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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

COMMISSION EUROPEENNE POUR LA DEMOCRATIE PAR LE DROIT
(COMMISSION DE VENISE)

**OVERVIEW OF LEGISLATION OF
THE VENICE COMMISSION MEMBER STATES
IN CONNECTION WITH THE PROCEDURE OF
DISQUALIFICATION FROM OFFICE**

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**APERCU DE LA LEGISLATION
DES ETATS MEMBRES DE LA COMMISSION DE VENISE
RELATIVE A LA PROCEDURE DE
DECHEANCE DU MANDAT**

Country Pays	Statutory disqualification in the event of conviction Déchéance légale en cas de condamnation	Procedure before Parliament/appeals Procédure devant le Parlement/recours
Albania Albanie	<p>Yes</p> <p>Article 71 Cst. 2. The mandate of the deputy ends or is invalid, as the case may be: dh. when he is convicted by final court decision for the commission of a crime.</p> <p>According to law Nr. 138/2015, for the guarantee of the integrity of the persons elected, appointed or exercising public functions (the law on decriminalization), the Central Electoral Commission, in collaboration with the prosecutor's office, proclaims the end of the mandate.</p>	No
Algérie Algeria	<p>Oui</p> <p>Constitution</p> <p>Art. 123 (1)</p> <p>Le député ou le membre du Conseil de la Nation qui ne remplit pas ou ne remplit plus les conditions de son éligibilité encourt la déchéance de son mandat</p> <p>Art. 124.</p> <p>Le député ou le membre du Conseil de la Nation engage sa responsabilité devant ses pairs qui peuvent révoquer son mandat s'il commet un acte indigne de sa mission.</p>	<p>Oui</p> <p>Constitution</p> <p>Art. 123 (2)</p> <p>....</p> <p>Cette déchéance est décidée, selon le cas, par l'Assemblée Populaire Nationale ou le Conseil de la Nation à la majorité de ses membres.</p> <p>Art. 124 (2)</p> <p>Le règlement intérieur de chacune des deux chambres fixe les conditions dans lesquelles un député ou un membre du Conseil de la</p>

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	<p>Le règlement intérieur de chacune des deux chambres fixe les conditions dans lesquelles un député ou un membre du Conseil de la Nation peut encourir l'exclusion. Celle-ci est prononcée, selon le cas, par l'Assemblée Populaire Nationale ou le Conseil de la Nation, à la majorité de ses membres sans préjudice de toutes autres poursuites de droit commun.</p> <p>Art. 5 de la loi organique relative au Code électoral</p> <p>Ne doit pas être inscrit sur la liste électorale celui qui :</p> <ul style="list-style-type: none"> . a été condamné pour crime, et non réhabilité ; . a été condamné pour délit à une peine d'emprisonnement avec interdiction de l'exercice du droit électoral et de candidature pour la durée fixée en application des articles 9 bis 1 et 14 du code pénal 	<p>Nation peut encourir l'exclusion. Celle-ci est prononcée, selon le cas, par l'Assemblée Populaire Nationale ou le Conseil de la Nation, à la majorité de ses membres sans préjudice de toutes autres poursuites de droit commun.</p> <p>Règlement intérieur de l'Assemblée Populaire Nationale</p> <p>Article 73 : Sur avis du ministre de la justice, le bureau de l'Assemblée populaire nationale peut déclencher la procédure de déchéance du mandat d'un député en application des dispositions de l'article 106 [maintenant 123] de la Constitution, selon les procédures ci-après :</p> <p>Sur saisine du bureau de l'Assemblée populaire nationale, la commission chargée des affaires juridiques examine la demande de déchéance du mandat du député, et entend le député concerné. Lorsque la commission conclut à l'acquiescement à la demande, l'Assemblée populaire nationale est saisie pour statuer au scrutin secret à la majorité de ses membres en séance à huis-clos, après audition du rapport de la commission et du député concerné qui peut se faire assister par un de ses collègues.</p> <p>Article 74 : Conformément à l'article 107 [maintenant 124] de la Constitution, l'Assemblée populaire nationale peut sur prononcé d'un jugement définitif, révoquer le mandat de l'un de ses membres qui aurait accompli un acte indigne de son mandat.</p> <p>La révocation du mandat est proposée par le bureau de l'Assemblée agissant à la requête de l'instance judiciaire compétente.</p>

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Andorre Andorra	<p>Oui</p> <p>Reglament del Consell General</p> <p>Article 11 Les parlamentaires perdent leur condition pour les raisons suivantes : f) sentence ferme l'inhabilitant à exercer des charges publiques pour une période supérieure à la période du mandat lui restant.</p>	Non
Armenia Arménie	<p>Yes</p> <p>Article 98 Cst. 1. The powers of a parliamentarian shall cease upon ... entry into legal force of a judgment convicting him to imprisonment.</p>	<p>Rules of procedure of the National Assembly</p> <p>Article 12. Termination of the Powers of the Deputy 1. The powers of the Deputy terminate if: f) s/he has been sentenced to imprisonment;</p> <p>2. In cases prescribed by Sub-Paragraphs 'c.1', 'd', 'f', 'g', and 'h' of Paragraph 1 of this Article, and on the basis of the relevant documents a protocol on the termination of the powers of the Deputy is drawn up to be signed by the Chairperson of the National Assembly and sent to the Central Electoral Commission within five days.</p>

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Austria Autriche	<p>Yes</p> <p>Rules of Procedure Law of 1975</p> <p>§ 2. (1) A Member of the National Council shall lose his/her seat</p> <p>3. if s/he ceases to be eligible after having been elected;</p> <p>Section 45 Criminal Code</p> <p>(1) Whoever is sentenced for a serious criminal offense to imprisonment for at least six months shall lose for a period of five years the capacity to hold public office and attain public electoral rights.</p>	<p>No</p> <p>Rules of Procedure Law of 1975</p> <p>§ 2</p> <p>(2) The President shall, when notified of one of the cases defined in (1) 1 and 2 above, so inform the National Council, which shall decide by a simple majority on a motion provided for in Article 141 (1) of the Federal Constitutional Law (B-VG), which decision shall be prepared by the Main Committee.</p> <p>Article 141 of the Constitution</p> <p>(1) The Constitutional Court pronounces upon ... c) application by a popular representative body for a loss of seat by one of its members;</p> <p>§ 71 of the Constitutional Court Act 1953</p> <p>(1) The general representative bodies may at any time request the Constitutional Court to declare that a member of the representative body shall lose his/her seat for a reason provided by the law. ...</p> <p>(2) If the right to be elected is lost due to a sentence under penal law, the Constitutional Court shall be bound to the final penal sentence.</p> <p>Parliament is bound to ask the Constitutional Court and also by the decision of the Constitutional Court.</p>

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Azerbaijan Azerbaïdjan	<p>Yes</p> <p>Article 89 Cst.</p> <p>1. The deputy of Milli Majlis of the Azerbaijan Republic loses his/her mandate in the following cases:</p> <p>3. on commitment of crime and whenever there is valid verdict of law court;</p>	No
Belgique Belgium	<p>Oui</p> <p>Article 31 du Code pénal</p> <p>Art. 31. Tous jugements ou arrêts de condamnation à la réclusion ou détention à perpétuité ou à la réclusion d'une durée égale ou supérieure à dix ans ou à l'emprisonnement d'une durée égale ou supérieure à vingt ans prononceront, contre les condamnés, l'interdiction à perpétuité du droit :</p> <p>1° De remplir des fonctions, emplois ou offices publics;</p> <p>2° (...) d'éligibilité;</p>	Non

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<p>Bosnia and Herzegovina Bosnie-Herzégovine</p>	<p>Yes</p> <p>Constitution and Rules of Procedure of the House of Representatives of the Parliamentary Assembly of BiH</p> <p>Constitution Article IX: General Provisions 1. No person who is serving a sentence imposed by the International Tribunal for the Former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may stand as a candidate or hold any appointive, elective, or other public office in the territory of Bosnia and Herzegovina.</p> <p>Election law of Bosnia and Herzegovina Article 1.10 The term of office of an elected member of a body of authority at all levels shall terminate before the expiration of the mandate for which he or she was elected if: 4. on the day when a court judgment becomes final and binding by which he/she has been sentenced to a sentence of six (6) months or longer; 8. for a reason stipulated by law that he or she loses the right to be elected.</p>	<p>No</p> <p>Election law of Bosnia and Herzegovina Article 1.10 The mandate of an elected member of a body of authority at any level shall terminate on the day when one of the reasons for termination established by law occurs. The Central Election Commission of BiH shall, within maximum fifteen (15) days after the reasons for termination have occurred or become known, take the decision to terminate the mandate of an elected member of a government authority and shall notify thereof the government authority in which the elected member had the mandate.</p> <p>Article 2.9 The Central Election Commission of Bosnia and Herzegovina is an independent body, which derives its authority from and reports directly to, the Parliamentary Assembly of Bosnia and Herzegovina. The Commission shall: 14. take the decision to terminate the mandate of an elected official at all levels of direct and indirect elections in BiH covered by this Law, but also where necessary conduct the preliminary fact-finding procedure (in the case where a member resigns, that it is done of his or her own volition); 15. review the decision taken by the competent authority to terminate the mandate of an elected official by recall, in order to ensure that the elected official's mandate was terminated in accordance with this Law;</p>

