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KEEPING POLITICAL AND CRIMINAL RESPONSIBILITY SEPARATE

**SÉPARER LA RESPONSABILITÉ POLITIQUE
DE LA RESPONSABILITÉ PÉNALE**

CONSTITUTIONAL (LEGISLATIVE) PROVISIONS
DISPOSITIONS CONSTITUTIONNELLES (LEGISLATIVES)

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Member States / Etats membres	Constitutional (legislative) provisions / Dispositions constitutionnelles (législatives)			
	High Executive Power / Haut pouvoir exécutif	Government / Gouvernement	Legislative Power / Pouvoir législatif	Summary / Résumé
1. Albania	<p>Article 90 1. The President of the Republic is not responsible for actions carried out in the exercise of his duty. 2. The President of the Republic may be dismissed for serious violations of the Constitution and for the commission of a serious crime. In these cases, a proposal for the dismissal of the President may be made by not less than one-fourth of the members of the Assembly and shall be supported by not less than two-thirds of all its members. 3. The decision of the Assembly is sent to the Constitutional Court, which, when it verifies the guilt of the President of the Republic, declares his dismissal from duty.</p> <p>Article 135 1. The judicial power is exercised by the High Court, as well as by the courts of appeal and courts of first instance, which are established by law.</p> <p>Article 141 1. The High Court has original and review jurisdiction. It has original jurisdiction when adjudicating criminal charges against the President of the Republic, the Prime Minister, members of the Council of Ministers, deputies, judges of the High Court, and judges of the Constitutional Court.</p>	<p>Article 90 (...) 2. Members of the Council of Ministers enjoy the immunity of a deputy</p> <p>Article 141 1. The High Court has original and review jurisdiction. It has original jurisdiction when adjudicating criminal charges against the President of the Republic, the Prime Minister, members of the Council of Ministers, deputies, judges of the High Court, and judges of the Constitutional Court.</p>	<p>Article 71 2. The mandate of the deputy ends or is invalid, as the case may be: (...) dh. when he is convicted by final court decision for the commission of a crime.</p> <p>Article 73 1. A deputy does not bear responsibility for opinions expressed in the Assembly and the votes given while exercising his functions. This provision is not applicable in the case of defamation. 2. A deputy may not be arrested or deprived of freedom in any form, and no personal control or search of his residence can be exercised without authorization of the Assembly. 3. A deputy may be detained or arrested without authorization when he is apprehended in the commission of a crime or immediately after its commission. In these cases, the General Prosecutor immediately notifies the Assembly, which, when it determines that the proceeding is misplaced, decides to lift the measure. 4. For issues contemplated in paragraphs 2 and 3 of this article, the Assembly may discuss in a plenary sitting <i>in camera</i>, for reason of protection of data. The decision is taken by open voting.</p> <p>Article 141 1. The High Court has original and review jurisdiction. It has original jurisdiction when adjudicating criminal charges against the President of the Republic, the Prime Minister, members of the Council of Ministers, deputies, judges of the High Court, and judges of the Constitutional Court</p>	<p><u>H.E.P. (High Executive Power)</u> - political immunity (non responsible for actions carried out in the exercise of his duty) - criminal responsibility for serious violations of the Constitution and for the commission of a serious crime is on the initiative of the Assembly and held by the Constitutional Court. - criminal responsibility for all other criminal charges against the President is held by the High Court of the Republic. criminal charges -- High Court (special jurisdiction)</p> <p><u>G. (Government)</u> - political immunity (non responsible for opinions expressed except for defamation) - criminal responsibility with the consent of the Assembly is held by the High Court of the Republic.</p> <p><u>L. P. (Legislative Power)</u> - political immunity (non responsible for opinions expressed except for defamation) - criminal responsibility with the consent of the Assembly is held by the High Court of the Republic.</p>

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2. Andorra	<p>Article 44 1. The Coprinceps are the symbol and guarantee of the permanence and continuity of Andorra as well as of its independence and the maintenance of the spirit of parity in the traditional balanced relation with the neighbouring States. They proclaim the consent of the Andorran State to honour its international obligations in accordance with the Constitution. 2. The Coprinceps arbitrate and moderate the functioning of the public authorities and of the institutions, and are regularly informed of the affairs of the State by their own initiative, or that of the "Síndic General" or the "Cap de Govern". 3. Except for the cases provided for in this Constitution, the Coprinceps are immune from suit. The acts of the Coprinceps are under the responsibility of those who countersign them.</p>	<p>Article 74 The Cap de Govern and the Ministers are subject to the same jurisdictional status as the Consellers Generals.</p>	<p>Article 53 1. The members of the Consell General have the same representativity, are equal in terms of rights and duties and are not subject to any form of imperative mandate. Their vote is personal and may not be delegated. 2. The Consellers may not be called to account for votes cast or any utterances made in the exercise of their functions. 3. Throughout their term the Consellers may not be arrested or detained, except in the cases of flagrant delicto. But for that case, their detention and prosecution shall be decided by the plenary session of the Tribunal de Corts and the trial shall be held by the Tribunal Superior.</p>	<p><u>H.E.P.</u> - political immunity (44) <u>G.</u> - the same jurisdictional status as the Consellers Generals (74)</p> <p><u>L.P.</u> - political immunity (53) - criminal responsibility decided by the plenary session of the Tribunal de Corts and the trial shall be held by the Tribunal Superior</p>
3. Armenia	<p>Article 56.1 The President of the Republic shall be immune. The President of the Republic may not be prosecuted or held liable for actions arising from his status during and after his term of office. The President of the Republic may be prosecuted for actions not connected with his status after the expiration of his term of office.</p>	<p>Article 57 The President may be impeached for treason or other grave crimes. In order to obtain a conclusion on the motion of impeaching the President of the Republic, the National Assembly shall appeal to the Constitutional Court by a resolution adopted by the majority of the total number of deputies. The resolution to remove the President of the Republic from office shall be passed by the National Assembly by a two-thirds majority vote of the total number of deputies, based on the conclusion of the Constitutional Court. In the event when the Constitutional Court concludes that there are no grounds for impeaching the President of the Republic the motion shall be removed from the agenda of the National Assembly;</p>	<p>Article 66 A Deputy shall not be bound by an imperative mandate and shall be guided by his conscience and convictions. A Deputy, during and after the term of his parliamentary powers, may not be prosecuted and held liable for actions arising from his status, including the opinions expressed by him in the National Assembly, provided these are not insulting or defamatory. A Deputy may not be involved as an accused, detained or subjected to administrative liability through a judicial procedure without the consent of the National Assembly. A Deputy may not be arrested without the consent of the National Assembly except for cases when he is arrested while committing the act of crime. In such a case the Chairman of the National Assembly shall be immediately notified.</p>	<p><u>H.E.P.</u> - political immunity only for actions regarding his office (56.1) - criminal responsibility for treason or other grave crimes. The adoption by the Constitutional Court of a conclusion becomes a basis for the adoption of the resolution of the National Assembly to remove the President of the Republic from office by a two-thirds majority vote of the total number of deputies.</p> <p><u>L.P.</u> - political immunity for actions regarding their office (66) (non <i>responsible</i> for opinions expressed except for defamation) - criminal responsibility Is held through an ordinary judicial procedure with the consent of the National Assembly</p>

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4. Austria	<p>Article 63 The institution of legal process against the Federal President is only admissible if the Federal Assembly has agreed.</p> <p>(2) The application for the institution of legal process against the Federal President shall be filed by the competent authority with the National Council which votes whether the Federal Assembly shall deal with the matter. If the National Council pronounces in favour of this, the Federal Chancellor must immediately convoke the Federal Assembly.</p> <p>Article 142 (1) The Constitutional Court pronounces on suits which predicate the constitutional responsibility of the highest Federal and Land authorities for legal contraventions culpably ensuing from their official activity. (2) Suit can be brought: a) against the Federal President, for contravention of the Federal Constitution: by a vote of the Federal Assembly; b) against members of the Federal Government and the authorities placed with regard to responsibility on an equal footing with them, for contravention of the law: by a vote of the National Council; c) against an Austrian representative in the Council for contravention of law in matters where legislation would pertain to the Federation: by a vote of the National Council for contravention of law in matters where legislation would pertain to the Laender: by identically worded votes of all the Diets; d) against members of a Land Government and the authorities placed by the present Law or the Land constitution with regard to responsibility on an equal footing with them, for contravention of the law: by a vote of the competent Diet;</p>	<p>Article 142 (1) The Constitutional Court pronounces on suits which predicate the constitutional responsibility of the highest Federal and Land authorities for legal contraventions culpably ensuing from their official activity. (2) Suit can be brought: a) against the Federal President, for contravention of the Federal Constitution: by a vote of the Federal Assembly; b) against members of the Federal Government and the authorities placed with regard to responsibility on an equal footing with them, for contravention of the law: by a vote of the National Council; (...) e) against a Governor, his deputy (Article 105 para 1) or a member of the Land Government (Article 103 paras 2 and 3) for contravention of the law as well as for non-compliance with ordinances or other directives (instructions) of the Federation in matters pertaining to the indirect Federal administration, in the case of a member of the Land Government also with regard to instructions from the Governor in these matters: by a vote of the Federal Government;</p> <p>Article 76 (1) Pursuant to Article 142, the members of the Federal Government (Articles 69 and 71) are responsible to the National Council. (2) The presence of more than half the members is requisite to a motion which prefers a charge pursuant to Article 142.</p>	<p>Article 57 (1) The members of the National Council may never be made responsible for votes cast in the exercise of their function and only by the National Council on the grounds of oral or written utterances made in the course of their function. (2) The members of the National Council may on the ground of a criminal offence - the case of apprehension in the act of committing a crime excepted - be arrested only with the consent of the National Council. Domiciliary visitations of National Council members likewise require the National Council's consent. (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. (4) In all these instances the consent of the National Council counts as granted if within eight weeks it has not given a ruling on an appropriate request by the authority competent for the institution of legal action; the President, with a view to the National Council's adoption of a resolution in good time, shall at the latest put such a request to the vote on the day but one before expiry of the deadline. The latter does not include the period when the National Council is not in session.</p>	<p><u>H.E.P.</u> - criminal responsibility for contravention of the Federal Constitution only after the agreement of the Parliament held by the Constitutional Court</p> <p><u>L.P.</u> - political immunity both for the Federal Council and the Diet (58, 59) - criminal responsibility only with the consent of the National Council held by the Constitutional Court offences only with the consent of the National Council.</p> <p><u>G.</u> - political responsibility to the National Council - criminal responsibility only with the consent of the National Council held by the Constitutional Court</p>

