



Strasbourg, 1 April 2014

Opinion No. 714/2013

CDL(2014)006rev
Or. Bil.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

REVISED COMPARATIVE TABLE
ON THE LIFTING OF PARLIAMENTARY IMMUNITY

	A	B	C	D	E	F	G	H	I
1	Revised Comparative Table on the lifting of parliamentary immunity								
2	References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012 -CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
3	Non-liability								
4	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
	Austria	Constitution (Articles 57, 58, 96); Rules of Procedure of Chambers and regional Diets; Article 57 of the Federal Constitutional Act governs the immunity of the Members of the Nationalrat. Section 10 of the Federal Act on the Rules of Procedure of the Nationalrat is essentially the same in content as Article 57 of the Federal Constitutional Act. Rules of procedure governs procedure in matters relating to immunity. Non-liability: Parliamentary immunity. The deputy is liable only to the chamber of which he is a member and can be the subject of disciplinary measures only at the discretion of the Speaker of the Chamber, such as the call to order and curtailment of speaking time.	Members of the First Chamber (Nationalrat), the Second Chamber (Bundesrat) and regional Diets (Landtage).	Immunity is dependent on membership of the Nationalrat or Bundesrat and therefore ceases with such membership.	Article 57(3) Legal action on the ground of a criminal offence may otherwise without the National Council's consent be taken against members of the National Council only if it is manifestly not connected with the political activity of the member in question. The authority concerned must however seek a decision by the National Council on the existence of such a connection if the member in question or a third of the members belonging to the Standing Committee entrusted with these matters so demands. Every act of legal process shall in the case of such a demand immediately cease or be discontinued.	Constitution (Articles 57, 58, 96); Rules of Procedure of Chambers and regional Diets; Article 57 of the Federal Constitutional Act governs the immunity of the Members of the Nationalrat. Section 10 of the Federal Act on the Rules of Procedure of the Nationalrat is essentially the same in content as Article 57 of the Federal Constitutional Act, and Section 80 of the Rules of Procedure governs procedure in matters relating to immunity.	Members of the First Chamber (Nationalrat), the Second Chamber (Bundesrat) and regional Diets (Landtage).	Protection is provided from the start to the end of the mandate (Article 57(6) of the Constitution, S. 10(6) of the Federal Law on the Rules of Procedure of the National Council)	Yes, in principle with the final approval of the Chamber after the Standing Committee on Immunities has expressed an opinion. Requests for consent to the prosecution of a Member of Parliament by an authority are forwarded to the Committee on Immunities of the appropriate representative body for preliminary consideration. The committee must report to the plenary in time for the request to be put to the vote not later than the penultimate day of an eight-week period, after which consent to the prosecution is deemed to have been given. (Article 57(2) of the Constitution, S. 10(2) of the Federal Law on the Rules of Procedure of the National Council); - Competent authority: the National Council; - the corresponding Standing Committee (during recess) - Procedure (Article 57(4) of the Constitution, S. 10(4) of the Federal Law on the Rules of Procedure of the National Council)

A	B	C	D	E	F	G	H	I	
Revised Comparative Table on the lifting of parliamentary immunity									
References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EUIJ) Study No 682/2012-CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE									
Non-liability									
Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2	
Azerbaijan	<p>Article 91 of the Constitution. Prohibition on institution of proceedings against deputies of Milli Majlis of the Azerbaijan Republic.</p> <p>Deputies of Milli Majlis of the Azerbaijan Republic cannot be made responsible for their activity in Milli Majlis of the Azerbaijan Republic, voting in Milli Majlis of the Azerbaijan Republic and statements made in Milli Majlis of the Azerbaijan Republic. Without the deputies' consent, in connection with such cases, they are not obliged to give explanations and evidence.</p>	MPs	during the whole term of his powers	<p>Can immunity be lifted? By whom? Procedure for lifting immunity</p>	<p>Article 90 of the Constitution</p> <p>(1) A deputy of Milli Majlis of the Azerbaijan Republic enjoys immunity during the whole term of his powers. Except cases when the deputy may be caught in the act of crime, the deputy of Milli Majlis of the Azerbaijan Republic may not be called to criminal responsibility during the whole term of his/her authority, arrested, disciplinary measures may not be applied to him by law court, he may not be searched. The deputy of Milli Majlis of the Azerbaijan Republic may be arrested only if he/she has been caught at a place of crime. In such case the body which detained the deputy of Milli Majlis of the Azerbaijan Republic must immediately notify General Procurator of the Azerbaijan Republic about the fact.</p> <p>(1) Immunity of deputy of Milli Majlis of the Azerbaijan Republic might be stopped only by decision of Milli Majlis of the Azerbaijan Republic based on application of General Procurator of the Azerbaijan Republic.</p>	MPs	during the whole term of his powers	<p>Immunity can be lifted by decision of Milli Majlis. Constitution Art. 90(1)</p> <p>(1) Immunity of deputy of Milli Majlis of the Azerbaijan Republic might be stopped only by decision of Milli Majlis of the Azerbaijan Republic based on application of General Procurator of the Azerbaijan Republic.</p> <p>Competent authority: Disciplinary Commission of Milli Majlis (Art. 41. Internal Regulations of Milli Majlis)</p> <p>The deputy of Milli Majlis of the Azerbaijan Republic may be arrested only if he/she has been caught at a place of crime. In such case the body which detained the deputy of Milli Majlis of the Azerbaijan Republic must immediately notify General Procurator of the Azerbaijan Republic about the fact.</p>	
11	<p>House of Representatives</p> <p>Article 102(1) of the Constitution Council of the Republic</p> <p>(Article 102(1) of the Constitution).</p> <p>House of Representatives</p> <p>Parliamentary non-accountability applies to words spoken and written by MPs both within and outside Parliament.</p> <p>• Derogations: charges of slander and insult (Article 102(1) of the Constitution); use of rude or insulting words, call for illegal and violent action (see Discipline)</p> <p>Council of the Republic</p> <p>Parliamentary non-accountability applies to words spoken and written by MPs both within and outside Parliament.</p> <p>• Derogations: slander and insult (Article 102(1) of the Constitution); use of rude or insulting words, call for illegal and violent action</p>	Members of Council of the Republic	House of Representatives Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate.	<p>Can immunity be lifted? By whom? Procedure for lifting immunity</p>	<p>House of Representatives/ Council of the Republic</p> <p>Article 102(2) and (3) of the Constitution. It applies to criminal and civil proceedings and covers all offences with the exception of State treason and other very serious crimes. It protects MPs only from arrest and from being held in preventive custody, not from the opening of judicial proceedings against them and from their homes being searched. However, when criminal proceedings are instituted, a special procedure applies (trial by the Supreme Court).</p> <p>• Derogations: in case of flagrante delicto, the protection does not apply (Article 102(2) of the Constitution).</p> <p>• The current state of law does not provide an answer to the question of parliamentary inviolability preventing MPs from being called as witnesses before a judge or tribunal.</p>	Members of Council of the Republic	House of Representatives	<p>House of Representatives</p> <p>• Protection is provided from the start to the end of the mandate. Since it does not cover judicial proceedings in general, it does not cover judicial proceedings instituted against MPs before their election.</p> <p>Representatives; members of Council of the Republic</p> <p>Protection is provided from the start to the end of the mandate. Since it does not cover judicial proceedings in general, it does not cover judicial proceedings instituted against MPs before their election.</p>	<p>House of Representatives (inviolability)</p> <p>• Parliamentary immunity (inviolability) can be lifted (Article 102(2) of the Constitution);</p> <p>• Competent authority: the House of Representatives Council of the Republic</p> <p>Parliamentary immunity (inviolability) can be lifted (Article 102(2) of the Constitution);</p> <p>• Competent authority: the Council of the Republic</p> <p>House of Representatives/ Council of the Republic</p> <p>• Procedure: in this case, MPs can be heard, but do not have means of appeal.</p>
12	<p>House of Representatives</p> <p>Article 102(1) of the Constitution Council of the Republic</p> <p>(Article 102(1) of the Constitution).</p> <p>House of Representatives</p> <p>Parliamentary non-accountability applies to words spoken and written by MPs both within and outside Parliament.</p> <p>• Derogations: charges of slander and insult (Article 102(1) of the Constitution); use of rude or insulting words, call for illegal and violent action (see Discipline)</p> <p>Council of the Republic</p> <p>Parliamentary non-accountability applies to words spoken and written by MPs both within and outside Parliament.</p> <p>• Derogations: slander and insult (Article 102(1) of the Constitution); use of rude or insulting words, call for illegal and violent action</p>	Members of Council of the Republic	House of Representatives Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate.	<p>Can immunity be lifted? By whom? Procedure for lifting immunity</p>	<p>House of Representatives/ Council of the Republic</p> <p>Article 102(2) and (3) of the Constitution. It applies to criminal and civil proceedings and covers all offences with the exception of State treason and other very serious crimes. It protects MPs only from arrest and from being held in preventive custody, not from the opening of judicial proceedings against them and from their homes being searched. However, when criminal proceedings are instituted, a special procedure applies (trial by the Supreme Court).</p> <p>• Derogations: in case of flagrante delicto, the protection does not apply (Article 102(2) of the Constitution).</p> <p>• The current state of law does not provide an answer to the question of parliamentary inviolability preventing MPs from being called as witnesses before a judge or tribunal.</p>	Members of Council of the Republic	House of Representatives	<p>House of Representatives</p> <p>• Protection is provided from the start to the end of the mandate. Since it does not cover judicial proceedings in general, it does not cover judicial proceedings instituted against MPs before their election.</p> <p>Representatives; members of Council of the Republic</p> <p>Protection is provided from the start to the end of the mandate. Since it does not cover judicial proceedings in general, it does not cover judicial proceedings instituted against MPs before their election.</p>	<p>House of Representatives (inviolability)</p> <p>• Parliamentary immunity (inviolability) can be lifted (Article 102(2) of the Constitution);</p> <p>• Competent authority: the House of Representatives Council of the Republic</p> <p>Parliamentary immunity (inviolability) can be lifted (Article 102(2) of the Constitution);</p> <p>• Competent authority: the Council of the Republic</p> <p>House of Representatives/ Council of the Republic</p> <p>• Procedure: in this case, MPs can be heard, but do not have means of appeal.</p>

A	B	C	D	E	F	G	H	I	
Revised Comparative Table on the lifting of parliamentary immunity									
References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012- CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE									
1	Inviolability								
2	Non-liability								
3	Inviolability								
4	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2

13	Belgium	<p>Article 58 of the Constitution No member of either House can be prosecuted or be the subject of any investigation with regard to opinions expressed and votes cast by him in the exercise of his duties.</p> <p>Parliamentary non-accountability is limited to words spoken or written by MPs and votes cast within the exercise of the parliamentary mandate</p> <p>Derogations: offence or insult (Article 34 of the Standing Orders of the House of Representatives) Member is exempt from criminal, disciplinary and civil prosecution, and investigation/examination (i.e preliminary investigation, searches) for opinions expressed and votes cast directly related to the performance of parliamentary duties</p> <p>There are special rules for parliamentarians who are ministers at the same time (Article 101(2) and 103 of the Constitution)</p>	<p>MPs, Ministers, and Members of Regional and Communities' Parliaments</p>	<p>House of representatives and Senate Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate</p>	<p>Can immunity be lifted? By whom? Procedure for lifting immunity</p>	<p>Article 59 of the Constitution - Except in the case of a flagrant offence, no member of either House may, during a session and in criminal matters, be directly referred or summoned before a court or be arrested, except with the authorisation of the House of which he is a member. - Except in the case of a flagrant offence, coercive measures requiring the intervention of a judge cannot, during a session and in criminal matters, be instituted against a member of either House, except by the first President of the appeal court at the request of the competent judge. This decision is to be communicated to the President of the House concerned. All searches or seizures executed by virtue of the preceding paragraph can be performed only in the presence of the President of the House concerned or a member appointed by him. During the session, only the officers of the public prosecutor's office and competent officers may institute criminal proceedings against a member of either House</p>	<p>MPs, Ministers, and Members of Regional and Communities' Parliaments</p>	<p>House of representatives and Senate Protection is provided only during sessions and also covers, in principle, judicial proceedings instituted against MPs before their election</p>	<p>House of representatives (Article 59(1) of the Constitution). Competent authority: the House of Representatives - Procedure: In this case, MPs cannot be heard. They do not have means of appeal. • Parliament cannot subject the prosecution and/or detention to certain conditions, but the Constitution provides for some additional procedural rules and the House may only agree in part to a request for the lifting of parliamentary immunity. • Parliament can suspend the prosecution and/or detention of one of its members (Article 59(5) and 6) of the Constitution): Senate – Competent authority: the Senate - Procedure: In this case, MPs are not heard. They do not have means of appeal. • Parliament cannot subject the prosecution and/or detention to certain conditions, but the Constitution foresees some additional procedural rules and the Senate can agree only in part to a request for lifting of immunity. • Parliament can suspend the prosecution and/or detention of one of its members (Article 59(5) and 6) of the Constitution): A request for the lifting of immunity is put forward to the Speaker of the relevant Chamber. After examination by a special committee, or the Justice Committee (Senate), the Chamber proceeds to a plenary vote.</p>
----	---------	--	---	---	--	--	---	---	---