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Brazil Brésil	<p>Yes</p> <p>Article 55 Cst.</p> <p>A deputy or senator shall lose his office: ... VI – if he is criminally convicted by a final and unappealable sentence.</p>	<p>Yes</p> <p>Article 55 Cst.</p> <p>Paragraph 2. In the cases of items I, II and VI, loss of office shall be declared by the Chamber of Deputies or the Federal Senate, by absolute majority, on the initiative of the respective Directing Board or of a political party represented in the National Congress, full defence being ensured.</p>
Bulgaria Bulgarie	<p>Yes</p> <p>Article 65 1. Eligible for election to the National Assembly shall be any Bulgarian citizen who... is not serving a prison sentence.</p> <p>Article 72 Cst. 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 intentional crime, or of an unsuspended prison sentence;</p>	<p>Yes</p> <p>Rules of organisation and procedure of the National Assembly</p> <p>Article 138 (7) When the criminal prosecution is finalized with a conviction, by which has been imposed the punishment “imprisonment” for a deliberate crime or when the execution of the “imprisonment” is not postponed, the National Assembly shall decide on the ahead of term termination of the mandate of the Member of the National Assembly.</p> <p>Parliament is bound by the sentence.</p> <p>No appeal, but Article 150 (1) of the Constitution may be applied in case of unconstitutionality:</p> <p>1. The Constitutional Court shall act on an initiative from not fewer than one-fifth of all Members of the National Assembly, the President, the Council of Ministers, the Supreme Court of Cassation, the Supreme Administrative Court or the Chief Prosecutor...</p> <p>Article 12 of the Constitutional Court Act</p>

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		<p>(1) The Constitutional Court shall: ...</p> <p>9. establish the ineligibility for election or incompatibility of a member of the National Assembly with regard of the exercising of other functions;</p>
Canada	<p>Yes</p> <p>Art 31 Constitution Act, 1982</p> <p>31. Disqualification of Senators The Place of a Senator shall become vacant in any of the following Cases:</p> <p>(4) If he is attainted of Treason or convicted of Felony or of any infamous Crime:</p>	<p>Yes</p> <p>Cf. the following article: http://www.revparl.ca/english/issue.asp?param=128&art=300, which refers to a judicial function of Parliament (including in the provinces) in such cases. Parliament determines whether there has been a felony.</p> <p>See the interesting conclusions of the article on the possibility of a judicial review.</p>

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Chile Chili	<p>Yes</p> <p>Article 60.7 Cst.</p> <p>Likewise, the deputy or senator who, during his/her term of office, loses any general prerequisite for eligibility or realizes any of the causes of ineligibility referred to in Article 57 shall lose his/her office, without prejudice to the exception contemplated in the second paragraph of Article 59 with regard to Ministers of State.</p> <p>Article 17</p> <p>The status of citizenship is lost: ...</p> <p>2. By an afflictive prison sentence</p> <p>The criminal code (Article 37) defines the afflictive sentence as over 3 years and 1 day.</p> <p>Article 48</p> <p>In order to be elected, representatives must be Chilean citizens with the right to vote, have attained twenty-one (21) years of age, have received secondary education or its equivalent and have resided in the region of the pertinent electoral district for a period of no less than two (2) years prior to the date of the election.</p>	<p>No</p> <p>Article 93 Cst.</p> <p>The powers of the Constitutional Tribunal are:</p> <p>14. To decide on the ineligibilities, incompatibilities and grounds for resignation concerning the functions of the parliamentarians; ...</p> <p>In the case of numeral 14, the Tribunal may only hear the matter upon request by the President of the Republic or by no less than ten (10) parliamentarians in office.</p> <p>The Constitutional Court held that once the criminal conviction is in force, the loss of qualification and therefore the loss of the status of MP takes place <i>ipso jure</i>, no decision of the Constitutional Court is required. The Constitutional Court addresses the issue only on request.</p>

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Croatia Croatie	<p>Yes</p> <p>Article 10, Act of the Election of Representatives to the Croatian Parliament (available in VOTA)</p> <p>A mandate shall cease to a representative earlier than the period he/she has been elected for;</p> <p>...</p> <p>3. if he/she is by legally valid court sentence sentenced to an unconditional sentence of prison longer than 6 months,</p> <p>....</p>	<p>Yes</p> <p>Standing orders of the Parliament</p> <p>Article 10.</p> <p>The term of office of a deputy shall end:</p> <p>...</p> <p>- if he/she is sentenced to an unconditional prison term exceeding 6 months pursuant to a legally-binding court ruling,</p> <p>When, pursuant to the provisions of law and these Standing Orders, the conditions for the end of a deputy's term of office are fulfilled, the term of office shall end as of the date on which Parliament decides on the end of the term of office.</p> <p>The case-law of the Constitutional Court (decision No. U-III-443/2009) should be interpreted as allowing appeals, first to the administrative court and then to the Constitutional Court.</p>
Costa Rica Costa-Rica	<p>No</p> <p>Electoral Code:</p> <p>For elected officials other than municipal ones:</p> <p>ARTICLE 262 - Cancellation of the credentials of the highest elected officials (*)</p> <p>The Supreme Electoral Court shall cancel or annul the credentials of the President and the Vice Presidents of the Republic and those of members of the Legislative Assembly</p>	<p>No</p> <p>Article 121 Cst. The Assembly decides on the waiver of immunity.</p>

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	<p>solely on the grounds stipulated in the Political Constitution...</p> <p>Except where requested on the grounds of resignation, when the cancelation of the credentials of the President, Vice Presidents or members of the Legislative Assembly is requested, the Tribunal shall confine itself to assessing the admissibility of the petition.</p> <p>If the petition cannot be rejected entirely or if the matter cannot be closed, one of the members of the Tribunal shall be appointed as investigating justice to carry out a preliminary investigation without ruling on the merits of the case to this end. Once the preliminary investigation has been concluded, the Tribunal can order that the case be closed and if it decides the contrary, it shall send the case file to the Legislative Assembly to decide on the lifting of immunity. If the holder of the credential waives their immunity in order to voluntarily subject themselves to the procedure, the Tribunal shall take the appropriate action. If the Legislative Assembly decides to waive immunity, it shall notify the TSE of this decision so that it can decide on the appropriate measures.</p> <p>The penal code (see in particular Articles 57-58) provides for the possibility of deprivation of political rights.</p>	

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Cyprus Chypre	<p>No, see the need for a decision of a court</p> <p>Article 71 Cst. The seat of a Representative shall become vacant - ... (c) upon the occurrence of any of the circumstances referred to in paragraph (c) or (d) of Article 64</p> <p>Article 64 A person shall be qualified to be a candidate for election as a Representative if at the time of the election that person - ... (c) has not been, on or after the date of the coming into operation of this Constitution, convicted of an offence involving dishonesty or moral turpitude or is not under any disqualification imposed by a competent court for any electoral offence;</p> <p>A decision of the Supreme Court is needed if the offence involves dishonesty or moral turpitude.</p>	No

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<p>Czech Republic République tchèque</p>	<p>No, all the available legislation refers to the “conditions of eligibility”, therefore to the “right to vote”, but there is no provision stating that this right is lost due to criminal conviction.</p> <p>Constitution Article 25 A Deputy or Senator’s mandate shall lapse: (d) upon his loss of eligibility to hold office,</p> <p>Article 19 (1) Any citizen of the Czech Republic who has the right to vote and has attained the age of twenty-one is eligible for election to the Assembly of Deputies. (2) Any citizen of the Czech Republic who has the right to vote and has attained the age of forty is eligible for election to the Senate.</p> <p>Article 20 Further conditions upon the exercise of the right to vote, the organization of elections, and the extent of judicial oversight over them shall be provided for by statute.</p> <p>Act of Law on elections to the Parliament of the Czech Republic Article 2 The exercise of the right to vote is limited by: b) legal disqualification (Reference is made to Section 55 and 65 of the Civil Code on incapacity and guardianship. Criminal Code was also reviewed but there is no reference to loss of right to vote)</p> <p>Article 25</p>	<p>No. The procedure in case of loss of seat is as follows:</p> <p>Constitution Article 87 (1) The Constitutional Court has jurisdiction: f) to resolve doubts concerning a Deputy or Senator’s loss of eligibility to hold office or the incompatibility under Article 25 of some other position or activity with holding the office of Deputy or Senator;</p> <p>Constitutional Court Act § 92 Submission of Petitions (1) Where doubt exists as to whether or not a Deputy or Senator has lost the right to his seat for the reasons stated in Article 25 lit. d) or f) of the Constitution, petitions requesting a determination of whether the Deputy or Senator has lost the right to his seat may be submitted to the Court by: a) the Deputy or Senator whose seat is at issue; b) the Chairperson of the Assembly of Deputies, if the petition concerns a Deputy, or the Chairperson of the Senate, if it concerns a Senator; c) a group of at least 20 Deputies, if the petition concerns a Deputy, or a group of at least 10 Senators, if it concerns a Senator.</p>

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	<p>Any voter aged at least 21 years on the second day of the elections at the latest and not legally disqualified from exercising his/her right to vote in compliance with Article 2, Subsection b) may be elected to the Chamber of Deputies.</p> <p>Article 57 Any voter aged at least 40 years on the second day of the elections at the latest and not legally disqualified from exercising his/her right to vote in compliance with Article 2, Subsection b) may be elected to the Senate.</p> <p>Rules of Procedure Chamber of Deputies § 6 The mandate of a Deputy shall end upon the following events occurring: d) at the moment a Deputy loses his right to be elected,</p> <p>§ 8 A special law shall be apply in case of doubt arising as to loss by a Deputy of the right to be elected and in case of doubt as to the incompatibility of an office with the mandate of a Deputy.</p> <p>Standing Rules of Senate Section 6 The mandate of the Senator shall terminate d) upon the occurrence of circumstances causing the impossibility of the Senator's being elected;</p> <p>Section 9 The procedure whereby the mandate of a Senator is terminated during the course of his or her term of office shall be regulated by special legislation.</p>	

