



Indicators for Democratic Parliaments

Indicator 1.2: Members of parliament

About this indicator

The effectiveness of parliament is strongly dependent on the ability of MPs to effectively perform the core parliamentary functions. This indicator covers a number of factors that contribute to this effectiveness, namely arrangements for taking up and leaving office, parliamentary non-accountability and inviolability, incompatibility of office, the remuneration, support and resources available to MPs, and ongoing professional development opportunities.

This indicator comprises the following dimensions:

- Dimension 1.2.1: Status of members of parliament
- Dimension 1.2.2: Non-accountability and inviolability
- Dimension 1.2.3: Incompatibility of office
- Dimension 1.2.4: Access to resources
- Dimension 1.2.5: Professional development

The Indicators for Democratic Parliaments are a multi-partner initiative coordinated by the Inter-Parliamentary Union (IPU), in partnership with the Commonwealth Parliamentary Association (CPA), Directorio Legislativo Foundation, Inter Pares / International IDEA, the National Democratic Institute (NDI), the United Nations Development Programme (UNDP), UN Women and the Westminster Foundation for Democracy (WFD).

The Indicators are published at www.parliamentaryindicators.org under the Creative Commons license [CC BY-NC-SA 4.0](https://creativecommons.org/licenses/by-nc-sa/4.0/).

Dimension 1.2.1: Status of members of parliament

This dimension is part of:

- Indicator 1.2: Members of parliament
- Target 1: Effective parliament

About this dimension

This dimension concerns the arrangements by which MPs formally take up and/or leave office, as reflected in provisions of the legal framework and/or in rules of procedure. These provisions should be clear and should not unreasonably impede a duly elected (or appointed) MP from taking up and continuing in office until the completion of their term. MPs should expect that, once they have taken up office, they will continue for a full term.

In bicameral parliaments, there may be different rules on the taking-up and leaving of office, and on the duration of MPs' term of office, for each chamber. In some countries, there are provisions for an MP to resign before their term of office expires, or to be removed from office in line with a recognized process or procedure.

Forfeiture of an MP's office pursuant to a judicial decision, usually termed "disqualification", is a practice that exists in almost all countries. Where the legal framework provides for the termination of an MP's office, the relevant provisions should be clearly defined, leaving no ambiguity as to the process and to the court or tribunal by whose judgement the office may be terminated. Similarly, the provisions should specify the severity of the penalty leading to termination. MPs should not be subject to political attempts to remove them from office.

This dimension also addresses what happens to an MP's seat when they voluntarily leave, or are expelled from, their political party. Although rules and practice in this matter significantly differ across parliaments, three main scenarios can be observed:

- The seat is held by the political party, and the MP who leaves their party loses their seat.
- The seat is held personally by the MP, who keeps their seat regardless of whether or not they are in the same political party as when they were elected.
- The seat belongs neither to the party nor to the individual MP, and when an MP leaves their political party, a by-election must be held to fill the seat.

Aspiring goal

Based on a global comparative analysis, an aspiring goal for parliaments in the area of “status of members of parliament” is as follows:

There are clearly defined provisions on the taking-up and leaving of office by MPs, and on the duration of MPs’ term of office.

Duly elected MPs are entitled to participate fully in the proceedings of parliament.

Clear, formal provisions are in place for MPs who wish to voluntarily resign from office.

The situations in which an MP can be removed from office before their term expires are limited, specific and precisely defined.

Individual MPs cannot lose their seat as a result of expressing views that differ from those of their political party.

Parliament has clear and impartial rules and procedures governing cases where an MP leaves their political party during their term of office.

Assessment

This dimension is assessed against several criteria, each of which should be evaluated separately.

For each criterion, select one of the six descriptive grades (Non-existent, Rudimentary, Basic, Good, Very good and Excellent) that best reflects the situation in your parliament, and provide details of the evidence on which this assessment is based.

The evidence for assessment of this dimension could include the following:

- Provisions of the legal framework and/or rules of procedure relating to the taking-up and leaving of office by MPs
- Provisions of the legal framework and/or rules of procedure relating to the swearing-in of MPs
- Practices relating to the taking-up or leaving of office of MPs, or assessments by independent and credible organizations

Where relevant, provide additional comments or examples that support the assessment.

