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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**COMPARATIVE TABLE**  
**ON THE LIFTING OF PARLIAMENTARY IMMUNITY**









# Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDL-REF(2012)040-KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

A	B	C	D	E	F	G	H	I
<b>Non-liability</b>								
Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis <sup>2</sup>	persons covered	Duration of immunity <sup>2</sup>	Can immunity be lifted? By whom? Procedure for lifting immunity <sup>2</sup>
1								
2								
3								
4	<p>Article 66 of the Constitution A Deputy, during and after the term of his parliamentary powers, may not be prosecuted and held liable for actions arising from his status, including the opinions expressed by him in the National Assembly, provided these are not insulting or defamatory.</p>	<p>MPs</p>	<p>During and after the term of the mandate</p>	<p>No</p>	<p>Article 66(3 and 4) of the Constitution A Deputy may not be accused, detained or subjected to administrative liability through a judicial procedure without the consent of the National Assembly. A Deputy may not be arrested without the consent of the National Assembly except for cases when he is arrested while committing the act of crime. In such a case the Chairman of the National Assembly shall be immediately notified.</p>	<p>MPs</p>	<p>Limited to the length of the mandate</p>	<p>Article 66 of the Constitution: Yes, by the National Assembly A Deputy may not be accused, detained or subjected to administrative liability through a judicial procedure without the consent of the National Assembly. A Deputy may not be arrested without the consent of the National Assembly except for cases when he is arrested while committing the act of crime. In such a case the Chairman of the National Assembly shall be immediately notified.</p>
9	<p>Armenia</p>	<p>MPs</p>	<p>During and after the term of the mandate</p>	<p>No</p>	<p>Article 98 of the Rules of Procedure of the National Assembly (1) The motion on giving consent to arresting a deputy, involving him/her as accused, remanding him/her in custody or subjecting him/her to administrative liability by a judicial procedure is submitted by the Prosecutor General to the Chairperson of the National Assembly, who immediately notifies the deputy of this and ensures that the motion is distributed to the Deputies in the building of the National Assembly. (3) If the Deputy indicated in the motion is not present at the sitting (is not registered in accordance with the established procedure) when the debate on the issue begins and s/he has not notified the Chairperson of the National Assembly of the reason for his/her absence in advance, or s/he has notified the Chairperson of the National Assembly, but the latter has not considered it to be a good reason, then the issue is debated by the National Assembly without the Deputy's participation. (4) The resolutions of the National Assembly on giving consent to arresting a deputy, involving him/her as accused, remanding him/her in custody or subjecting him/her to administrative liability by a judicial procedure are adopted by secret ballot and by the majority of the number of the voting Deputies if more than half of the total number of the Deputies have voted them.</p>	<p>MPs</p>	<p>Limited to the length of the mandate</p>	<p>Article 98 of the Rules of Procedure of the National Assembly (1) The motion on giving consent to arresting a deputy, involving him/her as accused, remanding him/her in custody or subjecting him/her to administrative liability by a judicial procedure is submitted by the Prosecutor General to the Chairperson of the National Assembly, who immediately notifies the deputy of this and ensures that the motion is distributed to the Deputies in the building of the National Assembly. (3) If the Deputy indicated in the motion is not present at the sitting (is not registered in accordance with the established procedure) when the debate on the issue begins and s/he has not notified the Chairperson of the National Assembly of the reason for his/her absence in advance, or s/he has notified the Chairperson of the National Assembly, but the latter has not considered it to be a good reason, then the issue is debated by the National Assembly without the Deputy's participation. (4) The resolutions of the National Assembly on giving consent to arresting a deputy, involving him/her as accused, remanding him/her in custody or subjecting him/her to administrative liability by a judicial procedure are adopted by secret ballot and by the majority of the number of the voting Deputies if more than half of the total number of the Deputies have voted them.</p>

# Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 687/2012, CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

## Non-liability

## Inviolability

A	B	C	D	E	F	G	H	I
Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
1								
2								
3								
4	<p>Constitution (Arts. 57, 58, 96); Rules of Procedure of Chambers and regional Diets:</p> <p>Article 57 of the Federal Constitutional Act governs the immunity of the Members of the Nationalrat. Section 10 of the Federal Act on the Rules of Procedure of the Nationalrat is essentially the same in content as Article 57 of the Federal Constitutional Act, and Section 80 of the Rules of Procedure governs procedure in matters relating to immunity.</p> <p>The deputy is liable only to the chamber of which he is a member and can be the subject of disciplinary measures only at the discretion of the Speaker of the Chamber, such as the call to order and curtailment of speaking time.</p>	<p>Members of the First Chamber (Nationalrat), the Second Chamber (Bundesrat) and regional Diets (Landtage).</p>	<p>Immunity is dependent on membership of the Nationalrat or Bundesrat and therefore ceases with such membership.</p>	<p>Art. 57(3) Legal action on the ground of a criminal offence may otherwise without the National Council's consent be taken against members of the National Council only if it is manifestly not connected with the political activity of the member in question. The authority concerned must however seek a decision by the National Council on the existence of such a connection if the member in question or a third of the members belonging to the Standing Committee entrusted with these matters so demands. Every act of legal process shall in the case of such a demand immediately cease or be discontinued.</p>	<p>Constitution (Arts. 57, 58, 96); Rules of Procedure of Chambers and regional Diets: Article 57 of the Federal Constitutional Act governs the immunity of the Members of the Nationalrat. Section 10 of the Federal Act on the Rules of Procedure of the Nationalrat is essentially the same in content as Article 57 of the Federal Constitutional Act, and Section 80 of the Rules of Procedure governs procedure in matters relating to immunity.</p>	<p>Members of the First Chamber (Nationalrat), the Second Chamber (Bundesrat) and regional Diets (Landtage).</p>	<p>Protection is provided from the start to the end of the mandate (Art. 57(6) of the Constitution, S. 10(6) of the Federal Law on the Rules of Procedure of the National Council)</p>	<p>Yes, in principle with the final approval of the Chamber after the Standing Committee on Immunities has expressed an opinion. Requests for consent to the prosecution of a Member of Parliament by an authority are forwarded to the Committee on Immunities of the appropriate representative body for preliminary consideration. The committee must report to the plenary in time for the request to be put to the vote not later than the penultimate day of an eight-week period, after which consent to the prosecution is deemed to have been given. (Art. 57(2) of the Constitution, S. 10(2) of the Federal Law on the Rules of Procedure of the National Council);</p> <p>Competent authority: the National Council ; the corresponding Standing Committee (during recess)</p> <p>- Procedure (Art. 57(4) of the Constitution, S. 10(4) of the Federal Law on the Rules of Procedure of the National Council)</p>

# Comparative Table on the lifting of parliamentary immunity

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## Inviolability

### Non-liability

A	B	C	D	E	F	G	H	I	
Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2	
4	<p>Article 91 of the Constitution. Prohibition on institution of proceedings against deputies of Milli Majlis of the Azerbaijan Republic</p> <p>Deputies of Milli Majlis of the Azerbaijan Republic cannot be made responsible for their activity in Milli Majlis of the Azerbaijan Republic, voting in Milli Majlis of the Azerbaijan Republic and statements made in Milli Majlis of the Azerbaijan Republic. Without the deputies' consent, in connection with such cases, they are not obliged to give explanations and evidence.</p>	MPs	during the whole term of his powers	Can immunity be lifted? By whom? Procedure for lifting immunity	<p>Article 90 of the Constitution</p> <p>(I) A deputy of Milli Majlis of the Azerbaijan Republic enjoys immunity during the whole term of his powers. Except cases when the deputy may be caught in the act of crime, the deputy of Milli Majlis of the Azerbaijan Republic may not be called to criminal responsibility during the whole term of his/her authority, arrested, disciplinary measures may not be applied to him by law court, he may not be searched. The deputy of Milli Majlis of the Azerbaijan Republic may be arrested only if he/she has been caught at a place of crime. In such case the body which detained the deputy of Milli Majlis of the Azerbaijan Republic must immediately notify General Procurator of the Azerbaijan Republic about the fact.</p> <p>(II) Immunity of deputy of Milli Majlis of the Azerbaijan Republic might be stopped only by decision of Milli Majlis of the Azerbaijan Republic based on application of General Procurator of the Azerbaijan Republic.</p>	MPs	during the whole term of his powers	<p>Immunity can be lifted by decision of Milli Majlis: Constitution Art. 90(I)</p> <p>(I) Immunity of deputy of Milli Majlis of the Azerbaijan Republic might be stopped only by decision of Milli Majlis of the Azerbaijan Republic based on application of General Procurator of the Azerbaijan Republic.</p> <p>Competent authority: Disciplinary Commission of Milli Majlis (Art. 41 Internal Regulations of Milli Majlis)</p> <p>The deputy of Milli Majlis of the Azerbaijan Republic may be arrested only if he/she has been caught at a place of crime. In such case the body which detained the deputy of Milli Majlis of the Azerbaijan Republic must immediately notify General Procurator of the Azerbaijan Republic about the fact.</p>	
11	<p>House of Representatives (Art. 102(1) of the Constitution Council of the Republic</p> <p>(Art. 102(1) of the Constitution).</p> <p>House of Representatives Parliamentary non-accountability applies to words spoken and written by MPs both within and outside Parliament.</p> <p>• Derogations: charges of slander and insult (Art. 102(1) of the Constitution); use of rude or insulting words, call for illegal and violent action (see Discipline)</p> <p>Council of the Republic Parliamentary non-accountability applies to words spoken and written by MPs both within and outside Parliament.</p> <p>• Derogations: slander and insult (Art. 102(1) of the Constitution); use of rude or insulting words, call for illegal and violent action</p>	Members of Council of the Republic	House of Representatives Non-accountability takes effect on the day when the mandate begins and ends, after the expiry of the mandate, prosecution for opinions expressed during the mandate. Council of the Republic Non-accountability takes effect on the day when the mandate begins and ends, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate	Can immunity be lifted? By whom? Procedure for lifting immunity	<p>House of Representatives/ Council of the Republic</p> <p>Art. 102(2) and (3) of the Constitution.</p> <p>It applies to criminal and civil proceedings and covers all offences with the exception of State treason and other very serious crimes. It protects MPs only from arrest and from being held in preventive custody, not from the opening of judicial proceedings against them and from their homes being searched. However, when criminal proceedings are instituted, a special procedure applies (trial by the Supreme Court).</p> <p>• Derogations: in case of flagrante delicto, the protection does not apply (Art. 102(2) of the Constitution).</p> <p>• The current state of law does not provide an answer to the question of parliamentary inviolability preventing MPs from being called as witnesses before a judge or tribunal.</p>	Representatives; members of Council of the Republic	House of Representatives	<p>House of Representatives</p> <p>• Protection is provided from the start to the end of the mandate. Since it does not cover judicial proceedings in general, it does not cover judicial proceedings instituted against MPs before their election.</p> <p>Council of the Republic Protection is provided from the start to the end of the mandate. Since it does not cover judicial proceedings in general, it does not cover judicial proceedings instituted against MPs before their election.</p>	<p>House of Representatives</p> <p>• Parliamentary immunity (inviolability) can be lifted (Art. 102(2) of the Constitution):</p> <p>• Competent authority: the House of Representatives Council of the Republic</p> <p>Parliamentary immunity (inviolability) can be lifted (Art. 102(2) of the Constitution):</p> <p>• Competent authority: the Council of the Republic</p> <p>House of Representatives/ Council of the Republic</p> <p>• Procedure: in this case, MPs can be heard, but do not have means of appeal.</p>
12	<p>House of Representatives (Art. 102(1) of the Constitution Council of the Republic</p> <p>(Art. 102(1) of the Constitution).</p> <p>House of Representatives Parliamentary non-accountability applies to words spoken and written by MPs both within and outside Parliament.</p> <p>• Derogations: charges of slander and insult (Art. 102(1) of the Constitution); use of rude or insulting words, call for illegal and violent action (see Discipline)</p> <p>Council of the Republic Parliamentary non-accountability applies to words spoken and written by MPs both within and outside Parliament.</p> <p>• Derogations: slander and insult (Art. 102(1) of the Constitution); use of rude or insulting words, call for illegal and violent action</p>	Members of Council of the Republic	House of Representatives Non-accountability takes effect on the day when the mandate begins and ends, after the expiry of the mandate, prosecution for opinions expressed during the mandate. Council of the Republic Non-accountability takes effect on the day when the mandate begins and ends, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate	Can immunity be lifted? By whom? Procedure for lifting immunity	<p>House of Representatives/ Council of the Republic</p> <p>Art. 102(2) and (3) of the Constitution.</p> <p>It applies to criminal and civil proceedings and covers all offences with the exception of State treason and other very serious crimes. It protects MPs only from arrest and from being held in preventive custody, not from the opening of judicial proceedings against them and from their homes being searched. However, when criminal proceedings are instituted, a special procedure applies (trial by the Supreme Court).</p> <p>• Derogations: in case of flagrante delicto, the protection does not apply (Art. 102(2) of the Constitution).</p> <p>• The current state of law does not provide an answer to the question of parliamentary inviolability preventing MPs from being called as witnesses before a judge or tribunal.</p>	Representatives; members of Council of the Republic	House of Representatives	<p>House of Representatives</p> <p>• Protection is provided from the start to the end of the mandate. Since it does not cover judicial proceedings in general, it does not cover judicial proceedings instituted against MPs before their election.</p> <p>Council of the Republic Protection is provided from the start to the end of the mandate. Since it does not cover judicial proceedings in general, it does not cover judicial proceedings instituted against MPs before their election.</p>	<p>House of Representatives</p> <p>• Parliamentary immunity (inviolability) can be lifted (Art. 102(2) of the Constitution):</p> <p>• Competent authority: the House of Representatives Council of the Republic</p> <p>Parliamentary immunity (inviolability) can be lifted (Art. 102(2) of the Constitution):</p> <p>• Competent authority: the Council of the Republic</p> <p>House of Representatives/ Council of the Republic</p> <p>• Procedure: in this case, MPs can be heard, but do not have means of appeal.</p>