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Denmark Danemark	<p>No</p> <p>Constitution §32. (6) If a member of the Folketing becomes ineligible his seat in the Folketing shall become vacant.</p> <p>§30. (1) Any person who is entitled to vote at Folketing elections shall be eligible for membership of the Folketing, unless he has been convicted of an act which in the eyes of the public makes him unworthy to be a member of the Folketing.</p> <p>§29. (1) Any Danish subject who is permanently domiciled in the Realm, and who has the age qualification for suffrage as provided for in sub-section (2) of this section shall have the right to vote at Folketing elections, provided that he has not been declared incapable of conducting his own affairs. It shall be laid down by statute to what extent conviction and public assistance amounting to poor relief within the meaning of the law shall entail disfranchisement.</p>	<p>Yes</p> <p>Constitution §33. The Folketing shall itself determine the validity of the election of any member and decide whether a member has lost his eligibility or not.</p> <p>Constitutional Act with Explanations by the Folketing Members who lose their eligibility cannot retain their seats in Parliament. The current practice is that they are "unworthy" to sit in Parliament if they have received a custodial sentence. If the Scrutineers' Committee decides that a Member has lost his or her eligibility, it tables a motion that he or she should lose his or her seat. This motion is put to the vote in Parliament.</p> <p>*Custodial sentences: prison sentences served in prisons and local prisons</p> <p>Constitutional Act with Explanations by the Folketing Anybody who has the right to vote can also become a Member of Parliament. However, they must not have been convicted of anything that, in public opinion, makes them unworthy to sit in Parliament. Parliament decides whether a convicted Member is also unworthy. In practice, the conviction is used as a guideline. If a Member of Parliament receives a custodial sentence, he or she must usually resign from Parliament. For instance, this happened to the former leader of the Progress Party (Fremskridtspartiet), Mogens Glistrup. He was found guilty of tax fraud and went to prison. Parliament therefore considered him to be unworthy to sit in Parliament and voted him out in 1983. When he had served his sentence, he stood for election and was re-elected to Parliament in 1987 and Parliament now found him worthy.</p>

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Estonia Estonie	<p>Yes</p> <p>Article 64.2 Cst. The authority of a member of the Riigikogu shall be prematurely terminated: 2) on a guilty verdict by a court against him or her entering into force</p>	<p>No</p>
Finland Finlande	<p>No</p>	<p>Yes</p> <p>Section 28 Cst. If a person elected as a Representative has been sentenced by an enforceable judgement to imprisonment for a deliberate crime or to a punishment for an electoral offence, the Parliament may inquire whether he or she can be allowed to continue to serve as a Representative. If the offence is such that the accused does not command the trust and respect necessary for the office of a Representative, the Parliament may, after having obtained the opinion of the Constitutional Law Committee, declare the office of the Representative terminated by a decision supported by at least two thirds of the votes cast.</p> <p>No appeal.</p>

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France	<p>Non</p> <p>Article LO 136 du Code électoral</p> <p>Sera déchu de plein droit de la qualité de membre de l'Assemblée nationale celui dont l'inéligibilité se révélera après la proclamation des résultats et l'expiration du délai pendant lequel elle peut être contestée ou qui, pendant la durée de son mandat, se trouvera dans l'un des cas d'inéligibilité prévus par le présent code.</p> <p>La déchéance est constatée par le Conseil constitutionnel à la requête du bureau de l'Assemblée nationale ou du garde des sceaux, ministre de la Justice, ou, en outre, en cas de condamnation postérieure à l'élection, du ministère public près la juridiction qui a prononcé la condamnation.</p> <p>Article 132-21 of the penal code:</p> <p>L'interdiction de tout ou partie des droits civiques, civils et de famille mentionnés à l'article 131-26 ne peut, nonobstant toute disposition contraire, résulter de plein droit d'une condamnation pénale.</p> <p>Article 131-26 L'interdiction des droits civiques, civils et de famille porte sur ... 2° L'éligibilité ; ...</p> <p>L'interdiction des droits civiques, civils et de famille ne peut</p>	<p>The Bureau of the National Assembly may, amongst other authorities, request the loss of the mandate (see previous column).</p> <p>Decision by the Constitutional Court, no appeal.</p>

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	<p>excéder une durée de dix ans en cas de condamnation pour crime et une durée de cinq ans en cas de condamnation pour délit.</p> <p>La juridiction peut prononcer l'interdiction de tout ou partie de ces droits.</p> <p>L'interdiction du droit de vote ou l'inéligibilité prononcées en application du présent article emportent interdiction ou incapacité d'exercer une fonction publique.</p>	
<p>Georgia Géorgie</p>	<p>Yes</p> <p>Article 54.2 Cst. 2. The office of a member of the Parliament shall be pre-term terminated in the following cases: ... b. a final judgment of conviction is rendered by a court against him/her;</p>	<p>Yes</p> <p>Article 54 Cst.</p> <ol style="list-style-type: none"> 1. The Parliament shall decide about the issue of the recognition or pre-term termination of the office of a member of the Parliament. The decision of the Parliament may be appealed to the Constitutional Court. 2. The office of a member of the Parliament shall be pre-term terminated in the following cases: ... b. a final judgment of conviction is rendered by a court against him/her; <p>Rules of Procedure of the Parliament of Georgia</p> <p>Article 8.</p> <p>2. The office of a member of the Parliament shall be pre-term terminated if:</p>

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		<p>...</p> <p>b. a final judgment of conviction is rendered by a court against him/her;</p> <p>3. Except in cases envisaged by these Rules of Procedure, the Parliament shall decide about the issue of the recognition or pre-term termination of the office of a member of the Parliament. The decision of the Parliament may be appealed to the Constitutional Court.</p> <p>4. In cases of the recognition or pre-term termination of the office of a member of the Parliament, a resolution on the recognition or the pre-term termination of the office of a member of the Parliament shall be put to vote.</p> <p>5. A constitutional lawsuit on the constitutionality of the Parliament's decision on the recognition or the pre-term termination of the office of a member of the Parliament may be filed with the Constitutional Court of Georgia by the President, not less than one-fifths of all members of the Parliament, and a person whose office of a member of the Parliament was not recognized or was pre-term terminated by the Parliament.</p> <p>Article 9</p> <p>1. Except in cases envisaged by Article 122 of these Rules of Procedure, the issue of the recognition or pre-term termination of the office of a member of the Parliament shall be considered and reviewed in accordance with these Rules of Procedure by the Parliamentary Committee for Procedural Issues and Rules which shall prepare and present its findings to the Bureau of the Parliament for the Parliament's consideration. The Parliament shall pass a</p>

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		<p>decision on the recognition or pre-term termination of the office of a member of the Parliament in accordance with these Rules of Procedure.</p> <p>...</p> <p>5. If a final judgment of conviction is rendered by a court against a member of the Parliament, within 15 days following the date when the judgment became final, the Parliamentary Committee for Procedural Issues and Rules shall officially obtain the judgment and immediately develop its findings.</p> <p>...</p> <p>10. Based on the findings of the Parliamentary Committee for Procedural Issues and Rules prepared in accordance with Paragraph 1 of this Article, the Bureau of the Parliament shall put the issue of the recognition or pre-term termination of the office of a member of the Parliament into the Plenary Session agenda for the Parliament's consideration. The Parliament has a duty to immediately consider the issue of recognition or pre-term termination of the office of a member of the Parliament. Until the adoption of the Parliament's decision on the issue of recognition or pre-term termination of the office of a member of the Parliament, no voting on any other question included in the agenda may take place.</p> <p>The procedure before Parliament is a recognition, which means that the Parliament is bound.</p>

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Germany Allemagne	<p>Yes (save for exceptions)</p> <p>Article 46 Bundeswahlgesetz</p> <p>(1) A deputy shall lose his or her membership of the Bundestag</p> <p>...</p> <p>3. if he or she loses one of the prerequisites for permanent eligibility,</p> <p>See Art. 45 of the Criminal Code</p> <p>(1) A person who has been sentenced for a felony to a term of imprisonment of not less than one year shall, for a period of five years, loses the ability to hold public office and be elected in public elections.</p> <p>(2) The court may deprive a convicted person of the ability indicated in subsection (1) above for a period of from two to five years if the law expressly so provides.</p>	<p>Yes</p> <p>Article 41 Cst.</p> <p>Scrutiny of elections</p> <p>(1) Scrutiny of elections shall be the responsibility of the Bundestag. It shall also decide whether a Member's seat is forfeited.</p> <p>(2) Complaints against such decisions of the Bundestag may be lodged with the Federal Constitutional Court.</p> <p>Article 47 Bundeswahlgesetz</p> <p>(1) A decision on loss of membership under Article 46, Paragraph (1) shall be made</p> <p>...</p> <p>3. in the case of No. 3, if eligibility has been lost as a result of a judicial decision, by a resolution of the Council of Senior Members of the Bundestag, otherwise under the scrutiny procedure.</p> <p>(3) If the Council of Senior Members or the President of the Bundestag decides on the loss of membership, the deputy concerned shall withdraw from the Bundestag as soon as the decision has been taken. The decision shall be taken ex officio without delay. Within two weeks after the decision has been served upon him or her, the deputy concerned may apply for a decision on the loss of membership to be taken by the Bundestag under the scrutiny procedure. Such decision shall be served upon the applicant in accordance with the provisions of the Law on the Serving of Documents in Administrative Procedure.</p>