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	e) against a Governor, his deputy (Article 105 para 1) or a member of the Land Government (Art. 103 paras 2 and 3) for contravention of the law as well as for non-compliance with ordinances or other directives (instructions) of the Federation in matters pertaining to the indirect Federal administration, in the case of a member of the Land Government also with regard to instructions from the Governor in these matters: by a vote of the Federal Government;		(5) In case of a member's apprehension in the act of committing a crime, the authority concerned must immediately notify the President of the National Council of the occurrence of the arrest. If the National Council or when it is not in session the Standing Committee entrusted with these matters so demands, the arrest must be suspended or the legal process as a whole be dropped. Article 58 The members of the Federal Council enjoy for the whole duration of their tenure of office the immunity of the members of the Diet which has delegated them. Article 96 (1) The members of a Diet enjoy the same immunity as the members of the National Council; the provisions of Art. 57 are applied analogously.	
5. Azerbaijan	Article 106. Immunity of the President of the Azerbaijan Republic The President of the Azerbaijan Republic enjoys the right of personal immunity. Honour and dignity of the President of the Azerbaijan Republic are protected by law. Article 107. Dismissal of the President of the Azerbaijan Republic from his post I. In case of grave crime done by the President of the Azerbaijan Republic the question of dismissal of the President may be submitted to Milli Majlis of the Azerbaijan Republic on initiative of Constitutional Court of the Azerbaijan Republic based on conclusions of Supreme Court of the Azerbaijan Republic presented within 30 days. II. The President of the Azerbaijan Republic may	Article 123. Immunity of Prime-minister of the Azerbaijan Republic I. Prime-minister of the Azerbaijan Republic enjoys immunity during the whole term of his powers. II. Prime-minister of the Azerbaijan Republic may not be arrested, called to criminal responsibility except cases when he has been caught in the act of crime, disciplinary measures may not be applied to him by law court, he may not be searched. III. Prime-minister of the Azerbaijan Republic may be arrested if he has been caught in the act of crime. In such case body detained the deputy of Milli Majlis of the Azerbaijan Republic must immediately notify General Procurator of the Azerbaijan Republic about the fact. IV. Immunity of Prime-minister of the Azerbaijan Republic might be stopped only by the President of the Azerbaijan Republic, based on application of	Article 89. Deprivation of deputies of Milli Majlis of the Azerbaijan Republic of their mandates and loss of powers by the deputy of Milli Majlis of the Azerbaijan Republic I. The deputy of Milli Majlis of the Azerbaijan Republic loses his/her mandate in the following cases: (...) 3. on commitment of crime and whenever there is valid verdict of law court; (...) Decision about deprivation of the deputy of Milli Majlis of the Azerbaijan Republic of his mandate is taken as specified in legislation. Article 90. Immunity of deputies of Milli Majlis of the Azerbaijan Republic I. A deputy of Milli Majlis of the Azerbaijan	<u>H.E.P.</u> - political immunity (106) - criminal responsibility for grave crime is made by a decree taken by the Milli Majlis on the initiative of the Constitutional Court based on the conclusions of Supreme Court of the Azerbaijan Republic. <u>G.</u> - political immunity (91) - no criminal responsibility until the end of his power except for cases when they are caught in the act of the crime. - immunity can be lifted by the President of the Republic (PM, 123.IV)

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	<p>be dismissed from his post by decree of Milli Majlis of the Azerbaijan Republic taken by majority of 95 votes of deputies. This decree is signed by the Chairman of Constitutional Court of the Azerbaijan Republic. If Constitutional Court of the Azerbaijan Republic fails to sign said decree within one week it shall not come into force.</p> <p>III. Decree about dismissal of the President of the Azerbaijan Republic from his post must be accepted within 2 months from the date of application of Constitutional Court of the Azerbaijan Republic to Milli Majlis of the Azerbaijan Republic. If said decree is not taken within said term, then accusation against the President of the Azerbaijan Republic is considered rejected.</p>	<p>General Procurator of the Azerbaijan Republic.</p>	<p>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>II. 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>Article 91. Prohibition on institution of proceedings against deputies of Milli Majlis of the Azerbaijan Republic 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>	<p><u>L.P.</u> - political immunity (91) - not criminal responsibility until the end of his power and without the consent of the Milli Majlis except for cases when they are caught in the act of the crime.</p>
6. Belgium	<p>Article 88 La personne du Roi est inviolable; ses ministres sont responsables.</p> <p>Article 102 En aucun cas, l'ordre verbal ou écrit du Roi ne peut soustraire un ministre à la responsabilité.</p>	<p>Article 88 La personne du Roi est inviolable; ses ministres sont responsables.</p> <p>Article 101 Les ministres sont responsables devant la Chambre des représentants. Aucun ministre ne peut être poursuivi ou</p>	<p>Article 58 Aucun membre de l'une ou de l'autre Chambre ne peut être poursuivi ou recherché à l'occasion des opinions et votes émis par lui dans l'exercice de ses fonctions.</p> <p>Article 59</p>	<p><u>H.E.P.</u> - political immunity (88) - criminal immunity (102)</p> <p><u>G.</u> - political responsibility (88) - criminal responsibility. Ministers are</p>

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		<p>recherché à l'occasion des opinions émises par lui dans l'exercice de ses fonctions.</p> <p>Article 103 Les ministres sont jugés exclusivement par la cour d'appel pour les infractions qu'ils auraient commises dans l'exercice de leurs fonctions. Il en est de même des infractions qui auraient été commises par les ministres en dehors de l'exercice de leurs fonctions et pour lesquelles ils sont jugés pendant l'exercice de leurs fonctions. Le cas échéant, les articles 59 et 120 ne sont pas applicables. La loi détermine le mode de procéder contre eux, tant lors des poursuites que lors du jugement. La loi désigne la cour d'appel compétente, qui siège en assemblée générale, et précise la composition de celle-ci. Les arrêts de la cour d'appel sont susceptibles d'un pourvoi devant la Cour de cassation, chambres réunies, qui ne connaît pas du fond des affaires. Seul le ministère public près la cour d'appel compétente peut intenter et diriger les poursuites en matière répressive à l'encontre d'un ministre. Toutes réquisitions en vue du règlement de la procédure, toute citation directe devant la cour d'appel et, sauf le cas de flagrant délit, toute arrestation nécessitent l'autorisation de la Chambre des représentants. La loi détermine la procédure à suivre lorsque les articles 103 et 125 sont tous deux applicables. Aucune grâce ne peut être faite à un ministre condamné conformément à l'alinéa premier qu'à la demande de la Chambre des représentants. La loi détermine dans quels cas et selon quelles règles les parties lésées peuvent intenter une action civile.</p> <p><i>Disposition transitoire</i> Le présent article n'est pas applicable aux faits</p>	<p>Sauf le cas de flagrant délit, aucun membre de l'une ou de l'autre Chambre ne peut, pendant la durée de la session, en matière répressive, être renvoyé ou cité directement devant une cour ou un tribunal, ni être arrêté, qu'avec l'autorisation de la Chambre dont il fait partie. Sauf le cas de flagrant délit, les mesures contraignantes requérant l'intervention d'un juge ne peuvent être ordonnées à l'égard d'un membre de l'une ou l'autre Chambre, pendant la durée de la session, en matière répressive, que par le premier président de la cour d'appel sur demande du juge compétent. Cette décision est communiquée au président de la Chambre concernée. Toute perquisition ou saisie effectuée en vertu de l'alinéa précédent ne peut l'être qu'en présence du président de la Chambre concernée ou d'un membre désigné par lui. Pendant la durée de la session, seuls les officiers du ministère public et les agents compétents peuvent intenter des poursuites en matière répressive à l'égard d'un membre de l'une ou l'autre Chambre. Le membre concerné de l'une ou de l'autre Chambre peut, à tous les stades de l'instruction, demander, pendant la durée de la session et en matière répressive, à la Chambre dont il fait partie de suspendre les poursuites. La Chambre concernée doit se prononcer à cet effet à la majorité des deux tiers des votes exprimés. La détention d'un membre de l'une ou de l'autre Chambre ou sa poursuite devant une cour ou un tribunal est suspendue pendant la session si la Chambre dont il fait partie le requiert.</p>	<p>held by the appeal court for offences they have committed in the exercise or outside the exercise of their duties.</p> <p><u>L.P.</u> - political immunity (58) - criminal responsibility only with the authorization of the House where he is a member with the exception of flagrant offences. They are held by the ordinary Courts</p>

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		<p>qui ont fait l'objet d'actes d'information ni aux poursuites intentées avant l'entrée en vigueur de la loi portant exécution de celui-ci</p> <p>Dans ce cas, la règle suivante est d'application : la Chambre des représentants a le droit de mettre en accusation les ministres et de les traduire devant la Cour de cassation. Cette dernière a seule le droit de les juger, chambres réunies, dans les cas visés dans les lois pénales et par application des peines qu'elles prévoient. La loi du 17 décembre 1996 portant exécution temporaire et partielle de l'article 103 de la Constitution reste d'application en la matière.</p>		
7. Bosnia and Herzegovina			<p>Article IV: Parliamentary Assembly The Parliamentary Assembly shall have two chambers: the House of Peoples and the House of Representatives.</p> <p>4. Powers. The Parliamentary Assembly shall have responsibility for: a Enacting legislation as necessary to implement decisions of the Presidency or to carry out the responsibilities of the Assembly under this Constitution.</p>	*no provisions found
8. Brazil	<p>Article 83. The President and the Vice-President of the Republic may not, without authorization from the National Congress, leave the country for a period of more than fifteen days, subject to loss of office.</p> <p>Article 85. Those acts of the President of the Republic which attempt on the Federal Constitution and especially on the following, are crimes of malversation: I. the existence of the Union; II. the free exercise of the Legislative Power, the Judicial Power, the Public Prosecution and the constitutional Powers of the units of the Federation; III. the exercise of political, individual and</p>	<p>Article 50. The Chamber of Deputies and the Federal Senate, or any of their committees, may summon a Minister of State or any chief officers of agencies directly subordinate to the Presidency of the Republic to personally render information on a previously determined matter, and this absence without adequate justification shall constitute a crime of malversation.</p> <p><i>Paragraph 1.</i> The Ministers of State may attend the Federal Senate, the Chamber of Deputies or any of their committees, on their own initiative and by agreement with the respective Directing Board, to report on a matter of relevance to their Ministry. <i>Paragraph 2.</i> The Directing Boards of the Chamber of Deputies and of the Federal Senate</p>	<p>Article 53. Deputies and Senators enjoy civil and criminal inviolability on account of any their opinions, words and votes.</p> <p><i>Paragraph 1. Deputies and Senators, from the date of issuance of the certificate of election victory, shall be tried by the Supreme Federal Court.</i></p> <p><i>Paragraph 2.</i> From the date of issuance of the certificate of election victory, the members of the National Congress may not be arrested, except in flagrante delicto of a non-bailable offense. In such case, the case records shall be sent within twenty-four hours to the respective House, which, by the vote of the majority of its members, shall decide on the arrest.</p>	<p>H.E.P.: Criminal responsibility: If charges against the President of the Republic are accepted by two-thirds of the Chamber of Deputies, he shall be submitted to trial before the Supreme Federal Court for common criminal offenses or before the Federal Senate for crimes of malversation.</p> <p>He shall be submitted to trial before the Supreme Federal Court for common criminal offenses or before the Federal Senate for crimes of malversation.</p>