A	B	C	D	E	F	G	H	I
<b>Comparative Table on the lifting of parliamentary immunity</b> References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
<b>Non-liability</b>								
<b>Inviolability</b>								
Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis	persons covered	Duration of immunity <sup>2</sup>	Can immunity be lifted? By whom? Procedure for lifting immunity <sup>2</sup>
Belgium	<p>Article 58 of the Constitution</p> <p>No member of either House can be prosecuted or be the subject of any investigation with regard to opinions expressed and votes cast by him in the exercise of his duties.</p> <p>Parliamentary non-accountability is limited to words spoken or written by MPs and votes cast within the exercise of the parliamentary mandate</p> <p>Derogations: offence or insult (Art. 34 of the Standing Orders of the House of Representatives)</p> <p>Member is exempt from criminal, disciplinary and civil prosecution, and investigation/examination (i.e. preliminary investigation, searches) for opinions expressed and votes cast directly related to the performance of parliamentary duties</p> <p>There are special rules for parliamentarians who are ministers at the same time (Article 101(2) and 103 of the Constitution)</p>	<p>MPs, Ministers, and Members of Regional and Communities' Parliaments</p>	<p>House of representatives and Senate</p> <p>Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate</p> <p>No</p>	<p>Article 59 of the Constitution</p> <p>- Except in the case of a flagrant offence, no member of either House may, during a session and in criminal matters, be directly referred or summoned before a court or be arrested, except with the authorisation of the House of which he is a member.</p> <p>- Except in the case of a flagrant offence, coercive measures requiring the intervention of a judge cannot, during a session and in criminal matters, be instituted against a member of either House, except by the first President of the appeal court at the request of the competent judge. This decision is to be communicated to the President of the House concerned.</p> <p>All searches or seizures executed by virtue of the preceding paragraph can be performed only in the presence of the President of the House concerned or a member appointed by him.</p> <p>During the session, only the officers of the public prosecutor's office and competent officers may institute criminal proceedings against a member of either House</p>	<p>MPs, Ministers, and Members of Regional and Communities' Parliaments</p>	<p>House of representatives and Senate</p> <p>Protection is provided only during sessions and also covers, in principle, judicial proceedings instituted against MPs before their election</p>	<p>House of representatives (Art. 59(1) of the Constitution). Competent authority: the House of Representatives</p> <ul style="list-style-type: none"> <li>- Procedure. In this case, MPs cannot be heard. They do not have means of appeal.</li> <li>- Parliament cannot subject the prosecution and/or detention to certain conditions, but the Constitution provides for some additional procedural rules and the House may only agree in part to a request for the lifting of parliamentary immunity.</li> <li>- Parliament can suspend the prosecution and/or detention of one of its members (Art. 59(5) and 6) of the Constitution).</li> </ul> <p>Senate – Competent authority: the Senate</p> <ul style="list-style-type: none"> <li>- Procedure: in this case, MPs are not heard. They do not have means of appeal.</li> <li>- Parliament cannot subject the prosecution and/or detention to certain conditions, but the Constitution foresees some additional procedural rules and the Senate can agree only in part to a request for lifting of immunity.</li> <li>- Parliament can suspend the prosecution and/or detention of one of its members (Art. 59(5) and 6) of the Constitution).</li> </ul> <p>A request for the lifting of immunity is put forward to the Speaker of the relevant Chamber. After examination by a special committee, or the Justice Committee (Senate), the Chamber proceeds to a plenary vote.</p>	



# Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDI-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

## Non-liability

## Inviolability

1	2	3	4	5	6	7	8	9	10	11
Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2	10	11
Bulgaria	<p>Article 69 Members of the National Assembly shall not be held criminally liable for their opinions or votes in the National Assembly.</p> <p>(2) No authorisation for initiating prosecution shall be required, if there is a written consent of the Member of the National Assembly</p> <p>Article 71 The National Assembly shall establish the emoluments of its Members.</p> <p>Parliamentary non-accountability applies to words spoken and written by MPs both within and outside Parliament while performing their duties as Members of Parliament. MPs are therefore exempt from any criminal liability. Derogations: offence or insult</p>	MPs	<p>Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate. Unlimited.</p> <p style="text-align: center;">No</p>	<p>Can immunity be lifted? By whom? Procedure for lifting immunity</p>	<p>Article 70 (1) A Member of the National Assembly shall be immune from detention or criminal prosecution except for the perpetration of a crime of general character, when a warrant from the National Assembly or, in between its session, from the Chairman of the National Assembly, shall be required. No warrant shall be required when a Member is detained in the course of committing a crime of general character; the National Assembly or, in between its session, the Chairman of the National Assembly, shall be notified forthwith.</p> <p>Article 72 (1) A Member's prerogatives shall expire before the expiry of his term of office upon any of the following occurrences: (...) (ii) enforcement of a prison sentence for an international crime, or of an unsuspended prison sentence; (...)</p>	MPs	Limited to the length of mandate	<p>Parliamentary immunity (inviolability) can be lifted in cases of committal of grave crimes (Art. 70 of the Constitution, Art. 104(1) of the Rules of Organisation and Procedure of the National Assembly).</p> <p>Competent authority: the National Assembly</p> <p>- Procedure (Art. 104(8) of the Rules of Organisation and Procedure of the National Assembly, Constitutional Court Decision No. 2 of 18.02.1993)</p> <p>- in the event of preventive custody or imprisonment, the MPs concerned cannot be authorised to attend sittings of Parliament (Constitutional Court Decision No. 10 of 27.07.1992)</p> <p>Art. 72(2). Instances 1 and 2 shall require a resolution of the National Assembly; instance 3 shall require a ruling by the Constitutional Court.</p>		

# Comparative Table on the lifting of parliamentary immunity

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	A	B	C	D	E	F	G	H	I
1	<b>Non-liability</b>								
2	<b>Inviolability</b>								
3	<b>Can immunity be lifted? By whom?</b>								
4	<b>Country</b>	<b>Legal basis</b>	<b>Persons covered</b>	<b>Duration of immunity</b>	<b>Procedure for lifting immunity</b>	<b>Legal Basis<sup>2</sup></b>	<b>persons covered</b>	<b>Duration of immunity<sup>2</sup></b>	<b>Can immunity be lifted? By whom? Procedure for lifting immunity<sup>2</sup></b>
	Canada	House of Commons /Senate The concept exists, and is called "freedom of speech". The privileges, immunities and powers granted to the House of Commons are those of the British House of Commons (see Art. 18 of the Constitutional Law, 1867 and Art. 4 of the Parliament of Canada Act).  Art.18 of the constitutional law The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by any Act of the Parliament of Canada defining such privileges, immunities, and powers shall not confer any privileges, immunities, or powers exceeding those at the passing of such Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof.	MPs Parliamentarians at every level of Government (central and provincial)	House of commons/ senate • Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection for against prosecution for opinions expressed during the exercise of the mandate	No	House of commons/ Senate • The concept exists. The privileges, immunities and powers granted to the House of Commons (see Art. 18 of the Constitutional Law, 1867 and Art. 4 of the Parliament of Canada Act). • Parliamentary inviolability prevents MPs from being called as witnesses before a judge or tribunal while Parliament is in session, and in cases where an MP is a party to proceedings as plaintiff or defendant or the accused.  Does not apply to civil or criminal matters. However, any searches of an MP's office on the premises of Parliament are subject to prior authorisation from the Speaker of the House of Commons.	MPs Parliamentarians at every level of Government (central and provincial)	House of commons/ senate Protection is provided from 40 days before the start of the session up to 40 days after its prolongation or the early dissolution of Parliament. As it does not in general cover proceedings, it does not cover judicial proceedings instituted against MPs before their election.	House of commons • The House of Commons cannot suspend the prosecution and/or detention of one of its members.  Senate • The Senate cannot suspend the prosecution and/or detention of one of its members. • In the event of preventive custody or imprisonment, only the judicial or parliamentary authorities can authorise the senators concerned to attend sittings of Parliament

A	B	C	D	E	F	G	H	I
1	<b>Comparative Table on the lifting of parliamentary immunity</b>							
2	References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDI-REF/2012/040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE							
3	<b>Non-liability</b>							
4	<b>Inviolability</b>							
Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
Chile	<p>Chamber of Deputies: Art. 58(1) of the Constitution</p> <p>Senate: Art. 58(1) of the Constitution</p> <p>Parliamentary non-accountability is limited to words spoken or written by MPs and votes cast within Parliament.</p> <ul style="list-style-type: none"> <li>• Derogations: offence or insult (Art. 90(1), N° 5, Art. 273, N° 5 of the Standing Orders of the Chamber of Deputies; see Discipline) Senate:</li> <li>• Parliamentary non-accountability is limited to words spoken or written by MPs and votes cast within Parliament.</li> <li>• Derogations: offence or insult (Art. 137, N° 6 of the Standing Orders of the Senate)</li> </ul>	<p>Chamber of Deputies; Senate</p> <p>Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate.</p>	<p>Art. 58(2) to (4) of the Constitution</p> <p>It applies only to criminal proceedings, covers all offences and protects MPs from arrest and from being held in preventive custody, and from the opening of judicial proceedings against them. It does not protect them from their homes being searched.</p> <ul style="list-style-type: none"> <li>• Derogations: in cases of flagrante delicto, immunity does not have to be lifted and deputies are immediately handed over to the respective Court of Appeal, with the corresponding summary information (Art. 58(3) of the Constitution).</li> </ul>	<p>Art. 58(2) to (4) of the Constitution</p> <p>It applies only to criminal proceedings, covers all offences and protects MPs from arrest and from being held in preventive custody, and from the opening of judicial proceedings against them. It does not protect them from their homes being searched.</p> <ul style="list-style-type: none"> <li>• Derogations: in cases of flagrante delicto, immunity does not have to be lifted and deputies are immediately handed over to the respective Court of Appeal, with the corresponding summary information (Art. 58(3) of the Constitution).</li> </ul>	<p>Art. 58(2) to (4) of the Constitution</p> <p>It applies only to criminal proceedings, covers all offences and protects MPs from arrest and from being held in preventive custody, and from the opening of judicial proceedings against them. It does not protect them from their homes being searched.</p> <ul style="list-style-type: none"> <li>• Derogations: in cases of flagrante delicto, immunity does not have to be lifted and deputies are immediately handed over to the respective Court of Appeal, with the corresponding summary information (Art. 58(3) of the Constitution).</li> </ul>	<p>Art. 58(2) to (4) of the Constitution</p> <p>It applies only to criminal proceedings, covers all offences and protects MPs from arrest and from being held in preventive custody, and from the opening of judicial proceedings against them. It does not protect them from their homes being searched.</p> <ul style="list-style-type: none"> <li>• Derogations: in cases of flagrante delicto, immunity does not have to be lifted and deputies are immediately handed over to the respective Court of Appeal, with the corresponding summary information (Art. 58(3) of the Constitution).</li> </ul>	<p>Art. 58(2) to (4) of the Constitution</p> <p>It applies only to criminal proceedings, covers all offences and protects MPs from arrest and from being held in preventive custody, and from the opening of judicial proceedings against them. It does not protect them from their homes being searched.</p> <ul style="list-style-type: none"> <li>• Derogations: in cases of flagrante delicto, immunity does not have to be lifted and deputies are immediately handed over to the respective Court of Appeal, with the corresponding summary information (Art. 58(3) of the Constitution).</li> </ul>	<p>Art. 58(2) to (4) of the Constitution</p> <p>It applies only to criminal proceedings, covers all offences and protects MPs from arrest and from being held in preventive custody, and from the opening of judicial proceedings against them. It does not protect them from their homes being searched.</p> <ul style="list-style-type: none"> <li>• Derogations: in cases of flagrante delicto, immunity does not have to be lifted and deputies are immediately handed over to the respective Court of Appeal, with the corresponding summary information (Art. 58(3) of the Constitution).</li> </ul>

# Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Study No 682/2012-CDI-REF/2012/040-KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

## Inviolability

	A	B	C	D	E	F	G	H	I
	Inviolability								
4	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis <sup>2</sup>	persons covered	Duration of immunity <sup>2</sup>	Can immunity be lifted? By whom? Procedure for lifting immunity <sup>2</sup>
	Croatia	(Art. 75(1) and (2) of the Constitution). Article 75 Members of the Croatian Parliament shall enjoy immunity. No representative shall be prosecuted, detained or punished for an opinion expressed or vote cast in the Croatian Parliament. Legal immunity of Deputies Article 23. standing order of the Croatian Parliament. The parliamentary deputy shall have legal immunity as at the constituent session of Parliament until the end of his/her term of office.	MPs	Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate.	Procedure for lifting immunity	(Art. 75(3) of the Constitution). No representative shall be detained, nor shall criminal proceedings be instituted against him or her without the consent of the Croatian Parliament. A representative may be detained without the consent of the Croatian Parliament only if caught in the act of committing a criminal offence which carries a penalty of imprisonment of more than five years. In such a case, the President of the Croatian Parliament shall be notified thereof. If the Croatian Parliament is not in session, approval for the detention of a representative, or for the continuation of criminal proceedings against him, shall be given and his right to immunity decided by the credentials-and-immunity committee, such a decision being subject to subsequent confirmation by the Croatian Parliament.	MPs	Protection is provided from the start to the end of the mandate and between early dissolution of the House and the election of a new Parliament. It also covers judicial proceedings instituted against MPs before their election.	Art. 75(3) of the Constitution Competent authority: the House of Representatives In this case, MPs must be heard. Standing orders of the Croatian Parliament Articles 24,25,26,27,28 When the conditions are fulfilled for the detention of a parliamentary deputy or the filing of criminal charges against a parliamentary deputy, the authorised state body shall be obliged to seek approval therefore from Parliament. The petition for the approval of detention or filing of criminal charges against a parliamentary deputy shall be submitted by the authorised state body to the Speaker of Parliament for its referral to the Credentials and Privileges Commission.



# Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDI-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

	A	B	C	D	E	F	G	H	I
1	<b>Inviolability</b>								
2	<b>Non-liability</b>								
3	<b>Inviolability</b>								
4	<b>Country</b>	<b>Legal basis</b>	<b>Persons covered</b>	<b>Duration of immunity</b>	<b>Can immunity be lifted? By whom? Procedure for lifting immunity</b>	<b>Legal Basis<sup>2</sup></b>	<b>persons covered</b>	<b>Duration of immunity<sup>2</sup></b>	<b>Can immunity be lifted? By whom? Procedure for lifting immunity<sup>2</sup></b>
	<b>Denmark</b>	<p>Constitution Act (Art. 57)</p> <p>No member of the Folketing shall be prosecuted or imprisoned in any manner whatsoever without the consent of the Folketing, unless he is taken in flagrante delicto. Outside the Folketing no member shall be held liable for his utterances in the Folketing save by the consent of the Folketing.</p>	MPs	<p>Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate.</p>	<p>Yes: A proposal to lift immunity is made by the private individual who wishes to institute proceedings, and a vote is taken by the House. As a result, the Parliament has to give its consent. In practice, such consent is never given; therefore, there is a total non-liability for any opinion or vote cast by Members of the Folketing in the exercise of their functions.</p> <p>The Constitution contains no special requirements regarding the nature of statements.</p>	<p>Constitution (Art. 57)</p> <p>No member of the Folketing shall be prosecuted or imprisoned in any manner whatsoever without the consent of the Folketing, unless he is taken in flagrante delicto. Outside the Folketing no member shall be held liable for his utterances in the Folketing save by the consent of the Folketing.</p>	MPs	Limited to the length of mandate.	<p>A request for waiving immunity is sent by the public prosecutor to the Ministry of Justice, which transmits it to the Chamber. After examination by the Committee on the Rules of Procedure, the Chamber votes. Criminal charges can be brought against a member of the Parliament only at the proposal of the Chancellor of Justice and with the consent of the simple majority of the Parliament.</p> <p>Competent authority: the Folketing</p> <p>In this case, MPs need not be heard. They do not have means of appeal.</p> <ul style="list-style-type: none"> <li>- Parliament cannot subject the prosecution and/or detention to certain conditions.</li> <li>- Parliament cannot suspend the prosecution and/or detention of one of its members.</li> <li>- In the event of preventive custody or imprisonment, the MPs concerned cannot be authorised to attend sittings of Parliament.</li> </ul>



# Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 683/2012\_CDI\_REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

## Non-liability

## Inviolability

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24		
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom?	Procedure for lifting immunity	Legal Basis <sup>2</sup>	persons covered	Duration of immunity <sup>2</sup>	Can immunity be lifted? By whom?	Procedure for lifting immunity <sup>2</sup>	persons covered	Duration of immunity <sup>2</sup>	Can immunity be lifted? By whom?	Procedure for lifting immunity <sup>2</sup>											
Estonia	<p>Article 62 A member of the Riigikogu shall not be tied to his or her mandate, nor be held legally responsible for his or her votes or political statements which he or she has made in the Riigikogu or any of its bodies</p>	MPs	<p>Unlimited. • Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate Member will not bear legal liability for votes cast or political statements made in parliament after expiration of their term in office</p>	No	<p>Article 64 The authority of a member of the Riigikogu shall be suspended on his or her appointment as a member of the Government of the Republic, and shall be restored on his or her being released from the duties as a member of government. The authority of a member of the Riigikogu shall be prematurely terminated: (1) on a guilty verdict by a court against him or her entering into force; (2) on a proposal of the Riigikogu. (3) on a proposal of the Riigikogu. (4) on a proposal of the Riigikogu. (5) on a proposal of the Riigikogu. (6) on a proposal of the Riigikogu. (7) on a proposal of the Riigikogu. (8) on a proposal of the Riigikogu. (9) on a proposal of the Riigikogu. (10) on a proposal of the Riigikogu. (11) on a proposal of the Riigikogu. (12) on a proposal of the Riigikogu. (13) on a proposal of the Riigikogu. (14) on a proposal of the Riigikogu. (15) on a proposal of the Riigikogu. (16) on a proposal of the Riigikogu. (17) on a proposal of the Riigikogu. (18) on a proposal of the Riigikogu. (19) on a proposal of the Riigikogu. (20) on a proposal of the Riigikogu. (21) on a proposal of the Riigikogu. (22) on a proposal of the Riigikogu. (23) on a proposal of the Riigikogu. (24) on a proposal of the Riigikogu. (25) on a proposal of the Riigikogu. (26) on a proposal of the Riigikogu. (27) on a proposal of the Riigikogu. (28) on a proposal of the Riigikogu. (29) on a proposal of the Riigikogu. (30) on a proposal of the Riigikogu. (31) on a proposal of the Riigikogu. (32) on a proposal of the Riigikogu. (33) on a proposal of the Riigikogu. (34) on a proposal of the Riigikogu. (35) on a proposal of the Riigikogu. (36) on a proposal of the Riigikogu. (37) on a proposal of the Riigikogu. (38) on a proposal of the Riigikogu. (39) on a proposal of the Riigikogu. (40) on a proposal of the Riigikogu. (41) on a proposal of the Riigikogu. (42) on a proposal of the Riigikogu. (43) on a proposal of the Riigikogu. (44) on a proposal of the Riigikogu. (45) on a proposal of the Riigikogu. (46) on a proposal of the Riigikogu. (47) on a proposal of the Riigikogu. (48) on a proposal of the Riigikogu. (49) on a proposal of the Riigikogu. (50) on a proposal of the Riigikogu. (51) on a proposal of the Riigikogu. (52) on a proposal of the Riigikogu. (53) on a proposal of the Riigikogu. (54) on a proposal of the Riigikogu. (55) on a proposal of the Riigikogu. (56) on a proposal of the Riigikogu. (57) on a proposal of the Riigikogu. (58) on a proposal of the Riigikogu. (59) on a proposal of the Riigikogu. (60) on a proposal of the Riigikogu. (61) on a proposal of the Riigikogu. (62) on a proposal of the Riigikogu. (63) on a proposal of the Riigikogu. (64) on a proposal of the Riigikogu. (65) on a proposal of the Riigikogu. (66) on a proposal of the Riigikogu. (67) on a proposal of the Riigikogu. (68) on a proposal of the Riigikogu. (69) on a proposal of the Riigikogu. (70) on a proposal of the Riigikogu. (71) on a proposal of the Riigikogu. (72) on a proposal of the Riigikogu. (73) on a proposal of the Riigikogu. (74) on a proposal of the Riigikogu. (75) on a proposal of the Riigikogu. (76) on a proposal of the Riigikogu. (77) on a proposal of the Riigikogu. (78) on a proposal of the Riigikogu. (79) on a proposal of the Riigikogu. (80) on a proposal of the Riigikogu. (81) on a proposal of the Riigikogu. (82) on a proposal of the Riigikogu. (83) on a proposal of the Riigikogu. (84) on a proposal of the Riigikogu. (85) on a proposal of the Riigikogu. (86) on a proposal of the Riigikogu. (87) on a proposal of the Riigikogu. (88) on a proposal of the Riigikogu. (89) on a proposal of the Riigikogu. (90) on a proposal of the Riigikogu. (91) on a proposal of the Riigikogu. (92) on a proposal of the Riigikogu. (93) on a proposal of the Riigikogu. (94) on a proposal of the Riigikogu. (95) on a proposal of the Riigikogu. (96) on a proposal of the Riigikogu. (97) on a proposal of the Riigikogu. (98) on a proposal of the Riigikogu. (99) on a proposal of the Riigikogu. (100) on a proposal of the Riigikogu.</p>	MPs	Duration of the mandate	<p>Parliamentary immunity (inviolability) can be lifted (Art. 76 of the Constitution): - Competent authority: the Riigikogu - Procedure (Art. 76 and 139 (3) of the Constitution). In this case, MPs cannot be heard. - Procedure (Art. 76 and 139 (3) of the Constitution). In this case, MPs cannot be heard. They do not have means of appeal. - Parliament cannot subject the prosecution and/or detention to certain conditions. - Parliament cannot suspend the prosecution and/or detention of one of its members. - In the event of preventive custody or imprisonment, the MPs concerned cannot be authorised to attend sittings of Parliament.</p>																	
Finland	<p>(S. 30 of the Constitution Act) Section 30 - Parliamentary immunity A Representative shall not be prevented from carrying out his or her duties as a Representative. A Representative shall not be charged in a court of law nor be deprived of liberty owing to opinions expressed by the Representative in the Parliament or owing to conduct in the consideration of a matter, unless the Parliament has consented to the same by a decision supported by at least five sixths of the votes cast. Parliament Act section 13 No representative shall be indicted or deprived of his liberty on the grounds of the opinions which he has expressed in Parliament or of his conduct otherwise in the consideration of any business, unless Parliament has consented to this by a decision supported by no fewer than five sixths of the votes cast.</p>	MPs	<p>Unlimited: Non-accountability takes effect on the day when the mandate begins</p>	<p>Yes, with Parliament's consent. - The proposal to lift immunity may be made by the competent individual, ie the police officer, the Prosecutor or the private complainant. - The decision to lift immunity is taken by a majority of 5/6 of votes cast. A proposal to lift immunity is made by the competent official (ie the police officer, Prosecutor)</p>	<p>(S. 30(3) of the Parliament Act) If a Representative has been arrested or detained, the Speaker of the Parliament shall be immediately notified of this. A Representative shall not be arrested or detained before the commencement of a trial without the consent of the Parliament, unless he or she is for substantial reasons suspected of having committed a crime for which the minimum punishment is imprisonment for at least six months. Section 14 of the Parliament Act (Immunity) (1) A representative may not be apprehended, detained or subjected to a travel ban without the consent of Parliament before the charges against him have been taken up for consideration, unless he has been caught in the act of committing an offence for which the minimum penalty is a period of imprisonment no shorter than six months. (2) The Speaker shall be immediately informed of the apprehension and detention of a representative.</p>	MPs	Duration of the Parliament, in practice for the period between elections. Limited to the length of mandate.	<p>Yes, with Parliament's consent Parliamentary immunity (inviolability) can be lifted (S. 14(1) of the Parliament Act): - Competent authority: Parliament - The proposal to lift immunity may be made by the competent individual, ie the police officer, the Prosecutor or the private complainant. - The decision to lift immunity is taken by a simple majority of Parliament. A request for waiving immunity is made by the competent official (ie police officer, prosecutor) who wishes to institute proceedings. A simple majority of votes cast is necessary for lifting immunity.</p>																	