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Greece Grèce	<p>Yes</p> <p>Article 59 of the Penal Code</p> <p>Immediate deprivation of civil rights</p> <p>1. Sentencing to death or life imprisonment automatically implies the permanent deprivation of the civil rights of the convicted person.</p> <p>2. The conviction to an indefinite term of imprisonment in accordance with Article 90 et seq. automatically implies the deprivation of political rights for ten years.</p> <p>Article 55 of the Constitution</p> <p>1. To be elected as Member of Parliament, one must be a Greek citizen, have the legal capacity to vote and have attained the age of twenty-five years on the day of the election.</p> <p>2. A Member of Parliament deprived of any of the above qualifications shall forfeit his parliamentary office ipso jure.</p>	<p>No</p> <p>Article 100 of the Constitution</p> <p>1. A Special Highest Court shall be established, the jurisdiction of which shall comprise: c) Judgment in cases involving the incompatibility or the forfeiture of office by a Member of Parliament, in accordance with article 55 paragraph 2 and article 57.</p> <p>The Special Supreme Court is bound by the sentence.</p>

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Hungary Hongrie	<p>Yes</p> <p>Fundamental Law of Hungary <i>Article 4</i></p> <p>(3) The mandate of a Member of Parliament shall terminate: (...) e) if the requirements for his or her election are no longer satisfied*</p> <p>Act CCIII of 2011 On the Elections of Members of Parliament Section 2.3 A person serving imprisonment on the basis of a final judgement (...) shall not be eligible to stand as candidate in any election of Members of Parliament.</p> <p>(4) The Parliament shall decide upon the declaration of non-compliance with the requirements for election, upon the declaration of incompatibility (...) with a majority of two-thirds of the votes of the Members of Parliament present.</p> <p>Act XXXVI of 2012 on the National Assembly Section 101.1 Based on Article 4(3)e) of the Fundamental Law, the Member's mandate shall terminate if the Member b) serves his or her imprisonment on the basis of a final judgement, (...) e) has been prohibited from participating in public affairs Section 61 of the Criminal Code</p> <p>Any person who is sentenced to executable imprisonment</p>	<p>Yes, upon request</p> <p>Act XXXVI of 2012 on the National Assembly</p> <p>Section 88</p> <p>The Member shall be declared disqualified from serving as a Member if he or she, during his or her mandate, has been finally convicted of a criminal offence, except if he or she has been prohibited from participating in public affairs</p> <p>Section 91.3</p> <p>The disqualification specified in Section 88 shall be notified to the Speaker without delay by the court passing the final judgement or the authority passing the final decision. Upon the motion by any Member and after seeking the opinion of the committee on immunity, incompatibility, discipline and mandate control, the National Assembly shall decide within fifteen days on declaring the disqualification.</p> <p>Section 101.2 Upon the written motion of any Member and after seeking the opinion of the committee on immunity, incompatibility, discipline and mandate control, the National Assembly shall decide on the non-existence of the conditions required for the election of the Member within thirty days of the receipt of the motion</p> <p>This means that: The dismissal of MPs is based on two factors:</p> <ul style="list-style-type: none"> - imprisonment (the Parliament decides, therefore no appeal) - prohibition from participating in public affairs (judge decides)

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	<p>for an intentional criminal offense, and is deemed unworthy of the right to participate in public affairs, shall be deprived of these rights. (2) Persons deprived of civil rights: a) shall not have the right to vote and may not participate in any referendum and popular initiative; b) may not hold a public office; c) may not serve in bodies or committees of popular representation, and may not participate in their work;</p>	<p>– general rules of remedies in criminal procedure apply)</p> <p>To clarify, there are two types of criminal offences in the Hungarian Criminal Code: - serious offences (in latin: crimen), these can be committed only intentionally, and are to be punished with at least 2 years of imprisonment - less serious offences (in latin: dolus criminalis), these can be committed both intentionally or due to negligence and are to be punished with less than two years of imprisonment or other punishments (fines etc.).</p>
Iceland Islande	<p>Yes</p> <p>Article 134 Cst.</p> <p>Every national having the right to vote in elections to the Althingi and an unblemished reputation is eligible to be elected to the Althingi...</p> <p>Article 5 of the Law concerning parliamentary elections to the Althing</p> <p>No person is considered to possess full civil rights who has been convicted by a court of law for committing an act that is considered heinous by public opinion unless that person has been granted a restoration of his or her civil rights. A judgment of conviction for a punishable offence does not entail the loss of civil rights unless the defendant in a</p>	<p>Yes</p> <p>The Parliament can deprive a member of Parliament of his/her mandate if a sentence intervenes after the election.</p> <p>The Parliament did not find a consensus on the way to proceed in a specific case dating back to 1959. It has to be noted that it had deliberated before the final sentence; the MP was not sentenced in the final instance.</p> <p>While there is no appeal against the decision of Parliament to deprive one of its members of his/her mandate, the following provisions deal with restitution of civil rights (and then of eligibility to be elected):</p> <p>The Icelandic Penal Code No. 19/1940 provides for the restitution of civil rights by regaining an unblemished reputation. Article 84 of the Penal Code stipulates that “when a person is sentenced for the first time for an offence entailing an abridgement of civil rights and the</p>

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	<p>criminal case had reached the age of 18 when the offence was committed and the resulting sentence is at least four years prison without probation or a sentence of preventive detention for defendants who are committed to psychiatric care.</p>	<p>punishment is not in excess of 1 year's imprisonment her or she shall when 5 years have elapsed from the time when the sentence was completed, became unenforceable due to prescription or was dropped, enjoy all the rights conferred by the restitution of civil rights, providing he or she has not been indicted during this period for an offence punishable by a sentence heavier than a fine". Article 85 of the Penal Code subsequently provides that "when 2 years of the period specified in the second paragraph of Article 84 have elapsed, and providing that the other conditions laid down there are met, the President may, if the sentenced person has behaved well during this period, grant him or her restitution of civil rights. The President may also grant a person restitution of civil rights when at least 5 years have elapsed after the time when his or her sentence was completed, became unenforceable due to prescription or was dropped, providing that the applicant produces proof, which is considered valid, that his or her behaviour has been good during the period in question. Under special circumstances, restitution of civil rights may be granted although the term of the sentence is as long as is specified in the second paragraph, even though the time that has elapsed is not longer than is required under the first paragraph."</p>

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Ireland Irlande	<p>Yes</p> <p>Electoral Act 1992</p> <p>Section 42</p> <p>42.—(1) Subject to subsections (2), where a member of the— (a) incurs an incapacity or disability referred to in section 41 , or ... he shall thereupon cease to be such member and a vacancy shall exist accordingly in the membership of the Dáil.</p> <p>(2) The registrar of the court by which a sentence referred to in section 41 (j) was imposed on a member of the Dáil or was confirmed on appeal shall notify the Chairman of the Dáil of the imposition or confirmation of the sentence as soon as possible after— (a) in case no appeal is taken against the conviction or sentence, the expiration of the time limit for taking the appeal, (b) in case an appeal is taken against the conviction or sentence and the appeal is disallowed or a sentence mentioned in section 41 (j) is imposed on the appeal, the determination of the appeal, and on receipt of such notification by the Chairman of the Dáil a vacancy shall exist in the membership of the Dáil.</p> <p>Section 41(j)</p> <p>A person who –</p>	<p>No</p> <p>See previous column, the Dáil is just notified the sentence.</p>

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	<p>(j) is undergoing a sentence of imprisonment for any term exceeding six months,</p> <p>shall not be eligible for election as a member, ...</p> <p>Similar provisions apply to the Seanad (Senate).</p>	
<p>Israel Israël</p>	<p>No</p> <p>According to the Israeli Basic Law: The Knesset, par. 42A</p> <p>When a court convicts a member of the Knesset of a criminal offence, in a final judgment, and the court, on its own initiative or at the request of the attorney general, states that there is disgrace (dishonour) in the offence, the membership in the Knesset of that member will end when the judgment becomes final.</p>	<p>No save for exceptions</p> <p>According to the Israeli Basic Law: The Knesset, par. 42A</p> <p>The Knesset - by a majority of 90 out of its 120 members - may resolve to end the membership of a member, if it had stated that he incited racism or supported an armed struggle of an enemy state or a terror organisation against the State of Israel.</p> <p>This resolution may be resolved only following a resolution - by a majority of 75% - of the House Committee on the basis of a request of 70 members of the Knesset (out of 120), including at least 10 members of factions who are not parties to agreements which oblige them to support the government.</p> <p>The member of Knesset has a right to appeal to the supreme court against this resolution.</p>

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Italy Italie	<p>Yes</p> <p>Article 29 of the Criminal Code</p> <p>A sentence to life imprisonment or to imprisonment for no less than five years shall entail a lifetime ban from public office for the convicted person; sentencing to imprisonment for not less than three years shall entail a five-year ban from public office.</p> <p>According to Article 1 of the Legislative Decree (delegated law) of 31 December 2012, n. 235, persons who have been sentenced to more than two years in prison for specific crimes are not allowed a) to stand as candidates for the election of the Chamber of Deputies and of the Senate of the Republic (“incandidabilità”), and b) to stay in office as members of these two legislative Assemblies of the Italian Republic.</p>	<p>Yes</p> <p>Article 3 of the quoted Legislative Decree provides for an immediate deliberation of the concerned Chamber on the removal from their office of the Senators and of the Deputies who are sentenced according to Article 1.</p> <p>The Chamber is not bound by the sentence.</p> <p>No appeal possible.</p>
Kazakhstan	<p>Yes</p> <p>Article 52.5.2 Cst.</p> <p>...</p> <p>A deputy of the Parliament shall be deprived of his mandate in cases of:</p> <p>...</p> <p>2) entry into force of conviction against deputy;</p>	<p>No</p>