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	<p>social rights; IV. the internal security of the country; V. probity in the administration; VI. the budgetary law; VII. compliance with the laws and with court decisions. <i>Sole paragraph:</i> These crimes shall be defined in a special law, which shall establish the rules of procedure and trial.</p> <p>Article 86. If charges against the President of the Republic are accepted by two-thirds of the Chamber of Deputies, he shall be submitted to trial before the Supreme Federal Court for common criminal offenses or before the Federal Senate for crimes of malversation. <i>Paragraph 1.</i> The President shall be suspended from his functions: I – in common criminal offenses, if the accusation or the complaint is received by the Federal Supreme Court; II – in the event of crimes of malversation, after the proceeding is instituted by the Federal Senate. <i>Paragraph 2.</i> If, after a period of one hundred and eighty days, the trial has not been concluded, the suspension of the President shall cease without prejudice to the normal progress of the proceeding. <i>Paragraph 3.</i> In the event of common offenses, the President of the Republic shall not be subject to arrest as long as no sentence is rendered. <i>Paragraph 4.</i> During his term of office, the President of the Republic may not be held liable to acts outside the performance of his functions. Article 136. The President of the Republic may, after hearing the Council of the Republic</p>	<p>may forward to the Ministers of State, or any of the persons mentioned in the head paragraph of this article, written requests for information, and refusal or non-compliance, within a period of thirty days, as well as the rendering of false information, shall constitute a crime of malversation.</p> <p>Article 58. The National Congress and both its Houses shall have permanent and temporary committees, established in the manner and with the incumbencies set forth in the respective regulations or in the act from which their creation resulted. <i>Paragraph 1.</i> In the composition of the Directing Boards and of each committee, the proportional representation of the parties or the parliamentary groups which participate in the respective House shall be ensured to the extent possible. <i>Paragraph 2.</i> The committees have the power, on account of the matter under their authority: (...) IV – to receive petitions, claims, statements or complaints from any person against acts or omissions of Government authorities or entities; V – to request the testimony of any authority or citizen; Parliamentary inquiry committees, which shall have the powers of investigation inherent to the judicial authorities, in addition to other powers set forth in the regulations of the respective Houses, shall be created by the Chamber of Deputies and by the Federal Senate, jointly or separately, upon the request of one-third of its members, to investigate a given fact and for a certain period of time, and their conclusions shall, if the case may be, be forwarded to the Public Prosecution to determine the civil or criminal liability of the offenders.</p> <p>Article 37. The governmental entities and entities</p>	<p>Paragraph 3. Upon receiving an accusation against a Senator or Deputy, for an offense committed after the issuance of the certificate of election victory, the Supreme Federal Court shall inform the respective House, which, by the initiative of a political party therein represented and by the vote of the majority of those House members, may, until such time as a final decision is issued, stay consideration of the action. Paragraph 4. The request for stay shall be examined by the respective House within the unextendable period of forty-five days as from its receipt by the Directing Board. Paragraph 5. The stay of proceedings shall suspend the limitation for the duration of the term of office. Paragraph 6. Deputies and Senators shall not be compelled to render testimony on information received or given by virtue of the exercise of their mandate, nor on persons who rendered them information or received information from them. Paragraph 7. Incorporation into the Armed Forces of Deputies and Senators, even if they hold military rank and even in time of war shall depend upon prior granting or permission by the respective House. Paragraph 8. The immunities of Deputies and Senators shall be maintained during a state of siege and may only be suspended by the vote of two-thirds of the members of the respective House, in the case of acts committed outside the premises of Congress, which are not compatible with the implementation of such measure.</p> <p>Article 55. A Deputy or a Senator shall lose his office: I – if he violates any of the prohibitions</p>	<p><u>G.</u> Criminal responsibility: Acts of administrative dishonesty shall result in the suspension of political rights, loss of public function, prohibition to transfer personal property and reimbursement to the Public Treasury, in the manner and grading established by law, without prejudice to the applicable criminal action.</p> <p>The National Congress and both its Houses shall have permanent and temporary committees, established in the manner and with the incumbencies set forth in the respective regulations or in the act from which their creation resulted.</p> <p>Those committees shall have the powers of investigation inherent to the judicial authorities, and their conclusions shall, if the case may be, be forwarded to the Public Prosecution to determine the civil or criminal liability of the offenders.</p> <p><u>L.P.</u> Political Immunity: Deputies and Senators enjoy civil and criminal inviolability on account of any of their opinions, words and votes and shall be tried by the Supreme Federal Court.</p> <p>The immunities of Deputies and Senators shall be maintained during a state of siege and may only be suspended by the vote of two-thirds of</p>

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	<p>and the National Defense Council, decree a state of defense to preserve or to promptly re-establish, in specific and restricted locations, the public order or the social Peace threatened by serious and imminent institutional instability or affected by major natural calamities. (...) <i>Paragraph 2.</i> The state of defense shall not exceed thirty days and it may be extended once for an identical period if the reasons that justified its decreeing persist. <i>Paragraph 3.</i> During the period in which the state of defense is in force: I – arrest for a crime against the State, determined by the party executing the measure, shall be immediately communicated by such party to the competent judge, who shall remit it if it is illegal, it being the arrested person's choice to request examination of <i>corpus delicti</i> from the police authority; (...)</p>	<p>owned by the Government in any of the Powers of the Union, the States, the Federal District and the Municipalities shall obey the principles of lawfulness, impersonality, morality, publicity, and efficiency, and also the following: (...) <i>Paragraph 4. Acts of administrative dishonesty shall result in the suspension of political rights, loss of public function, prohibition to transfer personal property and reimbursement to the Public Treasury in the manner and grading established by law, without prejudice to the applicable criminal action.</i></p>	<p>established in the preceding article; II – if his conduct is declared incompatible with <u>parliamentary decorum</u>; III – if he fails to appear, in each legislative session, at one-third of the regular sessions of the House to which he belongs, except for a leave of absence or a mission authorized by the House concerned. IV – if his political rights have been lost or suspended ; V – whenever decreed by the Electoral Courts, in the cases established in this Constitution; VI – if he is criminally convicted by a final and unappealable sentence. <i>Paragraph 1. Abuse of the prerogatives ensured to a Congressman or the gaining of undue advantages, in addition to the cases defined in the internal regulations, is incompatible with <u>parliamentary decorum</u>.</i> <i>Paragraph 2. In the cases of items I, II and VI, loss of office shall be declared by the Chamber of Deputies or the Federal Senate, by secret voting and absolute majority, on the initiative of the respective Directing Board or of a political party represented in the National Congress, full defense being ensured.</i> <i>Paragraph 3. In the cases set forth in items III to V, the loss shall be declared by the Directing Board of the respective House, ex officio or upon the initiative of any of its members, of a political party represented in the National Congress, full defense being ensured.</i> <i>Paragraph 4.</i> The resignation of a Congressman submitted to a legal suit that aims at or may lead to loss of mandate, under the provisions of this article, will have its</p>	<p>the members of the respective House. Deputies and Senators shall not be compelled to render testimony on information received or given by virtue of the exercise of their mandate. Criminal responsibility: The members of the National Congress may not be arrested, except in <i>flagrante delicto</i> of a non-bailable offense.</p>

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			<p>effects suspended until the final deliberations mentioned in paragraphs 2 and 3.</p> <p>Article 51. It is exclusively the competence of the Chamber of Deputies: I – to authorize, by two-thirds of its members, legal proceeding to be initiated against the President and the Vice-President of the Republic and the Ministers of State; (...)</p> <p>Article 52. It is exclusively the competence of the Federal Senate: I - to effect the legal proceeding and trial of the President and Vice-President of the Republic for crime of malversation, and the Ministers of State and the Commanders of the Navy, the Army, and the Air Force for crimes of the same nature relating to those; II – to effect the legal proceeding and trial of the Justices of the Supreme Federal Court, the members of the National Council of Justice and of the National Council of the Public Prosecution, the Attorney-General of the Republic, and the Advocate-General of the Union for crimes of malversation; (...) XI - to approve, by absolute majority and by secret voting, the removal from office of the Attorney-General of the Republic before the end of his term of office; (...)</p> <p><i>Sole Paragraph:</i> In the cases provided for in items I and II, the Chief Justice of the Supreme Federal Court shall act as President and the sentence, which may only be issued by two-thirds of the votes of the Federal Senate, shall be limited to the loss of office with disqualification to hold any public office for a period of eight years, without prejudice</p>	

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9 Bulgaria	<p>Article 103</p> <p>1. The President and Vice President shall not be held liable for actions committed in the performance of their duties, except for high treason, or a violation of the Constitution.</p> <p>2. An impeachment shall require a motion from no fewer than one-fourth of all Members of the National Assembly and shall stand if supported by more than two-thirds of the Members.</p> <p>3. An impeachment against the President or Vice President shall be tried by the Constitutional Court within a month following the lodging of the impeachment. Should the Constitutional Court convict the President or Vice President of high treason, or of a violation of the Constitution, the President's or Vice President's prerogatives shall be suspended.</p> <p>4. No one shall place the President or the Vice President under detention, nor shall initiate criminal proceedings against them.</p>	<p>Article 108</p> <p>(...)</p> <p>3. Each member of the Council of Ministers shall head a ministry, except in so far as the National Assembly resolves otherwise. Each minister shall account for his own activity.</p>	<p>to other applicable judicial sanctions.</p> <p>Article 69</p> <p>Members of the National Assembly shall not be held criminally liable for their opinions or votes in the National Assembly.</p> <p>Article 70</p> <p>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>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</p> <p>The National Assembly shall establish the emoluments of its Members.</p> <p>Article 72</p> <p>1. A Member's prerogatives shall expire before the expiry of his term of office upon any of the following occurrences:</p> <p>(...)</p> <p>ii. enforcement of a prison sentence for an international crime, or of an unsuspended prison sentence;</p> <p>(...)</p> <p>2. Instances 1 and 2 shall require a resolution of the National Assembly; instance 3 shall require a ruling by the Constitutional Court.</p>	<p><u>H.E.P.</u></p> <p>- political immunity (103)</p> <p>- criminal responsibility for high treason after a motion from the National Assembly and held by the Constitutional Court.</p> <p><u>G.</u></p> <p>- political responsibility (108)</p> <p><u>L.P.</u></p> <p>- political immunity (69)</p> <p>- criminal responsibility only after a warrant from the National Assembly except for crimes of general character. It is held by the Constitutional Court.</p>

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10. Croatia	<p>Article 105 The President of the Republic may be impeached for any violation of the Constitution committed in the performance of his duties. The proceedings for the impeachment of the President of the Republic may be instituted by the Croatian Parliament by a two-thirds majority of all representatives. The impeachment of the President of the Republic shall be decided upon by the Constitutional Court of the Republic of Croatia by a two-thirds majority of all the judges. The Constitutional Court shall decide on the impeachment of the President of the Republic of Croatia within 30 days from the day the proposal to impeach the President for violation of the Constitution was submitted. If the Constitutional Court of the Republic of Croatia impeaches the President of the Republic, his presidential duties shall cease by force of the Constitution.</p> <p>Article 106 The President of the Republic shall enjoy immunity. The President of the Republic may not be detained and no criminal proceedings may be instituted against him without the prior consent of the Constitutional Court. The President of the Republic may be detained without a prior consent of the Constitutional Court only if he has been caught in the commission of a criminal offence for which a penalty of imprisonment of more than five years is prescribed. In such case, the governmental body which has detained the President of the Republic shall immediately notify the President of the Constitutional Court accordingly.</p>	<p>Article 115 The Government shall be responsible to the Croatian Parliament. The Prime Minister and members of the Government shall be jointly responsible for decisions made by the Government, and shall be personally responsible for their respective competencies.</p>	<p>Article 76 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. 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.</p>	<p><u>H.E.P.</u> - political immunity, but he can be impeached for any violation of the Constitution with the consent of the Croatian Parliament decided by the Constitutional Court. - criminal responsibility only after the consent of the Constitutional Court except if caught in the act of committing</p> <p><u>G.</u> - political responsibility (115)</p> <p><u>L.P.</u> - political immunity (76) - criminal responsibility only with the consent of the Parliament except if caught in the act of committing a criminal offence which carries a penalty of imprisonment of more than five years.</p>

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11. Cyprus	<p>Article 45</p> <p>1. The President or the Vice-President of the Republic shall not be liable to any criminal prosecution during his term of office except under the provisions of this Article.</p> <p>2. The President or the Vice-President of the Republic may be prosecuted for high treason on a charge preferred by the Attorney-General and the Deputy Attorney-General of the Republic before the High Court upon a resolution of the House of Representatives carried by a secret ballot and a majority of three-fourths of the total number of Representatives: Provided that no such resolution shall be taken and no item shall be entered on the agenda or debated in the House of Representatives in connexion therewith unless the proposal for such resolution is signed by at least one-fifth of the total number of Representatives.</p> <p>3. The President or the Vice-President of the Republic may be prosecuted for an offence involving dishonesty or moral turpitude upon a charge preferred by the Attorney-General and the Deputy Attorney-General of the Republic before the High Court with the leave of the President of the High Court. (...)</p> <p>6. No action shall be brought against the President or the Vice-President of the Republic in respect of any act or omission committed by him in the exercise of any of the functions of his office: Provided that nothing in this paragraph contained shall be construed as in any way depriving any person of the right to sue the Republic as provided by law.</p>		<p>Article 83</p> <p>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.</p> <p>2. 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.</p> <p>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.</p> <p>4. If the High Court refuses to grant leave for the enforcement of a sentence of imprisonment imposed on a Representative by a competent court, the enforcement of such sentence shall be postponed until he ceases to be a Representative.</p>	<p><u>H.E.P.</u> - political immunity (44) - criminal responsibility only for high treason or any other offence involving dishonesty or moral turpitude with the consent of the House of Representatives and held by the High Court The tasks of the High Court are exercised by the Supreme Court.</p> <p><u>G.</u> - political responsibility before the President and the Vice-President of the Republic (46 + 59)</p> <p><u>L.P.</u> - political immunity (83) - criminal responsibility only with the leave of the High Court, except for the case of an offence punishable with death or imprisonment for five years or more in case the offender is taken in the act.</p>
12. Czech Republic	<p>Article 65</p> <p>(1) The President of the Republic may not be taken into detention, criminally prosecuted, nor prosecuted for misdemeanours or other</p>	<p>Article 68</p> <p>(1) The government is responsible to the Assembly of Deputies.</p>	<p>Article 27</p> <p>(1) There shall be no legal recourse against Deputies or Senators for their votes in the Assembly of Deputies or Senate respectively,</p>	<p><u>H.E.P.</u> - political immunity (65) - criminal responsibility only for high treason in the initiative of the Senate and</p>