	A	B	C	D	E	F	G	H	I
1	<b>Comparative Table on the lifting of parliamentary immunity</b>								
2	References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDI--REF(2012)040-KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
3	<b>Non-liability</b>								
4	<b>Country</b>	<b>Legal basis</b>	<b>Persons covered</b>	<b>Duration of immunity</b>	<b>Can immunity be lifted? By whom? Procedure for lifting immunity</b>	<b>Legal Basis2</b>	<b>persons covered</b>	<b>Duration of immunity2</b>	<b>Can immunity be lifted? By whom? Procedure for lifting immunity2</b>
Germany	<p>immunity (called indemnity) (Art. 46(1) of the Basic Law</p> <p>(1) A Member may at no time be subjected to court proceedings or disciplinary action or otherwise called to account outside the Bundestag for a vote cast or a statement made in the Bundestag or any of its committees. This shall not apply to defamatory insults.</p> <p>See also Rule 107 of the Rules of Procedure (Geschäftsordnung) of the Bundestag and Annex 6 to those Rules of Procedure</p> <p>Indemnity, i.e. full legal (criminal and civil) non-accountability, is limited to votes cast or statements made by MPs in their specific function as <i>members of parliament</i>.</p>	Members of the Bundestag (not the Bundesrat)	<p>Indemnity takes effect when the MP takes up his/her mandate and does not end after the expiry of the mandate</p>	<p>Indemnity does not cover statements which are "defamatory insults", i.e. the uttering or spreading of incorrect facts against better knowledge. These cases, which are sanctioned by the German Criminal Code, can be prosecuted in accordance with the rules on parliamentary immunity laid down in Art. 46(2), Art. 46(3) and Art. 46(4). See field 1. MPs can also incur civil liability for "defamatory insults"</p>	<p>Immunity (Art. 46(2) and (3) of the Basic Law (2) A Member may not be called to account or arrested for a punishable offence except by permission of the Bundestag, unless the person concerned is apprehended in the act of committing the offence or in the course of the following day.</p> <p>(3) Permission of the Bundestag shall also be necessary for any other restriction of a Member's personal liberty or for the institution of proceedings against a Member under Article 18.</p> <p>(4) Any criminal proceedings or proceedings under Article 18 against a Member and any detention or other restriction of the Member's personal liberty shall be suspended if the Bundestag so demands (see also Rule 107 of the Rules of Procedure of the Bundestag).</p>	Members of the Bundestag (not the Bundesrat)	<p>Protection against criminal proceedings and other sanctions is provided from the start to the end of the mandate and also extends to proceedings which an MP 'brings with him/her' when taking up his/her mandate."</p>	<p>Parliamentary immunity (inviolability) can be lifted (Art. 46 (2) and (3) of the Basic Law) by issuing a request of the competent public authority wanting to institute proceedings.</p> <p>The decision is taken by the Bundestag by a simple majority decision that usually follows a recommendation of the Bundestag's Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure (also called 1st committee). In this case, the MP can, but does not have to, be heard before the decision is taken.</p> <p>In practice, the Bundestag usually provides in advance at the beginning of each legislative period (since 1969), investigative activities by public authorities against MPs, apply the Rules of Procedure towards a sanction. Certain, important exceptions, where the Bundestag's individual authorisation remains necessary, apply the Rules of Procedure towards a sanction. Certain, important exceptions, where the Bundestag's individual authorisation remains necessary, apply the Rules of Procedure towards a sanction. Certain, important exceptions, where the Bundestag's individual authorisation remains necessary, apply the Rules of Procedure towards a sanction.</p> <p>The advance authorisation by the Bundestag is an essential feature of how parliamentary immunity is handled in Germany. For the 1998 LEGISLATION, LITIGATION AND OTHER LEGAL CASES OF HOW PARLIAMENTARY IMMUNITY IS HANDLED IN GERMANY, see the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure. The Committee makes a preliminary decision with a two-thirds majority, which becomes final unless the Bundestag's plenary opposes the decision within 7 days.</p> <p>The date of normative documents</p> <p>At the beginning of each legislative period (see already above), a "decision concerning the lifting of immunity of the Bundestag's Rules of Procedure" (Beschluss betreffend die Aufhebung der Immunität von Mitgliedern des Bundestages, Annex 6 to the Bundestag's Rules of Procedure) (http://www.bundestag.de/bundestag/medien/technische_sachen/faq_bundestag.html) is issued. This decision contains the "guidelines for criminal proceedings and summary proceedings" (Leitlinien für Strafverfahren und für das Bußgeldverfahren). A set of practice-oriented rules enacted by the federal minister of justice and its subordinates, which is binding on all German public prosecutors, contains highly detailed procedural rules in no. 33, 193 et seq. and no. 298. See <a href="http://www.weltweit.org/scrutiny-imm-internet/de/bundestag_01011977_4208218592002.htm">http://www.weltweit.org/scrutiny-imm-internet/de/bundestag_01011977_4208218592002.htm</a></p> <p>A "Circular letter of the federal minister of the interior and its sub-federal counterparts on the immunity and immunity of MPs of January 1983" (Rundschreiben des Bundesministers des Innern bzw. der Innenminister der Länder vom 10.1.1983 zur Immunität der Abgeordneten) sets out procedural guidelines for the police when dealing with MPs.</p> <p>In addition there are a number of other laws that contain provisions dealing with immunity (e.g. provisions § 78b) para. 2 German Criminal Code and § 1153 German Code on Criminal Proceedings).</p>	
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# Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDI-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

## Inviolability

### Non-liability

	A	B	C	D	E	F	G	H	I
	Inviolability								
	Non-liability								
4	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
	Greece	<p>The concept exists (Art. 60(1) and 61 (1) of the Constitution)</p> <ul style="list-style-type: none"> <li>Parliamentary non-accountability</li> </ul> <p>Article 60</p> <p>(1) Members of Parliament enjoy unrestricted freedom of opinion and right to vote according to their conscience.</p> <p>Article 61</p> <p>(1) A Member of Parliament shall not be prosecuted or in any way interrogated for an opinion expressed or a vote cast by him in the discharge of his parliamentary duties.</p>	<p>Members of the Chamber of Deputies.</p> <p>A person who is both a Minister and a deputy is covered only for opinions expressed in his role as a deputy, not as a Minister.</p>	<ul style="list-style-type: none"> <li>Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate. Unlimited.</li> </ul>	<p>Only in case of defamation, and with the consent of the Chamber Derogations: immunity (Art. 61(2) of the Constitution), offence or insult (see Discipline)</p>	<p>The concept does exist (Art. 62(1) of the Constitution, SO 83 of the Standing Orders of the House).</p> <p>Article 62</p> <p>During the parliamentary term the Members of Parliament shall not be prosecuted, arrested, imprisoned or otherwise confined without prior leave granted by Parliament. Likewise, a member of a dissolved Parliament shall not be prosecuted for political crimes during the period between the dissolution of Parliament and the declaration of the election of the members of the new Parliament. Leave shall be deemed not granted if Parliament does not decide within three months of the date the request for prosecution by the public prosecutor was transmitted to the Speaker.</p> <p>The three month limit is suspended during the Parliament's recess.</p> <p>No leave is required when Members of Parliament are caught in the act of committing a felony.</p>	<p>Members of the Chamber of Deputies</p>	<p>Protection is provided from the start to the end of the mandate, as well as, in the case of political crimes, between early dissolution of the House and the election of a new Parliament (Art. 62(1) of the Constitution). It also covers judicial proceedings instituted against MPs before their election.</p>	<p>Parliamentary immunity (inviolability) can be lifted (Art. 62(1) of the Constitution):</p> <p>Competent authority: the Parliament</p> <ul style="list-style-type: none"> <li>Procedure (Art. 62(2) and (3) of the Constitution, SO 83 of the Standing Orders of the House). In this case, MPs have to be heard. They do not have means of appeal.</li> <li>Parliament cannot suspend the prosecution and/or detention to certain conditions.</li> <li>Parliament cannot suspend the prosecution and/or detention of one of its members, in the event of preventive custody or imprisonment, the MPs concerned might be authorised to attend sittings of Parliament..</li> </ul>

# Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EUIF Study No 682/2012-COL-REF2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

## Non-liability

## Inviolability

A	B	C	D	E	F	G	H	I
Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis <sup>2</sup>	persons covered	Duration of immunity <sup>2</sup>	Can immunity be lifted? By whom? Procedure for lifting immunity <sup>2</sup>
29	<p>The Fundamental Law of Hungary (April, 2011) Article 42: "Members of Parliament shall be entitled to immunity and remuneration in order to promote their independence".</p> <p>Act XXXVI of 2012 on the National Assembly, Chapter VII: Parliamentary immunity has 2 forms: exemption from liability (non-liability) &amp; inviolability.</p> <p>Detailed rules on non-liability: Art. 73 "During the whole of his mandate and even afterwards, a MP shall not be held liable before court, or by any other authority for his votes cast, or facts stated and opinions expressed in the context of his/her mandate or in the course of the duration of the mandate.</p> <p>This immunity shall not be applicable in connection with the accountability of MPs under civil law, or to incitement against a community, violation of national emblem, public denial of the crimes of the National Socialist and Communist regimes, abusing classified/confidential data/state secret as these criminal offences are regulated in the Penal."</p> <p>The immunity of a Member of Parliament shall not cover the public administrative proceedings."</p> <p>"MPs shall not be allowed to waive their immunity regarding non-liability. The parliamentary immunity of MPs must be respected by everyone."</p>	Members of the Parliament	<p>During the mandate and afterwards.</p> <p>MPs enjoy parliamentary immunity from the day of their election.</p> <p>Non-liability lasts even after the expiry of the mandate</p>	<p>Yes, with the consent of the National Assembly.</p> <p>-- The proposal to lift immunity is submitted to the Speaker of the Assembly by the Chief Prosecutor, but after the deposition or the formal request or the private accusation, it is the court that is competent to propose lifting immunity.</p> <p>- The request is examined by the Parliamentary Committee on Immunities within thirty days.</p> <p>- The decision is taken by the Assembly, without debate, and requires a two-thirds majority of deputies present.</p>	<p>The Fundamental Law of Hungary (April, 2011) Article 42: "Members of Parliament shall be entitled to immunity and remuneration in order to promote their independence."</p> <p>Act XXXVI of 2012 on the National Assembly, Chapter VII: Parliamentary immunity has 2 forms: exemption from liability (non-liability) &amp; inviolability, which protect Members from any unjustified persecution or harassment by authorities.</p> <p>Detailed rules on non-liability: Art. 74-75 Any kind of criminal procedure, criminal procedural coercive measure, or other kind of voluntary waiver of the immunity... legal procedures for petty offences can only be initiated and pursued with the prior approval of the National Assembly.</p> <p>(2) A Member of Parliament (a) may only be arrested, or criminal procedural coercive measures can only be effected against him/her if caught in the act of committing a crime;</p> <p>(b) any kind of criminal procedure for petty offences or coercive measure in legal proceedings for petty offences may be brought off against him/her if caught in flagrante delicto. The immunity of a Member of Parliament shall not cover the public administrative proceedings."</p> <p>"MPs shall not be allowed to waive their immunity, with the exception of legal procedures in petty offences. The parliamentary immunity of MPs must be respected by everyone."</p> <p>"MPs shall be obliged to immediately inform the Speaker of Parliament about any violation of their parliamentary immunity. The Speaker of Parliament shall take the necessary actions with no delay."</p>	Hungarian MPs of the European Parliament	<p>Inviolability begins on the day when the MP is elected, and lasts until the expiry of the mandate. Once a MP's mandate expires, he/she is not protected by immunity any more, which means he/she may be subjected to legal proceedings and be accountable.</p>	<p>Yes, with the approval of the National Assembly</p> <p>Until the indictment of protection is filed in the Court, a request concerning the suspension of parliamentary immunity shall be submitted to the Speaker of Parliament by the Chief Public Prosecutor. After the submission of the indictment, or in criminal cases initiated by motion of a private accuser, such a request is submitted to the Speaker of Parliament by the Court. Such a request must be submitted immediately if a MP is caught in flagrante delicto.</p> <p>The Speaker of Parliament shall immediately forward the request for suspending parliamentary immunity or the announcement of the MP about the infringement of his immunity to the Committee on immunity, incompatibility, Disciplinary Procedures and Verification of Mandate for further examination, and shall inform the MP and the Parliament about this fact on the following plenary session.</p> <p>Every state organisation or the MP him/herself shall submit to the Committee forthwith all the information concerning and the rapporteur of the Committee shall have the right to present their position regarding the case in 5 minutes time frame. A two-thirds majority of votes of MPs being present shall be required to pass a resolution concerning the suspension of immunity.</p> <p>Any resolution passed in connection with the suspension of parliamentary immunity shall only be applicable to a specific case contained in the request for suspension.</p> <p>In the legal procedures for petty offences the competent authority send a note directly to the MP, so as to obtain his/her declaration about the voluntary waiving of the immunity. If the MP waives his/her immunity within 8 days voluntarily, the authority informs the Speaker of Parliament through the Chief Public Prosecutor about the waiver of immunity, and the result of the proceedings after the final decision. The Speaker of Parliament forwards this information to the President of the Committee on immunity, incompatibility and verification which shall inform the Committee during the following session. If the MP does not waive his/her immunity voluntarily within 8 days from receiving the note on legal procedures for petty offences upon notification from the competent authorities, the Chief Public Prosecutor shall submit the request concerning the suspension of parliamentary immunity to the Speaker of Parliament. During the process of suspension of immunity the MP can waive his/her immunity before any authority and anytime until the decision is taken by the Parliament.</p>
30	<p>CONSTITUTION OF THE REPUBLIC OF ICELAND (No. 33, 17 June 1944, as amended 30 May 1984 and 31 May 1991, 28 June 1995, 24 June 1999)</p> <p>Article 49 (2) No Member of Althingi may be made responsible outside Althingi for statements made by him in Althingi, except with the permission of Althingi.</p>	MPs	<p>The lifting of parliamentary immunity takes place when the mandate expires.</p>	<p>MPs cannot be held accountable outside parliament for words spoken in parliament, unless the Althingi gives its consent.</p>	<p>CONSTITUTION OF THE REPUBLIC OF ICELAND (No. 33, 17 June 1944, as amended 30 May 1984 and 31 May 1991)</p> <p>Article 49 (1) No Member of Althingi may be subjected to custody on remand during a session of Althingi without the permission of Althingi, nor may a criminal action be brought against him unless he is caught in the act of committing a crime.</p>	MPs	<p>MPs cannot be taken into custody or to court during a parliamentary session without parliamentary consent, unless they are caught in flagrante delicto.</p>	





# Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

## Inviolability

A	B	C	D	E	F	G	H	I
Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom?	Legal Basis <sup>2</sup>	persons covered	Duration of immunity <sup>2</sup>	Can immunity be lifted? By whom? Procedure for lifting immunity <sup>2</sup>
1								
2								
3	<b>Non-liability</b>							
4	<p>House of Representatives/ House of Councilors</p> <p>Article 51 of the Constitution:</p> <p>Members of both Houses shall not be held liable outside the House for speeches, debates or votes cast inside the House.</p> <p>Derogations: insulting language or remarks on another person's private affairs (Art. 119 and 120 of the Diet Law, Art. 216 of the Rules of the House of Representatives), offensive remarks (Art. 116 of the Diet Law, Art. 216 and 238 of the Rules of the House of Representatives)</p> <p>House of Councilors</p> <p>Parliamentary non-accountability applies to words spoken and written by MPs both within and outside Parliament, as far as they constitute part or their parliamentary activities.</p> <p>Derogations: insulting language or remarks on another person's private affairs (Art. 119 and 120 of the Diet Law, Art. 212 of the Rules of the House of Councilors), offensive remarks (Art. 116 of the Diet Law, Art. 51, 212, and 235 of the Rules of the House of Councilors)</p>	<p>House of Representatives/ House of Councilors</p> <p>Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate.</p>	<p>Art. 50 of the Constitution, Art. 33 of the Diet Law</p> <p>It applies only to criminal proceedings, covers all offences but protects MPs only from arrest and from being held in preventive custody. It does not protect MPs from the opening of judicial proceedings against them and from their homes being searched.</p> <p>Derogations: in cases of flagrante delicto, the consent of the House is not necessary (Art. 33 of the Diet Law)</p> <p>Parliamentary inviolability does prevent MPs from being called as witnesses before a judge or tribunal (Art. 191 of the Code of Civil Procedure, Art. 144 of the Code of Criminal Procedure)</p> <p>House of Councilors:</p> <p>Derogations: in cases of flagrante delicto, the consent of the House is not necessary (Art. 33 and 100(1) of the Diet Law). Exception: Parliamentary inviolability does prevent MPs from being called as witnesses before a judge or tribunal (Art. 191 of the Code of Civil Procedure, Art. 144 of the Code of Criminal Procedure)</p>	<p>MPs</p>	<p>MPs</p>	<p>Protection is provided only during sessions. Since it does not cover judicial proceedings in general, it does not cover judicial proceedings instituted against MPs before their election. However, any Member arrested before the opening of a session shall be freed during the term of the session at the request of the House (Art. 50 of the Constitution).</p>	<p>House of Representatives</p> <p>Parliamentary immunity (inviolability) can be lifted (Art. 33 of the Diet Law):</p> <ul style="list-style-type: none"> <li>- Competent authority: the House of Representatives</li> </ul> <p>House of Councilors</p> <p>Parliamentary immunity (inviolability) can be lifted (Art. 33 and 100(1) of the Diet Law):</p> <ul style="list-style-type: none"> <li>- Competent authority: the House of Councilors</li> </ul> <p>House of Representatives</p> <p>Procedure (Art. 34 of the Diet Law, item 95 of the Collection of the Precedents of the House of Representatives). In this case, MPs do not have to be heard.</p>	
Japan								<p>House of Councilors</p> <p>Diet Law - Procedure (Art. 33ff of the Diet Law)</p> <p>Article 33: During a session of the Diet, a Member of a House shall not be apprehended without the consent of that House, unless he/she is in the very act of committing a criminal offense outside the House.</p> <p>Article 34: With regard to the consent of a House to the apprehension of one of its Members, the Cabinet must ask for it, producing a copy of the request, upon receiving a written request sent by the competent court or judge prior to the issue of a warrant of apprehension.</p> <p>Article 34(II): If a Member has been apprehended prior to the opening of a session, the Cabinet must communicate the Member's name, together with a copy of the warrant of apprehension, to the presiding officer of that House at the beginning of the session.</p> <p>If a judge decides, during a session, to extend the detention period of a Member who has been apprehended prior to the opening of the session, the Cabinet must inform the presiding officer of that House to that effect.</p> <p>Article 34-III: To propose a request for the release of a Member apprehended prior to the opening of a session, a written request with an explanatory statement must be presented to the presiding officer of the House, under the joint names of twenty or more Members.</p>



A	B	C	D	E	F	G	H	I
<b>Comparative Table on the lifting of parliamentary immunity</b>								
References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012, CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
<b>Non-liability</b>								
<b>Inviolability</b>								
Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
Kazakhstan	The concept does not exist.				(Art. 52(4) of the Constitution). (4) "A deputy of Parliament during the term of his office may not be arrested, subject to detention, measures of administrative punishment imposed by a court of law, arraigned on a criminal charge without the consent of a respective Chamber except for the cases of being apprehended on the scene of a crime or committing grave crimes." Article 32. Parliamentary immunity (On the Parliament of the Republic of Kazakhstan and the Status of Its Deputies)  It applies to criminal and administrative proceedings, covers all offences with the exception of serious offences, and protects MPs from arrest and from being held in preventive custody, from the opening of judicial proceedings against them and from their homes being searched.	MPs		Senate • Parliamentary immunity (inviolability) can be lifted (Art. 52(4) and (6) of the Constitution):  • Competent authority: the Senate, at the proposal of the Central Electoral Commission (32(2)). Parliamentary immunity (On the Parliament of the Republic of Kazakhstan and the Status of its Deputies The Constitutional Law of the Republic of Kazakhstan In order to receive the consent to attract the deputy to the criminal charge, arrest or measures of administrative punishment imposed by a court of law, the Prosecutor General submits a suggestion to the Senate or the Majilis, which is forwarded directed by the Chambers to the Central Election Commission for its consideration at the sitting of the respective Chamber. A suggestion is submitted to the deputy before the presentation of the charge, sanction on arrest or direction of administrative punishment in court. The deputy has the right to participate in the consideration by the Chamber of the issue of his inviolability. 3. Criminal case concerning the deputy can be raised only by the head of the state body of the Republic, carried out inquiry and preliminary investigation, and upon termination is a subject to transfer to the Prosecutor General for realization of supervision.
Korea Republic	Article 45 of the Constitution Parliamentary non-accountability is limited to words spoken or written by MPs and votes cast within Parliament.	MPs	Can be subjected to ethical investigation and disciplinary measures within the National Assembly.		Article 44 of the Constitution An assemblyman shall not be arrested or detained without the consent of the National Assembly except in the case of flagrant offenses. Applies only to criminal proceedings.	MPs		The National Assembly may request lawmakers arrested or detained before the opening of the session to be freed.

A	B	C	D	E	F	G	H	I	
<b>Comparative Table on the lifting of parliamentary immunity</b>									
References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE									
<b>Non-liability</b>									
<b>Inviolability</b>									
1									
2									
3									
4	<b>Country</b>	<b>Legal basis</b>	<b>Persons covered</b>	<b>Duration of immunity</b>	<b>Can immunity be lifted? By whom? Procedure for lifting immunity</b>	<b>Legal Basis<sup>2</sup></b>	<b>persons covered</b>	<b>Duration of immunity<sup>2</sup></b>	<b>Can immunity be lifted? By whom? Procedure for lifting immunity<sup>2</sup></b>
	Kyrgyzstan	Article 72 of Constitution Art. 139 Rule of Parliament (1) A deputy of the Jogorku Kenesh may not be prosecuted for opinions expressed in the course of their activities as a deputy or for the outcome of voting in the Jogorku Kenesh.		Unlimited. Chamber of deputies and Senate: Non-accountability takes effect on the day when the mandate begins and, on expiry of the mandate, affords protection against prosecution for opinions expressed during the exercise of the mandate.		Article 72 of Constitution Art. 139 Rule of Parliament The institution of criminal proceedings against a deputy shall be permitted with the consent of the majority of the total number of the deputies of the Jogorku Kenesh except where grave offences have been committed.	MPs		Yes A deputy may be prosecuted with the consent of the majority of parliament deputies The criminal case against the MPs can only be initiated by the General Prosecutor.





	A	B	C	D	E	F	G	H	I
1	<b>Comparative Table on the lifting of parliamentary immunity</b>								
2	References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
3	<b>Non-liability</b>								
4	<b>Country</b>	<b>Legal basis</b>	<b>Persons covered</b>	<b>Duration of immunity</b>	<b>Can immunity be lifted? By whom? Procedure for lifting immunity</b>	<b>Legal Basis2</b>	<b>persons covered</b>	<b>Duration of immunity2</b>	<b>Can immunity be lifted? By whom? Procedure for lifting immunity2</b>
Mexico	<p>Art. 61 of the Constitution, Art. 11(2) of the Organic Law of the Congress.</p> <p><u>Article 61 of the Constitution</u></p> <p>Representatives and senators shall be above criticism related to their opinions in the performance of their duties, they may never be questioned for such opinions.</p> <p>The speaker of each House shall be responsible for enforcing respect to House members' constitutional immunity and to the inviolability of the House.</p> <p>Derogations: offences, faults or omissions committed in carrying out the functions of senator (civil responsibility; waiver of immunity for criminal proceedings)</p>	MPS	<p>Non-accountability takes effect on the day when the mandate begins and, after the expiry of the mandate, offers protection against prosecution for opinions expressed during the exercise of the mandate</p>	<p>Can immunity be lifted? By whom? Procedure for lifting immunity</p>	<p>Article 62</p> <p>No Senator or Representative shall, during the time for which he was elected, be appointed to any federal or state government office which grants emolument without a license granted by the respective House. In such case, representative duties shall be suspended for as long as their new occupation lasts. The same rule shall be applied to the substitute representatives and senators if they have been called to service. Removal from office shall be the punishment imposed on any offender of this article's rules.</p> <p>Article 11(3) of the Organic Law of the Congress.</p> <p><i>Los diputados y senadores son responsables por los delitos que cometen durante el tiempo de su encargo y por los delitos, faltas u omisiones en que incurran en el ejercicio de ese mismo cargo, pero no podrán ser detenidos ni ejercitarse en su contra la acción penal hasta que seguida el procedimiento constitucional, se decida la separación del cargo y la sujeción a la acción de los tribunales comunes.</i></p>	MPS	<p>Protection is provided from the start to the end of the mandate</p>	<p>Parliamentary immunity (inviolability) can be lifted (Art. 11(3) of the Organic Law of the Congress):</p> <ul style="list-style-type: none"> <li>- Competent authority: the House of Representatives.</li> <li>- Procedure (Art. 111, 112, and 114(2) of the Constitution. In this case, representatives or senators must be heard. They have no means of appeal.</li> <li>- Parliament cannot make prosecution and/or detention subject to certain conditions.</li> </ul> <p>Article 111</p> <p>(1) In order to indict the senators, representatives, (...) the House of Representatives shall declare, by absolute majority, whether there are grounds to proceed against the accused.</p> <p>(2) A negative declaration by the House of Representatives shall suspend any further procedure. However, such a suspension shall not resolve the indictment in a definitive way. Once the accused finish his term in office, he can be put on criminal trial if the charges remain.</p> <p>(3) Upon a positive declaration by the majority of the members of the House of Representatives present, the indictment proceeds, the accused MP is suspended and placed under the jurisdiction of the competent authorities.</p> <p>(8) Related to lawsuits on civil matter against any public servant, it is not necessary that the Congress declares the properness of the proceedings.</p> <p>(9) Prison sentences shall be applied according to that established in the criminal law. In the case of crimes where the perpetrator obtains economic benefit or causes damage or loss to property, the prison sentence shall be proportional to the profit obtained by the accused and to the damages and losses caused by his unlawful conduct.</p>	



