

Pursuant to Article 82 item 3 of the Constitution of Montenegro and Amendment IV paragraph 1 to the Constitution of Montenegro, the Parliament of Montenegro of the 25<sup>th</sup> convocation, at the Fifth Sitting of the Second Ordinary (Autumn) Session in 2014, on 9 December 2014, adopted:

## **Code of Ethics for MPs**

### **I GENERAL PROVISIONS**

#### **Subject of the Code of Ethics**

##### Article 1

Code of Ethics for MPs (hereinafter referred to as “the Code”) establishes ethical principles and standards of conduct expected of all MPs in undertaking their duties.

#### **Purpose of the Code**

##### Article 2

The aim of the Code is affirmation, preservation and improvement of dignity and reputation of Members of the Parliament of Montenegro (hereinafter referred to as “the Parliament”) and strengthening public confidence in the Parliament.

### **II ETHICAL PRINCIPLES AND RULES**

#### **General Ethical Principles**

##### Article 3

In undertaking their duties, MPs are obliged to act in accordance with general ethical principles and rules of conduct, such as: objectivity, responsibility, mutual respect and appreciation and respect for the reputation of the Parliament.

#### **Objectivity**

##### Article 4

In undertaking their duties as well as in reaching decisions, MPs are obliged to perform their duties without prejudices and discrimination on the basis of race, religion, sex, nationality, age, marital status, sexual orientation, social and financial status or any other diversity, respecting and preserving human rights and freedoms.

#### **Accountability**

##### Article 5

MPs are obliged to perform their duties in accordance with basic moral principles and standards of professional behaviour.

In undertaking their duties, MPs are obliged to act exclusively in public i.e. general interest, and not in personal or interest of individuals or groups of individuals with the aim of deriving direct or indirect personal benefit therefrom.

MPs are obliged to perform their functions conscientiously with diligence, openness and a willingness to account for their decisions, actions and behaviour.

## **Mutual Respect and Courtesy**

### **Article 6**

In undertaking their duties, MPs are obliged, with utmost diligence and sense of personal accountability, to respect personality of all individuals and the Parliament, avoiding any action which may undermine their integrity and dignity.

In mutual communication, as well as in communication with other persons and public, MPs are obliged to act in all situations with respect and courtesy, avoiding terms which might insult or disparage another person or a group, respecting in that manner equal rights for everyone in respect of political determination, nation, sex, etc.

In undertaking their duties, MPs have a right to be protected from conduct which represents, or is aimed to, violation of their personality or dignity.

## **Respect of the Reputation of the Parliament**

### **Article 7**

MPs are obliged, in any occasion, not to damage the reputation of other MPs and reputation of the Parliament, through conduct, written and spoken word.

A person who has a right to participate in the discussion, representatives of the Government, civil sector and each person who has a right to attend Parliament's sittings and working bodies' meetings are obliged to behave in the manner which does not damage the reputation of the Parliament, and other MPs and participants.

## **III RULES OF CONDUCT IN CARRYING OUT PARLIAMENTARY DUTIES**

### **Conduct of MPs**

#### **Article 8**

MPs have to respect the rules of conduct, and particularly:

- to respect the rules of conduct from the Code, when they participate in other events as representatives of the Parliament;
- in any occasion, while carrying out parliamentary duties, to treat everybody with respect and equally;
- to behave with dignity of an MP, take care of principles of professional ethics and general culture, thus giving a positive example to the public;
- to maintain good and collegial relationships with Parliamentary staff and persons engaged in the MP groups;

- to respect the rules of business dress code and be appropriately dressed in all occasions.

### **Rules of Conduct in a Sitting/Meeting**

#### Article 9

MPs are obliged to uphold the rules of conduct, in order to provide the maintenance of order at sittings of the Parliament, meetings of working bodies or commissions, and in particular:

- to respect and protect fundamental rights provided by the Constitution of Montenegro, law and the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- not to use words and phrases that may offend or disparage others, or their synonym expressions that offend human dignity and encourage hatred, intolerance and violence and to condemn any conduct which encourages thereof;
- to be focused, during the discussion, on the topic being discussed;
- not to interrupt the speaker, or disrupt the course of the sitting/meeting in any other way;
- not to talk at the sitting/meeting unless it is necessary, provided that it does not distract the course of the sitting/meeting;
- not to use a computer in a manner that distracts the course of the sitting/meeting;
- not to use a mobile phone, in a manner that distracts the course of the sitting/meeting.

### **Conflicts of Interest**

#### Article 10

MPs are obliged to comply with the provisions relating to prevention of conflict of public and private interests.

### **Prohibition of Corruption**

#### Article 11

In undertaking their duties, MPs are obliged to comply with provisions relating to the prohibition of corruption and avoid any behaviour that - according to the current or international law - could be characterised as acts of corruption or breaching the rules of the Code.

## **IV PUBLIC RELATIONS**

### **Relations with Citizens**

#### Article 12

MPs are obliged to responsibly treat all citizens during their term of office.

### **Relations with Media**

#### Article 13

MPs are called to diligently reply to the questions of the media regarding performance of their duties and reasons for their actions, but they are not obliged to provide information relating to their private lives.

MPs do not have the right to disclose information regarding the private lives of other MPs or other persons, as well as information regarding the keeping of official, professional or other secrets, whose confidentiality was determined in accordance with the Law on Data Confidentiality.

MPs are obliged to stimulate and promote each measure that increases openness to the public.

## **V OVERSIGHT OVER IMPLEMENTATION AND MONITORING OF COMPLIANCE WITH THE CODE**

### **Manner of Work Article 14**

Oversight over implementation and monitoring of compliance with the Code is under the competence of the Committee on Human Rights and Freedoms (hereinafter referred to as the “Committee”).

