

Recommendation 2095 (2016)¹

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

Parliamentary Assembly

1. The Parliamentary Assembly reiterates that its members are covered by rules of immunity established by a set of provisions drawn from the Statute of the Council of Europe (ETS No.1), the General Agreement on Privileges and Immunities of the Council of Europe and its protocol (ETS Nos. 2 and 10) and the Assembly's Rules of Procedure.
2. Under the General Agreement on Privileges and Immunities of the Council of Europe, concluded in application of Article 40 of the Statute, the members of the Parliamentary Assembly enjoy three types of protection:
 - 2.1. parliamentary non-liability, guaranteed by Article 14 of the general agreement, which makes them immune from any judicial proceedings – criminal, civil and administrative – in respect of an opinion expressed or a vote cast in the performance of their parliamentary duties, and is designed to protect the independence of members of the Assembly and ensure their freedom of judgment, expression and decision;
 - 2.2. parliamentary inviolability (Article 15 of the general agreement), which protects them against any arrest, detention or judicial proceedings outside the national territory in the territory of any other member State, in addition to the national immunity they enjoy in their own State;
 - 2.3. free movement (Article 13 of the general agreement).
3. As stated in Rule 67 of the Assembly's Rules of Procedure and underlined in its [Resolution 2127 \(2016\)](#) on parliamentary immunity: challenges to the scope of the privileges and immunities enjoyed by members of the Parliamentary Assembly, these immunities are granted in order to preserve the integrity of the Assembly and to safeguard the independence of its members in exercising their European mandate.
4. The Assembly strongly condemns the breaches by some Council of Europe member States of the status of privileges and immunities of Assembly members, and especially of the principle of free movement, and expects the Committee of Ministers to call on member States to act in strict compliance with their obligations under the above-mentioned provisions of the Statute of the Council of Europe and the General Agreement on Privileges and Immunities and its protocol, and to guarantee their effective application.

1. *Assembly debate* on 23 June 2016 (26th Sitting) (see [Doc. 14076](#), report of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Ms Liliana Palihovici). *Text adopted by the Assembly* on 23 June 2016 (26th Sitting).

