

Recommendation 1602 (2003)¹

Immunities of Members of the Parliamentary Assembly

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 1325 \(2003\)](#) on immunities of members of the Parliamentary Assembly.
2. It recalls that in the light of the ongoing work of the Assembly and its bodies throughout the year and the concept of European parliamentary immunity developed by the European Parliament, the notion "during the sessions of the Assembly" covers the entire parliamentary year.
3. The Assembly points out that according to Article 15.b of the General Agreement on Privileges and Immunities of the Council of Europe, members of the Parliamentary Assembly enjoy, on the territory of all member states other than their own state, exemption from arrest and prosecution. This immunity may only be lifted by the Parliamentary Assembly following a request submitted to it by a competent national authority.
4. The Assembly further recalls that under Article 15 of the general agreement, Representatives to the Assembly and their Substitutes continue to enjoy the immunities secured by this provision when they are no longer members of their national parliament, and do so until their replacement as members of the Assembly.
5. It recommends that the Committee of Ministers invite member states:
 - 5.1. to interpret the immunities accorded under Article 14 of the general agreement in such a way as to include the opinions expressed by Assembly members within the framework of official functions they carry out in the member states on the basis of a decision taken by an Assembly body and with the approval of the competent national authorities;
 - 5.2. where they have a system of parliamentary inviolability and wish to waive the immunity of a national parliamentarian, who is at the same time a member of the Parliamentary Assembly, to remind the competent authorities that they should also request the Assembly to waive the European immunity of that member which is granted to him or her under Article 15.a of the general agreement;
 - 5.3. to also remind their authorities that at all stages when parliamentary immunity is waived the presumption of innocence must be maintained;
 - 5.4. to ask their competent authorities to notify the President of the Parliamentary Assembly in the event of measures taken to detain or prosecute a member of that Assembly.
6. Furthermore, the Assembly invites the Committee of Ministers:
 - 6.1. to inform it of the follow-up given to the measures it has proposed to the governments of the member states as a consequence of the adoption of Assembly [Recommendation 1373 \(1998\)](#) on freedom of movement of and the issue of visas to members of the Parliamentary Assembly of the Council of Europe;
 - 6.2. to recommend again, if necessary, that governments take all appropriate measures to provide members of the Parliamentary Assembly with unimpeded entrance to the member states for official journeys;

1. Assembly debate on 2 April 2003 (13th Sitting) (see [Doc. 9718](#) rev, report of the Committee on Rules of Procedure and Immunities, rapporteur: Mr Olteanu). Text adopted by the Assembly on 2 April 2003 (13th Sitting).



6.3. to ask member states to acknowledge unilaterally as an official document the laissez-passer issued by the competent Council of Europe authorities to the members of the Parliamentary Assembly and containing details of the holder (name, date and place of birth, nationality, address, photograph), the date of issue and the validity, as well as the relevant extracts from the General Agreement on Privileges and Immunities of the Council of Europe (ETS No. 2, 1949) and its Additional Protocol (ETS No. 10, 1952), together with other pertinent information.