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Korea (Rep.) Corée (Rép.)	<p>Yes</p> <p>Article 264 of the Public Official Election Act</p> <p>Invalidity of Election due to Election Crimes of Elected Persons</p> <p>If an elected person is sentenced to imprisonment or a fine exceeding one million won on account of committing the crime provided for in this Act or the crime provided for in Article 49 of the Political Funds Act in the election concerned, his election shall become invalidated.</p>	No
Kosovo	<p>Yes</p> <p>Article 70 Cst</p> <p>...</p> <p>3. The mandate of a deputy of the Assembly comes to an end or becomes invalid when:</p> <p>....</p> <p>(6) the deputy is convicted and sentenced to one or more years imprisonment by a final court decision of committing a crime;</p> <p>In a Judgment of the Constitutional Court of Kosovo in Case KO 98/11 (http://gjk-ks.org/repository/docs/KO98-11_ANG_AKTGJYKIM.pdf), the Constitutional Court noted that Article 22 (3) of the Rules of Procedure of the Assembly, concerning prosecution, is null and void as there is no such immunity against criminal prosecution for</p>	<p>No</p> <p>The Assembly is bound by the fact that the person has been sentenced and cannot object his/her disqualification.</p>

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	<p>the deputies in the Constitution. In this respect, the Court stated that immunity to prevent the criminal prosecution of deputies for acts taken outside the scope of their responsibility does not exist and no decision of the Assembly is necessary for such a prosecution. Therefore, the Assembly is bound by the fact that the person has been sentenced and cannot object his/her disqualification. ...</p> <p>In conclusion, there is no procedure before the Parliament and thus also no appeal.</p> <p>According to Article 70, paragraph 3, subparagraph 6, of the Constitution the minimal sentence for disqualification is 1 year or more. However, this provision of the Constitution do not correspond with Article 8 of the Law No. 03/L-111 on Rights and Responsibilities of the Deputy because in Article 8, paragraph 1, subparagraph 1.6 the minimal sentence for disqualification is six months. Thus, Article 8, paragraph 1, subparagraph 1.6 is in contradiction with the Constitution. Article 8 paragraph 1, subparagraph 1.6 provides as follows: The deputy's mandate ends prematurely: if he is by a valid decision convicted of a crime, with imprisonment for a period of at least six(6) months.</p> <p>This is also in line with Article 25 of the Rules of Procedure of the Assembly, which provides that "1. A Member of the Assembly shall lose the mandate in the following cases:....d) he/she is convicted for a criminal offence with imprisonment of one (1) year or more,".</p>	

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Kyrgyzstan Kirghizistan	<p>Yes</p> <p>Article 73 Cst.</p> <p>3. ...the deputy of the Jogorku Kenesh shall be subject to early termination in the following cases: 6) Entry into legal force of a court conviction in respect of a deputy...</p>	<p>No</p> <p>Rules of Procedure of the Jogorku Kenesh of the Kyrgyz Republic, 2011</p> <p>Art. 137 (2). The early termination of the powers of a deputy of the Jogorku Kenesh on the aforementioned grounds shall be carried out by a decision of the Central Election Commission of the Kyrgyz Republic, taken no later than thirty calendar days from the day of the foundation's appearance.[...]</p>
Latvia Lettonie	<p>Yes</p> <p>Article 18 of the Rules of Procedure of the Saeima</p> <p>18. (1) A Member who has been convicted of a criminal offence shall be deemed expelled from the Saeima as of the date when the sentence comes into force.</p>	<p>No, see previous column.</p>
Liechtenstein	<p>No</p> <p>Constitution</p>	<p>No</p>

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Lithuania Lituanie	<p>No</p> <p>Article 42 of the Criminal Code</p> <p>Types of Penalties</p> <p>1. The following penalties may be imposed on a person who commits a crime:</p> <p>1) deprivation of public rights;</p> <p>...</p> <p>2. The following penalties may be imposed on a person who commits a misdemeanour:</p> <p>1) deprivation of public rights;</p> <p>...</p>	<p>Yes</p> <p>Article 74 Cst.</p> <p>The President of the Republic, the President and justices of the Constitutional Court, the President and justices of the Supreme Court, the President and judges of the Court of Appeal, as well as any Members of the Seimas, who grossly violate the Constitution or breach their oath, or are found to have committed a crime, may be removed from office or have the mandate of a Member of the Seimas revoked by a 3/5 majority vote of all the Members of the Seimas. This shall be performed according to the procedure for impeachment proceedings, which shall be established by the Statute of the Seimas.</p> <p>According to Article 105 of the Constitution, the Constitutional Court presents conclusions on [...] whether the concrete actions of the Members of the Parliament (Seimas) and state officials against whom an impeachment case has been instituted are in conflict with the Constitution. Article 107 of the Constitution states that the decisions of the Constitutional Court on the issues assigned to its competence by the Constitution shall be final and not subject to appeal.</p>

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Luxembourg	<p>Oui</p> <p>Constitution</p> <p>Article 53.</p> <p>Ne peuvent être ni électeurs ni éligibles: 1° les condamnés à des peines criminelles; 2° ceux qui, en matière correctionnelle, sont privés du droit de vote par condamnation;</p> <p>Code pénal</p> <p>Art. 10. (L. 13 juin 1994) La destitution des titres, grades, fonctions, emplois et offices publics est obligatoirement prononcée en cas de condamnation à la réclusion.</p> <p>Art. 11. (L. 13 juin 1994) Toute décision de condamnation à la réclusion de plus de dix ans prononce contre le condamné l'interdiction à vie du droit: 1) de remplir des fonctions, emplois ou offices publics; 2) de vote, d'élection, d'éligibilité;</p>	Non
Malta Malte	<p>Yes</p> <p>Article 55 Cst.</p> <p>(1) The seat of a member of Parliament shall become vacant -- ...; (g) subject to the provisions of subsection (2) of this section,</p>	<p>No</p> <p>On the role of the Speaker, see previous column: he or she can extend the time for vacating the seat as long as the sentence is not final.</p>

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	<p>if any circumstances arise that if he were not a member of the House of Representatives, would cause him to be disqualified for election thereto.</p> <p>(2) (a) If circumstances such as are referred to in paragraph (g) of subsection (1) of this section arise because any member of the House of Representatives is under sentence of death or imprisonment, ... or convicted of an offence connected with elections and if it is open to the member to appeal against the decision (either with the leave of a court or other authority or without such leave), he shall forthwith cease to perform his functions as a member of the House but, subject to the provisions of this section, he shall not vacate his seat until the expiration of a period of thirty days thereafter: Provided that the Speaker may from time to time, extend that period for further periods of thirty days to enable the member to pursue an appeal against the decision, so however that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval, signified by resolution, of the House.</p> <p>(b) If on the determination of any appeal, such circumstances continue to exist and no further appeal is open to the member, or if, by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it ceases to be open to the member to appeal, he shall forthwith vacate his seat.</p>	

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Mexico Mexique	<p>Yes</p> <p>Article 111.5 Cst.</p> <p>Penalties shall be removal from office while the accused is on trial. In the event of acquittal, the accused can resume duties. In the event of guilty verdict, pardon may not be granted to the accused, provided that the crime was perpetrated during his term.</p> <p>Article 46 of the federal penal code provides for the suspension of the political rights from the time the sentence is final to the end of its execution.</p>	No
Moldova (Rep./Rép.)	<p>Yes</p> <p>Extract from the VC report, par. 86</p> <p>“In its decision no. 2 of 20 January 2015 on the interpretation of Article 1 paragraph 3 in conjunction with Article 69 and 70 of the Constitution (immunity and termination of mandate of MPs), the Constitutional Court stated that “In case of conviction of a member of the Parliament for crimes committed with intention and/or conviction to prison (imprisonment) by a final and binding court decision, including of the foreign states, his or her mandate cannot be withdrawn but ceases <i>ex officio</i> (by the effect of law)”</p>	No, see previous column.

