



Doc. 13621

01 October 2014

Parliamentary immunity: challenges to the scope of the privileges and immunities enjoyed by members of the Parliamentary Assembly

Motion for a resolution

tabled by Ms Liliana PALIHOVICI and other members of the Assembly

Parliamentary immunity, in its two forms – non-liability and inviolability –, is an ancient and fundamental democratic safeguard, born of the need to preserve the integrity of parliaments and to protect their members' independence in the performance of their duties. The rules on parliamentary immunity may vary considerably between European countries in view of their traditions, culture and political life.

Members of the Parliamentary Assembly are themselves covered by specific rules on immunity at European level, laid down by the General Agreement on Privileges and Immunities of the Council of Europe of 1949 and its additional protocol of 1952, which are distinct from the national immunities they may otherwise enjoy. These rules establish the twofold principle of non-liability and inviolability and provide for the freedom of movement of Assembly members within the territory of the member States.

In recent years a number of cases have called into question the traditional scope of the privileges and immunities enjoyed by members of the Assembly, at both national and European level. Certain member States have restricted immunity so as to combat parliamentarians' impunity, often in connection with efforts to fight corruption.

A report by the European Commission for Democracy through Law (Venice Commission) of March 2014 takes stock of the scope of parliamentary immunities at national level and proposes a number of criteria and guidelines for lifting parliamentary immunity, which should be examined in detail by the Assembly.

The Assembly should therefore conduct an evaluation of the current rules governing its members' immunity in both dimensions – national and European.

Signed (see overleaf)



Signed¹:

PALIHOVICI Liliana, Republic of Moldova, EPP/CD
BUGNON André, Switzerland, ALDE
DÍAZ TEJERA Arcadio, Spain, SOC
GALATI Giuseppe, Italy, EPP/CD
GROSS Andreas, Switzerland, SOC
GUȚU Ana, Republic of Moldova, ALDE
KANDELAKI Giorgi, Georgia, EPP/CD
KOX Tiny, Netherlands, UEL
LE BORGN' Pierre-Yves, France, SOC
MIGNON Jean-Claude, France, EPP/CD
MULIĆ Melita, Croatia, SOC
NICOLETTI Michele, Italy, SOC
RUSTAMYAN Armen, Armenia, SOC
SHERIDAN Jim, United Kingdom, SOC
SHEVCHENKO Oleksandr, Ukraine, NR
SOBOLEV Serhiy, Ukraine, EPP/CD
TAKTAKISHVILI Chiora, Georgia, ALDE
TRIANTAFYLLOS Konstantinos, Greece, SOC
VUČKOVIĆ Nataša, Serbia, SOC
XUCLÀ Jordi, Spain, ALDE
ZOURABIAN Levon, Armenia, ALDE

1. ALDE: Alliance of Liberals and Democrats for Europe
EPP/CD: Group of the European People's Party
SOC: Socialist Group
UEL: Group of the Unified European Left
NR: Representatives not belonging to a Political Group