal-Owned Items and the Decree on Criteria, Manner of Giving and Receiving Gifts, Reporting of Gifts, Manner of Assessing Gifts, Manner of Supplementation for Personal Gift, as well as the use, storage and recording of items that have become state property through a gift.

The Member of Parliament may accept protocol gifts from related institutions or international organizations, within the framework of expressing hospitality or according to the protocol, if:

- fit into the traditions and customs of the country where they are given;
- do not cause doubt in the objectivity and honesty of the MP;
- do not compromise the reputation and integrity of the Assembly and the state.

The Member of Parliament does not allow another person on his / her behalf to give or receive a gift, service or any other value, assistance or other benefit related to the exercise of the function, which could have an impact or in any way compromise his / her acting and deciding or putting it in inadequate subordination and obligation.

The MP does not accept gifts and other expressions of hospitality from close persons and / or acquaintances, except from family members, which can put him / her in a position of dependence or obligation and jeopardize the impartial exercise of his / her function.

The MP does not accept orders, awards or honors from other countries during the exercise of the function, and in case of receiving such honors, he / she consults with the competent institutions.

The Assembly maintains a Register of Gifts. The Assembly in a special act regulates the issues related to: the content and the manner of keeping the gift register, the classification of gifts, the procedure for assessing the value of gifts, the frequency of receiving gifts, the procedure for applying for a gift, the recording of gifts, as well as the manner of storing and displaying the gifts in the premises of the Assembly.

### *Employment and post-employment*



During his / her term of office, the Member of Parliament shall respect the rules for incompatibility of a function he/she performs with other functions or activities in accordance with the provisions of the Law on Members of Parliament.

The MP during her term of office will not work towards providing future employment for herself or a close person, using her function and influence.

After the end of the mandate, the MP will not accept employment with an employer with whom he / she was in close cooperation or possessed information that could put him / her in a privileged position in relation to the other candidates.

The MP will not provide consulting services for matters closely related to the parliamentary function for at least 1 year after the end of the mandate.

#### **IV. CONFLICT OF INTEREST**

##### *Preventing conflict of interest*

In the exercise of his/her function, the MP is not guided by personal, family, religious, political and ethnic interests, and does not succumb to party pressures and promises.

The MP avoids situations that may lead to a conflict of interest and that may affect the impartial exercise of the function.

##### *Interests of the MP and of the family members*

The MP does not represent an opinion that is contrary to the public good for the sake of personal interests or the interests of his/her family members or their relatives.

The MP does not use his / her right to vote, nor does he / she directly or indirectly influence the decision-making of a body, institution or person for the realization of private interests for himself / herself or close persons, except in cases when he / she represents the interests of a wider group of citizens in accordance with the Constitution and laws.

The MP provides information and arguments on the basis of which he / she decides, having in mind the principles of equality of citizens and rule of law. The MP takes care in his / her work and decision-making not to create a situation of privilege of one group of citizens over the others.

In his / her work, the MP is aware of potential conflicts of interest and takes measures to avoid it. In case of suspicion of a conflict of interest, the Member of Parliament shall take all necessary measures to prevent the influence of his / her private interest or the private interest of another person on the exercise of the function.

##### *Statement for conflict of interest*

The MP does not conceal the interests, but reports his / her interests and the interests of the family members at the beginning of the mandate and they are registered in the Register of Interests. The Assembly maintains an internal Register of interests. The content, the manner of reporting the interests of the Members of Parliament and the keeping of the Register are regulated in a special act adopted by the Assembly.

In case of suspicion of conflict of interest during the exercise of the function, the Member of Parliament publicly states it at the beginning of the plenary session or the session of the working bodies of the Assembly, and the statement is duly noted in the minutes and submitted to the competent service to be noted in the Register of Interests.

The MP who participates in the legislative process, in case of a conflict of interests that may jeopardize the objective decision-making on a particular issue, i.e. law, may, for moral reasons, on his own initiative, refrain from legislative activities in the debate and decision-making in Assembly or when electing and appointing an official.

#### *Acting in a case of conflict of interest*

In case of conflict of interest, the MP acts in accordance with the Law on Prevention of Corruption and Conflict of Interest and informs the State Commission for Prevention of Corruption.

#### *Membership in organs of other entities and organizations*

The MP may not simultaneously perform the function of a responsible person or a member of a management body or a supervisory body in a public enterprise, public institution or other legal entity that has state capital.

The Member of Parliament may not perform the function of a member of the Board of Directors or any other management body in a trade company or other legal entity that is engaged in a profit-making activity.

#### *Lobbying*

The MP does not lobby for the duration of the mandate.

The MP in contacts with lobbyists and lobby organizations consistently respects the Law on Lobbying, being guided by the principles of integrity and transparency.

## **V. ACCOUNTABILITY AND TRANSPARENCY**

#### *Openness to citizens and the media*

During the exercise of the mandate, the MP is open and transparent in communicating with the voters, the public and the media. Any proposal submitted by him, at any stage of the legislative procedure, any other contribution to political decisions or other decisions adopted by the Assembly is public and should be accompanied by an appropriate explanation.

In his / her work and behavior, the MP always uses and places true, appropriate, timely and complete information about the citizens and the media, respecting the dignity of others and building public confidence in their sincere and good intentions.