Assessment criterion 1: Term of office

Provisions of the legal framework and/or rules of procedure clearly define when duly elected or appointed MPs take up and leave office.

Non-existent	Rudimentary	Basic	Good	Very good	Excellent
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evidence for this assessment criterion:					

Assessment criterion 2: Swearing-in of MPs

The legal framework provides for the swearing-in of MPs so that they can participate fully in the proceedings of parliament. The relevant provisions are non-discriminatory; for example, they do not require MPs to take a religious oath against their conscience.

Non-existent	Rudimentary	Basic	Good	Very good	Excellent
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evidence for this assessment criterion:					

Assessment criterion 3: Ending the mandate before the end of the term

Clear, formal provisions establish the process by which an MP's mandate may end before the end of their term. These provisions include a clearly defined process for MPs to voluntarily resign. Where there are provisions for involuntary leaving of office – such as expulsion by parliament, incompatibility of office, or disqualification – such provisions are limited, specific and implemented in accordance with due-process standards.

Non-existent	Rudimentary	Basic	Good	Very good	Excellent
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evidence for this assessment criterion:					

Assessment criterion 4: Leaving a political party

Clear, formal provisions are in place for cases where MPs leave, or are expelled from, their political party before their term of office expires. Individual MPs cannot lose their seat as a result of expressing views that differ from those of their political party.

Non-existent	Rudimentary	Basic	Good	Very good	Excellent
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evidence for this assessment criterion:					

Recommendations for change

Use this space to note down recommendations and ideas for strengthening rules and practice in this area.

Dimension 1.2.2: Non-accountability and inviolability

This dimension is part of:

- Indicator 1.2: Members of parliament
- Target 1: Effective parliament

About this dimension

This dimension concerns the legal protections that allow MPs to carry out their parliamentary duties freely and without concern about possible legal action. The ability of MPs to speak freely is fundamental to the ability of parliament to perform its core functions. These protections, which are known as “parliamentary non-accountability”, can normally never be lifted. They should also be extended to former MPs in respect of their previous participation in parliamentary proceedings.

Some jurisdictions also provide MPs with varying degrees of protection against detention and arrest, whether or not the potential legal action against relates directly to exercise of their parliamentary duties. In this scenario, which is known as “parliamentary inviolability”, parliament needs to lift the immunity before an MP can be arrested or detained, or before their office can be searched.

The strict application of parliamentary inviolability in situations in which an MP is accused of something which has little or nothing to do with the exercise of their parliamentary duties can lead to unfair consequences for victims, who should have access to an effective remedy. At the same time, a criminal charge might be brought against an MP for the sole purpose of silencing them. A careful balance is therefore required between protecting MPs and upholding the principle that all people should be treated equally before the law.

Aspiring goal

Based on a global comparative analysis, an aspiring goal for parliaments in the area of “non-accountability and inviolability” is as follows:

Parliamentary non-accountability is established in the legal framework, which contains clear provisions that protect MPs from legal reprisals for the votes they cast, and for the words they express both within and outside parliament in connection with the exercise of their parliamentary duties. This non-accountability can never be lifted.

Parliamentary inviolability is established in the legal framework, under which parliament must give its consent before an MP can be arrested, detained and/or prosecuted. The only exceptions are situations of *in flagrante delicto* and situations in which an MP’s alleged wrongdoing is unrelated to the exercise of their parliamentary duties.

Due process is followed throughout the procedure for lifting parliamentary inviolability. The MP in question can defend themselves and is heard before the decision on whether or not to lift the inviolability is taken. Parliament, or its relevant committee, reviews the lifting request carefully and only agrees to do so if it is convinced that the proposed legal action is grounded in law and supported by evidence.

MPs are able to claim in court that they were not caught *in flagrante delicto* and/or that the charge brought against them relates to the exercise of their parliamentary duties and, therefore, that the legal action taken against them should have required the lifting of inviolability first. Likewise, a victim of wrongdoing by an MP is able to claim in court that the wrongdoing does not relate to the exercise of the MP’s parliamentary duties.

The legal provisions on parliamentary inviolability are implemented in such a way that MPs are both adequately protected when needed, but also prosecuted when justified. No majority in parliament should shield an MP from criminal action when there are clear reasons for prosecution. Similarly, no

majority in parliament should lift the inviolability of an MP when such a decision does not appear to be justified.