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Monaco	<p>Oui</p> <p>Constitution Art. 54. (amended by Law n°1.249 of April 2nd, 2002) - All Monegasque electors of either gender, aged at least twenty-five, who have held the Monegasque nationality for at least five years, and who are not deprived of the right to stand for election for any of the causes set forth by law, are eligible.</p> <p>Loi n. 839 sur les élections nationales et communales Article 2.- (Loi n° 1.250 du 9 avril 2002) Sont privés du droit de vote :</p> <ul style="list-style-type: none"> *1° les individus condamnés pour crime ; *2° ceux condamnés à une peine d'emprisonnement sans sursis d'une durée supérieure à cinq jours ou à une peine d'emprisonnement avec sursis d'une durée supérieure à trois mois pour vol, escroquerie, abus de confiance, délit puni d'une des peines prévues pour ces mêmes infractions, soustraction commise par les dépositaires de deniers publics, faux témoignage, faux commis dans les passeports et les certificats, attentats aux mœurs, corruption de fonctionnaires publics ou d'employés d'entreprises privées; *3° ceux condamnés à plus de trois mois d'emprisonnement sans sursis ou à une peine d'emprisonnement avec sursis d'une durée supérieure à six mois pour un délit autre que ceux énumérés au chiffre 2°, sauf exceptions ci-après : <ul style="list-style-type: none"> - délit d'imprudence, hors le cas le délit de fuite concomitant; - délit dont la répression n'est pas subordonnée à la preuve de la mauvaise foi de l'auteur, hors les infractions aux lois sur les sociétés 	Non

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	<p>Article 18.- (Paragraphe 2) Tout conseiller national ou conseiller communal qui, pour une cause survenue postérieurement à son élection, se trouve dans un cas d'inéligibilité ou d'incompatibilité ou privé du droit de vote, est tenu, à l'expiration d'un délai de huit jours, soit de se démettre de son mandat électif, soit de renoncer à la fonction cause de l'inéligibilité ou de l'incompatibilité ; à défaut, il est déclaré démissionnaire d'office de son mandat.</p> <p>Loi n. 839 sur les élections nationales et communales</p> <p>Article 19.- La démission d'office est, le cas échéant, prononcée par le tribunal de première instance saisi, sur requête déposée au greffe général, soit par tout électeur, tout conseiller national ou conseiller communal intéressé, soit par le Ministre d'État ou le procureur général.</p> <p>...</p>	
Montenegro Monténégro	<p>Yes</p> <p>Article 87 Const. - Cessation of mandate of the Member of the Parliament Mandate of a Member of the Parliament shall cease prior to the expiry of the period for which he/she was elected: 2) If he/she was convicted by an enforceable decision of the court to an imprisonment sentence of minimum six months;</p>	No

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Maroc Morocco	<p>Oui</p> <p>Loi organique n° 27-11 relative à la Chambre des représentants (14 octobre 2011). Article 6 Sont inéligibles à la Chambre des représentants : 3 - les personnes qui ne remplissent plus, une ou plusieurs des conditions requises pour être électeurs ;</p> <p>Article 11</p> <p>Sera déchu de plein droit de la qualité de représentant celui dont l'inéligibilité se révélera, après la proclamation de l'élection et l'expiration du délai pendant lequel cette dernière peut être contestée ou qui, pendant la durée de son mandat, se trouvera dans l'un des cas d'inéligibilité prévus par la présente loi organique. La déchéance est constatée par la Cour constitutionnelle à la requête du bureau de la Chambre des représentants ou du ministre de la justice ou, en cas de condamnation postérieure à l'élection, à la requête du ministère public près la juridiction qui a prononcé la décision, ou à la demande de toute personne intéressée.</p> <p>Le code électoral. Incapacités électorales: Art. 5. - Ne peuvent être portés sur les listes électorales: ... 3. les individus condamnés irrévocablement; a. soit à une peine criminelle; b. soit à une peine d'emprisonnement ferme, quelle qu'en soit la durée ou à une peine d'emprisonnement avec sursis d'une durée supérieure à trois mois pour fait qualifié crime ou pour l'un des délits suivants : vol, escroquerie, abus de</p>	Non

Country Pays	Statutory disqualification in the event of conviction Déchéance légale en cas de condamnation	Procedure before Parliament/appeals Procédure devant le Parlement/recours
	<p>confiance, banqueroute, faux témoignage, faux en écritures privées, de commerce ou de banque, dans des documents administratifs ou certificats, fabrication de sceaux, timbres ou cachets de l'Etat, corruption, trafic d'influence, dilapidation de biens de mineurs, détournement de deniers publics, chantage, concussion, ivresse publique, attentat aux moeurs, proxénétisme, prostitution, enlèvement ou détournement de mineurs, corruption de la jeunesse, trafic de stupéfiants ;</p> <p>c. soit à une peine d'emprisonnement ferme pour une durée supérieure à six mois pour les délits suivants : majoration illicite de prix, stockage clandestin de produits ou marchandises, fraude dans la vente des marchandises et falsification des denrées alimentaires, produits agricoles ou produits de la mer ;</p> <p>d. soit à plus de trois mois d'emprisonnement sans sursis ou à une peine d'emprisonnement d'une durée supérieure à six mois avec sursis pour toutes infractions autres que celles visées aux paragraphes b. et c. ci-dessus, à l'exception toutefois des délits involontaires non accompagnés de délit de fuite ;</p> <p>4. les individus privés du droit de vote par décision de justice pendant le délai fixé par cette décision ;</p> <p>...</p>	
Netherlands Pays-Bas	<p>No</p> <p>Definitive exclusion from the House of Representatives is provided only for loss of eligibility or for incompatibilities.</p> <p>Persons convicted of certain serious offences and sentenced by a final court decision to a term of imprisonment of one year or more can be disqualified from voting. The disenfranchisement must be pronounced</p>	<p>Yes</p> <p>See Section 3 (1) of the Rules of Procedure of the Lower House of the States General:</p> <p>Loss of membership: 1. If a member submits, for decision, to the House the decision made by the President that this member has ceased to be a member on the ground that he does not fulfil the requirements for membership,</p>

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	<p>by the court and can never be an automatic consequence of a conviction.</p> <p>Article 56 Const [Eligibility]: To be eligible for membership of the Parliament (States General), a person must be a Dutch national, must have attained the age of eighteen years and must <u>not have been disqualified from voting</u>.</p> <p>Article 54 Const [Election of the Second Chamber] ...The following persons shall not be entitled to vote: (a) anyone who has committed an offence designated by Act of Parliament and has been sentenced as a result by a final and conclusive judgment of a court of law to a custodial sentence of not less than one year and simultaneously disqualified from voting...</p> <p>Elections Act Section X1: 1. As soon as it has been finally established that a member of a representative assembly does not possess one of the requirements for membership or that he holds a position which is incompatible with membership, he shall cease to be a member. 2. The presiding officer of the representative assembly shall immediately notify the chairperson of the central electoral committee accordingly. (...) Section X 3: ... 2. If a member of the House of Representatives or Senate finds himself in one of the situations referred to in section X 1, subsection 1, except on the basis of section X 3, subsection 1, he shall notify the House of this, stating the</p>	<p>or holds an office incompatible with membership, the House shall not give a ruling until after a committee of inquiry, appointed for this purpose from among its members, has published its report. The committee shall hear the member in question if he expresses the wish that he be heard.</p> <p>2. Subsection 1 shall apply mutatis mutandis to a member of the European Parliament.</p> <p>Rules of Procedure of the Senate of the States General Section 5: 1. A member who has been informed, pursuant to the relevant article of the Elections Act, that his membership has ceased to exist, may request the opinion of the Senate on this within a period of eight days. 2. In the event of a situation as referred to in paragraph 1, the Senate shall appoint a Committee of Inquiry from among its members and shall not express an opinion until this committee has issued a report. If the member concerned requests this, he shall be heard by the committee.</p> <p>A judicial appeal is available.</p>

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	<p>reason.</p> <p>3. If no notification is given and the presiding officer of the House considers that a member of the House is in one of the situations referred to in section X 1, subsection 1, he shall warn the person concerned in writing.</p> <p>4. The person concerned may then refer the matter to the judgment of the House not later than the eighth day after the date of the warning referred to in subsection 3.</p>	
Norway Norvège	<p>Yes</p> <p>Loss of mandate by judicial decision:</p> <ul style="list-style-type: none"> - Loss of eligibility (Article 61 Const: <i>No one may be elected as a representative unless he or she is entitled to vote</i>) <p>Article 53 Const</p> <p>The right to vote is lost by persons:</p> <p>a) sentenced for criminal offences, in accordance with the relevant provisions laid down by law;</p> <ul style="list-style-type: none"> - Loss of qualification to hold public office <p><u>General civil penal code . Section 29:</u> <i>Any person who has committed a criminal act that shows that the said person is unfit for or may misuse any position, enterprise or activity may, when it is in the public interest,</i></p> <p>a) <i>be deprived of the position, or</i></p> <p>b) <i>be deprived of the right to hold in future any position or to carry on any enterprise or activity.</i></p>	No

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Peru Pérou	No	<p>Yes</p> <p>Constitution - Article 99.— The Permanent Commission is responsible for accusing before Congress: the President of the Republic; congressmen; state ministers; members of the Constitutional Court; members of the National Judicial Council; justices of the Supreme Court; supreme prosecutors; the ombudsman; and, the General Comptroller for violating the Constitution and for any crime they commit in exercise of their functions and until five years after the end of their mandates.</p> <p>Article 100.— Congress, without the participation of the Permanent Commission, must decide whether to suspend the accused official or disqualify him for public service for up to ten years, or dismiss him from his office, independently from any other responsibilities. In this procedure, the accused has the right of defense by himself and with the assistance of a lawyer before the Permanent Commission and Congress.</p> <p>No appeal.</p>
Poland Pologne	<p>No</p> <p>The deputy can only be deprived of his mandate by State Tribunal under the anti-corruption rules of art. 107.</p> <p>Article 107 Const [Constitutional Accountability]</p> <p>1. Deputies shall not be permitted, to the extent specified by statute, to perform any business activity involving any benefit derived from the property of the State Treasury or local self-government or to acquire such property.</p> <p>2. In respect of any breach of the prohibition specified in para. 1 above, a Deputy shall, by resolution of the Sejm adopted on a motion of the Marshal of the Sejm, be brought</p>	<p>No</p> <p>See however:</p> <p>Constitutional Accountability</p> <p>A deputy may be brought to account before the Tribunal of State for violation of the bans mentioned in art. 107 Const. The resolution concerning this issue is adopted by the Sejm on the motion of the Marshal of the Sejm. An absolute majority of votes in the presence of at least half of the statutory number of Deputies is required to adopt such a resolution.</p> <p>The Standing Orders of the Sejm of the Republic of Poland</p>