A	B	C	D	E	F	G	H	I	
1	Revised Comparative Table on the lifting of parliamentary immunity								
2	References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No. 682/2012-CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
3	Non-liability								
4	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
Bulgaria	<p>Article 69 Members of the National Assembly shall not be held criminally liable for their opinions or votes in the National Assembly.</p> <p>(2) No authorisation for initiating prosecution shall be required, if there is a written consent of the Member of the National Assembly</p> <p>Article 71 The National Assembly shall establish the emoluments of its Members.</p> <p>Parliamentary non-accountability applies to words spoken and written by MPs both within and outside Parliament while performing their duties as Members of Parliament. MPs are therefore exempt from any criminal liability. Derogations: offence or insult</p>	<p>MPs</p>	<p>Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate. Unlimited.</p> <p>No</p>	<p>Article 70 (1) A Member of the National Assembly shall be immune from detention or criminal prosecution except for the perpetration of a crime of general character, when a warrant from the National Assembly or, in between its session, from the Chairman of the National Assembly, shall be required. No warrant shall be required when a Member is detained in the course of committing a crime of general character; the National Assembly or, in between its session, the Chairman of the National Assembly, shall be notified forthwith.</p> <p>Article 72 (1) A Member's prerogatives shall expire before the expiry of his term of office upon any of the following occurrences: (...) (ii) enforcement of a prison sentence for an international crime, or of an unsuspended prison sentence; (...)</p>	<p>Parliamentary immunity (inviolability) can be lifted in cases of committal of grave crimes (Article 70 of the Constitution, Article 104(1) of the Rules of Organisation and Procedure of the National Assembly).</p> <p>Competent authority: the National Assembly</p> <p>- Procedure (Article 104(8) of the Rules of Organisation and Procedure of the National Assembly, Constitutional Court Decision No. 2 of 18.02.1993)</p> <p>- In the event of preventive custody or imprisonment, the MPs concerned cannot be authorised to attend sittings of Parliament (Constitutional Court Decision No. 10 of 27.07.1992)</p> <p>Article 72(2). Instances 1 and 2 shall require a resolution of the National Assembly; instance 3 shall require a ruling by the Constitutional Court.</p>	Limited to the length of mandate	MPs	Limited to the length of mandate	Parliamentary immunity (inviolability) can be lifted in cases of committal of grave crimes (Article 70 of the Constitution, Article 104(1) of the Rules of Organisation and Procedure of the National Assembly). <p>Competent authority: the National Assembly</p> <p>- Procedure (Article 104(8) of the Rules of Organisation and Procedure of the National Assembly, Constitutional Court Decision No. 2 of 18.02.1993)</p> <p>- In the event of preventive custody or imprisonment, the MPs concerned cannot be authorised to attend sittings of Parliament (Constitutional Court Decision No. 10 of 27.07.1992)</p> <p>Article 72(2). Instances 1 and 2 shall require a resolution of the National Assembly; instance 3 shall require a ruling by the Constitutional Court.</p>

Revised Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EUIJ/ Study No 682/2012-COL-REF/2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

Non-liability

Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Duration of immunity ²	Can immunity be lifted? By whom? Procedure for lifting immunity ²
Canada	<p>House of Commons /Senate</p> <p>The concept exists, and is called "freedom of speech". The privileges, immunities and powers granted to the House of Commons are those of the British House of Commons (see Article 18 of the Constitutional Law, 1867 and Article 4 of the Parliament of Canada Act).</p> <p>Article 18 of the constitutional law The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by any Act of the Parliament of Canada defining such privileges, immunities, and powers shall not confer any privileges, immunities, or powers exceeding those at the passing of such Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof).</p>	<p>MPs</p> <p>Parliamentarians at every level of Government (central and provincial)</p>	<p>House of commons/ senate</p> <ul style="list-style-type: none"> Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate 	<p>House of commons/ Senate</p> <ul style="list-style-type: none"> The concept exists. The privileges, immunities and powers granted to the House of Commons (see Article 18 of the Constitutional Law, 1867 and Article 4 of the Parliament of Canada Act). Parliamentary inviolability prevents MPs from being called as witnesses before a judge or tribunal while Parliament is in session, and in cases where an MP is a party to proceedings as plaintiff or defendant or the accused. <p>Does not apply to civil or criminal matters. However, any searches of an MP's office on the premises of Parliament are subject to prior authorisation from the Speaker of the House of Commons.</p>	<p>House of commons/ senate</p> <p>Protection is provided from 40 days before the start of the session up to 40 days after its prolongation or the early dissolution of Parliament. As it does not in general cover proceedings, it does not cover judicial proceedings instituted against MPs before their election.</p>	<p>House of commons</p> <ul style="list-style-type: none"> The House of Commons cannot suspend the prosecution and/or detention of one of its members. <p>Senate</p> <ul style="list-style-type: none"> The Senate cannot suspend the prosecution and/or detention of one of its members. In the event of preventive custody or imprisonment, only the judicial or penitentiary authorities can authorise the senators concerned to attend sittings of Parliament

A	B	C	D	E	F	G	H	I	
Revised Comparative Table on the lifting of parliamentary immunity									
References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDI-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE									
1	Inviolability								
2	Non-liability								
3	Inviolability								
4	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2

Chile	<p>Chamber of Deputies; Article 58(1) of the Constitution Senate; Article 58(1) of the Constitution Chamber of Deputies; Parliamentary non-accountability is limited to words spoken or written by MPs and votes cast within Parliament.</p> <ul style="list-style-type: none"> Derogations: offence or insult (Article 90 (1), N° 5, Article 273, N° 5 of the Standing Orders of the Chamber of Deputies; see Discipline) Senate: <ul style="list-style-type: none"> Parliamentary non-accountability is limited to words spoken or written by MPs and votes cast within Parliament. Derogations: offence or insult (Article 137, N° 6 of the Standing Orders of the Senate) 	<p>Chamber of Deputies; Senate</p> <p>Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate.</p> <p>No</p>	<p>Article 58(2) to (4) of the Constitution It applies only to criminal proceedings, covers all offences and protects MPs from arrest and from being held in preventive custody, and from the opening of judicial proceedings against them. It does not protect them from their homes being searched.</p> <ul style="list-style-type: none"> Derogations: in cases of flagrante delicto, immunity does not have to be lifted and deputies are immediately handed over to the respective Court of Appeal, with the corresponding summary information (Article 58(3) of the Constitution). 	<p>MPs</p>	<p>Protection is provided from the start to the end of the mandate. It does not cover judicial proceedings instituted against MPs before their election. However, if criminal proceedings have been brought against a candidate, his eligibility shall be suspended (Articles 16 and 46 of the Constitution).</p>	<p>(Chamber of Deputies) Parliamentary immunity (inviolability) can be lifted (Article 58(2) of the Constitution): - Competent authority: the Court of Appeal of the corresponding jurisdiction (Senate) Parliamentary immunity (inviolability) can be lifted (Article 58(2) of the Constitution): - Competent authority: the Appeals Court of the corresponding court of law Chamber of Deputies Procedure (Article 58(2) and (4) of the Constitution). In this case, MPs cannot be heard. Senate: - Procedure (Article 58(2) and (4) of the Constitution). In this case, MPs cannot be heard. They have means of appeal.</p>
-------	--	---	---	------------	---	--

A	B	C	D	E	F	G	H	I
1	Revised Comparative Table on the lifting of parliamentary immunity							
2	References: Inter-Parliamentary Union Database/websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE							
3	Non-liability							
4	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	persons covered	Duration of immunity²	Can immunity be lifted? By whom? Procedure for lifting immunity²
	Croatia	(Article 75(1) and (2) of the Constitution). Article 75 Members of the Croatian Parliament shall enjoy immunity. No representative shall be prosecuted, detained or punished for an opinion expressed or vote cast in the Croatian Parliament. Legal Immunity of Deputies Article 23. standing order of the Croatian Parliament. The parliamentary deputy shall have legal immunity as at the constituent session of Parliament until the end of his/her term of office.	MPs	Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate.	Article 75(3) of the Constitution No representative shall be detained, nor shall criminal proceedings be instituted against him or her without the consent of the Croatian Parliament. A representative may be detained without the consent of the Croatian Parliament only if caught in the act of committing a criminal offence which carries a penalty of imprisonment of more than five years. In such a case, the President of the Croatian Parliament shall be notified thereof. If the Croatian Parliament is not in session, approval for the detention of a representative, or for the continuation of criminal proceedings against him, shall be given and his right to immunity decided by the credentials-and-immunity committee, such a decision being subject to subsequent confirmation by the Croatian Parliament.	MPs	Protection is provided from the start to the end of the mandate and between early dissolution of the House and the election of a new Parliament. It also covers judicial proceedings instituted against MPs before their election.	Article 75(3) of the Constitution Competent authority: the House of Representatives In this case, MPs must be heard. Standing orders of the Croatian Parliament Articles 24,25,26,27,28 When the conditions are fulfilled for the detention of a parliamentary deputy or the filing of criminal charges against a parliamentary deputy, the authorised state body shall be obliged to seek approval therefore from Parliament. The petition for the approval of detention or filing of criminal charges against a parliamentary deputy shall be submitted by the authorised state body to the Speaker of Parliament for its referral to the Credentials and Privileges Commission.

	A	B	C	D	E	F	G	H	I
	Revised Comparative Table on the lifting of parliamentary immunity								
	References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-COL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
	Non-liability								
			Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
1									
2									
3									
4	Cyprus	Article 83 (1) Representatives shall not be liable to civil or criminal proceedings in respect of any statement made or vote given by them in the House of Representatives.	MPs	Unlimited Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate	No	Article 83(2) of the Constitution A Representative cannot, without the leave of the High Court, be prosecuted, arrested or imprisoned so long as he continues to be a Representative. Such leave is not required in the case of an offence punishable with death or imprisonment for five years or more in case the offender is taken in the act. In such a case the High Court being notified forthwith by the competent authority decides whether it should grant or refuse leave for the continuation of the prosecution or detention so long as he continues to be a Representative. (3) If the High Court refuses to grant leave for the prosecution of a Representative, the period during which the Representative cannot thus be prosecuted shall not be reckoned for the purposes of any period of prescription for the offence in question.	MPs	Limited to the length of the mandate	Parliamentary immunity (inviolability) can be lifted (Article 83(2) of the Constitution). The Attorney General asks for the granting of leave by the Supreme Court. - Competent authority: the Supreme Court - Procedure (Article 83(3) and (4) of the Constitution). In this case, MPs need not be heard. They do have means of appeal. - Parliament cannot subject the prosecution and/or detention to certain conditions. - Parliament cannot suspend the prosecution and/or detention of one of its members.
20						Article 27(3) to (5) of the Constitution (3) In respect of administrative offenses, Deputies and Senators are subject only to the disciplinary authority of the chamber of which they are a member, unless a statute provides otherwise. (4) Deputies and Senators may not be criminally prosecuted except with the consent of the chamber of which they are a member. If that chamber withholds its consent, such criminal prosecution shall be forever foreclosed. (5) Deputies and Senators may be arrested only if they are apprehended while committing a criminal act or immediately thereafter. The arresting authority must immediately announce such an arrest to the chairperson of the chamber of which the detainee is a member; if, within twenty-four hours of the arrest, the chairperson of the chamber does not give her consent to hand the detainee over to a court, the arresting authority is obliged to release him. At the very next meeting of that chamber, it shall make the definitive decision as to whether he may be prosecuted.			Yes Article 27(4) of the Constitution (exception: minor offences; Article 27(3) of the Constitution) Chamber of deputies - Competent authority: the Chamber of Deputies - Procedure (S. 12 and 29(2)(b) of the Act No. 90/1995 Coll. on the Rules of Procedure of the Chamber of Deputies). In this case, MPs can be heard. They do not have means of appeal. - Parliament cannot subject the prosecution and/or detention to certain conditions. - Parliament cannot suspend the prosecution and/or detention of one of its members. - In the event of preventive custody or imprisonment, the MPs concerned cannot be authorised to attend sittings of Parliament. A request for waiving immunity is made to the chairman or president of the Chamber concerned. After examination by the Mandate and Immunity Committee, the Chamber will pass a resolution on each such request and will send its decision to the relevant prosecuting body Senate Parliamentary immunity (inviolability) can be lifted (Article 27(4) of the Constitution) (exception: minor offences; Article 27(3) of the Constitution) - Competent authority: the Senate In this case, MPs can be heard. They do not have means of appeal.
21	Czech Republic	House of representatives and senate The concept does exist (Article 27(1) and (2) of the Constitution). (1) There shall be no legal recourse against Deputies or Senators for their votes in the Assembly of Deputies or Senate respectively, or in the bodies thereof. (2) Deputies and Senators may not be criminally prosecuted for speeches in the Assembly of Deputies or the Senate respectively, or in the bodies thereof. Deputies and Senators are subject only to the disciplinary authority of the chamber of which they are a member.	MPs	Unlimited. Non-accountability takes effect on the day when the mandate begins. It offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate under certain circumstances.	No	Article 27(3) to (5) of the Constitution (3) In respect of administrative offenses, Deputies and Senators are subject only to the disciplinary authority of the chamber of which they are a member, unless a statute provides otherwise. (4) Deputies and Senators may not be criminally prosecuted except with the consent of the chamber of which they are a member. If that chamber withholds its consent, such criminal prosecution shall be forever foreclosed. (5) Deputies and Senators may be arrested only if they are apprehended while committing a criminal act or immediately thereafter. The arresting authority must immediately announce such an arrest to the chairperson of the chamber of which the detainee is a member; if, within twenty-four hours of the arrest, the chairperson of the chamber does not give her consent to hand the detainee over to a court, the arresting authority is obliged to release him. At the very next meeting of that chamber, it shall make the definitive decision as to whether he may be prosecuted.	MPs		Yes Article 27(4) of the Constitution (exception: minor offences; Article 27(3) of the Constitution) Chamber of deputies - Competent authority: the Chamber of Deputies - Procedure (S. 12 and 29(2)(b) of the Act No. 90/1995 Coll. on the Rules of Procedure of the Chamber of Deputies). In this case, MPs can be heard. They do not have means of appeal. - Parliament cannot subject the prosecution and/or detention to certain conditions. - Parliament cannot suspend the prosecution and/or detention of one of its members. - In the event of preventive custody or imprisonment, the MPs concerned cannot be authorised to attend sittings of Parliament. A request for waiving immunity is made to the chairman or president of the Chamber concerned. After examination by the Mandate and Immunity Committee, the Chamber will pass a resolution on each such request and will send its decision to the relevant prosecuting body Senate Parliamentary immunity (inviolability) can be lifted (Article 27(4) of the Constitution) (exception: minor offences; Article 27(3) of the Constitution) - Competent authority: the Senate In this case, MPs can be heard. They do not have means of appeal.