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	<p>administrative offenses. (2) The President of the Republic may be prosecuted for high treason before the Constitutional Court on the basis of a charge brought by the Senate. The only penalty that may be imposed is the loss of the Presidency and of further eligibility for the office. (3) The President of the Republic may never be criminally prosecuted for criminal acts committed during the period she held the office of the Presidency.</p>		<p>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. (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.</p>	<p>held by the Constitutional Court <u>G.</u> - political responsibility (68) <u>L.P.</u> - political immunity (27) - criminal responsibility only with the consent of the chamber they are a member; no arrest without the chamber's consent except if caught in the act of committing</p>

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13. Denmark	<p>§13. The King shall not be answerable for his actions; his person shall be sacrosanct. (...) (...) The Ministers shall be responsible for the conduct of government; their responsibility shall be defined by statute.</p> <p>§16 Ministers may be impeached by the King or the Folketing for maladministration of office. The High Court of the Realm shall try cases of impeachment brought against Ministers for maladministration of office</p>	<p>§13. (...) The Ministers shall be responsible for the conduct of government; their responsibility shall be defined by statute.</p>	<p>§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.</p>	<p><u>H.E.P.</u> - Immunity from prosecution(13)</p> <p><u>G.</u> - Criminal responsibility (13)</p> <p><u>L.P.</u> - Immunity from prosecution (57) - Criminal responsibility only with the consent of the Folketing except for cases of flagrante delicto.</p>
14. Estonia	<p>Article 82 The authority of the President of the Republic shall terminate upon: (...) 2) being convicted of an offense; (...)</p> <p>Article 85 The President of the Republic may be charged with a criminal offence only on proposal by the Legal Chancellor, with the consent of the majority of the complement of the Riigikogu</p>	<p>Article 101 A member of the Government of the Republic may be charged with a criminal offence only on proposal by the Legal Chancellor, with the consent of the majority of the complement of the Riigikogu. The authority of a member of the Government shall terminate when a guilty verdict comes into effect.</p>	<p>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</p> <p>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; (...)</p> <p>Article 76 Members of the <i>Riigikogu</i> 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 <i>Riigikogu</i>.</p>	<p><u>H.E.P.</u> - political immunity (85) - criminal responsibility only on proposal by the Legal Chancellor, with the consent of the Riigikogu.</p> <p><u>G.</u> - criminal responsibility on proposal of the Legal Chancellor, with the consent of the majority of the complement of the Riigikogu.</p> <p><u>L.P.</u> - political immunity (62) - criminal responsibility (64)</p>

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15. Finland	<p>Section 113. Criminal liability of the President of the Republic If the Chancellor of Justice, the Ombudsman or the Government deem that the President of the Republic is guilty of treason or high treason, or a crime against humanity, the matter shall be communicated to the Parliament. In this event, if the Parliament, by three fourths of the votes cast, decides that charges are to be brought, the Prosecutor-General shall prosecute the President in the High Court of Impeachment and the President shall abstain from office for the duration of the proceedings. In other cases, no charges shall be brought for the official acts of the President.</p> <p>Section 101. High Court of Impeachment The High Court of Impeachment deals with charges brought against a member of the Government, the Chancellor of Justice, the Parliamentary Ombudsman or a member of the Supreme Court or the Supreme Administrative Court for unlawful conduct in office. The Court of Impeachment deals also with the charges referred to in section 113 below.</p>	<p>Section 114. Prosecution of Ministers A charge against a Member of the Government for unlawful conduct in office is heard by the High Court of Impeachment, as provided in more detail by an Act. The decision to bring a charge is made by the Parliament, after having obtained an opinion from the Constitutional Law Committee concerning the unlawfulness of the actions of the Minister. Before the Parliament decides to bring charges or not it shall allow the Minister an opportunity to give an explanation. When considering a matter of this kind the Committee shall have a quorum when all of its members are present. A Member of the Government is prosecuted by the Prosecutor-General.</p> <p>Section 101. High Court of Impeachment The High Court of Impeachment deals with charges brought against a member of the Government, the Chancellor of Justice, the Parliamentary Ombudsman or a member of the Supreme Court or the Supreme Administrative Court for unlawful conduct in office. The Court of Impeachment deals also with the charges referred to in section 113 below.</p> <p>The decision on starting the impeachment procedure is made by Parliament on the basis of an opinion of the Constitutional Law Committee. This opinion is not binding on Parliament.</p>	<p>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. 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.</p> <p>Section 101. High Court of Impeachment The High Court of Impeachment deals with charges brought against a member of the Government, the Chancellor of Justice, the Parliamentary Ombudsman or a member of the Supreme Court or the Supreme Administrative Court for unlawful conduct in office. The Court of Impeachment deals also with the charges referred to in section 113 below.</p>	<p><u>H.E.P.</u> - political immunity: no reference - criminal responsibility only for treason or high treason, or crime against humanity in the initiative of the Chancellor of Justice, the Ombudsman or the Government with the consent of the Parliament and held by the High Court of Impeachment.</p> <p><u>G.</u> - political responsibility: the impeachment procedure in the High Court of impeachment is initiated by Parliament on the basis of an opinion of the Constitutional Law Committee</p> <p><u>L.P.</u> - political immunity (30) - criminal prosecution or arrest only with the consent of the Parliament except for committing a crime for which the minimum punishment is imprisonment for at least six months</p>
16. France	<p>Article 67 Le Président de la République n'est pas responsable des actes accomplis en cette qualité, sous réserve des dispositions des articles 53-2 et 68. Il ne peut, durant son mandat et devant aucune juridiction ou autorité administrative française,</p>	<p>Article 20 (...) Il (le Gouvernement) est responsable devant le Parlement dans les conditions et suivant les procédures prévues aux articles 49 et 50.</p> <p>Article 49</p>	<p>Article 26 Aucun membre du Parlement ne peut être poursuivi, recherché, arrêté, détenu ou jugé à l'occasion des opinions ou votes émis par lui dans l'exercice de ses fonctions. Aucun membre du Parlement ne peut faire l'objet, en matière criminelle ou</p>	<p><u>H.E.P.</u> - political immunity - criminal responsibility only when on the grounds of an incompatibility of his duties with his fonctions. He is held by the High Court (special jurisdiction)</p>

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	<p>être requis de témoigner non plus que faire l'objet d'une action, d'un acte d'information, d'instruction ou de poursuite. Tout délai de prescription ou de forclusion est suspendu. Les instances et procédures auxquelles il est ainsi fait obstacle peuvent être reprises ou engagées contre lui à l'expiration d'un délai d'un mois suivant la cessation des fonctions.</p> <p>Article 53-2 La République peut reconnaître la juridiction de la Cour pénale internationale dans les conditions prévues par le traité signé le 18 juillet 1998.</p> <p>Article 68 Le Président de la République ne peut être destitué qu'en cas de manquement à ses devoirs manifestement incompatible avec l'exercice de son mandat. La destitution est prononcée par le Parlement constitué en Haute Cour. La proposition de réunion de la Haute Cour adoptée par une des assemblées du Parlement est aussitôt transmise à l'autre qui se prononce dans les quinze jours. La Haute Cour est présidée par le président de l'Assemblée nationale. Elle statue dans un délai d'un mois, à bulletins secrets, sur la destitution. Sa décision est d'effet immédiat. Les décisions prises en application du présent article le sont à la majorité des deux tiers des membres composant l'assemblée concernée ou la Haute Cour. Toute délégation de vote est interdite. Seuls sont recensés les votes favorables à la proposition de réunion de la Haute Cour ou à la destitution. Une loi organique fixe les conditions d'application du présent article.</p>	<p>Le Premier ministre, après délibération du conseil des ministres, engage devant l'Assemblée nationale la responsabilité du Gouvernement sur son programme ou éventuellement sur une déclaration de politique générale. L'Assemblée nationale met en cause la responsabilité du Gouvernement par le vote d'une motion de censure. Une telle motion n'est recevable que si elle est signée par un dixième au moins des membres de l'Assemblée nationale. Le vote ne peut avoir lieu que quarante-huit heures après son dépôt. Seuls sont recensés les votes favorables à la motion de censure qui ne peut être adoptée qu'à la majorité des membres composant l'Assemblée. Sauf dans le cas prévu à l'alinéa ci-dessous, un député ne peut être signataire de plus de trois motions de censure au cours d'une même session ordinaire et de plus d'une au cours d'une même session extraordinaire. Le Premier ministre peut, après délibération du conseil des ministres, engager la responsabilité du Gouvernement devant l'Assemblée nationale sur le vote d'un projet de loi de finances ou de financement de la sécurité sociale. Dans ce cas, ce projet est considéré comme adopté, sauf si une motion de censure, déposée dans les vingt-quatre heures qui suivent, est votée dans les conditions prévues à l'alinéa précédent. Le Premier ministre peut, en outre, recourir à cette procédure pour un autre projet ou une proposition de loi par session. Le Premier ministre a la faculté de demander au Sénat l'approbation d'une déclaration de politique générale.</p> <p>Article 50 Lorsque l'Assemblée nationale adopte une motion de censure ou lorsqu'elle désapprouve le</p>	<p>correctionnelle, d'une arrestation ou de toute autre mesure privative ou restrictive de liberté qu'avec l'autorisation du bureau de l'assemblée dont il fait partie. Cette autorisation n'est pas requise en cas de crime ou délit flagrant ou de condamnation définitive. La détention, les mesures privatives ou restrictives de liberté ou la poursuite d'un membre du Parlement sont suspendues pour la durée de la session si l'assemblée dont il fait partie le requiert. L'assemblée intéressée est réunie de plein droit pour des séances supplémentaires pour permettre, le cas échéant, l'application de l'alinéa ci-dessus.</p>	<p><u>G.</u> - political responsibility - criminal responsibility for serious crimes or other major offences. They are tried by the Court of Justice of the Republic (special jurisdiction)</p> <p><u>L.P.</u> - political immunity - criminal responsibility only with the authorization of the Chamber of the House, he is a member except for a serious crime or other major offence committed flagrante delicto or upon a final conviction.</p>

