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Protecting the freedom of expression of members of parliaments

Motion for a resolution

tabled by Ms Gökçe GÖKÇEN and other members of the Assembly

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

The growing tendency to subject members of national parliaments to disciplinary measures and criminal proceedings or to exclude them from parliamentary activities for statements made in the exercise of their democratic mandate is deeply concerning. Such practices may be used as instruments of political retaliation against members of parliament, particularly those belonging to opposition parties or minority groups. They undermine democratic debate and erode public trust in parliamentary institutions.

As stressed in the Parliamentary Assembly's [Resolution 2381 \(2021\)](#) "Should politicians be prosecuted for statements made in the exercise of their mandate?", as well as [Resolution 1900 \(2012\)](#) "The definition of political prisoner" and [Resolution 1950 \(2013\)](#) on "Keeping political and criminal responsibility separate", the freedom of expression of parliamentarians constitutes a cornerstone of pluralist democracy and must be protected both within and beyond parliamentary premises.

The consistent case law of the European Court of Human Rights holds that political speech enjoys a high level of protection under Article 10 of the European Convention on Human Rights (ETS No. 5), particularly when it concerns matters of public interest or criticism of the government. The Court has also emphasised that restrictions on such expression must be strictly necessary in a democratic society and subject to effective judicial review.

Hate speech, incitement to violence, or discrimination can never be tolerated; however, legitimate political criticism and dissent must not be confused with such prohibited conduct.

The Assembly should examine, from a legal and human rights perspective, the situation of parliamentarians subjected to disciplinary or judicial measures for exercising their freedom of expression, in light of the principles upheld by the Council of Europe and, in particular, the European Convention on Human Rights.

Signed (see overleaf)



*Signed*¹:

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