A	B	C	D	E	F	G	H	I
Revised Comparative Table on the lifting of parliamentary immunity								
References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EIJ)/ Study No 682/2012-CDI-REF (2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
Non-liability								
Inviolability								
Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	lifting immunity Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
Denmark	Constitution Act (Article 57) No member of the Folketing shall be prosecuted or imprisoned in any manner whatsoever without the consent of the Folketing, unless he is taken in flagrante delicto. Outside the Folketing no member shall be held liable for his utterances in the Folketing save by the consent of the Folketing.	MPs	Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate.	Yes. A proposal to lift immunity is made by the private individual who wishes to institute proceedings, and a vote is taken by the House. As a result, the Parliament has to give its consent. In practice, such consent is never given; therefore, there is a total non-liability for any opinion or vote cast by Members of the Folketing in the exercise of their functions. The Constitution contains no special requirements regarding the nature of statements.	Constitution (Article 57) No member of the Folketing shall be prosecuted or imprisoned in any manner whatsoever without the consent of the Folketing, unless he is taken in flagrante delicto. Outside the Folketing no member shall be held liable for his utterances in the Folketing save by the consent of the Folketing.	MPs	Limited to the length of mandate.	A request for waiving immunity is sent by the public prosecutor to the Ministry of Justice, which transmits it to the Chamber. After examination by the Committee on the Rules of Procedure, the Chamber votes. Criminal charges can be brought against a member of the Parliament only at the proposal of the Chancellor of Justice and with the consent of the simple majority of the Parliament. Competent authority: the Folketing In this case, MPs need not be heard. They do not have means of appeal. - Parliament cannot subject the prosecution and/or detention to certain conditions. - Parliament cannot suspend the prosecution and/or detention of one of its members. - In the event of preventive custody or imprisonment, the MPs concerned cannot be authorised to attend sittings of Parliament.

	A	B	C	D	E	F	G	H	I
	Revised Comparative Table on the lifting of parliamentary immunity								
	References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EUJ)/ Study No 682/2012-CDL-REF/2012/040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
	Non-liability								
	Inviolability								
	Can immunity be lifted? By whom?								
	Procedure for lifting immunity								
	Legal basis								
	Persons covered								
	Duration of immunity								
	persons covered								
	Duration of immunity²								
	Can immunity be lifted? By whom? Procedure for lifting immunity²								
1									
2									
3									
4	Country	Legal basis	Persons covered	Duration of immunity	Procedure for lifting immunity	Legal Basis²	persons covered	Duration of immunity²	Can immunity be lifted? By whom? Procedure for lifting immunity²
	Estonia	Article 62 A member of the Riigikogu shall not be tied to his or her mandate, nor be held legally responsible for his or her votes or political statements which he or she has made in the Riigikogu or any of its bodies	MPs	Unlimited. • Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate Member will not bear legal liability for votes cast or political statements made in parliament after expiration of their term in office	No	Article 64 The authority of a member of the Riigikogu shall be suspended on his or her appointment as a member of the Government of the Republic, and shall be restored on his or her being released from the duties as a member of government. The authority of a member of the Riigikogu shall be prematurely terminated: (...) 2) on a guilty verdict by a court against him or her entering into force; (...) 3) on a proposal of the Riigikogu Members of the Riigikogu are immune from prosecution. Criminal charges against a member may only be brought on a proposal of the Chancellor of Justice and with the consent of a majority of the members of the Riigikogu	MPs	Duration of the mandate	- Parliamentary immunity (inviolability) can be lifted (Article 76 of the Constitution); - Competent authority: the Riigikogu - Procedure (Articles 76 and 139 (3) of the Constitution). In this case, MPs cannot be heard. - Procedure (Articles 76 and 139 (3) of the Constitution). In this case, MPs cannot be heard. They do not have means of appeal. - Parliament cannot subject the prosecution and/or detention to certain conditions. - Parliament cannot suspend the prosecution and/or detention of one of its members. - In the event of preventive custody or imprisonment, the MPs concerned cannot be authorised to attend sittings of Parliament.
23		S. 30 of the Constitution Act Section 30 - Parliamentary immunity A Representative shall not be prevented from carrying out his or her duties as a Representative. A Representative shall not be charged in a court of law nor be deprived of liberty owing to opinions expressed by the Representative in the Parliament or owing to conduct in the consideration of a matter, unless the Parliament has consented to the same by a decision supported by at least five sixths of the votes cast. Parliament Act section 13 No representative shall be indicted or deprived of his liberty on the grounds of the opinions which he has expressed in Parliament or of his conduct otherwise in the consideration of any business, unless Parliament has consented to this by a decision supported by no fewer than five sixths of the votes cast.	MPs	Unlimited: Non-accountability takes effect on the day when the mandate begins	Yes, with Parliament's consent. - The proposal to lift immunity may be made by the competent individual, ie the police officer, the Prosecutor or the private complainant. - The decision to lift immunity is taken by a majority of 5/6 of votes cast. A proposal to lift immunity is made by the competent official (ie. police officer, Prosecutor) who wishes to institute proceedings. A majority of 5/6 of votes cast is necessary for lifting immunity.	S. 30(3) of the Parliament Act If a Representative has been arrested or detained, the Speaker of the Parliament shall be immediately notified of this. A Representative shall not be arrested or detained before the commencement of a trial without the consent of the Parliament, unless he or she is for substantial reasons suspected of having committed a crime for which the minimum punishment is imprisonment for at least six months.	MPs	Duration of the Parliament, in practice for the period between elections. Limited to the length of mandate.	Yes, with Parliament's consent Parliamentary immunity (inviolability) can be lifted (S. 14(1) of the Parliament Act): - Competent authority: Parliament - The proposal to lift immunity may be made by the competent individual, ie the police officer, the Prosecutor or the private complainant. - The decision to lift immunity is taken by a simple majority of Parliament. A request for waiving immunity is made by the competent official (ie. police officer, prosecutor) who wishes to institute proceedings. A simple majority of votes cast is necessary for lifting immunity.
24	Finland					Section 14 of the Parliament Act (Immunity) (1) A representative may not be apprehended, detained or subjected to a travel ban without the consent of Parliament before the charges against him have been taken up for consideration, unless he has been caught in the act of committing an offence for which the minimum penalty is a period of imprisonment no shorter than six months. (2) The Speaker shall be immediately informed of the apprehension and detention of a representative.			

A	B	C	D	E	F	G	H	I
Revised Comparative Table on the lifting of parliamentary immunity								
References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 6827/2012, C.DI-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
1								
2								
3								
Non-liability								
Country	Legal basis	Persons covered	Duration of immunity	Procedure for lifting immunity	Legal Basis ²	persons covered	Duration of immunity ²	Can immunity be lifted? By whom? Procedure for lifting immunity ²
Germany	Immunity (called indemnity) (Article 46(1) of the Basic Law (1) A Member may at no time be subjected to court proceedings or disciplinary action or otherwise called to account outside the Bundestag for a vote cast or a statement made in the Bundestag or any of its committees. This shall not apply to defamatory insults. See also Rule 107 of the Rules of Procedure (Geschäftsordnung) of the Bundestag and Annex 6 to those Rules of Procedure Indemnity, i.e. full legal (criminal and civil) non-accountability, is limited to votes cast or statements made by MPs in their specific function as <i>members of parliament</i> . [*]	Members of the Bundestag (not the Bundesrat)	Indemnity takes effect when the MP takes up his/her mandate and does not end after the expiry of the mandate	Indemnity does not cover statements which are "defamatory insults", i.e. the uttering or spreading of incorrect facts against better knowledge. These cases, which are sanctioned by the German Criminal Code, can be prosecuted in accordance with the rules on parliamentary indemnity laid down in Article 46(2), Article 46(3) and Article 46(4). See field 1. MPs can also incur civil liability for "defamatory insults"	Immunity (Article 46(2) and (3) of the Basic Law (2) A Member may not be called to account or arrested for a punishable offence except by permission of the Bundestag, unless the person concerned is apprehended in the act of committing the offence or in the course of the following day. (3) Permission of the Bundestag shall also be necessary for any other restriction of a Member's personal liberty or for the institution of proceedings against a Member under Article 18. (4) Any criminal proceedings or proceedings under Article 18 against a Member and any detention or other restriction of the Member's personal liberty shall be suspended if the Bundestag so demands (see also Rule 107 of the Rules of Procedure of the Bundestag).	Members of the Bundestag (not the Bundesrat)	Protection against criminal prosecution and other sanctions is provided from the start to the end of the mandate and also extends to proceedings which an MP brings with him/her when taking up his/her mandate. [*]	Parliamentary immunity (inviolability) can be lifted (Art. 46 (2) and (3) of the Basic Law) following a request of the competent public authority wanting to institute proceedings - Competent authority: the Bundestag - The decision is taken by the Bundestag by a simple majority decision that usually follows a recommendation of the Bundestag's Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure (also called 1st committee). In this case, the MP can be heard before the decision is taken - In practice, the Bundestag usually does not lift immunity because of the political activities by public authorities against MPs that can lead towards a sanction. Certain individual authorisation remains necessary, apply the Bundestag's prior authorisation does, e.g., "not cover the taking into custody of an MP or the actual 'bringing the case to court' by a public prosecutor). - The advance authorisation by the Bundestag is an essential feature of how parliamentary immunity is handled in Germany - For the CRIMINAL PROCEDURE, VIOLATIONS AND OTHER LEGAL SITUATIONS the Bundestag has delegated its immunity-lifting competence to the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure. The Committee makes a preliminary decision with a two-thirds majority, which becomes final unless the Bundestag's plenary opposes the decision within 7 days. - List of normative documents - The basis of such legislative period (see already above), "a decision concerning the lifting of immunity of the members of the Bundestag" (Beschluss betreffend die Aufhebung der Immunität von Mitgliedern des Bundestages, Art. 6 to the Bundestag's Rules of Procedure). See http://www.bundestag.de/bundestag/aua/baer/rechtgenundverfahren_baer/aua/966.htm . - the "guide-lines for criminal proceedings and summary proceedings" (Richtlinien für das Strafverfahren und für das Bußgeldverfahren), a set of practice-oriented rules enacted by the Federal Minister of Justice and its sub-federal counterparts which is binding on all German public prosecutors contains fairly detailed procedural rules in no. 21, 191 et seq. and no. 258. See http://www.westlaw.de/richtlinien-im-internet.de/bvwbund_01011977_0208214500002.htm - A circular letter of the Federal Minister of the Interior and its sub-federal counterparts on the indemnity and immunity of MPs of 10 January 1987 (Bundesbescheid des Bundesministers des Innern Bw. der Innenminister der Länder vom 10.1.1987) http://www.bundestag.de/bundestag/aua/baer/rechtgenundverfahren_baer/aua/966.htm - In addition there are a number of court decisions which have established procedural guidelines for the police when dealing with MPs. - For more information see the Guidelines on the lifting of immunity (e.g. provisions § 218(1) para. 2 German Criminal Code and § 152a German Code on Criminal Proceedings). [*]

