

PARLIAMENTARY IMMUNITY

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Protection of the independence of the people's representatives against the - at the outset: absolute - power of the government has been a major factor in developing parliamentary democracies. The institution of "parliamentary inviolability" sprang from the struggle for power between Monarch and Parliament. Nowadays, in settled democracies, the question comes on for discussion time and again; to what extent parliamentary inviolability still is a necessary and therefore acceptable exception to the rule that all citizens, which includes members of Parliament, are subject to the rule of law. There are on the other hand European countries, especially those with a democratic polity of quite recent date, where respect for the independence of people's representatives perhaps is not yet taken as a matter of course.

The proposal to devote a study to the institution of parliamentary inviolability emanates from Mr. Stoffelen, representative of the Parliamentary Assembly of the Council of Europe to the Venice Commission.

The study could be directed to presenting the various models of immunity operating in Council of Europe member States, not only to enable other States to draw on them, but particularly to highlight the essential features of the institution, its foundations in the system of parliamentary democracy and its role in pluralist democracy.

It has been suggested that a publication of the European Parliament's Directorate General for Research, entitled "Parliamentary Immunity in the Member States of the European Community and the European Parliament", and which was made available to members of the Commission at the 19th meeting, could serve as an appropriate model.

Our own study might well be taken up in two stages:

- a) consideration of the extent of such a study; definition of object and purpose of the study;
- b) preparation of reports on the institution of parliamentary immunity, covering the following areas:
 - the legal basis for parliamentary immunity;
 - the scope of parliamentary immunity;
 - acts covered by parliamentary immunity;
 - duration of parliamentary immunity;
 - the procedure for lifting parliamentary immunity;
 - parliamentary practice.

Stage a) can be carried out by the Commission itself, for instance by means of a short questionnaire to be issued to the members.

The preparation of drafts for the reports in stage b) might require the Commission to call upon expert assistance.