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		<p>programme ou une déclaration de politique générale du Gouvernement, le Premier ministre doit remettre au Président de la République la démission du Gouvernement.</p> <p>Article 68-1 Les membres du Gouvernement sont pénalement responsables des actes accomplis dans l'exercice de leurs fonctions et qualifiés crimes ou délits au moment où ils ont été commis. Ils sont jugés par la Cour de justice de la République. La Cour de justice de la République est liée par la définition des crimes et délits ainsi que par la détermination des peines telles qu'elles résultent de la loi.</p>		
17. Georgia	<p>Article 75 1. The President of Georgia shall enjoy personal immunity. While holding his/her position, his/her detention or proceeding shall be impermissible. 2. In case of violation of the Constitution and existence of signs of corpus delicti in the actions of the President, the Parliament shall be authorized to dismiss the President in accordance with a procedure prescribed by Article 63 of the Constitution and the Law.</p> <p>Article 63 1. In the cases envisaged in Paragraph 2 of Article 75, no less than one third of total members of the Parliament shall be authorized to start the case on dismissal of the President according to impeachment procedure. The question shall be delivered to the Constitutional Court of Georgia for conclusion. 2. If the Constitutional Court approves signs of corpus delicti in action of the</p>		<p>Article 52 (...) 2. Arrest or detention of a member of the Parliament, the search of his/her apartment, car, workplace or his/her person shall be permissible only by the consent of the Parliament, except in the cases when he/she is caught flagrante delicto which shall immediately be notified to the Parliament. Unless the Parliament gives the consent, the arrested or detained member of the Parliament shall immediately be released. 3. A member of the Parliament shall have the right not to testify on the fact disclosed to him/her as to a member of the Parliament. Seizure of written materials connected with this matter shall be impermissible. The right shall also be reserved to a member of the Parliament after the termination of his/her office. 4. A member of the Parliament shall not be proceeded on the account of the ideas and opinions expressed by him/her in and outside</p>	<p><u>H.E.P.</u> - political immunity (75) - criminal responsibility only if the Parliament approves signs of corpus delicti in action of the President or violation of the Constitution after the conclusions of the Constitutional Court.</p> <p><u>L.P.</u> - political immunity (52) - criminal responsibility only with the consent of the Parliament except for cases of flagrante delicto</p>

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	<p>President or violation of the Constitution, the Parliament shall discuss and vote the dismissal of the President according to impeachment procedures no later than 15 days after submission of the conclusion.</p> <p>3. The President shall be deemed as dismissed via impeachment procedure, if this decision is supported by no less than two third of all members of the Parliament.</p> <p>4. If the Parliament does not make the decision on dismissal of the President through impeachment procedure within the terms provided in Paragraph 2 hereof, commencement of impeachment procedure on the same question shall not be admitted.</p> <p>Impeachment procedure should not be implemented during the state of emergency or wartime.</p> <p>Article 64</p> <p>1. In case of the violation of the Constitution or/and commitment of the criminal offences, not less than one third of the total number of the members of the Parliament shall be entitled to raise the question about the dismissal in accordance with impeachment procedure of the President of the Supreme Court, members of the Government, the President of the Chamber of Control and members of the Council of National Bank. (10. 10. 2008. N 344)</p> <p>2. After having received the conclusion in accordance with a procedure envisaged in the second paragraph of Article 63, the Parliament shall be authorised to dismiss the officials listed in the first paragraph of the present Article by the majority of the total number of the members of the Parliament. The requirements of the fourth paragraph of Article 63 shall apply to such cases as well.</p>		<p>the Parliament while performing his/her duties. (...)</p> <p>6. The creation of impediments to the discharge of the duties by a member of the Parliament shall be punishable by law.</p> <p>2. The office of a member of the Parliament shall be pre-term terminated in the following cases:</p> <p>a. resignation from office by a personal application;</p> <p>b. a final judgment of conviction is rendered by a court against him/her;</p>	

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18. Germany	<p>Article 60. Appointment and dismissal of federal judges, federal civil servants and officers of the Article 60 [Appointment and dismissal of federal judges, federal civil servants and officers of the Armed Forces; prerogative of pardon] (...) (4) Paragraphs (2) to (4) of Article 46 shall apply mutatis mutandis to the Federal President.</p> <p>Article 61. Impeachment before the Federal Constitutional Court (1) The Bundestag or the Bundesrat may impeach the Federal President before the Federal Constitutional Court for wilful violation of the Basic Law or any other federal law. The motion for impeachment must have the support of at least one quarter of the Members of the Bundestag or one quarter of the votes of the Bundesrat. It must be carried by a majority of two thirds of the Members of the Bundestag or two thirds of the votes of the Bundesrat. The impeachment shall be pleaded by a representative of the impeaching body. (2) Should the Federal Constitutional Court find the Federal President guilty of a wilful violation of the Basic Law or any other federal law it may declare the office forfeited. After impeachment it may issue an injunction preventing the Federal President from performing the duties of office.</p>		<p>Article 46. Indemnity and immunity (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. (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.</p>	<p><u>H.E.P.</u> - immunity from prosecution(60) - criminal responsibility only with the permission of the Bundestag, unless he/she is caught in the act of committing the offence; - impeachment before the Federal Constitutional Court for wilful violation of the Basic Law or any other federal law</p> <p><u>L.P.</u> - immunity from prosecution (46) - indictment only with the permission of the Bundestag, unless he/she is caught in the act of committing the offence</p> <p><u>G.</u> - full criminal and political responsibility - however, members of government are often also MPs, thus they share in the immunity of L. P. under Article 46</p>
19. Greece	<p>Article 49 1. The President of the Republic shall in no case be held liable for acts performed in the discharge of his duties, except only for high treason or intentional violation of the Constitution. For acts not related to the discharge of his duties, prosecution shall be suspended until the expiration of the</p>	<p>Article 86 1. Only the Parliament has the power to take legal action against serving or former members of the Cabinet or Undersecretaries for criminal offences that they committed during the discharge of their duties, as specified by law. The institution of statutory ministerial offences is prohibited. 2. Prosecution, judicial inquiry, preliminary judicial</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. 2. A Member of Parliament may be prosecuted only for libel, according to the law, after leave has been granted by Parliament.</p>	<p><u>H.E.P.</u> - political immunity (49) - criminal responsibility only for high treason or intentional violation of the Constitution, with the consent of the Parliament held by a Special Court</p> <p><u>G.</u></p>

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	<p>presidential term.</p> <p>2. 2. A proposal to bring charges against and impeach the President of the Republic shall be submitted to Parliament signed by at least one-third of its members and shall require for its adoption a resolution by two-thirds majority of the total number of its members.</p> <p>3. 3. If the proposal is adopted, the President of the Republic shall be arraigned before the court specified in article 86, the provisions of which shall be accordingly applicable in this case.</p> <p>4. (...)</p> <p>Article 86</p> <p>1. Only the Parliament has the power to take legal action against serving or former members of the Cabinet or Undersecretaries for criminal offences that they committed during the discharge of their duties, as specified by law. The institution of statutory ministerial offences is prohibited.</p> <p>2. Prosecution, judicial inquiry, preliminary judicial inquiry or preliminary examination against the persons and offences specified in paragraph 1 shall not be permitted without a prior resolution of Parliament, in accordance with paragraph 3.</p> <p>If in the course of another judicial inquiry, preliminary judicial inquiry, preliminary examination or administrative inquiry evidence should arise which relates to the persons and offences of the preceding paragraph, these shall be promptly forwarded to Parliament by the person conducting the judicial inquiry, preliminary judicial inquiry or examination.</p> <p>(...)</p> <p>4. The competence for trying the relevant cases, in the first and last instance, lies with</p>	<p>inquiry or preliminary examination against the persons and offences specified in paragraph 1 shall not be permitted without a prior resolution of Parliament, in accordance with paragraph 3.</p> <p>If in the course of another judicial inquiry, preliminary judicial inquiry, preliminary examination or administrative inquiry evidence should arise which relates to the persons and offences of the preceding paragraph, these shall be promptly forwarded to Parliament by the person conducting the judicial inquiry, preliminary judicial inquiry or examination.</p>	<p>The Court of Appeals shall be competent to hear the case. Such leave is deemed to be conclusively denied if Parliament does not decide within forty-five days from the date the charges have been submitted to the Speaker. In case of refusal to grant leave or if the time-limit lapses without action, no charge can be brought for the act committed by the Member of Parliament.</p> <p>This paragraph shall be applicable as of the next parliamentary session.</p> <p>3. A Member of Parliament shall not be liable to testify on information given to him or supplied by him in the course of the discharge of his duties, or on the persons who entrusted the information to him or to whom he supplied such information.</p> <p>Article 62</p> <p>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.</p> <p>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>	<p>- criminal responsibility only with the consent of the Parliament held by a Special Court</p> <p><u>L.P.</u></p> <p>- criminal responsibility only with the consent of the Parliament held by a Special Court</p>

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	the Special Court , as highest in rank court; this is composed for each case by six members of the Supreme Administrative Court and seven members of the Supreme Court. (...)			
20. Hungary	<p>Article 13 (1) Criminal proceedings against the President of the Republic may be instituted only after the termination of his or her mandate. (2) If the President of the Republic willfully violates the Fundamental Law, or willfully violates any Act in connection with the exercise of his or her official functions, or if he or she commits a wilful criminal offence, one-fifth of all Members of Parliament may propose his or her removal from office. (3) A majority of two-thirds of the votes of all Members of Parliament shall be required to start impeachment proceedings. Voting shall be held by secret ballot. (4) The President of the Republic shall not exercise his or her powers in the period between the adoption of Parliament's decision to impeach and the conclusion of impeachment proceedings. (5) The Constitutional Court shall have the competence to conduct the impeachment proceedings. (6) If, as a result of its proceedings, the Constitutional Court establishes the responsibility of the President of the Republic under public law, it may remove the President of the Republic from office.</p>	<p>Article 17 (4) Members of the Government shall be answerable to Parliament for their actions, and Ministers shall be answerable to the Prime Minister. Members of the Government may attend and take the floor at sittings of Parliament. Parliament or a committee thereof may require Members of the Government to attend any of their sittings.</p>	<p>Article 4 (...) (2) Members of Parliament shall be entitled to immunity and to remuneration ensuring their independence. A cardinal Act shall specify the public offices which shall not be filled by Members of Parliament, and may stipulate other cases of conflict of interests. (...)</p>	<p><u>H.E.P.</u> - criminal responsibility only if he violates the Fundamental Law, or willfully violates any Act in connection with the exercise of his official actions, or a willful criminal offence. The proceedings are on the initiative of the Parliament pronounced by the Constitutional Court</p> <p><u>G.</u> - political responsibility (17)</p> <p><u>L.P.</u> - political immunity (4)</p>
21. Iceland	<p>Article 11 The President of the Republic is not responsible for executive acts. The same applies to those who exercise presidential authority. The President may not be prosecuted on a</p>	<p>Article 14 Ministers are responsible for all executive acts. The responsibility of Ministers is established by law. The Althingi may impeach Ministers on account of their official acts. The National Court of Impeachment decides such cases.</p>	<p>Article 49 While the Althingi is in session, no Member of the Althingi may be subjected to custody on remand nor to a criminal action being brought against him without the permission of the Althingi, unless he is caught in the</p>	<p><u>H.E.P.</u> - political immunity (11) - criminal responsibility only with the consent of the Althingi</p> <p><u>G.</u></p>