Revised Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDL-REF(2012)04D-KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

Inviolability

Non-liability

A	B	C	D	E	F	G	H	I
Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis ²	persons covered	Duration of immunity ²	Can immunity be lifted? By whom? Procedure for lifting immunity ²
1								
2								
3								
4	Greece	<p>The concept exists (Articles 60(1) and 61 (1) of the Constitution)</p> <ul style="list-style-type: none"> • Parliamentary non-accountability <p>Article 60 (1) Members of Parliament enjoy unrestricted freedom of opinion and right to vote according to their conscience.</p> <p>Article 61 (1) A Member of Parliament shall not be prosecuted or in any way interrogated for an opinion expressed or a vote cast by him in the discharge of his parliamentary duties.</p>	<ul style="list-style-type: none"> • Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate. Unlimited. 	<p>Only in case of defamation, and with the consent of the Chamber Derogations: libel, after lifting of immunity (Article 61(2) of the Constitution), offence or insult (see Discipline)</p>	<p>The concept does exist (Article 62(1) of the Constitution, SO 83 of the Standing Orders of the House).</p> <p>Article 62 During the parliamentary term the Members of Parliament shall not be prosecuted, arrested, imprisoned or otherwise confined without prior leave granted by Parliament. Likewise, a member of a dissolved Parliament shall not be prosecuted for political crimes during the period between the dissolution of Parliament and the declaration of the election of the members of the new Parliament. Leave shall be deemed not granted if Parliament does not decide within three months of the date the request for prosecution by the public prosecutor was transmitted to the Speaker. The three month limit is suspended during the Parliament's recess.</p> <p>No leave is required when Members of Parliament are caught in the act of committing a felony.</p>	Members of the Chamber of Deputies	<p>Protection is provided from the start to the end of the mandate, as well as, in the case of political crimes, between early dissolution of the House and the election of a new Parliament (Article 62(1) of the Constitution). It also covers judicial proceedings instituted against MPs before their election.</p>	<ul style="list-style-type: none"> • Parliamentary immunity (inviolability) can be lifted (Article 62(1) of the Constitution); Competent authority: the Parliament • Procedure (Article 62(2) and (3) of the Constitution, SO 83 of the Standing Orders of the House). In this case, MPs have to be heard. They do not have means of appeal. • Parliament cannot subject the prosecution and/or detention to certain conditions. • Parliament cannot suspend the prosecution and/or detention of one of its members. • In the event of preventive custody or imprisonment, the MPs concerned might be authorised to attend sittings of Parliament..

A	B	C	D	E	F	G	H	I	
Revised Comparative Table on the lifting of parliamentary immunity									
References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EUJ/ Study No 682/2012-CDL-REF/2012/040-KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE									
Non-liability									
1									
2									
3									
4	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
	Hungary	<p>The Fundamental Law of Hungary (April, 2011) Article 4(2): "Members of Parliament shall be entitled to immunity and remuneration in order to promote their independence".</p> <p>Act XXXVI of 2012 on the National Assembly, Chapter VII: Parliamentary immunity has 2 forms: exemption from liability (non-liability) & inviolability.</p> <p>Detailed rules on non-liability- Article 73 "During the whole of his mandate and even afterwards, a MP shall not be held liable before court, or by any other authority for his votes cast, or facts stated and opinions expressed in the context of his/her mandate or in the course of the duration of the mandate.</p> <p>This immunity shall not be applicable in connection with the accountability of MPs under civil law; or to the following criminal offences: incitement against a community, violation of national emblem, public denial of the crimes of the National Socialist and Communist regimes, abusing classified/confidential data/state secret as these criminal offences are regulated in the Penal".</p> <p>The immunity of a Member of Parliament shall not cover the public administrative proceedings."</p> <p>"MPs shall not be allowed to waive their immunity regarding non-liability. The parliamentary immunity of MPs must be respected by everyone."</p>	<p>Members of the Parliament</p> <p>Hungarian members of the European Parliament</p>	<p>During the mandate and afterwards.</p> <p>MPs enjoy parliamentary immunity from the day of their election.</p> <p>Non-liability lasts even after the expiry of the mandate</p>	<p>Yes, with the consent of the National Assembly.</p> <p>-- The proposal to lift immunity is submitted to the Speaker of the Assembly by the Chief Prosecutor, but after the deposition or the formal request or the presentation of the private accusation, it is the court that is competent to propose lifting immunity.</p> <p>- The request is examined by the Parliamentary Committee on Immunities within thirty days.</p> <p>- The decision is taken by the Assembly, without debate, and requires a two-thirds majority of deputies present.</p>	<p>The Fundamental Law of Hungary (April, 2011) Article 4(2): "Members of Parliament shall be entitled to immunity and remuneration in order to promote their independence".</p> <p>Act XXXVI of 2012 on the National Assembly, Chapter VII: Parliamentary immunity has 2 forms: exemption from liability (non-liability) & inviolability, which protect Members from any unjustified persecution or harassment by authorities.</p> <p>Detailed rules on inviolability- Art. 74 - (1) Any kind of criminal procedure, criminal procedural coercive measure, or -- in the last resort -- waiver of the immunity -- legal procedures for petty offences may only be initiated or pursued with the prior approval of the National Assembly.</p> <p>(2) A Member of Parliament</p> <p>(a) may only be arrested, or criminal procedural coercive measures can only be effected against him/her if caught in flagrante delicto</p> <p>(b) arrest in the legal procedure for petty offence or coercive measure in legal procedures for petty offences may only be sought against him/her if caught in flagrante delicto.</p> <p>Immunity of a Member of Parliament shall not cover the public administrative proceedings."</p> <p>"MPs shall not be allowed to waive their immunity, with the exception of legal procedures in petty offences. The parliamentary immunity of MPs must be respected by everyone."</p> <p>"MPs shall be obliged to immediately inform the Speaker of the National Assembly about any violation of their parliamentary immunity. The Speaker of Parliament shall take the necessary action with no delay."</p>	<p>Members of the Parliament</p> <p>Hungarian MPs of the European Parliament</p> <p>Candidates registered for the parliamentary elections are entitled to the same immunity as MPs except : suspension of immunity is decided by the National Election Committee</p>	<p>Inviolability begins on the day when the MP is elected, and lasts until the expiry of the mandate. Once a MP's mandate expires,</p> <p>he/she is not protected by immunity any more; which means he/she may be subjected to legal proceedings and be accountable.</p>	<p>Yes, with the approval of the National Assembly</p> <p>Until the indictment of prosecution is filed in the Court, a request concerning the suspension of parliamentary immunity shall be submitted to the Speaker of Parliament by the Chief Public Prosecutor. After the submission of the indictment, or in criminal cases initiated by motion of a private accuser, such a request is submitted to the Speaker of Parliament by the Court. Such a request must be submitted immediately if a MP is caught in flagrante delicto.</p> <p>The Speaker of Parliament shall immediately forward the request for suspending parliamentary immunity or the announcement of the MP about the infringement of his immunity to the Committee on Immunity, Incompatibility, Disciplinary Procedures and Verification of Mandate for further examination, and shall inform the MP and the Parliament about this fact on the following plenary session.</p> <p>Every state organisation or the MP him/herself shall submit to the Committee forthwith all the information requested by the Committee.</p> <p>The Committee submits a draft resolution to Parliament. Parliament shall decide in such matters, the MP concerned and the approver of the Committee shall have the right to present their position regarding the case of 5 minutes time frame. A two-thirds majority of votes of MPs being present shall be required to pass a resolution concerning the suspension of immunity.</p> <p>Any resolution passed in connection with the suspension of parliamentary immunity shall only be applicable to the specific case contained in the request for suspension.</p> <p>In the legal procedures for petty offences the competent authority need a note directly to the MP so as to obtain his/her declaration about the voluntary waiving of the immunity. If the MP waives his/her immunity within 8 days voluntarily, the authority informs the Speaker of Parliament through the Chief Public Prosecutor about the waiver of immunity, and the result of the proceedings after the final decision. The Speaker of Parliament forwards this information to the President of the Committee on Immunity, Incompatibility and Verification which shall inform the Committee during the following session. If the MP does not waive his/her immunity voluntarily within 8 days from receiving the note on legal procedures for petty offences upon notification from the competent authorities, the Chief Public Prosecutor shall submit the request concerning the suspension of parliamentary immunity to the Speaker of Parliament. During the process of suspension of immunity the MP can waive his/her immunity before any authority and anytime until the decision is taken by the Parliament.</p>

	A	B	C	D	E	F	G	H	I	
1	Revised Comparative Table on the lifting of parliamentary immunity									
2	References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012.CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE									
3	Non-liability									
4	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom?	Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
	Israel	Article 17 of the Knesset Basic Law. Members of the Knesset shall have immunity; particulars shall be prescribed by Law. Article 1 of The Immunity of Members of Knesset, their Rights and Duties Law (hereon "Immunity Law") - Immunity from civil and criminal proceedings, regarding votes, expressions and actions, inside Parliament or outside, while exercising their duties as MPs.	MPs	The immunity according to Article 1 of the Immunity Law exists during the MP's tenure and also after the MP has stepped out of duty. The immunity starts at the end of the election day, or, for a candidate who became a MP at a later period (resignation/death of another MP), as his tenure begins (Art. 88 of the Election Law).	No	Immunity from search, wiretapping, and arrest. (Articles 2, 2(a) 3 of the Immunity Law). Derogations: MPs may be searched or wiretapped only under certain specific circumstances. They can be arrested if caught while performing a criminal act involving the use of force, or treason. No immunity for indictment for a criminal offense while not exercising MPs duties; however, MPs may request immunity from the Parliament for specific reasons (Art. 4 of the Immunity Law).	MPs	During the MP's tenure. The immunity starts at the end of the election day, or, for a candidate who became a MP at a later period, as his/her tenure begins. (Article 88 of The Election Law).	Senate • Parliamentary immunity (inviolability) can be lifted (Article 52(4) and (6) of the Constitution); • Competent authority: the Senate, at the proposal of the Central Electoral Commission 32(2). Parliamentary immunity (On the Parliament of the Republic)	
32	Inviolability									

		Inviolability						
		Non-liability						
1	2	3	4	5	6	7	8	9
A	B	C	D	E	F	G	H	I
Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom?	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
Italy	<p>Constitution (Article 68); Rules of Procedure of the Chamber of Deputies (Article 18); Rules of Procedure of the Senate (Article 135); (Article 135).</p> <p>(1) Members of parliament may not be called to answer for opinions expressed or votes cast in the exercise of their office.</p> <p>(2) Members of parliament may not be subjected to searches of their person or homeshall without prior authorization by their chamber, nor arrested or otherwise deprived of personal freedom, nor kept in a state of detention, except on an irrevocable conviction or caught in the act of a crime for which arrest is mandatory.</p> <p>(3) The same authorization is required to subject members of parliament to any form of interception of their conversations or communications, and in order to seize their mail or correspondence.</p>	<p>MPs</p>	<p>Unlimited. Chamber of deputies and Senate: Non-accountability takes effect on the day when the mandate begins and, on expiry of the mandate, affords protection against prosecution for opinions expressed during the exercise of the mandate.</p>	<p>No, where it is obvious that criminal proceedings have been instituted because of opinions expressed or votes cast by a member, the judge has a duty to end them.</p>	<p>Constitution (Article 68); Rules of Procedure of the Chamber of Deputies (Article 18); Rules of Procedure of the Senate (Article 135) Article 18 rules of procedures of the chamber of deputies</p> <p>RULE 18</p> <p>(1) The Committee on Waiver of Immunity, provided for in Article 68 of the Constitution, shall be composed of twenty-one deputies appointed by the President of the Chamber as soon as the Parliamentary Groups have been established. It shall report to the House, within thirty days from the notice received from the President of the Chamber, on requests to waive parliamentary immunity and on measures restricting the deputies' personal liberty and freedom of domicile. For each case the Committee shall submit its proposal, accompanied by a report, to grant or deny the waiver. Before taking its decisions, the Committee shall invite the deputy concerned to provide any clarification he or she may consider appropriate.</p>	<p>MPs</p>	<p>For the life of the Parliament, from the proclamation of results.</p>	<p>(inviolability) can be lifted (Article 68, paragraphs 2 and 3, of the Constitution): - Competent authority: the Senate</p> <p>- Procedure (Article 19(5) and Article 135 of the Standing Orders of the Senate).</p> <p>- The Public Prosecutor (or the competent judicial body) submits a "request for authorization to take action" to the Minister of Justice who transmits it to the Speaker of the Assembly.</p> <p>- In criminal proceedings the judge informs the Chamber of his decision to proceed, which suspends proceedings until the end of the mandate.</p> <p>- Requests are examined by the "Committee for authorizations to take action" in the Chamber (21 deputies) and the Committee on Electoral Matters and Parliamentary Immunities in the Senate (23 senators), within 30 days.</p> <p>- The Chamber takes a majority decision by secret ballot and gives the grounds for its decision.</p> <p>In this case, MPs can be given a hearing. There is no possibility of appeal.</p> <p>- Parliament cannot impose conditions on the prosecution and/or detention.</p> <p>- Parliament cannot suspend the prosecution and/or detention of one of its members.</p> <p>- In the event of pre-trial custody or imprisonment, the MPs concerned cannot be authorised to attend sittings of Parliament.</p>