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	to accountability before the Tribunal of State which shall adjudicate upon forfeiture of the mandate.	<p>Chapter 10. Proceedings in relation to matters of constitutional accountability before the Tribunal of State</p> <p>Procedure: The proceedings in terms of constitutional accountability consist of the following phases: parliamentary (steps: submission of preliminary motion, proceedings before the Constitutional Accountability Commission, indictment), proceedings before the Tribunal of State (I and II instance) and execution of the judgment</p>
Portugal	<p>No</p> <p>Article 160.1 Cst.</p> <p>1. Members of the Assembly of the Republic shall lose their seat in the event that:</p> <p>...</p> <p>d) They are convicted by a court of any of the special crimes for which political office holders may be held liable, which they commit in the exercise of their functions and for which they are sentenced to such loss, or they are convicted of participating in organisations that are racist or display a fascist ideology.</p>	<p>Yes</p> <p>Article 8 of the Statute governing Members of the Assembly of the Republic</p> <p>Loss of seat</p> <p>1 - Members of the Assembly of the Republic shall lose their seat when:</p> <p>a) They become subject to any of the disqualifications or incompatibilities provided for by law, even when due to facts that arose prior to their election; and the Assembly of the Republic <i>may not reassess facts</i> which have been the object of a judicial ruling that has already transited in rem judicatam or of an earlier decision</p>

Country Pays	Statutory disqualification in the event of conviction Déchéance légale en cas de condamnation	Procedure before Parliament/appeals Procédure devant le Parlement/recours
		<p><u>Rules of Procedure of the Assembly of the Republic</u></p> <p>Article 3 Loss of seat</p> <p>1 – Loss of seat shall occur: a) In the cases provided for in the Statute of Members</p> <p>...</p> <p>3 - When it has proven knowledge of any of the facts referred to in paragraph (1), the Bureau shall first take note of the prior opinion issued by the competent parliamentary committee, in accordance with the provisions of the Statute of Members, and shall then declare the loss of seat.</p> <p>4 – The Bureau shall notify the interested party of its decision, which shall be published in the <i>Journal of the Assembly of the Republic</i>.</p> <p>5 – The Member of the Assembly of the Republic whose mandate is questioned has the right to be heard and to appeal to the Plenary at any time within the following ten days, and shall remain in office until the Plenary issues a definitive decision by secret ballot. 6 – Any other Member of the Assembly of the Republic also has the right to appeal within the same time limit, by means of a written and duly substantiated request, which shall be published in the <i>Journal</i>. 7 – The Plenary shall decide without prior debate, but the Member of the Assembly of the Republic whose mandate is questioned has the right to speak for a period of not more than fifteen minutes. 8 – Any decision by the Plenary to confirm a declaration of the loss of a seat, or to itself declare such a loss, is subject to appeal to the Constitutional Court under the terms of Article 223(2)(g) of the Constitution and the law governing the organisation, operation and procedure of the Constitutional Court.on by the Assembly itself;</p> <p>Parliament is bound by the sentence.</p>

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Romania Roumanie	<p>No, save for exceptions (Articles 65-67 of the penal code)</p> <p>Art. 65 Contents and manner of serving the additional penalty of receiving a ban on the exercise of a number of rights (1) An additional penalty consists of a ban on exercising the rights stipulated at Art. 66 par. (1) lett. a),b) and d) - o), whose exercise was banned by a court of law as a ancillary penalty. (2) In the case of life imprisonment the additional penalty consists of the court banning the exercise of the rights stipulated in Art. 66 par. (1) lett. a) - o) or a number of those.</p> <p>Art. 66 Content of the ancillary penalty of receiving a ban on the exercise of a number of rights (1) The ancillary penalty of a ban on the exercise of a number of rights consists of a ban, for one to five years, on the exercise of one or several of the following rights: a) right to be elected to the ranks of public authorities or any other public office; ...</p> <p>Art. 67 Enforcing the ancillary penalty of a ban on the exercise of certain rights (1) The ancillary penalty of a ban on the exercise of certain rights can be enforced if the main penalty is imprisonment or a fine and the Court finds that, considering the nature and seriousness of the offense, the circumstances of the case and the person of the offender, such penalty is</p>	<p>Yes</p> <p>The loss of the quality of MP derives from the loss of the electoral rights, Article 7.1.c of the Law no. 96/2006 on the Statute of deputies and senators.</p> <p>However, the Chamber must vote to “vacate the seat of a deputy or senator”.</p>

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	<p>necessary. (2) Enforcing the ancillary penalty of a ban on the exercise of certain rights is mandatory when the law stipulates such penalty for an offense.</p>	
<p>Russia Russie</p>	<p>Yes</p> <p>Article 32.3 Cst</p> <p>3. Citizens found incapable by the court as well as those contained in places of confinement upon the verdict of the court shall have neither the right to elect, nor to be elected.</p> <p>Law on status of the members of the Federation Council and status of the member of the State Duma of the Federal Assembly of the Russian Federation</p> <p>Article 4. Early termination of the powers of the member of the Federation Council and of the deputy of the State Duma.</p> <p>The powers of the member of the Federation Council and of the deputy of the State Duma are terminated before the term (par. 1) if he/she is recognized guilty of a crime by a court decision (subpar. D).</p>	<p>Yes</p> <p>Law on status of the members of the Federation Council and status of the member of the State Duma of the Federal Assembly of the Russian Federation</p> <p>Article 4 par. 4 (Fed. Council) and 5 (State Duma): There should be a decision of the corresponding Chamber (no later than 30 days after the beginning of their session par. 4 (Fed. Council) and 5.</p> <p>Parliament is bound by the sentence.</p>
<p>San Marino Saint-Marin</p>	<p>Yes, for those:</p> <ul style="list-style-type: none"> - who are convicted of an intentional criminal offense and punished with the deprivation of liberty, or exclusion from public offices or from political rights for more than one year - who are convicted of a crime against political rights 	<p>No</p> <p>See however: According to Art. 12 of Legge n.21/1981 ("Regolamento del Consiglio Grande e Generale") disqualification is pronounced by the <i>Ufficio di</i></p>

Country Pays	Statutory disqualification in the event of conviction Déchéance légale en cas de condamnation	Procedure before Parliament/appeals Procédure devant le Parlement/recours
	<p>- who are punished with the loss of political rights</p> <p>The law provides for further causes of exclusion non related to criminal convictions</p> <p>Art. 19 (4) Legge n. 6/1996 (“Legge Elettorale”), as modified by art. 2 Legge n. 97/2002: <i>[...] decade automaticamente dalla carica:</i> <i>a) il Consigliere che perde i requisiti di eleggibilità</i> ...</p> <p>= The loss of the eligibility leads to the loss of the mandate</p> <p>Art. 2 Legge n. 6/1996 (“Legge Elettorale”)</p> <p><i>Dalla funzione elettorale sono esclusi:</i> <i>...b) i condannati che in via definitiva e per reato non colposo riportino condanna a pena restrittiva della libertà personale o alla interdizione dai pubblici uffici e dai diritti politici per un tempo superiore ad un anno;</i> <i>c) i condannati per i reati contro i diritti politici;</i> <i>d) i condannati alla pena della interdizione dai diritti politici;</i> ...</p> <p>[Translation in English]: 1.From electoral function are excluded: ... (b) those convicted for a definitive and not culpable offense, who have been sentenced to deprivation of liberty or to the disqualification from public offices and political rights for more than one year; c) those convicted of offences against political rights; d) those condemned to the loss ...</p>	<p><i>Segreteria del Consiglio Grande e Generale</i> (formed by three members of Parliament). The <i>plenum</i> merely takes note of the disqualification.</p>

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Serbia Serbie	<p>Yes</p> <p>Article 88 of the Law on the Election of Deputies (available in VOTA)</p> <p>(1) An MP's mandate shall terminate before the expiration of the term to which he has been elected in the following cases:</p> <p>...</p> <p>3) if he/she has been convicted by a final court decision to an unconditional prison sentence of at least six months.</p>	<p>Yes</p> <p>Rules of Procedure of the National Assembly</p> <p>a) Procedure for termination of the MPs' mandates</p> <p>Article 198</p> <p>The Speaker of the National Assembly shall be notified of reasons for the termination of the mandate of an MP before expiry of the period for which he/she was elected.</p> <p>An MP shall tender a resignation in writing and submit it to the Speaker of the National Assembly, via the registry office, who shall immediately communicate it to MPs and the competent committee. The resigning MP shall be summoned to a sitting of the competent committee at which his resignation shall be considered.</p> <p>The competent committee shall consider the reasons for the termination of the mandate of the MP before the expiry of the period for which he/she was elected and shall submit a report thereof to the National Assembly, with a proposal that the National Assembly acknowledges the termination of the mandate of the MP.</p> <p>The Speaker of the National Assembly shall notify the state institution responsible of administering elections of MPs of the termination of the mandate of the MP.</p> <p>There does not seem to be any appeal to the Constitutional Court; electoral disputes in the meaning of Article 167.4 Cst. and Article 75ff of the Law on the Constitutional Court do not seem to concern the loss of a mandate.</p>