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	<p>criminal charge except with the consent of the Althingi. The President may be removed from office before his term expires if this is approved by a majority vote in a popular referendum called upon a demand of the Althingi, by a resolution approved by three-fourths of the Members. Such referendum shall then be held within two months after the adoption by the Althingi of such resolution. The President shall not perform his duties from the time the resolution is adopted by the Althingi until the results of the referendum are known. If the demand by the Althingi is not approved in the referendum, the Althingi shall forthwith be dissolved and new elections be called.</p>		<p>act of committing a crime. No Member of the Althingi may be called to account outside the Althingi for statements made by him within the Althingi, except with the permission of the Althingi.</p>	<p>- political responsibility (14) - national court of impeachment <u>L.P.</u> - criminal responsibility only with the consent of the Althingi except if they are caught in the act of committing a crime</p>
22. Ireland	<p>8. 1°The President shall not be answerable to either House of the Oireachtas or to any court for the exercise and performance of the powers and functions of his office or for any act done or purporting to be done by him in the exercise and performance of these powers and functions. 2 The behaviour of the President may, however, be brought under review in either of the Houses of the Oireachtas for the purposes of section 10 of Article 12 of this Constitution, or by any court, tribunal or body appointed or designated by either of the Houses of the Oireachtas for the investigation of a charge under section 10 of the said Article.</p>	<p>4. 1°The Government shall be responsible to Dáil Éireann. 2°The Government shall meet and act as a collective authority, and shall be collectively responsible for the Departments of State administered by the members of the Government.</p>	<p>13. The members of each House of the Oireachtas shall, except in case of treason as defined in this Constitution, felony or breach of the peace, be privileged from arrest in going to and returning from, and while within the precincts of, either House, and shall not, in respect of any utterance in either House, be amenable to any court or any authority other than the House itself.</p>	<p><u>H.E.P.</u> - political immunity (8) - criminal responsibility: he can be impeached by the Houses of the Oireachtas for stated misbehavior <u>G.</u> - political responsibility to Dail Eireann <u>L.P.</u> - criminal responsibility only for treason, felony or breach of the peace held by the House of the Oireachtas in which he is a member</p>
23. Italy	<p>Article 90 The President of the Republic is not responsible for the acts performed in the exercise of his duties, except for high treason or plots against the Constitution. In such cases he is impeached by Parliament in joint session, with an absolute majority of its members.</p>	<p>Article 95 The President of the Council conducts the general policy of the government and is responsible for it. He ensures unity in political and administrative policies, promoting and coordinating the activity of the Ministers. The Ministers are collectively responsible for the acts of the Council of Ministers, and individually for the acts in their own Ministries.</p>	<p>Article 68 Members of parliament may not be required to give account of any opinions expressed or votes cast in the exercise of their functions. Without authorisation from the House to which they belong, no member of parliament may be subjected to a personal search or have their domicile searched, neither may they be arrested or otherwise</p>	<p><u>H.E.P.</u> - political immunity for acts performed in the exercise of his duties - criminal responsibility for high treason or plots against the Constitution with the consent of the Parliament <u>G.</u> - criminal responsibility for crimes</p>

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		<p>The law establishes the rules of the Presidency of the Council and establishes the number, competence and organisation of the ministries. (*)</p> <p>The President of the Council of Ministers and the Ministers, even if they resign from office, are subject, for crimes committed in the exercise of their duties, to normal justice, provided authorisation is given by the Senate of the Republic or the Chamber of Deputies, in accordance with the norms established by Constitutional Law.</p>	<p>deprived of personal freedom, or kept in detention, except to enforce a final conviction, or if caught in the act of committing a crime for which arrest is mandatory.</p> <p>Similar authorisation is also required before members of parliament may have their conversations or communications intercepted, or their mail impounded.</p>	<p>committed in the exercise of their duties to normal justice with the authorisation of the Chamber of Deputies or the Senate</p> <p><u>L.P.</u> - political immunity (68) - criminal responsibility with the authorisation of the House to which they belong</p>
24. Latvia	<p>51. Upon the proposal of not less than half of all of the members of the Saeima, the Saeima may decide, in closed session and with a majority vote of not less than two-thirds of all of its members, to remove the President from office.</p> <p>53. Political responsibility for the fulfilment of presidential duties shall not be borne by the President. All orders of the President shall be jointly signed by the Prime Minister or by the appropriate Minister, who shall thereby assume full responsibility for such orders except in the cases specified in Articles forty-eight and fifty-six.</p> <p>54. The President may be subject to criminal liability if the Saeima consents thereto by a majority vote of not less than two-thirds.</p>		<p>28. Members of the Saeima may not be called to account by any judicial, administrative or disciplinary process in connection with their voting or their views as expressed during the execution of their duties. Court proceedings may be brought against members of the Saeima if they, albeit in the course of performing parliamentary duties, disseminate:</p> <ol style="list-style-type: none"> 1) defamatory statements which they know to be false, or 2) defamatory statements about private or family life. <p>29. Members of the Saeima shall not be arrested, nor shall their premises be searched, nor shall their personal liberty be restricted in any way without the consent of the Saeima. Members of the Saeima may be arrested if apprehended in the act of committing a crime. The Presidium shall be notified within twenty-four hours of the arrest of any member of the Saeima; the Presidium shall raise the matter at the next sitting of the Saeima for decision as to whether the member shall continue to be held in detention or be released. When the Saeima is not in session, pending the opening of a session, the Presidium shall</p>	<p><u>H.E.P.</u> - political immunity (53) -criminal responsibility only with the consent of the Saeima.</p> <p><u>L.P.</u> - political immunity (28) - criminal responsibility only with the consent of Saeima except for arrest in the act of committing a crime</p>

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			decide whether the member of the Saeima shall remain in detention. 30. Without the consent of the Saeima, criminal prosecution may not be commenced and administrative fines may not be levied against its members.	
25. Liechtenstein	<p>Article 7 1) The Prince Regnant is the Head of State and shall exercise his sovereign authority in conformity with the provisions of the present Constitution and of the other laws. 2) The Prince Regnant is not subject to the jurisdiction of the courts and does not have legal responsibility. The same applies to any member of the Princely House who exercises the function of head of state in accordance with Art. 13bis.1.</p> <p>Article 92 1) The Government shall be responsible for the execution of all laws and of all such tasks as may be lawfully entrusted to it by the Prince Regnant or the Diet. To give effect to the laws, it shall issue the necessary implementation regulations which must, however, remain within the limits of the said laws.</p>	<p>Article 92 1) The Government shall be responsible for the execution of all laws and of all such tasks as may be lawfully entrusted to it by the Prince Regnant or the Diet. To give effect to the laws, it shall issue the necessary implementation regulations which must, however, remain within the limits of the said laws.</p>	<p>Article 56 1) No Representative may be arrested while the Diet is in session without the assent of that body unless he is apprehended in flagrante delicto. 2) In the latter case, the arrest and the grounds therefore must be notified forthwith to the Diet, which shall decide whether the arrest is to be sustained. All papers relating to the case must be placed immediately at the disposal of the Diet if it so requests. 3) If a Representative is arrested at a time when the Diet is not in session, the National Committee must be notified forthwith, and informed at the same time of the grounds for the arrest.</p> <p>Article 57 1) The members of the Diet shall vote solely according to their oath and their convictions. They shall never be made to answer for their votes; for their utterances at sittings of the Diet or its committees, they shall be responsible to the Diet alone and can never be sued before a court of justice in respect thereof. 2) The exercise of disciplinary powers shall be regulated by rules of procedure to be issued hereafter.</p>	<p><u>H.E.P.</u> -political immunity; irresponsibility (7)</p> <p><u>G.</u> - political responsibility (92) - responsibility which may lead to impeachment: according to Articles 28 ff. of the law on the State Court, the Ministers are responsible if they breach the Constitution or other laws during their official activity. The indictment is made by Parliament before the State (Constitutional) Court.</p> <p><u>L.P.</u> - political immunity (57) - criminal responsibility only with the consent of the Diet</p>
26. Lithuania	<p>Article 74 For gross violation of the Constitution, breach of oath, or upon the disclosure of the commitment of felony, the Seimas may, by three-fifths majority vote of all the Seimas members, remove from</p>	<p>Article 100 The Prime Minister and Ministers may not be prosecuted, arrested or have their freedoms restricted in any other way without the preliminary consent of the Seimas, or, if the</p>	<p>Article 62 The person of a Seimas member shall be inviolable. Seimas members may not be found criminally responsible, may not be</p>	<p><u>H.E.P.</u> - Impeachment for gross violation of the Constitution, breach of oath, or upon the disclosure of the commitment of felony after initiative of the Seimas.</p>

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	<p>office the President of the Republic, the Chairperson and judges of the Constitutional Court, the Chairperson and judges of the Supreme Court, the Chairperson and judges of the Court of Appeals, as well as Seimas members, or may revoke their mandate of Seimas member. Such actions shall be carried out in accordance with impeachment proceedings which shall be established by the Statute of the Seimas.</p> <p>Article 86 The person of the President of the Republic shall be inviolable: while in office, the President may neither be arrested nor charged with criminal or administrative proceedings. The President of the Republic may be prematurely removed from office only for gross violation of the Constitution, breach of the oath of office, or conviction of an offence. The Seimas shall resolve issues concerning the dismissal of the President of the Republic from office according to impeachment proceedings.</p> <p>Article 105 The Constitutional Court shall present conclusions concerning: 4) the compliance with the Constitution of concrete actions of Seimas members or other State officers against whom impeachment proceedings have been instituted.</p>	<p>Seimas is not in session, of the President of the Republic.</p>	<p>arrested, and may not be subjected to any other restriction of personal freedom without the consent of the Seimas. Seimas members may not be persecuted for voting or speeches in the Seimas. However, legal actions may be instituted against Seimas members according to the general procedure if they are guilty of personal insult or slander.</p> <p>Article 73 Seimas controllers shall examine complaints of citizens concerning the abuse of powers by, and bureaucracy of, State and local government officers (with the exception of judges). Controllers shall have the right to submit proposals to the court to dismiss guilty officers from their posts. The powers of the Seimas controllers shall be established by law. As necessary, the Seimas shall also establish other institutions of control. The system and powers of said institutions shall be established by law.</p> <p>Article 74 For gross violation of the Constitution, breach of oath, or upon the disclosure of the commitment of felony, the Seimas may, by three-fifths majority vote of all the Seimas members, remove from office <...> Seimas members, or may revoke their mandate of Seimas member. Such actions shall be carried out in accordance with impeachment proceedings which shall be established by the Statute of the Seimas.</p> <p>Article 75 Officers appointed or chosen by the Seimas (with the exception of persons specified in Article 74) shall be removed from office when</p>	<p>- the Constitutional Court issues conclusions on whether the specific acts carried out by the President of the Republic are in conflict with the Constitution.</p> <p><u>G.</u> - Criminal responsibility only after the consent of the Seimas or, if the Seimas is not in session, of the President of the Republic.</p> <p><u>L.P.</u> - Criminal responsibility only after the consent of the Seimas - Impeachment for gross violation of the Constitution, breach of oath, or upon the disclosure of the commitment of felony after initiative of the Seimas. - The Constitutional Court issues conclusions on whether the specific acts carried out by the President of the Republic are in conflict with the Constitution.</p>

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			<p>the Seimas, by majority vote of all the members, expresses non-confidence in the officer in question.</p> <p>Article 105 The Constitutional Court shall present conclusions concerning: (4) the compliance with the Constitution of concrete actions of Seimas members or other State officers against whom impeachment proceedings have been instituted.</p>	
27. Luxembourg	<p>Article 4 La personne du Grand-Duc est inviolable.</p>	<p>Article 68 (Révision du 1er juin 2006) Aucune action, ni civile, ni pénale, ne peut être dirigée contre un député à l'occasion des opinions et votes émis par lui dans l'exercice de ses fonctions.</p> <p>Article 69 A l'exception des cas visés par l'article 68, les députés peuvent être poursuivis en matière pénale, même durant la session. Cependant, l'arrestation d'un député pendant la durée de la session est, sauf le cas de flagrant délit, soumise à l'autorisation préalable de la Chambre. L'autorisation de la Chambre n'est pas requise pour l'exécution des peines, même celles privatives de liberté, prononcées à l'encontre d'un député.</p>		<p><u>H.E.P.</u> - political immunity (4)</p> <p><u>L.P.</u> - Criminal responsibility: The deputies can be arrested only with the consent of the Chamber (except for arrest in the act of committing a crime).</p>
28. Malta			<p>Powers and Procedure of Parliament Power to make laws. 65 (1) Subject to the provisions of this Constitution, Parliament may make laws for the peace, order and good government of Malta. (2) Without prejudice to the generality of sub-article (1) and subject to the provisions of sub-articles (3), (4) and (5) of this article, Parliament may by law determine the privileges, immunities and powers of the House of Representatives and the members thereof.</p>	<p><u>L.P.</u> - no criminal responsibility for words before or 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. - immunity from arrest during the session</p>