	A	B	C	D	E	F	G	H	I
--	---	---	---	---	---	---	---	---	---

Revised Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EJ)/ Study No 682/2012, CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

Non-liability

Inviolability

	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis ²	persons covered	Duration of immunity ²	Can immunity be lifted? By whom? Procedure for lifting immunity ²
1									
2									
3									
4	KYRGYZSTAN	<p>Article 72 of Constitution</p> <p>Article 139 Rule of Parliament</p> <p>(1) A deputy of the Jogorku Kenesh may not be prosecuted for opinions expressed in the course of their activities as a deputy or for the outcome of voting in the Jogorku Kenesh.</p>		<p>Unlimited. Chamber of deputies and Senate: Non-accountability takes effect on the day when the mandate begins and, on expiry of the mandate, affords protection against prosecution for opinions expressed during the exercise of the mandate.</p>		<p>Article 72 of Constitution</p> <p>Article 139 Rule of Parliament</p> <p>The institution of criminal proceedings against a deputy shall be permitted with the consent of the majority of the total number of the deputies of the Jogorku Kenesh except where grave offences have been committed.</p>	MPs		<p>Yes</p> <p>A deputy may be prosecuted with the consent of the majority of parliament deputies</p> <p>The criminal case against the MPs can only be initiated by the General Prosecutor.</p>

	A	B	C	D	E	F	G	H	I
1	Revised Comparative Table on the lifting of parliamentary immunity								
2	References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012_CDL-REF(2012)_040_KEEPPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
3	Non-liability								
4	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
40	Lithuania	Constitution (Article 62); law on the Status of the Seimas (Parliament) (Articles 23 and 24) Members of Parliament may not be prosecuted for speeches or votes cast in Parliament.	MPs	Unlimited	No	Constitution (Article 62); law on the Status of the Seimas (Parliament) (Articles 23 and 24)	MPs	For the length of sessions	Yes, by Parliament. - In the case of flagrante delicto, the Public Prosecutor must notify Parliament of the Member's arrest as soon as possible. Parliament decides whether to uphold the arrest or release the Member. Between sessions, the National Committee is notified. - The proposal is submitted to Parliament by the Public Prosecutor. - A committee of investigation is set up to examine the request for lifting of immunity and to hear the person concerned. - The decision is taken at the next session of Parliament, after the committee has submitted its conclusions and draft resolution, by a majority of Members.
41	Luxembourg	Article 68 of the Constitution Parliamentary non-accountability applies to words spoken and written by MPs both within and outside Parliament provided MPs said or wrote them in the exercise of their functions. • Derogations: insult of Parliament or its President (Article 48(2), No. 3 of the Standing Orders of the Chamber of Deputies)	MPs	Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate.		Article 69 of the Constitution It applies only to criminal proceedings, covers all offences and protects MPs from arrest and from being held in preventive custody and from the opening of judicial proceedings against them. As for their homes being searched, there is no jurisprudence in Luxembourg. • Derogations: in cases involving flagrante delicto, inviolability does not apply. • Parliamentary inviolability does not prevent MPs from being called as witnesses before a judge or tribunal.	MPs	Protection is provided only during sessions. It does not cover judicial proceedings instituted against MPs before their election. However, such proceedings may be suspended by the Chamber for the duration of the session.	Parliamentary immunity (inviolability) can be lifted (Article 69 of the Constitution): • Competent authority: the Chamber of Deputies • Procedure (see Articles 159 to 161 and 163 to 166 of the Standing Orders of the Chamber of Deputies): in this case, MPs can be heard by the special committee. • Parliament cannot subject the prosecution and/or detention to certain conditions. • Parliament can suspend the prosecution and/or detention of one of its members (Article 69 of the Constitution): • Competent authority: the Chamber of Deputies • Procedure (see Articles 159 to 160, 162 to 164 and 166 of the Standing Orders of the Chamber of Deputies): the Committee can hear the author or first signatory of the proposal and the deputy concerned or the colleague he has asked to represent him. • In the event of preventive custody or imprisonment, the MPs concerned can be authorised to attend sittings of Parliament: • Competent authority: the judicial authorities
41	Malta	Constitution (Article 65(3)); House of Representatives (Privileges and Powers) Ordinance (Chapter 113 of the Laws of Malta); Act No. XI of 1995 introducing a Code of Ethics for Members of the House of Representatives. Article 65 (3) No civil or criminal proceedings may be instituted against any member of the House of Representatives for words spoken before, or written in a report to, the House or a committee thereof or by reason of any matter or thing brought by him therein by petition, bill, resolution, motion or otherwise.	MPs	Unlimited	Yes, Members are subject to the House's internal rules of conduct if they breach them or vexatiously interrupt the conduct of the business of the House.	Constitution (Article 65, 4, 5); House of Representatives (Privileges and Powers) Ordinance (Chapter 113 of the Laws of Malta). (4) For the duration of any session members of the House of Representatives shall enjoy freedom from arrest for any civil debt except a debt the contraction of which constitutes a criminal offence. (5) No process issued by any court in the exercise of its civil jurisdiction shall be served or executed within the precincts of the House of Representatives while the House is sitting or through the Speaker, the Clerk or any officer of the House	MPs	Duration of sessions	No

Revised Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDL-REF(2012)040-KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

	A	B	C	D	E	F	G	H	I
1	Revised Comparative Table on the lifting of parliamentary immunity								
2	Inviolability								
3	Non-liability								
4	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
43	Mexico	<p>Article 61 of the Constitution, Article 11(2) of the Organic Law of the Congress.</p> <p>Article 61 of the Constitution</p> <p>Representatives and senators shall be above criticism related to their opinions in the performance of their duties, they may never be questioned for such opinions.</p> <p>The speaker of each House shall be responsible for enforcing respect to House members' constitutional immunity and to the inviolability of the House.</p> <p>Derogations: offences, faults or omissions committed in carrying out the functions of senator (civil responsibility; waiver of immunity for criminal proceedings)</p>	<p>MPs</p>	<p>Non-accountability takes effect on the day when the mandate begins and, after the expiry of the mandate, offers protection against prosecution for opinions expressed during the exercise of the mandate</p>	<p>Article 62</p> <p>No Senator or Representative shall, during the time for which he was elected, be appointed to any federal or state government office which grants emolument without a license granted by the respective House. In such case, representative duties shall be suspended for as long as their new occupation lasts. The same rule shall be applied to the substitute representatives and senators if they have been called to service. Removal from office shall be the punishment imposed on any offender of this article's rules.</p> <p>Article 11(3) of the Organic Law of the Congress.</p> <p><i>Los diputados y senadores son responsables por los delitos que cometen durante el tiempo de su encargo y por los delitos, faltas u omisiones en que incurran en el ejercicio de ese mismo cargo, pero no podrán ser detenidos ni ejercitarse en su contra la acción penal hasta que seguido el procedimiento constitucional, se decida la separación del cargo y la sujeción a la acción de los tribunales comunes.</i></p>	<p>MPs</p>	<p>Protection is provided from the start to the end of the mandate</p>	<p>Parliamentary immunity (inviolability) can be lifted (Article 11(3) of the Organic Law of the Congress):</p> <ul style="list-style-type: none"> - Competent authority; the House of Representatives. - Procedure (Articles 111, 112, and 114(2) of the Constitution. In this case, representatives or senators must be heard. They have no means of appeal. - Parliament cannot make prosecution and/or detention subject to certain conditions. <p>Article 111</p> <p>(1) In order to indict the senators, representatives, (...) the House of Representatives shall declare, by absolute majority, whether there are grounds to proceed against the accused.</p> <p>(2) A negative declaration by the House of Representatives shall suspend any further procedure. However, such a suspension shall not resolve the indictment in a definitive way. Once the accused finish his term in office, he can be put on criminal trial if the charges remain.</p> <p>(3) Upon a positive declaration by the majority of the members of the House of Representatives present, the indictment proceeds, the accused MP is suspended and placed under the jurisdiction of the competent authorities.</p> <p>(6) Related to lawsuits on civil matter against any public servant, it is not necessary that the Congress declares the properness of the proceedings.</p> <p>(9) Prison sentences shall be applied according to that established in the criminal law. In the case of crimes where the perpetrator obtains economic benefit or causes damage or loss to property, the prison sentence shall be proportional to the profit obtained by the accused and to the damages and losses caused by his unlawful conduct.</p>	

	A	B	C	D	E	F	G	H	I
	Revised Comparative Table on the lifting of parliamentary immunity								
	References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 6852/2012-CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
	Non-liability								
	Inviolability								
	Can immunity be lifted? By whom? Procedure for lifting immunity								
	Can immunity be lifted? By whom? Procedure for lifting immunity								
	Duration of immunity								
	persons covered								
	persons covered								
	Legal Basis2								
1									
2									
3									
4	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
	Moldova	Constitution (Article 71); Status Law (Article 9) Votes cast and opinions expressed in the exercise of their mandate. Such immunity concerns acts which only a Member of Parliament can accomplish in Parliament. However, it also covers the political opinions he expresses outside Parliament.	MPs	For the whole term of the mandate	No.	Articles 10-17 of the Law No. 39 of April 07, 1994 on the status of the MPs: (1) A deputy may not be detained, arrested, searched except in cases of flagrant crime, or prosecuted for a criminal case or contravention without prior approval of Parliament after his hearing. (2) The application to detention, arrest, search or criminal indictment or contravention is submitted to the Speaker of Parliament by the General Prosecutor. The Speaker of Parliament notifies it to the MPs, in open session of the Parliament within maximum 7 days and immediately submits it for examination to the Permanent Committee on Legal Affairs, Appointments and Elections of Parliament, within maximum 15 days. It shall determine the existence of a crime, the approval of the request. The decision of the Committee shall be adopted by secret vote of at least half plus one of its members. (3) The General Prosecutor shall submit to the Committee all the requested documents. In case of refusal the Committee will address the Parliament. (4) The report of the Committee must be submitted for examination and approval in Parliament immediately within maximum 7 days from its submission. (5) The Parliament shall decide on the request of the Prosecutor-General with the majority of elected MPs. (6) The prosecution of MPs can be taken on by the General Prosecutor. Article 11(1) In the case of flagrant offences, the MP may be detained at home for a period of 24 hours only with prior approval of the General Prosecutor. He shall promptly inform the Speaker of the Parliament about retention. (2) If the Parliament considers that there are not grounds for retention, it orders the immediate annulment of that measure. (3) The General Prosecutor may request the search of MPs in other circumstances or for other reasons, for waiver of immunity shall have precedence on the agenda of the Parliament session.	MPs	For all the term of mandate	Yes, by Parliament. in the case of flagrante delicto, a member may be detained in his home for 24 hours on the authority of the General Public Prosecutor. The Speaker must be informed immediately; he informs Parliament which may then suspend detention. As a general rule, the procedure for obtaining lifting of immunity is as follows: - The proposal is made by the General Public Prosecutor. - It is examined by the Permanent Committee on Legal Affairs, Appointments and Immunities which submits a report. - Parliament votes by secret ballot on the Committee's report. - The General Public Prosecutor, and he alone, may prosecute a Member of Parliament.
44									
45	Monaco	Constitution Montégasque - 17 décembre 1962 Article 56. Les membres du Conseil National n'encourent aucune responsabilité civile ou pénale en raison des opinions ou des votes émis par eux dans l'exercice de leur mandat. Article 86 Constitution ARTICLE 58 PARLIAMENT OF MONTENEGRO RULES OF PROCEDURE The President of Montenegro, the Prime Minister and members of the Government, the President of the Supreme Court, the President and the judges of the Constitutional Court, and the Supreme State Prosecutor shall enjoy the same immunity as the Member of the Parliament.	MPs			Constitution Montégasque - 17 décembre 1962 Article 56. Il ne peut, sans l'autorisation du Conseil, être poursuivi ni arrêté au cours d'une session en raison d'une infraction criminelle ou correctionnelle, sauf le cas de flagrant délit.	MPs	Yes, with the approval of the Council.	
46	Montenegro	Article 86 Constitution ARTICLE 58 PARLIAMENT OF MONTENEGRO RULES OF PROCEDURE The President of Montenegro, the Prime Minister and members of the Government, the President of the Supreme Court, the President and the judges of the Constitutional Court, and the Supreme State Prosecutor shall enjoy the same immunity as the Member of the Parliament.	MPs			Article 86 Constitution; Article 58 Parliament of Montenegro Rules of Procedure	MPs		Parliamentary immunity (inviolability) can be lifted; - Competent authority: Parliament (Article 58 of the Rules of Procedure of the Parliament of Montenegro) The President of the Parliament shall address the request for approving the initiation of a criminal proceeding or determination of detention for an MP to the Administrative Committee. The Committee is obliged to submit its report including the proposal, by rule, on the first following sitting of the Parliament.