The MP promotes equal standards and access to information, in favor of achieving full inclusion of citizens in social processes. He/she provides the widest range of information, except for matters within the competence of the Assembly that are confidential or information related to his / her private life or the private life of others.

The MP is impartial and neutral towards the representatives of the media and respects the inviolable freedom of the media.

#### *Property*

The MP respects the legal obligations for reporting and controlling the property situation and interests and duly reports the changes of his / her property, i.e. the property of his / her family members, as well as the change of interests.

The MP explains in an open and transparent manner the legitimacy of the sources for acquiring property or other material goods, such as the financial obligations that his / her family members have.

The MP does not conceal property or interests and condemns such actions by other holders of public office and citizens.

#### *Other incomes*

The MP declares and publicly announces other income, such as shares, stocks, copyrights, investments, business transactions, etc.

For the duration of the mandate, the MP refuses to receive compensation for participation in events, fees, sponsorships, scholarships, etc. which may jeopardize its integrity and the integrity of the Assembly and be interpreted as an attempt at corruption or conflict of interest.

#### *Liabilities/loans*

The MP publicly announces his / her debts and loans, as well as other obligatory relations in order to eliminate a situation of conflict of interest, trading in influence or abuse of office.

The MP is mindful not to be placed in a subordinate situation that could force him/her to act unprofessionally and biasely in exercising his/her function and he/she consistently adheres to the provisions of the Law on Prevention of Corruption and Conflict of Interest.

## **VI. USE OF PUBLIC ASSETS AND FUNDS**

#### *Extraparliamentary activities*

The MP may participate in extra-parliamentary activities outside the exercise of his / her official function, such as cooperation with international organizations, volunteering and participation in humanitarian events, if they are not contrary to the Constitution and laws.

The MP should not request and receive any compensation for performing extra-parliamentary activities.

During the extra-parliamentary activity, the Member of Parliament avoids contacts with persons or organizations that may undermine the trust in his / her work and endanger his / her integrity.

#### *Travels*

During business trips for professional obligations in the country and abroad, the MP is guided by the principle of efficiency and economy.

During the trips organized for private or party purposes, the MP does not use state funds, nor does he/she use the privileges arising from the authorizations as a holder of public office (diplomatic passport, security and official driver / vehicle) for private or party purposes.

The MP can accept travel and logistics expenses only from entities that have a significant role in organizing and conducting the trip for business purposes and have a clear and defined interest related to the goals of the trip. Expenses can not be accepted from a private source who donates monetary value in the form of travel support, but has no significant role and interest in organizing and conducting the trip.

In circumstances when on his / her business trip in the country or abroad the MP is accompanied by his / her spouse, partner, child or other family member, the escort travels exclusively at private expense.

#### *Participation in the campaign*

The MP does not use the premises and funds of the Assembly in the campaign, does not use the services for the purposes of the campaign and leads the campaign outside working hours. The MP does not allow the activities related to campaigning to violate his / her integrity and to shake the trust of the citizens in the Assembly.

#### *Attitude towards assets on his/her disposal*

During the exercise of the function, the MP respects the budgetary and financial discipline in order to properly manage the public funds and does not take actions for inappropriate spending of public funds.

The MP effectively and economically manages the funds, equipment and other items entrusted to him / her for use.

The MP uses the premises, the inventory, financial and technical means that are made available to him / her, conscientiously and responsibly and exclusively for exercising the function.

## **MECHANISMS FOR APPLICATION AND MONITORING THE IMPLEMENTATION OF THE CODE**

### *Mechanisms for monitoring the application of the Code*

The Assembly regulates the mechanisms for application and monitoring of the implementation of the Code, such as: bodies in charge of interpretation, confidential counseling, application and monitoring of the implementation of the Code, their competence, role and responsibility, composition, manner of acting and decision-making, procedure for reporting violations of the Code, the tools available to ensure the application of the Code, the measures to correct the behavior and prevent future violations of the Code, the manner of reporting on the application of the Code, etc.

### *Confidential counseling*

Confidential counseling is a tool that the MP uses in cases when there is a dilemma how to act and whether the procedure would be in accordance with the norms of the Code.

Confidential counseling helps guide MPs in the exercise of their duties to structure their actions in accordance with the Code, and can be applied as a corrective measure. What is said between the MP and the confidential advisory body is not made public.

### *Strengthening the awareness and building capacities for application of Code of Ethics*

At the beginning of his / her term, the MP is obliged to attend mandatory orientation training for the application of the Code.

The Assembly prepares Guidelines for the application of the Code, the purpose of which is to provide clarifications of the norms defined in the Code and to provide concrete examples and guidelines for what is considered desirable and expected action and behavior by MPs.

The Assembly prepares and adopts an annual program for strengthening the capacities of the Members of Parliament for the implementation of the Code, which is implemented by the Parliamentary Institute through trainings, workshops, exchange of experiences and / or mentoring sessions for the Members of Parliament.

The Assembly continuously monitors and evaluates the progress in the implementation of the Code, proposes its improvement, amendments and / or additions, in accordance with the needs, i.e. the positive legal regulations and conducts a public opinion poll on the trust in the Members of Parliament and the Assembly.