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			<p>(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.</p> <p>(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.</p> <p>(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.</p>	
29. Republic of Moldova	<p>Article 81 (2) The President of the Republic of Moldova enjoy immunity. He cannot be held legally responsible for opinions expressed while in the execution of his mandate. (3) Based on the majority of at least two thirds of the votes cast by its members, Parliament may decide to indict the President of the Republic of Moldova if the latter commits an offense. In such a case it is the Supreme Court of Justice which has the competence to sue under the rule of law, and the President will be removed from office on the very day that the court sentence convicting him has been passed as definitive.</p>		<p>Article 70 (3) The Parliament member may not be apprehended, arrested, searched or sued at law, except for the cases of flagrant misdemeanour, without the prior consent of the Parliament and after hearing of the member in question.</p> <p>Article 71 Members of Parliament may not be prosecuted or tried by law for their votes or opinions expressed in the exercise of their mandate.</p>	<p><u>H.E.P.</u> - criminal responsibility after the vote of parliament. - The Supreme Court of Justice is the competent body.</p> <p><u>L.P.</u> - criminal responsibility only after the consent of the Parliament (except for arrest in the act of committing a crime)</p>
30. Monaco	<p>Article 3 Le pouvoir exécutif relève de la haute autorité du Prince. La personne du Prince est inviolable.</p>			
31. Montenegro	<p>Article 98 The mandate of the President of Montenegro shall end with the expiry of time for which he/she</p>	<p>Article 86 Member of the Parliament shall enjoy immunity. Member of the Parliament shall not be called to</p>	<p>Article 105 The Government and the member of the Government may resign from duty.</p>	<p><u>H.E.P.</u> Criminal responsibility, after the initiative of the parliament for a violation of the</p>

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	<p>was elected, by resignation, if he/she is permanently unable to perform the duty of the President and by impeachment. The President shall be held responsible for the violation of the Constitution. The procedure to determine whether the President of Montenegro has violated the Constitution shall be initiated by the Parliament, at the proposal of minimum 25 Members of the Parliament. The Parliament shall submit the proposal to initiate the procedure to the President of Montenegro for plead. The Constitutional Court shall decide on existence or non-existence of violation of the Constitution and shall publish the decision and submit it to the Parliament and the President of Montenegro without delay. The Parliament may impeach the President of Montenegro when the Constitutional Court finds that he/she has violated the Constitution.</p>	<p>criminal or other account or detained because of the expressed opinion or vote in the performance of his/her duty as a Member of the Parliament. No penal action shall be taken against and no detention shall be assigned to a Member of the Parliament, without the consent of the Parliament, unless the Member has been caught performing a criminal offense for which there is a prescribed sentence of over five years of imprisonment. 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</p>	<p>Resignation of the Prime Minister shall be considered the resignation of the Government. The Prime Minister may propose to the Parliament to impeach a member of the Government.</p>	<p>constitution. The Constitutional Court will decide on the existence of the violation. If a violation has occurred, the Parliament may impeach the President of Montenegro.</p> <p><u>G.</u> The Prime Minister may propose to the Parliament to impeach a member of the Government.</p> <p><u>L.P.</u> - criminal responsibility only after the consent of the Parliament (except for arrest in the act of committing a crime)</p>
32. Netherlands			<p>Article 42 1. The Government shall comprise the King and the Ministers. 2. The Ministers, and not the King, shall be responsible for acts of government</p> <p>Article 71 Members of the States General, Ministers, State Secretaries and other persons taking part in deliberations may not be prosecuted or otherwise held liable in law for anything they say during the sittings of the States General or of its committees or for anything they submit to them.</p>	<p><u>G.</u> Offences committed by Members of the States General, Ministers, Secretaries of State, in the exercise of their mandate are adjudicated by the Supreme Court (Hoge Raad) after the initiative of the Lower House or of the King.</p>
33. Norway	<p>Article 5 The King's person is sacred; he cannot be censured or accused. The responsibility rests with his Council.</p>	<p>Article 66 Representatives on their way to and from the Storting (Parliament), as well as during their attendance there, shall be exempt from personal arrest, unless they are apprehended</p>	<p>Article 86 The Court of Impeachment pronounces judgment in the first and last instance in such proceedings as are brought by the Storting against Members of the Council of State or of</p>	<p><u>H.E.P.</u> Immunity (total)</p> <p><u>G.</u> (Council of State)</p>

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		<p>in public crimes, nor may they be called to account outside the meetings of the Storting for opinions expressed there. Every representative shall be bound to conform to the rules of procedure therein adopted.</p>	<p>the Supreme Court or of the Storting for criminal or other unlawful conduct in cases where they have breached their constitutional obligations. The specific rules concerning indictment by the Storting in accordance with this Article shall be determined by law. However, the limitation period for the institution of indictment proceedings before the Court of Impeachment may not be set at less than 15 years. The judges of the Court of Impeachment comprise six Members elected by the Storting and the five longest-serving, permanently appointed Members of the Supreme Court, including the President of the Supreme Court. The Storting elects the Members and their deputies for a period of six years. A Member of the Council of State or of the Storting may not be elected as a Member of the Court of Impeachment. In the Court of Impeachment the President of the Supreme Court shall preside. Any person sitting in the Court of Impeachment who has been elected by the Storting shall not lose his seat in the Court if the period for which he is elected expires before the Court of Impeachment has concluded the proceedings in the case. Nor shall a Justice of the Supreme Court who is a Member of the Court of Impeachment lose his seat in the Court, even if he resigns as a Member of the Supreme Court.</p>	<p>The Court of Impeachment pronounces judgment in the first and last instance, after the initiative of the parliament, against Members of the Council of State or of the Supreme Court or of the Storting for criminal or other unlawful conduct in cases where they have breached their constitutional obligations.</p> <p><u>L.P.</u> They can be arrested only if caught in the act of committing a crime</p>

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34. Poland	<p>Article 145 1. The President of the Republic may be held accountable before the Tribunal of State for an infringement of the Constitution or statute, or for commission of an offence. 2. Bringing an indictment against the President of the Republic shall be done by resolution of the National Assembly passed by a majority of at least two-thirds of the statutory number of members of the National Assembly, on the motion of at least 140 members of the Assembly. 3. On the day on which an indictment, to be heard before the Tribunal of State, is brought against the President of the Republic, he shall be suspended from discharging all functions of his office. The provisions of Article 131 shall apply as appropriate.</p> <p>Article 198 1. For violations of the Constitution or of a statute committed by them within their office or within its scope, the following persons shall be constitutionally accountable to the Tribunal of State: the President of the Republic, the Prime Minister and members of the Council of Ministers, the President of the National Bank of Poland, the President of the Supreme Chamber of Control, members of the National Council of Radio Broadcasting and Television, persons to whom the Prime Minister has granted powers of management over a ministry, and the Commander-in-Chief of the Armed Forces. 2. Deputies and Senators shall also be constitutionally accountable to the Tribunal of State to extent specified in Article 107. 3. The types of punishment which the Tribunal of State may impose shall be specified by statute.</p>	<p>Article 105 1. A Deputy shall not be held accountable for his activity performed within the scope of a Deputy's mandate during the term thereof nor after its completion. Regarding such activities, a Deputy can only be held accountable before the Sejm and, in a case where he has infringed the rights of third parties, he may only be proceeded against before a court with the consent of the Sejm. 2. From the day of announcement of the results of the elections until the day of the expiry of his mandate, a Deputy shall not be subjected to criminal accountability without the consent of the Sejm. 3. Criminal proceedings instituted against a person before the day of his election as Deputy, shall be suspended at the request of the Sejm until the time of expiry of the mandate. In such instance, the statute of limitation with respect to criminal proceedings shall be extended for the equivalent time. 4. A Deputy may consent to be brought to criminal accountability. In such instance, the provisions of paras. 2 and 3 shall not apply. 5. A Deputy shall be neither detained nor arrested without the consent of the Sejm, except for cases when he has been apprehended in the commission of an offence and in which his detention is necessary for securing the proper course of proceedings. Any such detention shall be immediately communicated to the Marshal of the Sejm, who may order an immediate release of the Deputy. 6. Detailed principles of and procedures for bringing Deputies to criminal accountability shall be specified by statute.</p>	<p>Article 156 1. The members of the Council of Ministers shall be accountable to the Tribunal of State for an infringement of the Constitution or statutes, as well as for the commission of an offence connected with the duties of his office. 2. On the motion of the President of the Republic or at least 115 Deputies, resolution to bring a member of the Council of Ministers to account before the Tribunal of State shall be passed by the Sejm by a majority of three-fifths of the statutory number of Deputies.</p>	<p><u>H.E.P.</u> Criminal responsibility, after the initiative of the parliament for a violation of the constitution. The Tribunal of State will decide on the existence of the violation.</p> <p><u>G.</u> Criminal responsibility, after the initiative of the lower chamber of parliament for a violation of the constitution or statutes. The Tribunal of State will decide on the existence of the violation.</p> <p><u>L.P.</u> -criminal responsibility only after the consent of the Parliament</p>
35. Portugal	<p>Article 130 (Criminal liability) 1. The President of the Republic answers</p>	<p>Article 117 (Statutes governing political officeholders)</p>	<p>Article 196 (Implementation of criminal liability of members of the Government)</p>	<p><u>H.E.P.</u> - Criminal responsibility for crime</p>

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	<p>before the Supreme Court of Justice for crimes committed in the exercise of his functions.</p> <p>2. Proceedings may only be initiated by the Assembly of the Republic, upon a motion subscribed by one fifth and a decision passed by a two-thirds majority of all the Members of the Assembly of the Republic in full exercise of their office.</p> <p>3. Conviction implies removal from office and disqualification from re-election.</p> <p>4. For crimes that are not committed in the exercise of his functions, the President of the Republic answers before the common courts, once his term of office has ended.</p>	<p>1. Political officeholders are politically, civilly and criminally liable for their actions and omissions in the exercise of their functions.</p> <p>2. The law shall make provision for the duties, responsibilities, liabilities and incompatibilities of political officeholders and the consequences of any breach thereof, together with their rights, privileges and immunities.</p> <p>3. The law shall lay down the special crimes for which political officeholders may be held liable, together with the applicable sanctions and the effects thereof, which may include removal from office or loss of seat.</p> <p>Article 157 (Immunities)</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> <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 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</p>	<p>1. No member of the Government may be detained, arrested or imprisoned without the authorization of the Assembly of the Republic, save for a wilful crime punishable by imprisonment for a maximum term of more than three years and in flagrante delicto.</p> <p>2. In the event that criminal proceedings are brought against any member of the Government and he is definitively charged, the Assembly of the Republic shall decide whether or not the member of the Government must be suspended so that the proceedings can take their course. In the case of a crime of the type referred to in the previous paragraph, the decision to suspend is obligatory.</p>	<p>committed in the exercise of his functions, after the initiative of the parliament. The Supreme Court will decide on the existence of the crimes.</p> <p>- Criminal responsibility for crime not committed in the exercise of his functions. The common court will decide at the end of his mandate.</p> <p><u>G.</u> Criminal responsibility, after the consent of the Parliament (except for arrest in the act of committing a crime; for a crime punishable by imprisonment for a maximum term of more than 3 years, the consent is compulsory)</p> <p><u>L.P.</u> - criminal responsibility only after the consent of the Parliament (except for arrest in the act of committing a crime)</p>