	A	B	C	D	E	F	G	H	I
1	Revised Comparative Table on the lifting of parliamentary immunity								
2	References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDL-REF(2012)000 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
3	Non-liability								
4	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
MOROCCO	Article 64 (juillet 2011) Aucun membre du Parlement ne peut être poursuivi, recherché, arrêté, détenu ou jugé à l'occasion d'une opinion ou d'un vote émis par lui dans l'exercice de ses fonctions, hormis le cas où l'opinion exprimée met en cause la forme monarchique de l'Etat ou la religion musulmane ou constitue une atteinte au respect dû au Roi.	MPS			Règlement intérieur de la Chambre des Représentants du 29/01/2004 (NB : les articles de la constitution cités en référence ici ne sont plus en vigueur.) Article 85 Aucun membre de la Chambre des Représentants ne peut être poursuivi ou recherché, arrêté, détenu ou jugé dans le cadre des dispositions de l'article 39 de la Constitution Ancien Article 39 (2) Aucun membre du Parlement ne peut, pendant la durée des sessions, être poursuivi ou arrêté pour crimes ou délits, autres que ceux indiqués à l'alinéa précédent, qu'avec l'autorisation de la Chambre à laquelle il appartient, sauf dans le cas de flagrant délit. - Aucun membre du Parlement ne peut, hors session, être arrêté qu'avec l'autorisation du bureau de la Chambre à laquelle il appartient, sauf dans le cas de flagrant délit, de poursuites autorisées ou de condamnation définitive. La détention ou la poursuite d'un membre du Parlement est suspendue si la Chambre à laquelle il appartient le requiert, sauf dans le cas de flagrant délit, de poursuites autorisées ou de condamnation définitive.	MPS			Article 86: Les demandes de levée de l'immunité sont déposées par le ministre de la Justice auprès du Président de la Chambre. (Chambre des Représentants) Article 87: La Chambre constitue, au début de la législature, une commission appelée « Commission de l'immunité parlementaire », chargée de l'examen des demandes de suspension de la détention, des mesures punitives ou restrictives de liberté ou de la poursuite d'un Représentant. La Commission de l'immunité parlementaire se compose, sur la base d'une représentation proportionnelle des groupes de la Chambre, de treize membres, dont les présidents des groupes. Le Bureau de la Chambre des Représentants transmet à la Commission de l'immunité parlementaire les demandes qui lui parviennent dès leur réception. Article 88: La Commission doit entendre le Représentant concerné, qui a le droit de se faire représenter par un de ses collègues pour exposer son point de vue devant la Commission. La Commission statue sur la demande qui lui est soumise au cours de la même session, conformément au Règlement intérieur régissant les travaux des commissions. Article 89: La Chambre prend une décision concernant la demande de levée de l'immunité dans la même séance au cours de laquelle la demande est soumise, après un débat auquel ne prennent part que le rapporteur de la Commission, le Gouvernement et le Représentant concerné, ou un membre de la Chambre le représentant, un orateur pour et un orateur contre, selon ce qu'a décidé la Conférence des Présidents. Article 90: En cas de rejet de la demande par la Chambre, aucune nouvelle demande, concernant les mêmes faits, ne peut être présentée tant qu'il n'y aura pas de nouvelles données. Article 91: En cas de clôture de la session législative avant que la Chambre n'ait statué sur la demande d'autoriser l'arrestation, la demande est transmise au Bureau de la Chambre. Le Bureau de la Chambre examine les demandes qui lui sont soumises conformément aux dispositions du paragraphe 3 de l'article 39 de la Constitution, dans un délai de trente jours de la date de sa réception. Sa décision est prise à la majorité relative de ses membres. Si la session législative est ouverte avant que le Bureau n'ait statué sur les demandes qui lui sont soumises, celles-ci sont immédiatement transmises à la Commission de l'immunité parlementaire pour examen et décision, conformément à la procédure énoncée dans le présent Règlement.

Revised Comparative Table on the lifting of parliamentary immunity									
A	B	C	D	E	F	G	H	I	
References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012 CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE									
Non-liability									
Inviolability									
4	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
	Portugal	<p>Constitution (Article 157); Rules for Deputies (Rule 10); Rules of Procedure of the Assembly of the Republic (Rule 38). Article 196 (Implementation of criminal liability of members of the Government) Article 157</p> <p>(1) Members of the Assembly of the Republic are not civilly or criminally liable for or subject to disciplinary proceedings in relation to their votes or the opinions they express in the exercise of their functions.</p> <p>(2) Members of the Assembly of the Republic may not appear as makers of declarations or accused persons without the Assembly's authorisation. In the latter case, the Assembly shall obligatorily decide in favour of authorisation when there are strong indications of the commission of a wilful crime punishable by imprisonment for a maximum term of more than three years.</p>	MPs	Unlimited	No	<p>Constitution (Article 157(3))</p> <p>(3) No Member of the Assembly of the Republic may be detained, arrested or imprisoned without the Assembly's authorisation, save for a wilful crime punishable by the type of prison term referred to by the previous paragraph (<i>paragraph 2 (imprisonment for a maximum term of more than three years)</i>) and in flagrante delicto.</p> <p>(4) In the event that criminal proceedings are brought against any Member of the Assembly of the Republic and he is definitively charged, the Assembly shall decide whether or not he must be suspended so that the proceedings can take their course. When the crime is of the type referred to in the previous paragraphs (<i>**paragraphs 2 and 3 (wilful crime)</i>), the Assembly shall obligatorily decide to suspend the Member/Rules for Deputies (Rule 10); Rules of Procedure of the Assembly of the Republic (Rule 38).</p>	MPs	<p>For the duration of the legislature, from the first meeting of the Assembly and during the period it is dissolved. Limited to length of mandate</p>	<p>Parliamentary immunity (inviolability) can be lifted (Article 157(2) and (3) of the Constitution, Article 11(1) of the Statute of the Deputies).</p> <ul style="list-style-type: none"> Competent authority: the Assembly of the Republic Procedure (Article 157(4) of the Constitution, Article 3 of the Standing Orders, Article 4(1) (b), Article 6(1)(b) and (2), Article 11(2) and (3) and Article 14(2) to (5) of the Statute of Deputies). In this case, MPs can be heard. They do not have means of appeal. Parliament cannot subject the prosecution and/or detention to certain conditions. Parliament cannot suspend the prosecution and/or detention of one of its members, authorised to attend sittings of Parliament <p>The competent authorities submit the proposal to the Speaker of the Assembly. The judge then requests the suspension of the deputy's mandate.</p> <ul style="list-style-type: none"> The request is examined by the Committee on the Rules of Procedure and Parliamentary Mandates which hears the deputy and then gives an opinion. The decision to consent to the imprisonment of a deputy or to suspend proceedings is taken by secret ballot. An absolute majority of deputies present is required. In the case of a crime of the type referred to in the previous paragraph (Article 157(2) and 157(3)) the decision to suspend is obligatory.

Revised Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity EU/ Study No 682/2012-CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

Inviolability

Non-liability

	A	B	C	D	E	F	G	H	I
	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis ²	persons covered	Duration of immunity ²	Can immunity be lifted? By whom? Procedure for lifting immunity ²
1									
2									
3									
4	Romania	<p>Article 72 of the Constitution</p> <p>Parliamentary immunity /Article 192 of the REGULATIONS OF THE CHAMBER OF DEPUTIES</p> <p>(1) No Deputy or Senator shall be held judicially accountable for the votes cast or the political opinions expressed while exercising their office.</p>	MPs	<p>Article 191 REGULATIONS OF THE CHAMBER OF DEPUTIES</p> <p>Deputies shall enjoy parliamentary immunity from the date when the certificates attesting to their election are issued, provided they are validated.</p>	<p>Can immunity be lifted? By whom? Procedure for lifting immunity</p>	<p>Article 72 of the Constitution</p> <p>(2) Deputies and Senators may be subject to criminal proceedings and indicted for acts that are not in connection with their votes or their political opinions expressed in the exercise of their office, but shall not be searched, detained or arrested without the consent of the Chamber whose member they are, after being heard. Criminal proceedings and indictment shall only be carried out by the Public Prosecutor's Office attached to the High Court of Cassation and Justice. The High Court of Cassation and Justice shall have jurisdiction over this case.</p> <p>(3) If caught in the act, Deputies or Senators may be detained and searched. The Minister of Justice shall inform without delay the President of the Chamber in question of such detention and search. If, after being notified, the Chamber in question finds there are no grounds for the detention, it shall order the annulment of such measure at once.</p>	MPs	<p>During the length of mandate</p> <p>Article 191. REGULATIONS OF THE CHAMBER OF DEPUTIES -</p> <p>Deputies shall enjoy parliamentary immunity from the date when the certificates attesting to their election are issued, provided they are validated.</p>	<p>Article 193 of the Regulations of the Chamber of Deputies</p> <p>(2) A detaining, arrest, or search petition shall be submitted to the President of the Chamber of Deputies by the Minister of Justice. Subsequent perpetration or discovery of new criminal actions shall lead to the filing of a new petition for detention, arrest or search.</p> <p>(3) The President of the Chamber shall inform the Deputies of such petition. In a public sitting, then, he/she shall immediately refer it to the Legal, Discipline and Immunities Committee for examination. In its report, the Committee shall establish whether there are good grounds to approve the petition or not. The Committee's decision shall be adopted no later than five days of its notification, with the vote of a majority of its Members. The vote shall be secret.</p> <p>(4) The Minister of Justice shall refer to the Legal, Discipline and Immunities Committee all the documents required by the latter; if he/she should refuse to do so, the Committee shall appeal to the Standing Bureau of the Chamber of Deputies, requiring it to rule on such refusal.</p> <p>(5) The petition stipulated under paragraph (2), along with the Committee's report, shall be forwarded to the Parliamentary Group to which the Deputy in question belongs. The Group shall express their viewpoint on the petition in a written report, within five days of its notification.</p> <p>(7) The Committee's report, along with the Parliamentary Group's report shall be referred to the Standing Bureau and submitted to the Chamber of Deputies for debate and approval.</p> <p>(8) The Chamber of Deputies shall pronounce on the measure to be taken no later than 20 days of its notification, based on the vote by a majority of the Members present.</p> <p>Article 194</p> <p>(1) In the event of a flagrant crime, Deputies may be detained and subject to a search. The Minister of Justice shall be notified of the matter immediately. The Minister of Justice shall inform the President of the Chamber of Deputies without delay of such detention or search. If the Chamber should find there are no grounds for detention, it shall order immediate cancellation of such measure.</p> <p>(2) The order for cancellation of detention shall be executed at once by the Minister of Justice.</p> <p>Voir Loi qui amende et complète la Loi n° 96/2006 portant Statut des députés et des sénateurs, de flagrant délit et la procédure en cas de demande de commencement de poursuites pénales pour un ministre qui a également la qualité de député ou de sénateur, Articles 24(1) et 24(2)</p>