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Slovakia Slovaquie	<p>Yes</p> <p>Article 81A Cst. A Member's of Parliament mandate terminates</p> <p>...</p> <p>f) on the date of effectiveness of a judgment under which a Member of Parliament was convicted of a wilful criminal offence or under which a Member of Parliament was convicted of a criminal offence and in his or her case the Court did not decide on a probationary suspension of the imprisonment sentence.</p>	<p>Yes</p> <p>Rules of Procedure of the National Council (see http://www.ipex.eu/IPEXL-WEB/parliaments/institution/skrad.do)</p> <p>It appears from § 57.1.g (the mandate and immunity committee debates on the loss of the mandate) that the National Council takes a decision.</p> <p>The Parliament is bound by the sentence.</p> <p>Article 129 Cst. (1) The Constitutional Court shall decide on a complaint against decision verifying or rejecting verification of the mandate of a Member of Parliament.</p> <p>§§ 71ff of the law on the Constitutional Court provide for appeals against the decision to confirm or reject the mandate of a member of the National Council of the Slovak Republic, but not on the loss of mandate.</p>
Slovenia Slovénie	<p>No</p>	<p>Yes</p> <p>According to the Deputies Act, Parliament can take away a MP's mandate, if he/she was sentenced to imprisonment for at least six months. No appeal</p>

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Spain Espagne	<p>Yes</p> <p>Article 6.2 of the Law on the General Electoral System (see in VOTA)</p> <p>2. The following are also ineligible:</p> <p>a) Persons sentenced to imprisonment by a final court's decision, for the term of their conviction.</p> <p>b) Persons convicted, even if judgment is not yet final, for rebellion, terrorism or other offences against the State where the judgment has imposed the penalty of forfeiture of eligibility according to criminal law or the penalty of total or specific disqualification or suspension from public office in the terms laid down by criminal law statutes.</p>	<p>Yes</p> <p>Section 21.2 of the Standing Orders of the Congress of Deputies</p> <p>A Member shall be suspended in his or her parliamentary rights, privileges and obligations if a judgment of conviction that is final so decrees, or if the execution of such a judgment entails the impossibility of discharging parliamentary duties.</p> <p>A similar provision can be found in Article 18.b of the Standing Orders of the Senate.</p> <p>The Parliament is bound by the sentence.</p> <p>An appeal to the Constitutional Court should be possible.</p>
Sweden Suède	<p>No</p> <p>Instrument of Government, Chapter 4, Article 11.3</p> <p>Members or alternates may be deprived of their mandate in cases other than cases under paragraph two only if they have proved themselves manifestly unfit to hold a mandate by reason of a criminal act. A decision in such a case shall be taken by a court of law.</p>	<p>No</p>
Suisse Switzerland	<p>Non</p>	<p>Non</p>

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<p>“the former Yugoslav Republic of Macedonia” “l'ex-République yougoslave de Macédoine”</p>	<p>Yes</p> <p>Article 65 Cst.</p> <p>(2) The mandate of a Representative terminates if he or she is sentenced for a criminal offence for which a prison sentence of at least five years is prescribed. The Representative can have his or her mandate revoked for committing a criminal offence making him or her unfit to perform the office of a Representative, as well as for absence from the Assembly for longer than six months for no justifiable reason. Revocation of the mandate is determined by the Assembly by a two-thirds majority vote of all Representatives.</p>	<p>Yes</p> <p>Article 59 of the Rules of Procedure of the Assembly</p> <p>The notification on a Member of the Assembly sentenced for criminal or other punishable act which makes him/her inappropriate for parliamentary office, shall be sent to the President of the Assembly by the Court having delivered the sentence. The President shall immediately forward such notification to the Committee on Procedural and Mandate and Immunity Related Issues.</p> <p>...</p> <p>Proposal for revoke of mandate of a Member of the Assembly in cases of paragraphs 1 and 2 of this Article, shall be submitted by the Committee on Procedure, Mandate and Immunity Related Issues within 15 days from the day of receiving the notification of the President of the Assembly.</p> <p>At its first consecutive session, the Assembly shall hold a debate upon the proposal for revoking the mandate of a Member of the Assembly submitted by the Committee on Procedure, Mandate and Immunity Related Issues.</p> <p>The debate may be concluded with a decision for revoking the mandate of the Member of the Assembly or with a conclusion that there is no ground for revoking the mandate of the Member of the Assembly.</p> <p>The Assembly is bound by the sentence.</p> <p>No appeal possible.</p>

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Tunisia Tunisie	<p>Non</p> <p>La vacance définitive d'un des sièges de l'Assemblée est constatée dans l'une des situations suivantes</p> <p>Perte de la qualité de membre en vertu d'une décision de justice définitive portant privation des droits civils et politiques : voir https://majles.marsad.tn/2014/uploads/documents/résumé_r_i_fr.pdf</p> <p>Article 53 Cost: Every Tunisian voter who has acquired Tunisian nationality ... is eligible to be elected to the Assembly of the Representatives of the People, provided that they are not prohibited from holding such a position as specified by the <u>law</u>.</p> <p>Loi organique n° 2014-16 du 26 mai 2014, relative aux élections et aux référendums</p> <p>Art. 6 (nouveau) – Modifié par la loi organique n° 2017-7 du 14 février 2017 – Ne peuvent être inscrites au registre des électeurs : •Les personnes condamnées à une peine complémentaire au sens de l'article 5 du code pénal, les privant d'exercer le droit de vote jusqu'à leur réhabilitation...</p> <p>Code pénal, Article 5 b. Peines complémentaires : 7°- l'interdiction d'exercer les droits et privilèges suivants : a - les fonctions publiques..., c - le droit de vote,</p>	Non

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Turkey Turquie	<p>Yes</p> <p>Art. 84 Cst.</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>An appeal to the Constitutional Court could be envisaged after the exhaustion of all other remedies, cf. Law 6216 on Establishment and Procedure of the Constitutional Court (in CODICES:</p> <p>Article 45 - Right of individual application (1) Every person may apply to the Constitutional Court alleging that the public power has violated any one of his/her fundamental rights and freedoms secured under the Constitution which falls into the scope of the European Convention on Human Rights and supplementary protocols thereto, which Turkey is a party to. (2) All administrative and judicial remedies provided by the law relating to the proceeding, act or negligence which is alleged to have caused violation must be exhausted prior to individual application.</p>	<p>No</p> <p>Art. 136.2 of the Rules of Procedure of the Grand National Assembly</p> <p>...</p> <p>The membership of a deputy ends when the Plenary is notified of the final court judgment stating that he/she is convicted for an offence hindering him/her to be a member of the Grand National Assembly of Turkey or his/her legal capacity is restricted.</p>

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Ukraine	<p>Yes</p> <p>Art. 81.2 Cst.</p> <p>The authority of a People's Deputy of Ukraine shall terminate prior to the expiration of his or her term in office in the event of:</p> <p>...</p> <p>(2) a guilty verdict against him or her entering into legal force;</p>	No
United Kingdom Royaume-Uni	<p>Yes</p> <p>Article 173 of the Representation of the People Act</p> <p>173.— Incapacities on conviction of corrupt or illegal practice.</p> <p>(1) ... a person convicted of a corrupt or illegal practice—...</p> <p>(b) if already elected to a seat in the House of Commons or holding any such office, shall vacate the seat or office subject to and in accordance with subsections (4) and (5) below.</p> <p>...</p> <p>(4) Where subsection (1)(b) applies to any person, he shall (subject to subsection (5) below) vacate the seat or office in question at the appropriate time for the purposes of this section, namely—</p> <p>(a) the end of the period which is the period prescribed by law within which notice of appeal may be given, or an application for leave to appeal may be</p>	No

Country Pays	Statutory disqualification in the event of conviction Déchéance légale en cas de condamnation	Procedure before Parliament/appeals Procédure devant le Parlement/recours
	<p>made, by him in respect of the conviction, or</p> <p>(b) if (at any time within that period) that period is extended—</p> <p>(i) the end of the period as so extended, or</p> <p>(ii) the end of the period of three months beginning with the date of the conviction, whichever is the earlier.</p> <p>(5) If (before the appropriate time mentioned in subsection (4) above) notice of appeal is given, or an application for leave to appeal is made, by such a person in respect of the conviction, he shall vacate the seat or office in question at the end of the period of three months beginning with the date of the conviction unless—</p> <p>(a) such an appeal is dismissed or abandoned at any earlier time (in which case he shall vacate the seat or office at that time), or</p> <p>(b) at any time within that period of three months the court determines on such an appeal that the conviction should not be upheld (in which case the seat or office shall not be vacated by him).</p>	

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United States of America Etats-Unis d'Amérique	No	<p>Yes</p> <p>Article I, Section 5, clause 2 Cst.</p> <p>Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.</p> <p>“Under Article I, Section 5, clause 2, of the Constitution, a Member of Congress may be removed from office before the normal expiration of his or her constitutional term by an “expulsion” from the Senate (if a Senator) or from the House of Representatives (if a Representative) upon a formal vote on a resolution agreed to by two-thirds of the Members of that body present and voting. While there are no specific grounds for an expulsion expressed in the Constitution, expulsion actions in both the House and the Senate have generally concerned cases of perceived disloyalty to the United States, or the conviction of a criminal statutory offense which involved abuse of one’s official position. Each house has broad authority as to the grounds, nature, timing, and procedure for an expulsion of a Member. However, <i>policy</i> considerations, as opposed to questions of authority, have appeared to restrain the Senate and House in the exercise of expulsion when it might be considered as infringing on the electoral process, such as when the electorate knew of the past misconduct under consideration and still elected or re-elected the Member.”</p> <p>See https://www.senate.gov/CRSPubs/ee067ba0-db71-4394-9a37-453316aeb453.pdf, summary.</p> <p>No appeal.</p>