Deputy Chairperson of the Committee calls the Committee meeting and proposes the agenda with the acts relating to breaches of the Code.

The Committee is obliged to keep records on all its activities and make the annual Performance Report (hereinafter referred to as the “Report”).

The Parliament may consider the Committee’s Report once a year.

## **VI REPORT ON VIOLATIONS OF THE CODE AND PROCEEDINGS ON REPORT**

### **Violation of the Code Article 15**

#### **Minor violations of the Code are:**

- Unjustified absence from the sessions of the Parliament and meetings of its working bodies;
- disrupting the session or the meeting and interrupting the speaker;
- Non-compliance with the rules of business dress code in all occasions.

#### **Major violations of the Code are:**

- Failure to comply with the Constitution and the law;
- Acting in their personal interests, the interests of individuals or groups of individuals, in order to gain direct or indirect benefits;
- Violation of human rights and freedoms and the principle of equality;
- The use of words, phrases, or their synonyms, which belittle others persons and insult their dignity;
- Incitement to hatred, intolerance and violence; and
- Conduct contrary to the principles of professional ethics and general culture.

### **Filing a Report and Initiating Proceedings Article 16**

Proceedings due to violation of the Code are initiated by a report which must contain first name and family name of the person filing the report, contact address and personal signature.

Report on violation of provisions of the Code may be submitted by the person presiding over the Parliament, any member of the Parliament, Collegium of the President of the Parliament, Head of MP Group or an MP authorised by the Head of MP Group.

The report is filed with the Committee, in writing, with an explanation pointing out the possible violation of the Code.

The person who filed the report is obligated to submit, along with the explained report, written and other evidence as well, based on which the Committee will determine basis for statements from the explanation.

Following the carried out proceedings, if the existence of violation of Code provisions is determined, prescribed measures are imposed.

An anonymous report will be considered disordered.

If the Committee concludes that the report is incomplete or not clear enough, it may request additional information from the person who filed the report, before proceeding.

Disordered, untimely, and incomplete reports will be dismissed by the Committee.

If the Committee determines, through statements in the report, that there is no evidence of violation of the Code provisions, the report is dismissed as unfounded, and the person who filed the report is notified in writing.

If the Committee receives a report relating to violation of the law, it is obliged to notify the person who filed the report that such offence falls under the competence of court authorities.

## **Proceedings**

### **Article 17**

Within proceedings, a discussion must be held where MPs against whom the report is filed, has the right to express his view of the facts and circumstances indicated in the report.

The Committee may also invite to a discussion possible witnesses, if that is in the interest of determining facts.

If the Committee determines that there is no grounds for proceeding further, it will terminate the proceedings for determining the responsibility of MPs, against whom the report is filed.

If the Committee determines that the statements of the person who filed the report are unfounded, and they are made in order to politically discredit MPs, the measure of public reprimand or removal from the session or meeting will be imposed on the person who filed the report.

## **Deciding**

### **Article 18**

The Committee is obligated to decide within 30 days since the day of filing of the report.

Against the decision, imposing measures for violation of the Code, MPs may file an appeal to the Collegium of the President of the Parliament, within eight days since the day of receiving the report.

The deadline for deciding upon the appeal is 30 days since the filing of the appeal.

The decision upon appeal is final.

## **Measures for Violation of the Code**

### **Article 19**

Non-compliance with the Code may result in imposing of the following measures: reprimands, public reprimands and removal from the session or meeting.

## **Imposing Measures and Sanctions**

### **Article 20**

For minor violations of the Code, the measure of reprimand is imposed.

For major violations of the Code, the measures include public reprimands or removal from the session or meeting of the working body.

Measure of removal may be imposed lasting: from one working day, five working days or as many working days as there is until the end of the session of the Parliament.

Measure of removal from the session of the Parliament or meeting of the working body is imposed by the president or the chairperson, and it relates to the day it was imposed. The imposed measure is entered into minutes of the meeting.

Measures from Article 19 of the Code are imposed by the Committee, apart from the measure of removal lasting one working day from paragraph 4 of this Article.

In the event that upon filing of a report on violation of the Code the proceedings are initiated on the same matter under the regulations relating to the prevention of conflict of interest, the fight against corruption, or criminal proceedings are initiated, the proceedings before the Committee will be discontinued.

## **Statute of Limitations**

### **Article 21**

Initiating proceedings due to violation of the Code is subject to statute of limitations within six months from the day the violation was made.

## **VII OPENNESS OF THE CODE**

### **Article 22**

The Code is published on the webpage of the Parliament.

The Committee decision is published on the webpage of the Parliament, lasting 30 days.

## **VIII TRANSITIONAL PROVISIONS**

### **Article 23**

The terms in the Code used for natural persons in male gender are also used to refer to the same terms in the female gender.

### **Article 24**

This Code also refers to public officials employed in the Parliament.

### **Article 25**

The Committee drafts a form of the Ceremonial Statement.

## **IX FINAL PROVISIONS**

**Statement  
Article 26**

After assuming the office, MPs sign the Ceremonial Statement expressing their willingness to act in accordance with the provisions of the Code while in office.

**Article 27**

MPs whose terms of office are ongoing will sign the Ceremonial Statement after this Code enters into effect.

**Entering into Effect  
Article 28**

This Code shall enter into effect eight days after being published in the Official Gazette of Montenegro.

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Podgorica, 9 December 2014

PARLIAMENT OF MONTENEGRO OF THE 25<sup>TH</sup> CONVOCATION

P R E S I D E N T

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