A	B	C	D	E	F	G	H	I
Revised Comparative Table on the lifting of parliamentary immunity								
References: Inter-Parliamentary Union Database/ websites of national Parliaments/CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDL-REF(2012)040-KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
Non-liability								
Inviolability								
Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
Russia	Law on the Status of Deputies to the Council of the Federation and the State Duma (Articles 18, 19 and 20); Rules of Procedure of the State Duma and Rules of Procedure of the Council of the Federation.	MPs	Non-accountability takes effect on the day when the mandate begins and offers, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate.	Can immunity be lifted? By whom? Procedure for lifting immunity	(Article 98 of the Constitution of 12.12.1993) It applies only to criminal and administrative proceedings, covers all offences and protects MPs from arrest and from being held in preventive custody, from search, interrogation, and personal search. Derogations: in cases of flagrante delicto, the Council does not have to give its consent to the arrest, preventive custody, search or interrogation. Personal search is allowed, if stipulated by federal law, for the protection of other people's safety. Parliamentary inviolability does not prevent MPs from being called as witnesses before a judge or tribunal but a parliamentarian has the right to refuse to give testimony in relation to circumstances he became privy to in connection with the exercise of parliamentary duties.	MPs	Protection is provided from the start to the end of the mandate. It does not cover judicial proceedings instituted against MPs before their election.	Parliamentary immunity (inviolability) can be lifted (Article 98(2) of the Constitution): <ul style="list-style-type: none"> Competent authority: the Council of the Federation Procedure (Article 98(2) of the Constitution). "(2) The question of stripping a deputy of immunity is decided on the recommendation of the Prosecutor-General of the Russian Federation by the corresponding chamber of the Federal Assembly." The proposal is submitted to the Chamber by the Public Prosecutor of the Russian Federation. <ul style="list-style-type: none"> The request is examined by a special committee in each Chamber which produces an opinion, with grounds, within five days. The decision is taken by the Chamber concerned (a two-thirds majority of Members within seven days of the date of the proposal is required for the Council of the Federation; a majority of the total number of deputies is required in the State Duma, within seven days). Parliament cannot subject the prosecution and/or detention to certain conditions. <ul style="list-style-type: none"> Parliament cannot suspend the prosecution and/or detention of one of its members. In the event of preventive custody or imprisonment, the MPs concerned cannot be authorised to attend sittings of Parliament.
San Marino	1974 Declaration of rights and principles Article 3, 6th indent. [...] A qualified law shall regulate the responsibilities and immunities of the members of the Great and General Council. [...] Law of 11 March 1981, n. 21, Reforming the Rules of the Great and General Council Article 36 The Members of the Great and General Council may not be prosecuted or brought before justice for any opinion, judgment or statement made within the Council or for any vote cast in the fulfilment of their functions. Criminal Code, Article 187 No penalty, whether criminal, civil or administrative, shall be applied for offensive statements in writings that are presented or in speeches that are pronounced within the Great and General Council by its members in relation to topics of general interest that are being discussed or that are to be put on the agenda.	MPs	Unlimited	Can immunity be lifted? By whom? Procedure for lifting immunity	1974 Declaration of rights and principles Article 3, 6th indent. [...] A constitutional law shall determine the immunities and responsibilities of the Regency [...] Constitutional Law of 16 December 2005, n. 185, on the Captains Regent Article 3 (1) The Captains Regent may not be prosecuted under any form or for whatever reason during their mandate [NB: six months, not renewable before 3 years have elapsed] (2) They are answerable for the acts accomplished in the exercise of their mandate also within the meaning of Title VI of the Qualified Law of 25 April 2003, n. 55 Qualified Law of 25 April 2003, n. 55 Article 17 (1) The Captains Regent are answerable before the College, at the end of their mandate, in conformity with Rubric XIX of Book I of the Leges Statutariae. (2) This form of control exclusively concerns the ascertainment and evaluation of institutional responsibilities, and is without prejudice to possible criminal and civil liabilities, that must be brought before ordinary courts. [...]	Heads of State	Mandate (6 months)	During the mandate, it is not possible to lift parliamentary inviolability.

Revised Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 687/2012-CDL-REF(2012)040-KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

Non-liability

Inviolability

A	B	C	D	E	F	G	H	I
Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
4	<p>Article 162 of the Federal Constitution of the Swiss Confederation: Immunity</p> <p>(1) The members of the Federal Assembly and the Federal Council as well as the Federal Chancellor may not be held liable for their statements that they make in the Assembly or in its organs.</p> <p>(2) The statute may provide for further forms of immunity and extend its scope to include other persons.</p> <p>Article 16 of the Federal Act on the Federal Assembly: Absolute immunity</p> <p>Assembly members may not be held legally accountable for statements they make in the Assembly or in its organs.</p>	<p>Members of the Federal Assembly (National Council and Council of the States)</p>	<p>Unlimited.</p> <p>Immunity takes effect when the mandate begins and offers, after the expiry of the mandate, protection for opinions expressed during the exercise of the mandate.</p>	<p>Parliamentary immunity cannot be lifted; in this respect, the constitution provides for absolute immunity.</p>	<p>Article 17 of the Federal Act on the Federal Assembly: Relative immunity</p> <p>(1) Criminal proceedings may be brought against an Assembly member for an offence that is directly related to his or her official position or activity only if authorised by the competent committees of both Councils. The regulations of each Council shall designate the competent committee.</p> <p>(2) If it appears justified given the circumstances of the case, the competent committees may assign the prosecution and adjudication of an offence subject to cantonal jurisdiction to the prosecution authorities of the Confederation.</p> <p>(3) The United Federal Assembly may appoint a Special Attorney General.</p> <p>(4) If an application is clearly untenable, the presidents of the competent committees may by mutual agreement deal directly with the application.</p>	<p>Members of the Federal Assembly (National Council and Council of the States)</p>	<p>Protection is provided only during sessions and does not automatically cover judicial proceedings instituted against MPs before their election, but the MPs concerned may be released or the summons in connection with important judicial proceedings may be annulled (Article 211). Article 3 of the Federal Law on Political and Police Guarantees in Favour of the Confederation).</p>	<p>Immunity (inviolability or relative immunity) can be lifted by the competent Immunity Committees of the National Council and the Council of States, following the procedure laid down in Article 17(6) of the Federal Act on the Federal Assembly.</p> <p>(1) An application to lift immunity shall first be considered by the competent committee of the Council to which the accused Assembly member belongs.</p> <p>(2) If the decisions of both committees on whether to consider the application or lift immunity do not correspond, the committees shall attempt to resolve their differences. The second rejection of an application by a committee is final.</p> <p>(3) The committees are quorate when a majority of their members is present. The presence of a quorum must be confirmed.</p> <p>(4) The committees shall hear the accused Assembly member. The member may not be represented or accompanied.</p> <p>(5) The decision of the committees is final.</p> <p>(6) Once a committee has notified the Assembly member concerned, it shall inform the public immediately. At the same time, it shall inform the members of both Councils in a written communication.</p> <p>(7) If the accused Assembly member is a member of one of the competent committees, he or she shall recuse him or herself.</p>
61	<p>Article 64 of the Constitution (1) and (2)</p> <p>(1) Representatives enjoy immunity</p> <p>(2) A Representative cannot be held to have committed a criminal offence or be detained owing to views he/she has expressed or to the way he/she has voted in the Assembly.</p>	<p>MPs</p>	<p>Functional immunity takes effect on the day when the mandate begins and is unlimited.</p>	<p>No</p>	<p>Article 64 of the Constitution, Paragraphs (3) and (4)</p> <p>(3) A Representative cannot be detained without the approval of the Assembly unless found "in flagrant" committing a criminal offence for which a prison of at least five years is prescribed.</p> <p>(4) The Assembly can decide to invoke immunity for a Representative without his/her request, should it be necessary for the performance of the Representative's office.</p>	<p>MPs</p>	<p>Protection is provided from the start to the end of the mandate.</p>	<p>Parliamentary immunity (inviolability) can be lifted (Article 64(3) and (4) of the Constitution and Articles 53, 54 and 55 of the Rules of Procedure of the Assembly):</p> <p>- Competent authority: the Assembly, on recommendation of the Committee on Rules of Procedure and Issues of Mandate and Immunity Procedure (Articles 53, 55 of the Rules of Procedure of the Assembly). The authorised organ sends the requirement to the President of the Assembly. The President then asks the Committee on Rules and Procedure and Issues of Mandate and Immunity Procedure, within a period of two days, to prepare a report as well as a proposal on the issue. He/she also informs the representative about the requirement. The Assembly decides upon requirement for lifting immunity of a deputy within three days, at the latest.</p> <p>"The Assembly can decide to invoke immunity for a Representative without his/her request, should it be necessary for the performance of the Representative's office." (Art. 64(4) of the Constitution).</p>
62	<p>Article 64 of the Constitution (1) and (2)</p> <p>(1) Representatives enjoy immunity</p> <p>(2) A Representative cannot be held to have committed a criminal offence or be detained owing to views he/she has expressed or to the way he/she has voted in the Assembly.</p>	<p>MPs</p>	<p>Functional immunity takes effect on the day when the mandate begins and is unlimited.</p>	<p>No</p>	<p>Article 64 of the Constitution, Paragraphs (3) and (4)</p> <p>(3) A Representative cannot be detained without the approval of the Assembly unless found "in flagrant" committing a criminal offence for which a prison of at least five years is prescribed.</p> <p>(4) The Assembly can decide to invoke immunity for a Representative without his/her request, should it be necessary for the performance of the Representative's office.</p>	<p>MPs</p>	<p>Protection is provided from the start to the end of the mandate.</p>	<p>Parliamentary immunity (inviolability) can be lifted (Article 64(3) and (4) of the Constitution and Articles 53, 54 and 55 of the Rules of Procedure of the Assembly):</p> <p>- Competent authority: the Assembly, on recommendation of the Committee on Rules of Procedure and Issues of Mandate and Immunity Procedure (Articles 53, 55 of the Rules of Procedure of the Assembly). The authorised organ sends the requirement to the President of the Assembly. The President then asks the Committee on Rules and Procedure and Issues of Mandate and Immunity Procedure, within a period of two days, to prepare a report as well as a proposal on the issue. He/she also informs the representative about the requirement. The Assembly decides upon requirement for lifting immunity of a deputy within three days, at the latest.</p> <p>"The Assembly can decide to invoke immunity for a Representative without his/her request, should it be necessary for the performance of the Representative's office." (Art. 64(4) of the Constitution).</p>

	A	B	C	D	E	F	G	H	I
1	Revised Comparative Table on the lifting of parliamentary immunity								
2	References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDL-REF2012/050 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
3	Non-liability								
4	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
	Tunisia		MPs	Article 67 du projet de Constitution - Version du 1er juin 2013 "pendant son mandat" L'irresponsabilité prend naissance le jour du début du mandat et s'étend, une fois le mandat expiré, à toutes poursuites pour des opinions émises pendant l'exercice du mandat.	Article 68 du projet de Constitution Si le député invoque l'immunité pénale par écrit, il ne peut être poursuivi ou arrêté pour crime ou délit, pendant son mandat, tant que l'immunité qui le couvre n'a pas été levée. En cas de flagrant délit, il peut être procédé à son arrestation. L'Assemblée doit en être immédiatement informée et il est mis fin à la détention si le Bureau de l'Assemblée le requiert.	Article 68 "pendant son mandat, tant que l'immunité qui le couvre n'a pas été levée" MPs		Article 68 "pendant son mandat, tant que l'immunité qui le couvre n'a pas été levée" - Le Parlement ne peut pas soumettre les poursuites et/ou la détention à certaines conditions. - Le Parlement peut suspendre la détention d'un de ses membres en cas de flagrant délit. - Autorité compétente : la Chambre des députés.	