Assessment

This dimension is assessed against several criteria, each of which should be evaluated separately. For each criterion, select one of the six descriptive grades (Non-existent, Rudimentary, Basic, Good, Very good and Excellent) that best reflects the situation in your parliament, and provide details of the evidence on which this assessment is based.

The evidence for assessment of this dimension could include the following:

- Provisions concerning parliamentary non-accountability
- Provisions placing restrictions on the detention and arrest of MPs in connection with alleged wrongdoing related to the exercise of their parliamentary duties
- Provisions protecting of the rights of others directly affected by the (alleged) wrongdoing of MPs which is unrelated to the exercise of their parliamentary mandate

Where relevant, provide additional comments or examples that support the assessment.

Assessment criterion 1: Legal provisions on parliamentary non-accountability

The legal framework contains strongly entrenched provisions on parliamentary non-accountability for MPs, covering votes cast and expressions made both within and outside parliament. This protection is also extended to former MPs in respect of their previous participation in parliamentary proceedings. It can never be lifted.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
--	---	-----------------------------------	----------------------------------	---------------------------------------	---------------------------------------

Evidence for this assessment criterion:

Assessment criterion 2: Restrictions on MPs' freedom of speech

Any restrictions on the free expression of views by MPs both within and outside parliament are clearly defined in the legal framework and are limited to matters such as maintaining order and decorum in the chamber, and eliminating hate speech.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
--	---	-----------------------------------	----------------------------------	---------------------------------------	---------------------------------------

Evidence for this assessment criterion:

Assessment criterion 3: Legal provisions on parliamentary inviolability

The legal framework contains strongly entrenched provisions restricting the arrest or detention of MPs, and/or searches of their person and their personal/working space, without parliamentary consent. Such consent is always required when an MP faces legal action in connection the exercise of their parliamentary duties.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
--	---	-----------------------------------	----------------------------------	---------------------------------------	---------------------------------------

Evidence for this assessment criterion:

Assessment criterion 4: Parliamentary inviolability in practice

Parliament follows due process when it receives a request to lift the inviolability of an MP, including by allowing them to present a defence and by carefully reviewing the legal and factual soundness of the request. The legal framework governing the inviolability of MPs is implemented in a clear and unambiguous manner. MPs, regardless of political affiliation, are not faced with politically motivated legal action.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
--	---	-----------------------------------	----------------------------------	---------------------------------------	---------------------------------------

Evidence for this assessment criterion:

Recommendations for change

Use this space to note down recommendations and ideas for strengthening rules and practice in this area.

Dimension 1.2.3: Incompatibility of office

This dimension is part of:

- Indicator 1.2: Members of parliament
- Target 1: Effective parliament

About this dimension

This dimension concerns limits on the additional offices or roles that an MP can occupy while holding parliamentary office. Known as “incompatibilities of office”, these limits are primarily aimed at preventing MPs from breaching the principle of the separation of powers that exists in many political systems, thereby guaranteeing the independence of parliament. They also are designed to ensure that MPs are in a position to devote their time and effort principally to the performance of their responsibilities as MPs, and to reduce the opportunity for conflicts of interest.

In many jurisdictions, MPs are typically unable to:

- hold office in both chambers of bicameral parliaments
- hold office as a member of the judiciary
- hold office in the civil service of the executive branch
- hold ministerial office in some jurisdictions with a very clear separation of powers

Private-sector employment or roles are generally seen as compatible and are permitted. However, some parliaments impose limits relating to private contracts with the government, or to roles with foreign companies or international organizations, as well as to service on boards and to the representation of special interests.

Where incompatibility arises, MPs are normally expected resolve the issue by resigning from the incompatible office. The holding of an incompatible office in some jurisdictions can lead to (automatic) disqualification as an MP or from the incompatible office. In some jurisdictions, there is some flexibility for MPs to continue to hold office in the civil service, and to be recognized as being on “leave” from that role when performing their duties as an MP. Such exceptions should be clearly defined, limited and implemented impartially.

See also *Indicator 2.1: Parliamentary ethics*.

Aspiring goal

Based on a global comparative analysis, an aspiring goal for parliaments in the area of “incompatibility of office” is as follows:

The legal framework places limits on MPs holding offices that are incompatible with their role as an MP, such as being a member of both houses in a bicameral parliament, holding judicial office or holding office in the civil service.