A	B	C	D	E	F	G	H	
1	<b>Comparative Table on the lifting of parliamentary immunity</b>							
2	References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDL-REF(2012)040-KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE							
3	<b>Non-liability</b>							
4	<b>Country</b>	<b>Persons covered</b>	<b>Duration of immunity</b>	<b>Can immunity be lifted? By whom? Procedure for lifting immunity</b>	<b>Legal Basis</b>	<b>persons covered</b>	<b>Duration of immunity<sup>2</sup></b>	<b>Can immunity be lifted? By whom? Procedure for lifting immunity<sup>2</sup></b>
MOROCCO	Article 64 (juillet 2011) Aucun membre du Parlement ne peut être poursuivi, recherché, arrêté, détenu ou jugé à l'occasion d'une opinion ou d'un vote émis par lui dans l'exercice de ses fonctions, hormis le cas où l'opinion exprimée met en cause la forme monarchique de l'Etat ou la religion musulmane ou constitue une atteinte au respect dû au Roi.			<b>lifting immunity</b>	Règlement intérieur de la Chambre des Représentants du 29/01/2004 (NB : les articles de la constitution cités en référence ici ne sont plus en vigueur. ) Article 85 Aucun membre de la Chambre des Représentants ne peut être poursuivi ou recherché, arrêté, détenu ou jugé que dans le cadre des dispositions de l'article 39 de la Constitution Ancien Article 39 (2) Aucun membre du Parlement ne peut, pendant la durée des sessions, être poursuivi ou arrêté pour crimes ou délits, autres que ceux indiqués à l'alinéa précédent, qu'avec l'autorisation de la Chambre à laquelle il appartient, sauf dans le cas de flagrant délit. - Aucun membre du Parlement ne peut, hors session, être arrêté qu'avec l'autorisation du bureau de la Chambre à laquelle il appartient, sauf dans le cas de flagrant délit, de poursuites autorisées ou de condamnation définitive. La détention ou la poursuite d'un membre du Parlement est suspendue si la Chambre à laquelle il appartient le requiert, sauf dans le cas de flagrant délit, de poursuites autorisées ou de condamnation définitive.			Article 86. Les demandes de levée de l'immunité sont déposées par le ministre de la Justice auprès du Président de la Chambre. (Chambre des Représentants) Article 87. La Chambre constitue, au début de la législature, une commission appelée « Commission de l'immunité parlementaire », chargée de l'examen des demandes de suspension de la détention, des mesures privatives ou restrictives de liberté ou de la poursuite d'un Représentant. La Commission de l'immunité parlementaire se compose, sur la base d'une représentation proportionnelle des groupes de la Chambre, de treize membres, dont les présidents des groupes. Le Bureau de la Chambre des Représentants transmet à la Commission de l'immunité parlementaire les demandes qui lui parviennent dès leur réception. Article 88. La Commission doit entendre le Représentant concerné, qui a le droit de se faire représenter par un de ses collègues pour exposer son point de vue devant la Commission. La Commission statue sur la demande qui lui est soumise au cours de la même session, conformément au Règlement intérieur régissant les travaux des commissions. Article 89. La Chambre prend une décision concernant la demande de levée de l'immunité dans la même séance au cours de laquelle la demande est soumise, après un débat auquel ne prennent part que le rapporteur de la Commission, le Gouvernement et le Représentant concerné, ou un membre de la Chambre le représentant, un orateur pour et un orateur contre, selon ce qu'a décidé la Conférence des Présidents. Article 90. En cas de rejet de la demande par la Chambre, aucune nouvelle demande, concernant les mêmes faits, ne peut être présentée tant qu'il n'y aura pas de nouvelles données. Article 91. En cas de rejet de la demande par la Chambre, aucune nouvelle demande, concernant les mêmes faits, ne peut être présentée tant qu'il n'y aura pas de nouvelles données. Le Bureau de la Chambre examine les demandes qui lui sont soumises conformément aux dispositions du paragraphe 3 de l'article 39 de la Constitution, dans un délai de trente jours de la date de sa réception. Sa décision est prise à la majorité relative de ses membres. Si la session législative est ouverte avant que le Bureau n'ait statué sur les demandes qui lui sont soumises, celles-ci sont immédiatement transmises à la Commission de l'immunité parlementaire pour examen et décision, conformément à la procédure énoncée dans le présent Règlement.





Comparative Table on the lifting of parliamentary immunity									
A	B	C	D	E	F	G	H	I	
References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 6827/2012 CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE									
Non-liability									
Country	Legal basis	Persons covered	Duration of immunity	Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
1									
2									
3									
4	Peru	Article 93 Political Constitution of Peru "They are not responsible to any authority or jurisdictional body by votes cast or opinions expressed in the exercise of their functions."	MPs		Article 93 Political Constitution of Peru (Artículo 16. REGLAMENTO DEL CONGRESO DE LA REPÚBLICA) "They may not be tried or arrested without prior authorization from Congress or the Permanent Assembly." "...in the case of flagrante delicto, when they are placed at the disposal of Congress or its Permanent Assembly within 24 hours to determine whether their imprisonment and prosecution may be authorized or not." The request to lift the immunity, referred to the third paragraph of Article 93 of the Political Constitution of Peru, will be made by a commission composed of the Supreme Court Members (Inmunidades de arresto y proceso (Artículo 16 REGLAMENTO DEL CONGRESO DE LA REPÚBLICA )	MPs	Congressmen have tenure from the time of their election to a month after terminating their office.	Yes, at the disposal of Congress or its Permanent Assembly in the case of flagrante delicto, when they are placed at the disposal of Congress or its Permanent Assembly within 24 hours to determine whether their imprisonment and prosecution may be authorized or not." The request to lift the immunity, referred to the third paragraph of Article 93 of the Political Constitution of Peru, will be made by a commission composed of the Supreme Court Members (Inmunidades de arresto y proceso (Artículo 16 REGLAMENTO DEL CONGRESO DE LA REPÚBLICA )	
50		(Art. 105(1) of the Constitution, Art. 6(1) of the Act on the Exercise of the Mandate of a Deputy or Senator). (1) A Deputy shall not be held accountable for his activity performed within the scope of a Deputy's mandate during the term thereof nor after its completion. Regarding such activities, a Deputy can only be held accountable before the Sejm and, in a case where he has infringed the rights of third parties, he may only be proceeded against before a court with the consent of the Sejm. (3) Criminal proceedings instituted against a Deputy, shall be suspended at the request of the Sejm until the time of expiry of the mandate. In such instance, the statute of limitation with respect to criminal proceedings shall be extended for the equivalent time. *Furthermore, the Constitution states that a Deputy shall not be subjected to criminal accountability from the day of announcement of the results of the elections until the day of expiry of the mandate. Senate (Art. 108 in conjunction with Art. 105(1)).	MPs	Limited to the length of the mandate. However, after completion of his mandate, a Deputy cannot be freely held accountable for actions covered by immunity and performed during the mandate.	Requests for waiving the parliamentary immunity of a Deputy must be submitted to the Marshal of the Sejm, who forwards them to the Rules and Deputies Affairs Committee. After examination by this committee, the Chamber can waive the immunity by means of a resolution adopted by an absolute majority vote. Senate (Art. 102(2) to (5) of the Act on the Exercise of the Mandate of a Deputy or Senator, Art. 73 to 74 of the Standing Orders of the Sejm of the Republic of Poland). In this case, MPs must be heard. They do not have means of appeal. Parliament cannot subject the prosecution and/or detention to certain conditions. Parliament can suspend the prosecution and/or imprisonment, the MPs concerned cannot be authorised to attend sittings of Parliament. Senate. Competent authority: the Senate or the senator concerned - Procedure (Art. 102(2) to (5) of the Act on the Exercise of the Mandate of a Deputy or Senator, Art. 24 of the Rules and Regulations of the Senate). In this case, MPs must be heard. They do not have means of appeal.	MPs	From the day of announcement of the results of the elections until the end of the mandate.	Yes, at the disposal of Congress or its Permanent Assembly in the case of flagrante delicto, when they are placed at the disposal of Congress or its Permanent Assembly within 24 hours to determine whether their imprisonment and prosecution may be authorized or not." The request to lift the immunity, referred to the third paragraph of Article 93 of the Political Constitution of Peru, will be made by a commission composed of the Supreme Court Members (Inmunidades de arresto y proceso (Artículo 16 REGLAMENTO DEL CONGRESO DE LA REPÚBLICA )	
51	Poland	(Art. 105(1) of the Constitution, Art. 6(1) of the Act on the Exercise of the Mandate of a Deputy or Senator). (1) A Deputy shall not be held accountable for his activity performed within the scope of a Deputy's mandate during the term thereof nor after its completion. Regarding such activities, a Deputy can only be held accountable before the Sejm and, in a case where he has infringed the rights of third parties, he may only be proceeded against before a court with the consent of the Sejm. (3) Criminal proceedings instituted against a Deputy, shall be suspended at the request of the Sejm until the time of expiry of the mandate. In such instance, the statute of limitation with respect to criminal proceedings shall be extended for the equivalent time. *Furthermore, the Constitution states that a Deputy shall not be subjected to criminal accountability from the day of announcement of the results of the elections until the day of expiry of the mandate. Senate (Art. 108 in conjunction with Art. 105(1)).	MPs	Limited to the length of the mandate. However, after completion of his mandate, a Deputy cannot be freely held accountable for actions covered by immunity and performed during the mandate.	Requests for waiving the parliamentary immunity of a Deputy must be submitted to the Marshal of the Sejm, who forwards them to the Rules and Deputies Affairs Committee. After examination by this committee, the Chamber can waive the immunity by means of a resolution adopted by an absolute majority vote. Senate (Art. 102(2) to (5) of the Act on the Exercise of the Mandate of a Deputy or Senator, Art. 73 to 74 of the Standing Orders of the Sejm of the Republic of Poland). In this case, MPs must be heard. They do not have means of appeal. Parliament cannot subject the prosecution and/or detention to certain conditions. Parliament can suspend the prosecution and/or imprisonment, the MPs concerned cannot be authorised to attend sittings of Parliament. Senate. Competent authority: the Senate or the senator concerned - Procedure (Art. 102(2) to (5) of the Act on the Exercise of the Mandate of a Deputy or Senator, Art. 24 of the Rules and Regulations of the Senate). In this case, MPs must be heard. They do not have means of appeal.	MPs	From the day of announcement of the results of the elections until the end of the mandate.	Yes, at the disposal of Congress or its Permanent Assembly in the case of flagrante delicto, when they are placed at the disposal of Congress or its Permanent Assembly within 24 hours to determine whether their imprisonment and prosecution may be authorized or not." The request to lift the immunity, referred to the third paragraph of Article 93 of the Political Constitution of Peru, will be made by a commission composed of the Supreme Court Members (Inmunidades de arresto y proceso (Artículo 16 REGLAMENTO DEL CONGRESO DE LA REPÚBLICA )	

## Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDL-REF(2012)040-KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

### Non-liability

Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
Portugal	<p>Constitution (Art. 157): Rules for Deputies (Rule 10); Rules of Procedure of the Assembly of the Republic (Rule 38). Article 196 (Implementation of criminal liability of members of the Government)</p> <p>Article 157</p> <p>(1) Members of the Assembly of the Republic are not civilly or criminally liable for or subject to disciplinary proceedings in relation to their votes or the opinions they express in the exercise of their functions.</p> <p>(2) Members of the Assembly of the Republic may not appear as makers of declarations or accused persons without the Assembly's authorisation. In the latter case, the Assembly shall obligatorily decide in favour of authorisation when there are strong indications of the commission of a wilful crime punishable by imprisonment for a maximum term of more than three years.</p>	MPs	Unlimited	No	<p>Constitution (Art. 157(3))</p> <p>(3) No Member of the Assembly of the Republic may be detained, arrested or imprisoned without the Assembly's authorisation, save for a wilful crime punishable by the type of prison term referred to by the previous paragraph ( paragraph 2 (imprisonment for a maximum term of more than three years)) and in flagrant delicto.</p> <p>(4) In the event that criminal proceedings are brought against any Member of the Assembly of the Republic and he is definitively charged, the Assembly shall decide whether or not he must be suspended so that the proceedings can take their course. When the crime is of the type referred to in the previous paragraphs (** paragraphs 2 and 3 (wilful crime)), the Assembly shall obligatorily decide to suspend the Member/Rules for Deputies (Rule 10); Rules of Procedure of the Assembly of the Republic (Rule 38).</p>	MPs	<p>For the duration of the legislature, from the first meeting of the Assembly and during the period it is dissolved</p> <p>Limited to length of mandate</p>	<p>Parliamentary immunity (inviolability) can be lifted (Art. 157(2) and (3) of the Constitution, Art. 11(1) of the Statute of the Deputies).</p> <ul style="list-style-type: none"> <li>Competent authority: the Assembly of the Republic</li> </ul> <ul style="list-style-type: none"> <li>Procedure (Art. 157(4) of the Constitution, Art. 3 of the Standing Orders, Art. 4(1) (b), Art. 6(1)(b) and (2), Art. 11(2) and (3) and Art. 14(2) to (5) of the Statute of Deputies). In this case, MPs can be heard. They do not have means of appeal.</li> <li>Parliament cannot subject the prosecution and/or detention of one of its members.</li> <li>In the event of preventive custody or imprisonment, the MPs concerned cannot be authorised to attend sittings of Parliament</li> </ul> <p>The competent authorities submit the proposal to the Speaker of the Assembly. The judge then requests the suspension of the deputy's mandate.</p> <ul style="list-style-type: none"> <li>The request is examined by the Committee on the Rules of Procedure and Parliamentary Mandates which hears the deputy and then gives an opinion.</li> <li>The decision to consent to the imprisonment of a deputy or to suspend proceedings is taken by secret ballot. An absolute majority of deputies present is required.</li> </ul> <p>In the case of a crime of the type referred to in the previous paragraph (Art. 157(2) and 157(3) ) the decision to suspend is obligatory.</p>

