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22 January 2019

Should politicians be prosecuted for statements made in the exercise of their mandate?

Motion for a resolution

tabled by Mr Boriss CILEVIČS and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

The Parliamentary Assembly is concerned about the growing number of national, regional and local politicians prosecuted for statements made in the exercise of their mandate, in particular in Spain and Turkey.

Its [Resolution 1900 \(2012\)](#) on “Definition of political prisoners” and [Resolution 1950 \(2013\)](#) on “Keeping political and criminal responsibility separate” should be recalled.

According to the European Commission for Democracy through Law (Venice Commission), the primary purpose of parliamentary immunity lies in the fundamental protection of the parliamentary institution and in the equally fundamental guarantee of the independence of elected representatives, which is necessary for them to exercise their democratic functions effectively without fear of interference from the executive or judiciary; it also stressed that freedom of expression of members of Parliament is an essential part of democracy. Their freedom of speech has to be a wide one and should be protected also when they speak outside Parliament. This applies also, and especially, to parliamentarians who belong to the opposition and whose ideas differ strongly from those of the majority.

At the same time, hate speech and calls for violence cannot be tolerated, also from politicians.

The Assembly should examine, from a legal and human rights perspective, the situation of politicians imprisoned for exercising their freedom of speech, in light of the principles upheld by the Council of Europe and, in particular, of the European Convention on Human Rights.

Signed (see overleaf)



*Signed*¹:

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1. ALDE: Alliance of Liberals and Democrats for Europe
EC: European Conservatives Group
EPP/CD: Group of the European People's Party
SOC: Socialists, Democrats and Greens Group
UEL: Group of the Unified European Left