Where incompatibilities of office arise, provisions and processes are in place for the issue to be resolved quickly, by the MP either resigning from the incompatible office or being disqualified from holding their parliamentary office.

The legal framework and parliamentary practices effectively protect against the possibility of conflicts of interest arising from incompatibility of office, and against any unnecessary diversion of MPs from their duties. Parliament maintains and publishes data on the other offices and roles held by MPs.

Assessment

This dimension is assessed against several criteria, each of which should be evaluated separately.

For each criterion, select one of the six descriptive grades (Non-existent, Rudimentary, Basic, Good, Very good and Excellent) that best reflects the situation in your parliament, and provide details of the evidence on which this assessment is based.

The evidence for assessment of this dimension could include the following:

- Provisions of the legal framework concerning the holding of incompatible offices
- Provisions of the legal framework enabling MPs to resolve incompatibility-of-office issues quickly, and the supporting processes
- Provisions limiting the holding of private-sector roles by MPs to prevent conflicts of interest and diversion from their responsibilities as an MP
- Data on MPs holding other offices and roles

Where relevant, provide additional comments or examples that support the assessment.

Assessment criterion 1: Legal framework

The legal framework places specific limits on MPs holding incompatible offices, such as being a member of both houses in a bicameral parliament, holding judicial office or holding office in the civil service.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
Evidence for this assessment criterion:					

Assessment criterion 2: Resolution of incompatibility of office

The legal framework enables MPs to quickly resolve incompatibility-of-office issues when they arise, and supporting processes are in place for this purpose.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
Evidence for this assessment criterion:					

Assessment criterion 3: Practice

In practice, rules and provisions on the incompatibility of office of MPs are implemented fully and impartially. Parliament publishes data on other offices and roles held by MPs.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
--	---	-----------------------------------	----------------------------------	---------------------------------------	---------------------------------------

Evidence for this assessment criterion:

Recommendations for change

Use this space to note down recommendations and ideas for strengthening rules and practice in this area.

Dimension 1.2.4: Access to resources

This dimension is part of:

- Indicator 1.2: Members of parliament
- Target 1: Effective parliament

About this dimension

This dimension concerns the remuneration and resources available to MPs to enable them to perform their duties. This includes MPs' salary and any parliamentary allowances, as well as access to the staff, facilities and other resources they need to support their work.

MPs should be adequately remunerated and resourced for the following reasons:

- To ensure that all citizens, regardless of their means, can stand as an MP
- To ensure that MPs have sufficient means of livelihood to be able to focus on their parliamentary responsibilities
- To ensure that MPs have adequate support to carry out quality work and undertake their responsibilities effectively

Different jurisdictions have widely differing levels of, and approaches to, remuneration and allowances. MPs' remuneration and allowances are likely to include a salary, subsistence and travel allowances, additional allowances depending on the office held, and pension arrangements.

Remuneration and allowances should in all cases be adequate for their purpose and be made available fairly to all MPs. Increasingly, they are determined independently by a body outside parliament in order to enhance the legitimacy and transparency of the process.

In almost all parliaments, MPs have also access to facilities and other resources. These could include computing and other equipment, communication tools, official transport and constituency offices. Many parliaments also provide funding for MPs to hire staff to work directly for them.

In addition, MPs are able to draw upon expert services provided by the parliamentary administration, such as research services and budget offices. Access to these services should be granted fairly and in a non-partisan manner

See also *Dimension 1.5.3: Expert and administrative support*.

Aspiring goal

Based on a global comparative analysis, an aspiring goal for parliaments in the area of "access to resources" is as follows:

Parliament has clear and impartial rules and procedures governing access to resources for MPs, including remuneration and allowances.

The resources available to MPs are adequate to support their work.

All MPs, irrespective of their political party, have access to a fair and proportional level of resources, including staff.

Assessment

This dimension is assessed against several criteria, each of which should be evaluated separately.

For each criterion, select one of the six descriptive grades (Non-existent, Rudimentary, Basic, Good, Very good and Excellent) that best reflects the situation in your parliament, and provide details of the evidence on which this assessment is based.