A	B	C	D	E	F	G	H	I
<b>Comparative Table on the lifting of parliamentary immunity</b> <small>References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012.CDI.REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE</small>								
<b>Non-liability</b>								
<b>Inviolability</b>								
Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis?	persons covered	Duration of immunity?	Can immunity be lifted? By whom? Procedure for lifting immunity?
Romania	<p>Article 72 of the Constitution</p> <p>Parliamentary Immunity /Article 192 of the REGULATIONS OF THE CHAMBER OF DEPUTIES</p> <p>(1) No Deputy or Senator shall be held judicially accountable for the votes cast or the political opinions expressed while exercising their office.</p>	MPs	<p>Article 191</p> <p>REGULATIONS OF THE CHAMBER OF DEPUTIES</p> <p>Deputies shall enjoy parliamentary immunity from the date when the certificates attesting to their election are issued, provided they are validated.</p>	<p>Can immunity be lifted? By whom? Procedure for lifting immunity</p>	<p>Article 72 of the Constitution</p> <p>(2) Deputies and Senators may be subject to criminal proceedings and indicted for acts that are not in connection with their votes or their political opinions expressed in the exercise of their office, but shall not be searched, detained or arrested without the consent of the Chamber whose member they are, after being heard. Criminal proceedings and indictment shall only be carried out by the Public Prosecutor's Office attached to the High Court of Cassation and Justice. The High Court of Cassation and Justice shall have jurisdiction over this case.</p> <p>(3) If caught in the act, Deputies or Senators may be detained and searched. The Minister of Justice shall inform without delay the President of the Chamber in question of such detention and search. If, after being notified, the Chamber in question finds there are no grounds for the detention, it shall order the annulment of such measure at once.</p>	MPs	<p>During the length of mandate</p> <p>Article 191.REGULATIONS OF THE CHAMBER OF DEPUTIES - Deputies shall enjoy parliamentary immunity from the date when the certificates attesting to their election are issued, provided they are validated.</p>	<p>Article 193 of the Regulations of the Chamber of Deputies</p> <p>(2) A detaining, arrest, or search petition shall be submitted to the President of the Chamber of Deputies by the Minister of Justice. Subsequent perpetration or discovery of new criminal actions shall lead to the filing of a new petition for detention, arrest or search.</p> <p>(3) The President of the Chamber shall inform the Deputies of such petition, in a public sitting. Then, he/she shall immediately refer it to the Legal, Discipline and Immunities Committee for examination. In its report, the Committee shall establish whether there are good grounds to approve the petition or not. The Committee's decision shall be adopted no later than five days of its notification, with the vote of a majority of its Members. The vote shall be secret.</p> <p>(4) The Minister of Justice shall refer to the Legal, Discipline and Immunities Committee all the documents required by the latter, if he/she should refuse to do so, the Committee shall appeal to the Standing Bureau of the Chamber of Deputies, requiring it to rule on such refusal.</p> <p>(5) The petition stipulated under paragraph (2), along with the Committee's report, shall be forwarded to the Parliamentary Group to which the Deputy in question belongs. The Group shall express their viewpoint on the petition in a written report, within five days of its notification.</p> <p>(7) The Committee's report, along with the Parliamentary Group's report shall be referred to the Standing Bureau and submitted to the Chamber of Deputies for debate and approval.</p> <p>(8) The Chamber of Deputies shall pronounce on the measure to be taken no later than 20 days of its notification, based on the vote by a majority of the Members present.</p> <p>Article 194</p> <p>(1) In the event of a flagrant crime, Deputies may be detained and subject to a search. The Minister of Justice shall be notified of the matter immediately. The Minister of Justice shall inform the President of the Chamber of Deputies without delay of such detention or search. If the Chamber should find there are no grounds for detention, it shall order immediate cancellation of such measure.</p> <p>(2) The order for cancellation of detention shall be executed at once by the Minister of Justice.</p> <p>Voir Loi qui amende et complète la Loi n° 96/2006 portant Statut des députés et des sénateurs: de flagrant délit et la procédure en cas de demande de commencement des poursuites pénales pour un ministre qui a également la qualité de député ou de sénateur aux nouveaux Articles 24(1) et 24(2)</p>

# Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDL-REF/2012-040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

## Inviolability

	A	B	C	D	E	F	G	H		
1	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom?	Procedure for lifting immunity	Legal Basis <sup>2</sup>	persons covered	Duration of immunity <sup>2</sup>	Can immunity be lifted? By whom? Procedure for lifting immunity <sup>2</sup>
2										
3										
4	Russia	<p>Law on the Status of Deputies to the Council of the Federation and the State Duma (Arts. 18, 19 &amp; 20);</p> <p>Rules of Procedure of the State Duma and Rules of Procedure of the Council of the Federation.</p>	MPs	<p>Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate.</p>	lifting immunity	<p>(Art. 98 of the Constitution of 12.12.1993) It applies only to criminal and administrative proceedings, covers all offences and protects MPs from arrest and from being held in preventive custody, from search, interrogation, and personal search.</p> <p>Derogations: in cases of flagrante delicto, the Council does not have to give its consent to the arrest, preventive custody, search or interrogation. Personal search is allowed, if stipulated by federal law, for the protection of other people's safety.</p> <p>Parliamentary inviolability does not prevent MPs from being called as witnesses, before a judge or tribunal but a parliamentarian has the right to refuse to give testimony in relation to circumstances he became privy to in connection with the exercise of parliamentary duties.</p>	MPs	<p>Protection is provided from the start to the end of the mandate. It does not cover judicial proceedings instituted against MPs before their election.</p>	<p>Parliamentary immunity (inviolability) can be lifted (Art. 98(2) of the Constitution):</p> <ul style="list-style-type: none"> <li>• Competent authority: the Council of the Federation</li> <li>• Procedure (Art. 98(2) of the Constitution):                             <ul style="list-style-type: none"> <li>“(2) The question of stripping a deputy of immunity is decided on the recommendation of the Prosecutor-General of the Russian Federation by the corresponding chamber of the Federal Assembly.”</li> </ul> </li> </ul> <p>The proposal is submitted to the Chamber by the Public Prosecutor of the Russian Federation.</p> <ul style="list-style-type: none"> <li>• The request is examined by a special committee in each Chamber which produces an opinion, with grounds, within five days.</li> <li>• The decision is taken by the Chamber concerned (a two-thirds majority of Members within seven days of the date of the proposal is required for the Council of the Federation; a majority of the total number of deputies is required in the State Duma, within seven days).</li> </ul> <p>Parliament cannot subject the prosecution and/or detention to certain conditions.</p> <ul style="list-style-type: none"> <li>• Parliament cannot suspend the prosecution and/or detention of one of its members.</li> <li>• In the event of preventive custody or imprisonment, the MPs concerned cannot be authorised to attend sittings of Parliament.</li> </ul>	
54	San Marino	<p>1974 Declaration of rights and principles Art. 3, 8th indent</p> <p>[...] A qualified law shall regulate the responsibilities and immunities of the members of the Great and General Council.</p> <p>[...]</p> <p>Law of 11 March 1981, n. 21, Reforming the Rules of the Great and General Council Article 36</p> <p>The Members of the Great and General Council may not be prosecuted or brought before justice for any opinion, judgment or statement made within the Council or for any vote cast in the fulfilment of their functions.</p> <p>Criminal Code, Article 187</p> <p>No penalty, whether criminal, civil or administrative, shall be applied for offensive statements in writings that are presented or in speeches that are pronounced within the Great and General Council by its members in relation to topics of general interest that are being discussed or that are to be put on the agenda.</p>	MPs	Unlimited	N.a.	<p>1974 Declaration of rights and principles Art. 3, 6th indent</p> <p>[...] A constitutional law shall determine the immunities and responsibilities of the Regency [...]</p> <p>Constitutional Law of 16 December 2005, n. 185, on the Captains Regent Art. 3</p> <p>(1) The Captains Regent may not be prosecuted under any form or for whatever reason during their mandate [NB: six months, not renewable before 3 years have elapsed]</p> <p>(2) They are answerable for the acts accomplished in the exercise of their mandate also within the meaning of Title VI of the Qualified Law of 25 April 2003, n. 55</p> <p>Qualified Law of 25 April 2003, n. 55 Art. 17</p> <p>(1) The Captains Regent are answerable before the College, at the end of their mandate, in conformity with Rubric XIX of Book I of the Leges Statutae.</p> <p>(2) This form of control exclusively concerns the ascertainment and evaluation of institutional responsibilities, and is without prejudice to possible criminal and civil liabilities, that must be brought before ordinary courts. [...]</p>	Heads of State	Mandate (6 months)	Expires automatically	





# Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 687/2012-CDL-REF/2012/040-KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

## Non-liability

## Inviolability

1	2	3	4	5	6	7	8	9	10
A	B	C	D	E	F	G	H	I	J
Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis <sup>2</sup>	persons covered	Duration of immunity <sup>2</sup>	Can immunity be lifted? By whom? Procedure for lifting immunity <sup>2</sup>	
Sweden	Constitution (Art. 12, chap. 4) see also the Fundamental Law on Freedom of Expression and the Freedom of the Press Act Parliamentary non-accountability is limited to words spoken or written by MPs and votes cast within Parliament.	MPs	Non-accountability takes effect on the day when the mandate begins and ceases after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate.	The immunity can be lifted by a decision by Parliament by 5/6 of the voting members.	Constitution (Art. 12, chap. 4). see also the Fundamental Law on Freedom of Expression and the Freedom of the Press Act	MPs	Duration of the mandate	Parliamentary immunity (inviolability) can be lifted by a qualified majority of the voting members of Parliament.	





	A	B	C	D	E	F	G	H	I
1	<b>Comparative Table on the lifting of parliamentary immunity</b>								
2	References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 687/2012-CDI-REF/2012/040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
3	<b>Non-liability</b>								
4	<b>Inviolability</b>								
	<b>Country</b>	<b>Legal basis</b>	<b>Persons covered</b>	<b>Duration of immunity</b>	<b>Can immunity be lifted? By whom? Procedure for lifting immunity</b>	<b>Legal Basis2</b>	<b>persons covered</b>	<b>Duration of immunity2</b>	<b>Can immunity be lifted? By whom? Procedure for lifting immunity2</b>
	Tunisia		MPs	Article 67 du projet de Constitution - Version du 1er juin 2013 "pendant son mandat" L'irresponsabilité prend naissance le jour du début du mandat et s'étend, une fois le mandat expiré, à toutes poursuites pour des opinions émises pendant l'exercice du mandat.		Article 68 du projet de Constitution Si le député invoque l'immunité pénale par écrit, il ne peut être poursuivi ou arrêté pour crime ou délit, pendant son mandat, tant que l'immunité qui le couvre n'a pas été levée. En cas de flagrant délit, il peut être procédé à son arrestation. L'Assemblée doit en être immédiatement informée et il est mis fin à la détention si le Bureau de l'Assemblée le requiert.	MPs	Article 68 "pendant son mandat, tant que l'immunité qui le couvre n'a pas été levée"	Yes, Article 68 "Tant que l'immunité qui le couvre n'a pas été levée" Dérogation : Flagrant délit Autorité compétente : la Chambre des députés - Procédure. Dans ce cas, le parlementaire peut être entendu. Il ne dispose pas de moyen de recours. - Le Parlement ne peut pas soumettre les poursuites et/ou la détention à certaines conditions. - Le Parlement peut suspendre la détention d'un de ses membres en cas de flagrant délit. - Autorité compétente : la Chambre des députés.

## Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012 CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

### Inviolability

Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	persons covered	Duration of immunity <sup>2</sup>	Can immunity be lifted? By whom? Procedure for lifting immunity <sup>2</sup>	
Turkey	<p>Constitution (Arts. 83 &amp; 84). (4)</p> <p>Parliamentary immunity</p> <p>Article 83</p> <p>Members of the Turkish Grand National Assembly shall not be liable for their votes and statements concerning parliamentary functions, for the views they express before the Assembly, or unless the Assembly decides otherwise on the proposal of the Bureau for that sitting, for repeating or revealing these outside the Assembly.</p>	MPs	<p>Permanent. Non-accountability takes effect on the day when the mandate begins. It does not offer, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate.</p>	No	<p>Constitution (Arts. 83 &amp; 84). (Art. 83(2) to (5) of the Constitution).</p> <p>A deputy who is alleged to have committed an offence before or after the election shall not be arrested, interrogated, detained, or tried unless the Assembly decides otherwise. This provision shall not apply in cases where a member is caught in the act of committing a crime punishable by a heavy penalty and in cases subject to Article 14 of the Constitution if an investigation has been initiated before the election. However, in such situations the competent authority shall notify the Turkish Grand National Assembly immediately and directly. The execution of a criminal sentence imposed on a member of the Turkish Grand National Assembly either before or after his election shall be suspended until he ceases to be a member; the statute of limitations does not apply during the term of membership. Investigation and prosecution of a re-elected deputy shall be subject to the renewed waiver of immunity by the Assembly.</p>	MPs	<p>Duration of the mandate</p>	<p>Parliamentary immunity (inviolability) can be lifted (Art. 83(2) of the Constitution):</p> <p>In case of flagrante delicto involving offences punishable by a heavy prison sentence, or offences subject to Article 14 of the Constitution provided that the investigations began before the elections, the competent authority informs the Assembly of any proceedings. But the deputy only serves his sentence at the end of his mandate. However, if he is re-elected, the Assembly must be asked to renew its consent.</p> <ul style="list-style-type: none"> <li>• The proposal is submitted to the Speaker of the Assembly by the Public Prosecutor through the Minister of Justice.</li> <li>• The request is examined by a "preparatory committee" composed of five members, then by the Constitution and Justice Committee which reads its report to a plenary session of the Assembly.</li> <li>• If the Committee decides in favour of lifting immunity, the matter is decided by the Procedure (Art. 83(2) to (5), Art. 85 of the Constitution). In this case, MPs must be heard.</li> <li>• Parliament cannot subject the prosecution and/or detention to certain conditions.</li> <li>• Parliament cannot suspend the prosecution and/or detention of one of its members.</li> </ul> <p>Article 84</p> <p>The loss of membership of a deputy who has resigned shall be decided upon by the plenary of the Turkish Grand National Assembly after the Bureau of the Turkish Grand National Assembly attests to the validity of the resignation.</p> <p>The loss of membership, through a final judicial sentence or deprivation of legal capacity, shall take effect after the final court decision in the matter has been communicated to the plenary of the Turkish Grand National Assembly.</p> <p><b>RULES OF PROCEDURE OF THE GRAND NATIONAL ASSEMBLY OF TURKEY</b></p> <p>Art. 131: Requests for lifting the immunity of a deputy shall be referred by the Office of the Speaker to the Joint Committee comprised of the members of the Committee on the Constitution and the Committee on Justice.</p> <p>Art. 133: The Joint Committee debates the report of the preparatory committee and its attachments. The Joint Committee decides on lifting the immunity or deferring the prosecution until the term of office of a deputy or minister ends.</p>

# Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Study No 682/2012-CDL-REF12012040-KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

## Non-liability

## Inviolability

	A	B	C	D	E	F	G	H	I
	Country	Legal basis	Persons covered	Duration of immunity	Procedure for lifting immunity	Legal Basis	persons covered	Duration of immunity <sup>2</sup>	Can immunity be lifted? By whom? Procedure for lifting immunity <sup>2</sup>
1									
2									
3									
4	Ukraine	<p>Article 80 of the Constitution</p> <p>National Deputies of Ukraine are guaranteed parliamentary immunity. National Deputies of Ukraine are not legally liable for the results of their votes or for statements made in Parliament and in its bodies, with the exception of liability for insult or defamation.</p> <p>National Deputies of Ukraine shall not be held criminally liable, detained or arrested without the consent of the Verkhovna Rada of Ukraine.</p> <p>Article 105(1) and Article 106(6) of the Law of Ukraine "On the Status of the People's Deputy of Ukraine"</p> <p>The people's deputies of Ukraine shall not be held legally liable for their votes or for statements made in the parliament and its bodies, except for the liability for an insult or defamation.</p> <p>Veroting and position expressed by the People's Deputy while working at the Parliament of Ukraine and its bodies shall not be the subject of consideration at the Parliament of Ukraine and its bodies.</p> <p>Immunity of People's Deputies (National Deputies) is extended to:</p> <ul style="list-style-type: none"> <li>the voting procedures at the Parliamentary plenary</li> <li>the voting procedures of Parliamentary</li> <li>committees</li> <li>working bodies (committees) of Parliamentary</li> <li>expression of opinions and oral positions (in the oral or written form) at Parliamentary plenary</li> <li>meetings of Parliamentary bodies</li> <li>meetings as well as at the time of performance of tasks which are related to the MP's activity;</li> <li>legislative bills and resolutions;</li> <li>other forms of legislative proposal (Art. 11(1) of the Law of Ukraine "On the Status of the People's Deputy of Ukraine")</li> <li>written addresses or deputy address (Art. 15 and Art. 16 of the Law of Ukraine "On the Status of the People's Deputy of Ukraine")</li> <li>- and other forms of activity related to deputy mandate's execution.</li> </ul>	<p>Parliamentary immunity is guaranteed to People's Deputies for the entire duration of their mandate. (Art. 27(1) of the Law of Ukraine "On the Status of the People's Deputy of Ukraine")</p> <p>Non-accountability takes effect on the day when the mandate begins and ceases after the expiry of the mandate).</p>	<p>Yes, in the cases of liability for insult or defamation immunity can be lifted (Art. 80 of the Constitution of Ukraine; and Article 10(5) of the Law of Ukraine "On the Status of the People's Deputy of Ukraine")</p> <p>A special procedure is stipulated by Article 80(3) of the Constitution of Ukraine and Article 27(3) of the Law of Ukraine "On the Status of the People's Deputy of Ukraine"</p>	MPS	MPS	<p>Parliamentary inviolability is guaranteed to People's Deputies for the entire duration of their mandate (Art. 27 of the Law of Ukraine on the Status of the People's Deputy of Ukraine). It does not cover judicial proceedings instituted against MPs before their election (Art. 76(3) of the Constitution).</p> <p>Deputy immunity (inviolability) can be lifted only by the Parliament of Ukraine (Article 218(1) of the Law of Ukraine "On the Rules of Procedure of the Verkhovna Rada of Ukraine". See also Article 216(4) of the Code on Criminal Procedure of Ukraine; Article 218, 219, 220, 221, 30 of the Law of Ukraine "On the Rules of Procedure of the Verkhovna Rada of Ukraine" and Article 481 of the Code on Criminal Procedure of Ukraine).</p>		

# Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

## Non-liability

A	B	C	D	E	F	G	H	I
Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom?	lifting immunity Procedure for lifting immunity Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
1								
2								
3								
4	<p>The Bill of Rights, 1689; law and custom of the High Court of Parliament; Privilege of Parliament Act; Parliamentary Privilege Act.</p> <p>Freedom of speech in "proceedings in Parliament" and immunity from private actions to this end.</p>	<p>The House of Commons and the House of Lords collectively and their members individually.</p> <p>Legal privilege also extends to witnesses, counsel, petitioners and other persons called upon to attend and participate in proceedings.</p>	<p>Unlimited</p>	<p>Parliamentary immunity (inviolability) cannot be lifted. Only limited cases under the Defamation Act 1996 by Members or witnesses before Committees</p> <p>- The Committee of Privileges of each House gives its opinion on each complaint of breach of privilege or contempt of Parliament.</p> <p>- Only the House itself may impose disciplinary measures or take decisions in this domain.</p>	<p>The Bill of Rights, 1689; law and custom of the High Court of Parliament; Privilege of Parliament Act; Parliamentary Privilege Act</p>	<p>The House of Commons and the House of Lords collectively and their members individually.</p>	<p>for 40 days after every prorogation or dissolution.</p> <p>House of Commons</p> <p>Technically, protection is provided from 40 days before the session starts until 40 days after the House has been prorogued or dissolved (however, the interval between prorogation and new session is usually a fortnight). Since parliamentary inviolability does not cover judicial proceedings in general, it does not cover judicial proceedings instituted against MPs before their election.</p> <p>House of Lords</p> <p>Protection is provided from 40 days before the session starts until 40 days after the House has been prorogued or dissolved ("parliamentary privilege"). The privilege of peerage is forever. Since parliamentary inviolability does not cover judicial proceedings in general, it does not cover judicial proceedings instituted against MPs before they become Lords.</p>	<p><b>House of Commons</b></p> <p>Parliamentary immunity (inviolability) cannot be lifted.</p> <p><b>House of Lords</b></p> <p>Parliamentary immunity (inviolability) can be lifted (Defamation Act 1996):</p> <p>The police or the judge have a duty to inform the Speaker or the Lord Chancellor of any arrest followed by detention or a prison sentence imposed on a Member of Parliament.</p> <p>Competent authority: the Lord</p> <p>Procedure: Lords may waive their immunity in cases of slander, libel and defamation. Parliament cannot subject the prosecution and/or detention to certain conditions.</p> <p>Parliament cannot suspend the prosecution and/or detention of one of its members in the event of preventive custody or imprisonment, the MPs concerned cannot be authorised to attend sittings of Parliament.</p>

	A	B	C	D	E	F	G	H	I
1	<b>Comparative Table on the lifting of parliamentary immunity</b>								
2	References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012, CDL-REF(2012)040, KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
3	<b>Non-liability</b>								
4	<b>Country</b>	<b>Legal basis</b>	<b>Persons covered</b>	<b>Duration of immunity</b>	<b>Can immunity be lifted? By whom? Procedure for lifting immunity</b>	<b>Legal Basis2</b>	<b>persons covered</b>	<b>Duration of immunity2</b>	<b>Can immunity be lifted? By whom? Procedure for lifting immunity2</b>
USA	Art. I, S. 6(1) of the Constitution; [...] for any speech or debate in either House, they shall not be questioned in any other place.	Members of Congress and aides when their conduct would be protected if performed by the member.	Non-accountability takes effect on the day when the Member's term begins, and offers, during and after the expiration of the term, protection against suit for votes cast, opinions expressed and other acts that are an integral part of the deliberative and communicative process by which members participate in proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matters which the Constitution places within the jurisdiction of either house of Congress.	Generally no, but the questions whether and to what extent Congress can waive immunity for an individual member is unsettled.	Art. I, S. 6(1) of the Constitution: [...] They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same.	Members of Congress	Protection is provided only during attendance at sessions and while a Member is going to and returning from the session.	Immunity does not apply to arrest in criminal cases or to service of process, and thus has limited applicability today because arrests in civil suits are now rare.	
	<b>Inviolability</b>								

# Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

## Non-liability

	A	B	C	D	E	F	G	H	I
	Inviolability								
	Can immunity be lifted? By whom?								
	Can immunity be lifted? By whom? Procedure for lifting immunity?								
Country	Legal basis	Persons covered	Duration of immunity	Persons covered	Duration of immunity?	persons covered	Duration of immunity?	Can immunity be lifted? By whom? Procedure for lifting immunity?	Can immunity be lifted? By whom? Procedure for lifting immunity?
Uruguay	<p>Art. 112 of the Constitution, see also Rule 92(C) of the Rules of Procedure of the General Assembly, and Rule 105(C) of the Rules of Procedure of the Chamber of Representatives).</p> <p>Article 112 Senators and Representatives shall never be held liable for the votes they cast or opinions expressed during the discharge of their duties.</p> <p>Parliamentary non-accountability applies to words spoken and written by MPs both within and outside Parliament.</p>	MPs	<p>Unlimited.</p> <p>Non-accountability takes effect on the day when the mandate begins.</p>	MPs	<p>House of representatives</p> <p>Derogations: waiver of immunity, offence or insult (Rules 73, 104(H), and 106(2) No. 6 of the Rules of Procedure of the Chamber of Representatives;</p> <p>Senator: Derogations: waiver of immunity; offence or insult (Rules 84, 85 No. 3 of the Rules of Procedure of the Senate)</p>	<p>(Art. 113 and 114 of the Constitution).</p> <p>Article 113 No Senator or Representative, from the day of his election until that of his termination, may be arrested except in case of flagrante delicto and then notice shall immediately be given to the respective Chamber, with a summary report of the case.</p> <ul style="list-style-type: none"> <li>• it applies to criminal and civil proceedings, covers all offences with the exception of traffic offences, and protects MPs from arrest and from being held in preventive custody, from the opening of judicial proceedings against them and from their homes being searched.</li> <li>• Derogations: in cases of flagrante delicto, the MP can be arrested. Notice shall immediately be given to the Chamber of Representatives, with a summary report of the case.</li> <li>• Parliamentary inviolability does not prevent MPs from being called as witnesses before a judge or tribunal. However, they may reply in writing, without appearing before a judge or tribunal.</li> </ul>	<ul style="list-style-type: none"> <li>• Protection is provided from the start to the end of the mandate, including between early dissolution of the House and the election of a new Parliament, and also covers judicial proceedings instituted against MPs/senators before their election.</li> </ul>	<p>Parliamentary immunity (inviolability) can be lifted (Art. 114 of the Constitution):</p> <p>Article 114 No Senator or Representative, from the day of his election until that of his termination, may be indicted on a criminal charge, or even for common offenses which are not specified in Article 93, except before his own Chamber, which, by two-thirds of the votes of its full membership, shall decide whether or not there are grounds for prosecution and if so, shall declare him suspended from office, and he shall be placed at the disposition of a competent Tribunal.</p> <p><b>House of representatives</b></p> <p>Competent authority: the Chamber of Representatives</p> <ul style="list-style-type: none"> <li>- Procedure (Art. 114 of the Constitution). In this case, MPs need not be heard. They do not have means of appeal.</li> <li>• Parliament cannot subject the prosecution and/or detention to certain conditions.</li> <li>• Parliament cannot suspend the prosecution and/or detention of one of its members.</li> </ul> <p><b>Senate:</b></p> <p>Competent authority: the Senate</p> <ul style="list-style-type: none"> <li>- Procedure (Art. 114 of the Constitution). In this case, senators need not be heard. They do not have means of appeal.</li> <li>• Parliament cannot subject the prosecution and/or detention to certain conditions.</li> <li>• Parliament cannot suspend the prosecution and/or detention of one of its members.</li> </ul>	