A	B	C	D	E	F	G	H	I
Revised Comparative Table on the lifting of parliamentary immunity								
References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EIJ)/ Study No 687/2012-CDL-REF/2012/040-KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
Non-liability								
				Can immunity be lifted? By whom?	Procedure for lifting immunity	persons covered	Duration of immunity²	Can immunity be lifted? By whom? Procedure for lifting immunity²
4	Country	Legal basis	Persons covered	Duration of immunity	Legal Basis²	persons covered	Duration of immunity²	Can immunity be lifted? By whom? Procedure for lifting immunity²
	Turkey	Constitution (Articles 83 and 84) (4) Parliamentary immunity Article 83 Members of the Turkish Grand National Assembly shall not be liable for their votes and statements concerning parliamentary functions, for the views they express before the Assembly, or unless the Assembly decides otherwise on the proposal of the Bureau for that sitting, for repeating or revealing these outside the Assembly.	MPs	Permanent. Non-accountability takes effect on the day when the mandate begins. It does not offer, after the expiry of the mandate, protection against prosecution for opinions expressed during the exercise of the mandate.	Constitution (Articles 83 and 84) (Article 83(2) to (5) of the Constitution) A deputy who is alleged to have committed an offence before or after the election shall not be arrested, interrogated, detained, or tried unless the Assembly decides otherwise. This provision shall not apply in cases where a member is caught in the act of committing a crime punishable by a heavy penalty and in cases subject to Article 14 of the Constitution if an investigation has been initiated before the election. However, in such situations the competent authority shall notify the Turkish Grand National Assembly immediately and directly. The execution of a criminal sentence imposed on a member of the Turkish Grand National Assembly either before or after his election shall be suspended until he ceases to be a member; the statute of limitations does not apply during the term of membership. Investigation and prosecution of a reelected deputy shall be subject to the renewed waiver of immunity by the Assembly.	MPs	Duration of the mandate	Parliamentary immunity (inviolability) can be lifted (Article 83(2) of the Constitution): in case of flagrante delicto involving offences punishable by a heavy prison sentence, or offences subject to Article 14 of the Constitution provided that the investigations began before the elections, the competent authority informs the Assembly of any proceedings. But the deputy only serves his sentence at the end of his mandate. However, if he is re-elected, the Assembly must be asked to renew its consent. • The proposal is submitted to the Speaker of the Assembly by the Public Prosecutor through the Minister of Justice. • The request is examined by a "preparatory committee" composed of five members, then by the Constitution and Justice Committee which reads its report to a plenary session of the Assembly. • if the Committee decides in favour of lifting immunity, the matter is decided by the Procedure (Article 83(2) to (5), Article 85 of the Constitution). In this case, MPs must be heard. • Parliament cannot subject the prosecution and/or detention to certain conditions. • Parliament cannot suspend the prosecution and/or detention of one of its members. Article 84 The loss of membership of a deputy who has resigned shall be decided upon by the plenary of the Turkish Grand National Assembly after the Bureau of the Turkish Grand National Assembly attests to the validity of the resignation. The loss of membership, through a final judicial sentence or deprivation of legal capacity, shall take effect after the final court decision in the matter has been communicated to the plenary of the Turkish Grand National Assembly. RULES OF PROCEDURE OF THE GRAND NATIONAL ASSEMBLY OF TURKEY Article 131: Requests for lifting the immunity of a deputy shall be referred by the Office of the Speaker to the Joint Committee comprised of the members of the Committee on the Constitution and the Committee on Justice. Article 133: The Joint Committee debates the report of the preparatory committee and its attachments. The Joint Committee decides on lifting the immunity or deferring the prosecution until the term of office of a deputy or minister ends.

Revised Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDL-REF2012/040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

Inviolability

Non-liability

Country	Legal basis	Persons covered	Duration of immunity	Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
Ukraine	<p>Article 80 of the Constitution</p> <p>National Deputies of Ukraine are guaranteed parliamentary immunity.</p> <p>National Deputies of Ukraine are not legally liable for the results of voting or for statements made in Parliament and in its bodies, with the exception of liability for insult or defamation.</p> <p>National Deputies of Ukraine shall not be held criminally liable or arrested without the consent of the Verkhovna Rada of Ukraine.</p> <p>Article 105) and Article 106) of the Law of Ukraine "On the Status of the People's Deputy of Ukraine"</p> <p>The people's deputies of Ukraine shall not be held legally liable for the results of voting or for statements made in the parliament and in its bodies, except for the liability for an insult or defamation expressed by the People's Deputy while working at the Parliament of Ukraine and its bodies could not be the subject of consideration at the Parliament of Ukraine and its bodies.</p> <p>Immunity of People's Deputies (National Deputies) is extended to:</p> <ul style="list-style-type: none"> - the voting procedures at the Parliamentary plenary sessions and meetings of Parliamentary - the submission of proposals and resolutions (in the oral or written forms) at Parliamentary plenary and other Parliamentary bodies' meetings as well as at the time of performance of tasks which are related to the MP's activity; - legislative bills and resolutions, - other forms of legislative proposal (Art. 111) of the Law of Ukraine "On the Status of the People's Deputy of Ukraine"; - interpretation or deputy initiative (Art. 114, 115 of the Law of Ukraine "On the Status of the People's Deputy of Ukraine") and other forms of activity related to deputy mandate's execution. 	MPs	<p>Parliamentary immunity is guaranteed to People's Deputies for the entire duration of their mandate.</p> <p>(Article 27(1) of the Law of Ukraine "On the Status of the People's Deputy of Ukraine")</p> <p>Non-accountability takes effect on the day when the mandate begins and ceases after the expiry of the mandate).</p>	<p>Yes, in the cases of liability for insult or defamation immunity can be lifted</p> <p>(Article 80 of the Constitution of Ukraine; and Article 10(5) of the Law of Ukraine "On the Status of the People's Deputy of Ukraine")</p> <p>A special procedure is stipulated by Article 80(3) of the Constitution of Ukraine and Article 27(3) of the Law of Ukraine "On the Status of the People's Deputy of Ukraine"</p>	MPs	<p>Parliamentary inviolability is guaranteed to People's Deputies for the entire duration of their mandate (Article 27 of the Law of Ukraine on the Status of the People's Deputy of Ukraine); it does not cover judicial proceedings instituted against MPs before their election (Article 76(3) of the Constitution).</p>	<p>Yes, in case of bringing for criminal liability and administrative detention or arrest.</p> <p>Article 80(3) of the Constitution of Ukraine;</p> <p>Article 27(1) of the Law of Ukraine "On the Status of the People's Deputy of Ukraine"</p> <p>Deputy immunity (inviolability) can be lifted only by the Parliament of Ukraine (Article 218(1) of the Law of Ukraine "On the Rules of Procedure of the Verkhovna Rada of Ukraine". See also Article 216(4) of the Code on Criminal Procedure of Ukraine; Articles 218, 219, 220, 221, 30 of the Law of Ukraine "On the Rules of Procedure of the Verkhovna Rada of Ukraine" and Article 481 of the Code on Criminal Procedure of Ukraine).</p>	

A	B	C	D	E	F	G	H	I	
1	Revised Comparative Table on the lifting of parliamentary immunity								
2	References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EUJ)/ Study No 682/2012-COL-REF (2012)040-KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
3	Non-liability								
4	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis2	persons covered	Duration of immunity2	Can immunity be lifted? By whom? Procedure for lifting immunity2
	United Kingdom	The Bill of Rights, 1689; law and custom of the High Court of Parliament; Privilege of Parliament Act; Parliamentary Privilege Act. Freedom of speech in "proceedings in Parliament" and immunity from private actions to this end.	The House of Commons and the House of Lords collectively and their members individually. Legal privilege also extends to witnesses, counsel, petitioners and other persons called upon to attend and participate in proceedings.	Unlimited	Parliamentary immunity (inviolability) cannot be lifted. Only limited cases under the Defamation Act 1996 by Members or witnesses before Committees - The Committee of Privileges of each House gives its opinion on each complaint of breach of privilege or contempt of Parliament. - Only the House itself may impose disciplinary measures or take decisions in this domain.	The Bill of Rights, 1689; law and custom of the High Court of Parliament; Privilege of Parliament Act; Parliamentary Privilege Act	The House of Commons and the House of Lords collectively and their members individually.	For 40 days after every prorogation or dissolution. House of commons Technically, protection is provided from 40 days before the session starts until 40 days after the House has been prorogued or dissolved (however, the interval between prorogation and new session is usually a fortnight). Since parliamentary inviolability does not cover judicial proceedings in general, it does not cover judicial proceedings instituted against MPs before their election. House of lords Protection is provided from 40 days before the session starts until prorogued or dissolved ("parliamentary privilege"). The privilege of peerage is forever. Since parliamentary inviolability does not cover judicial proceedings in general, it does not cover judicial proceedings instituted against MPs before they become Lords.	House of Commons The concept does exist (called "parliamentary privilege"). - It applies only to civil proceedings, covers all offences, but protects MPs only from arrest and imprisonment (Parliamentary Privilege Act of 1770). - Derogations: in cases of contempt of court, the House of Commons has accepted that Members can be imprisoned. House of lords Parliamentary immunity (inviolability) can be lifted (Defamation Act 1996): The police or the judge have a duty to inform the Speaker or the Lord Chancellor of any arrest followed by detention or a prison sentence imposed on a Member of Parliament. Competent authority: the Lord - Procedure: Lords may waive their immunity in cases of slander, libel and defamation. - Parliament cannot subject the prosecution and/or detention to certain conditions. - Parliament cannot suspend the prosecution and/or detention of one of its members. - In the event of preventive custody or imprisonment, the MPs concerned cannot be authorised to attend sittings of Parliament.

A	B	C	D	E	F	G	H	I	
1	Revised Comparative Table on the lifting of parliamentary immunity								
2	References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EU)/ Study No 682/2012-CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE								
3	Non-liability								
4	Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom? Procedure for lifting immunity	Legal Basis²	persons covered	Duration of immunity²	Can immunity be lifted? By whom? Procedure for lifting immunity²
	USA	Article I, S. 6(1) of the Constitution; [...] for any speech or debate in either House, they shall not be questioned in any other place.	Members of Congress and aides when their conduct would be protected if performed by the member.	Non-accountability takes effect on the day when the Member's term begins, and offers, during and after the expiration of the term, protection against suit for votes cast, opinions expressed and other acts that are an integral part of the deliberative and communicative process by which members participate in proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matters which the Constitution places within the jurisdiction of either house of Congress.	Generally no, but the questions whether and to what extent Congress can waive immunity for an individual member is unsettled.	Article I, S. 6(1) of the Constitution: [...] They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same.	Members of Congress	Protection is provided only during attendance at sessions and while a Member is going to and returning from the session.	Immunity does not apply to arrest in criminal cases or to service of process, and thus has limited applicability today because arrests in civil suits are now rare.

	A	B	C	D	E	F	G	H	I
--	---	---	---	---	---	---	---	---	---

Revised Comparative Table on the lifting of parliamentary immunity

References: Inter-Parliamentary Union Database/ websites of national Parliaments/ CODICES (constitutions)/ Report on the regime of parliamentary immunity (EUIJ) Study No 687/2012-CDL-REF(2012)040 KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

Non-liability

Country	Legal basis	Persons covered	Duration of immunity	Can immunity be lifted? By whom?	Procedure for lifting immunity	Legal Basis ²	persons covered	Duration of immunity ²	Can immunity be lifted? By whom? Procedure for lifting immunity ²
Uruguay	Article 112 of the Constitution, see also Rule 97(C) of the Rules of Procedure of the General Assembly, and Rule 105(C) of the Rules of Procedure of the Chamber of Representatives).	MPs	Unlimited. Non-accountability takes effect on the day when the mandate begins.	House of representatives Derogations: waiver of immunity, offence or insult (Rules 73, 104(H), and 106(2) No. 6 of the Rules of Procedure of the Chamber of Representatives, Senate: Derogations: waiver of immunity; offence or insult (Rules 84, 85 No. 3 of the Rules of Procedure of the Senate)	Articles 113 and 114 of the Constitution Article 113 No Senator or Representative, from the day of his election until that of his termination, may be arrested except in case of flagrante delicto and then notices shall immediately be given to the respective Chamber, with a summary report of the case. • It applies to criminal and civil proceedings, covers all offences with the exception of traffic offences, and protects MPs from arrest and from opening of judicial proceedings against them and from their homes being searched. • Derogations: in cases of flagrante delicto, the MP can be arrested. Notice shall immediately be given to the Chamber of Representatives, with a summary report of the case. • Parliamentary inviolability does not prevent MPs from being called as witnesses before a judge or tribunal. However, they may reply in writing, without appearing before a judge or tribunal.	MPs	• Protection is provided from the start to the end of the mandate, including between early dissolution of the House and the election of a new Parliament, and also covers judicial proceedings instituted against MPs/senators before their election.	Parliamentary immunity (inviolability) can be lifted (Article 114 of the Constitution): Article 114 No Senator or Representative, from the day of his election until that of his termination, may be indicted on a criminal charge, or even for common offenses which are not specified in Article 93, except before his own Chamber, which, by two-thirds of the votes of its full membership, shall decide whether or not there are grounds for prosecution and if so, shall declare him suspended from office, and he shall be placed at the disposition of a competent Tribunal. House of representatives Competent authority: the Chamber of Representatives - Procedure (Article 114 of the Constitution). In this case, MPs need not be heard. They do not have means of appeal. • Parliament cannot subject the prosecution and/or detention to certain conditions. • Parliament cannot suspend the prosecution and/or detention of one of its members. Senate: Competent authority: the Senate - Procedure (Article 114 of the Constitution). In this case, senators need not be heard. They do not have means of appeal. • Parliament cannot subject the prosecution and/or detention to certain conditions. • Parliament cannot suspend the prosecution and/or detention of one of its members.	