The evidence for assessment of this dimension could include the following:

- Rules and procedures governing access to resources for MPs
- Feedback from MPs about the adequacy of remuneration, allowances, staff and resources
- Independent reports or evidence regarding the adequacy of the remuneration, allowances, staff and resources provided to MPs
- Independent reports or evidence regarding the fair and non-partisan provision of remuneration, allowances, staff and resources to MPs

Where relevant, provide additional comments or examples that support the assessment.

Assessment criterion 1: Rules and procedures

Clear rules and procedures, possibly established in law, govern access to resources for MPs, including how these resources are determined and how MPs have to account for their use of these resources.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
Evidence for this assessment criterion:					

Assessment criterion 2: Adequacy of remuneration and allowances

MPs' remuneration and allowances are set at a level that allows any citizen, regardless of their means, to stand as an MP and to perform their duties effectively.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
Evidence for this assessment criterion:					

Assessment criterion 3: Process for determining remuneration and allowances

A proper process is in place to ensure that MPs' remuneration and allowances are determined fairly and in a non-partisan manner, possibly via an independent body or process.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
Evidence for this assessment criterion:					

Assessment criterion 4: Staff, facilities and other resources

All MPs, irrespective of their political party, have access to staff, facilities and other resources, as proportionate to parliament's circumstances and to their particular role, to enable them to perform their duties effectively.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
Evidence for this assessment criterion:					

Recommendations for change

Use this space to note down recommendations and ideas for strengthening rules and practice in this area.

Dimension 1.2.5: Professional development

This dimension is part of:

- Indicator 1.2: Members of parliament
- Target 1: Effective parliament

About this dimension

This dimension concerns the professional development opportunities available to MPs to help them perform their core functions. It covers both programmes and resources offered by parliament, and those delivered in conjunction with partner organizations. It does not include programmes developed by political parties or informal support from other MPs, although these aspects can play an important role in MPs' professional development.

MPs usually come to their roles with varied life and work experience and well-developed political skills. However, the task of being an MP requires different types of knowledge and skills, some of which are quite specialized, such as knowledge of parliamentary procedures and practices, the operation of parliamentary structures such as committees, or managing a busy constituency office.

Parliament therefore has an important responsibility to help MPs acquire knowledge and skills relating to their core responsibilities. This role is normally undertaken by, or overseen by, the parliamentary administration.

Induction programmes for new MPs are especially critical. Ideally, parliament should also have an ongoing professional development programme that provides regular training opportunities tailored to MPs' needs.

Aspiring goal

Based on a global comparative analysis, an aspiring goal for parliaments in the area of "professional development" is as follows:

All new MPs complete an induction programme when they take up office, covering their rights and responsibilities as well as the specialized knowledge and skills they need to carry out their work.

All MPs receive a comprehensive information package when they take up office.

All MPs have access to an ongoing professional development programme, which is tailored to their needs and schedules.

Assessment

This dimension is assessed against several criteria, each of which should be evaluated separately.

For each criterion, select one of the six descriptive grades (Non-existent, Rudimentary, Basic, Good, Very good and Excellent) that best reflects the situation in your parliament, and provide details of the evidence on which this assessment is based.

The evidence for assessment of this dimension could include the following:

- Induction programmes delivered to all new MPs
- Ongoing professional development programmes accessible to all MPs

- Feedback from MPs about induction or ongoing professional development programmes
- A comprehensive information package, including guides, manuals and/or handbooks, covering MPs' core responsibilities

Where relevant, provide additional comments or examples that support the assessment.

Assessment criterion 1: Induction programme

Parliament has an induction programme that is tailored to, and attended by, all new MPs, and covers key aspects of their work, rights and responsibilities. This programme is delivered or overseen by the parliamentary administration.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
--	---	-----------------------------------	----------------------------------	---------------------------------------	---------------------------------------

Evidence for this assessment criterion:

Assessment criterion 2: Comprehensive information package

All MPs receive a comprehensive information package, covering parliamentary procedures and their rights and responsibilities as MPs.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
--	---	-----------------------------------	----------------------------------	---------------------------------------	---------------------------------------

Evidence for this assessment criterion:

Assessment criterion 3: Ongoing professional development

All MPs have access to an ongoing professional development programme, which is developed in consultation with MPs and tailored to their needs.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
--	---	-----------------------------------	----------------------------------	---------------------------------------	---------------------------------------

Evidence for this assessment criterion:

Recommendations for change

Use this space to note down recommendations and ideas for strengthening rules and practice in this area.