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		<p>in the previous paragraphs, the Assembly shall obligatorily decide to suspend the Member.</p> <p>Article 160 (Loss and resignation of seat)</p> <p>1. Members of the Assembly of the Republic shall lose their seat in the event that:</p> <p>d) They are convicted by a court of any of the special crimes for which political officeholders may be held liable, which they commit in the exercise of their functions and for which they are sentenced to such loss, or they are convicted of participating in organisations that are racist or display a fascist ideology.</p>		
36. Romania	<p>Article 84 Immunities</p> <p>(2) The President of Romania shall enjoy immunity. The provisions of Article 72 paragraph (1) shall apply accordingly.</p> <p>Article 95 Suspension from Office</p> <p>(1) In case of having committed grave acts breaching on provisions of the Constitution, the President of Romania may be suspended from office by the Chamber of Deputies and the Senate, in joint session, by a majority vote of Deputies and Senators, and after consultation with the Constitutional Court. The President may explain before Parliament with regard to imputations brought against him.</p> <p>(2) The proposal of suspension from office may be initiated by at least one third of the number of Deputies and Senators, and the President shall be immediately notified thereof.</p> <p>(3) If the proposal of suspension from office has been approved, a referendum shall be held within thirty days, in order to remove the President from office.</p> <p>Article 96 Impeachment</p> <p>(1) The Chamber of Deputies and the Senate may decide the impeachment of the President of Romania for high treason, in a</p>	<p>Article 72 Parliamentary Immunity</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> <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 detainment and search. If, after being notified, the Chamber in question finds there are no grounds for the detainment, it shall order the annulment of such measure at once.</p>	<p>Article 109 Responsibility of Members of the Government</p> <p>(1) The Government is politically answerable for its entire activity only before Parliament. Each member of the Government is politically and jointly answerable with the others for the activity and Acts of the Government.</p> <p>(2) It is only the Chamber of Deputies, the Senate and the President of Romania that shall have the right to demand criminal proceedings be taken against members of the Government for acts committed in the exercise of their office. If such criminal proceedings have been requested, the President of Romania may decree that they be suspended from office. Indictment of a member of the Government entails his suspension from office. The case shall be within the jurisdiction of the High Court of Cassation and Justice.</p> <p>(3) Cases of liability, and penalties applicable to members of the Government shall be regulated by a Law on Ministerial responsibility.</p>	<p><u>H.E.P.</u></p> <p>- Suspension from office for grave violation of the Constitution after initiative of the parliament, after consultation with the Constitutional Court.</p> <p>If the proposal of suspension from office has been approved, a referendum shall be held within thirty days, in order to remove the President from office.</p> <p>- Impeachment for high treason after the initiative of the Parliament. The High Court of Cassation and Justice will decide on the existence of the crimes.</p> <p><u>G.</u></p> <p>-Political responsibility only before the parliament.</p> <p>-Criminal responsibility only after the consent of any Chamber of Parliament or the Presidnet of the Republic.</p> <p>-The case shall be within the jurisdiction of the High Court of Cassation and Justice.</p> <p><u>L.P.</u></p> <p>Criminal responsibility only carried out by the Public Prosecutor's Office</p>

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	<p>joint session, based on the votes of at least two thirds of the number of Deputies and Senators.</p> <p>(2) The impeachment proposal may be initiated by a majority of Deputies and Senators and shall, without further delay, be notified to the President of Romania, so that he can give explanations about the facts he is being held accountable for.</p> <p>(3) From the impeachment date and up to the dismissal date, the President is under de jure suspension.</p> <p>(4) The jurisdiction for trying such cases shall belong to the High Court of Cassation and Justice. The President shall be dismissed de jure on the date his conviction by the court decision is final.</p>			attached to the High Court of Cassation and Justice.
37. Russian Federation	<p>Article 91 The President of the Russian Federation shall enjoy immunity</p> <p>Article 93 1. The President of the Russian Federation may be removed from office by the Council of the Federation only upon accusation of treason or other high crimes put forward by the State Duma and confirmed by a conclusion of the Supreme Court of the Russian Federation on the presence of indications of a crime in the President's action, and a conclusion of the Constitutional Court as regards the observance of the established procedure for bringing charges against the President of the Russian Federation. 2. The decision of the State Duma on bringing charges and the decision of the Council of the Federation on the removal of the President from his office shall be adopted by two thirds of the total of the votes in each chamber on the</p>	<p>Article 98 1. Deputies of the Council of the Federation and of the State Duma shall enjoy immunity for the whole term of office. Deputies must not be detained, arrested or searched, unless they are caught in the act. They must not be subjected to personal examination unless it is established by federal law to provide the safety of other persons. 2. A deputy may be deprived of his immunity upon a notification of the General Procurator of the Russian Federation by the respective chamber of the Federal Assembly.</p>		<p><u>H.E.P.</u> Impeachment for high treason after the initiative of the Council of the Federation and the Duma. The Supreme Court of the Russian Federation will decide on the existence of the violations. The Constitutional Court will issue a conclusion as regards the observance of the established procedure for bringing charges against the President of the Russian Federation.</p> <p><u>L.P.</u> Immunity. They can be arrested only if caught in the act of committing a crime.</p>

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	<p>initiative of not less than one third of the deputies of the State Duma and provided there is a conclusion of a special commission formed by the State Duma.</p> <p>3. The decision of the Council of the Federation on the removal of the President from his office shall be adopted not later than 3 months after the charges against the President were brought by the State Duma. The charges against the President shall lapse if the decision of the Council of the Federation is not adopted within this period.</p>			
38. San Marino	<p>Law of 8 July 1974, n. 59 (Declaration of the rights of the citizens and of the fundamental principles of the Sammarinese legal order), as modified in the last instance by the Law of 26 February 2002, n. 36 (hereafter “1974 Declaration of rights and principles”) Art. 3, 6th indent [...] A constitutional law shall determine the immunities and responsibilities of the Regency [...]</p> <p>Constitutional Law of 16 December 2005, n. 185, on the Captains Regent Article 7 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</p> <p>Qualified Law of 25 April 2003, n. 55, on the organization, incompatibilities, functioning, forms of action and proceedings, and on the effect of the decisions of the College for the Guarantee of the Constitutionality of Norms</p>	<p>1974 Declaration of rights and principles Art. 3, 11th indent [...] The Congress of States has the governmental power according to the principles of collegiality and accountability. It is politically accountable before the Great and General Council, to which it is answerable both as a college and individually based on the provisions of a constitutional law. [...]</p> <p>Constitutional Law of 15 December 2005, n. 183 on the Congress of State Article 1 § 3 3. The Congress of State is accountable as a college to the Great and General Council for the implementation of the government’s programme, with due respect for the political guidelines established in the relationship of confidence with the Great and General Council. Article 3 § 4-5 [...] 4. If a motion of no confidence is voted and approved [by the Great and General Council], the Congress of State must resign. 5. If a motion of no confidence is voted and approved in a single Secretary of State, s/he must resign. The vote of no confidence in a single Secretary of State does not entail the duty of the Congress to resign as a whole. [...]</p>	<p>1974 Declaration of rights and principles Art. 3, 8th indent [...] A qualified law shall regulate the responsibilities and immunities of the members of the Great and General Council. [...]</p> <p>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.</p> <p>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</p>	<p><u>Free translation.</u> Key aspect: Italian uses the same term (“responsabile”, “responsabilità”) for the several meanings that have been here rendered with “accountability” and “liability”</p> <p><u>Constitutional laws:</u> must be voted by 2/3 of the members of the Great and General Council, or absolute majority + referendum <u>Qualified laws:</u> laws passed by absolute majority of the members of the Great and General Council (the Rules of the House are adopted and amended by the same procedure). <u>H.E.P.</u> <u>Immunity during the mandate.</u></p> <p><u>G.</u> No immunity, criminal liability has to be ascertained before ordinary courts.</p> <p><u>L.P.</u> Immunity for opinions, judgments or statement made within the Council/for votes.</p>

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	<p>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 <i>Leges Statutae</i>. 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. [...]</p>	<p>Article 8 1. The components of the Congress of State are accountable before the Great and General Council as a college, in addition to being individually accountable for the acts of their department, for the exercise of the powers and attributions conferred on them by the law. 2. This is without prejudice for civil liabilities (wilful misconduct or gross negligence) and for administrative liabilities, incurred for individual or collegial acts or omissions of the components of the Congress of State, save where they have an exclusively political nature, and for criminal liabilities of single Secretaries of State, to be ascertained before ordinary courts.</p>		
39. Serbia	<p>Article 118. Dismissal The President of the Republic shall be dismissed for the violation of the Constitution, upon the decision of the National Assembly, by the votes of at least two thirds of deputies. Procedure for the dismissal may be initiated by the National Assembly, upon the proposal of at least two thirds of deputies. The Constitutional Court shall have the obligation to decide on the violation of the Constitution, upon the initiated procedure for dismissal, not later than within 45 days.</p> <p>Article 119. Immunity The President of the Republic shall enjoy the immunity as a deputy. The National Assembly shall decide on the immunity of the President of the Republic</p>	<p>Article 103. Immunity of deputies Deputies shall enjoy immunity. Deputies may not accept criminal or other liability for the expressed opinion or cast vote in performing the deputy's function. Deputy who uses his/her immunity may not be detained, nor may he or she be involved in criminal or other proceedings in which prison sentence may be pronounced, without previous approval by the National Assembly. Deputy found in the act of committing any criminal offence for which the prison sentence longer than five years is not envisaged, may be detained without previous approval by the National Assembly. There shall be no deadlines stipulated for the criminal or other proceedings in which the immunity is established. Failure to use the immunity shall not exclude the right of the National Assembly to establish the immunity.</p>	<p>Article 134. Immunity of the President and member of the Government The Prime Minister and the member of the Government shall not be held accountable for opinions expressed at sittings of the Government and sessions of the National Assembly, or for the cast vote at the sittings of the Government. The Prime Minister and the member of the Government shall enjoy immunity as a deputy. The Government shall decide on the immunity of the Prime Minister and the member of the Government.</p>	<p><u>H.E.P.</u> Impeachment for high treason after initiative of the parliament. The Constitutional Court will decide on the existence of the crimes.</p> <p><u>G.</u> Immunity as a deputy. The Government shall decide on the immunity of the Prime Minister and the member of the Government.</p> <p><u>L.P.</u> Criminal responsibility only after the consent of the Parliament (they can be arrested if caught in the act of committing a crime)</p>
40. Slovak Republic	<p>Article 107 The President may be prosecuted only for a wilful infringement of the Constitution or for treason. The National Council of the Slovak Republic shall decide on the bringing of a</p>	<p>Article 78 (1) No Member of Parliament shall be prosecuted for his voting in the National Council of the Slovak Republic or in its committees, not even after expiration of his or her mandate.</p>		<p><u>H.E.P.</u> Impeachment for high treason after initiative of the parliament. The Constitutional Court will decide on the existence of the crimes.</p>

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	<p>prosecution on a President by a three-fifth majority of all Members of Parliament. The National Council of the Slovak Republic shall file the prosecution to the Constitutional Court of the Slovak Republic, which shall decide on it in plenary session. A condemning decision of the Constitutional Court of the Slovak Republic shall mean the loss of the presidential post and of the eligibility to regain this post.</p>	<p>(2) No Member of Parliament shall be prosecuted for statements presented in duration of the post in the National Council of the Slovak Republic or in its body, not even after expiration of his or her mandate. The Member of Parliament is subject to disciplinary powers of the National Council of the Slovak Republic.</p> <p>(3) No criminal prosecution or disciplinary proceedings may be initiated against a Member of National Council, and s/he may not be taken into custody, without the consent of the National Council of the Slovak Republic; offences which are stipulated by law however may be enforced. If the National Council of the Slovak Republic denies its consent, criminal prosecution, or taking into custody is ruled out during the term of the mandate. In such case, the statute of limitations does not apply during the exercise of the mandate.</p> <p>(4) If a Member of Parliament has been detained while committing a criminal offence, the competent body shall be obliged to notify the President of the National Council of the Slovak Republic immediately. If the Mandate and Immunity Committee of the National Council of the Slovak Republic does not approve the arrest consequently, the Member of Parliament must be released immediately.</p> <p>(5) In duration of the arrest, the mandate of a Member of Parliament is not terminated but shall not be exercised.</p>		<p><u>G. and L.P.</u> Criminal responsibility only after the consent of the National Council.</p>
41. Slovenia	<p>Article 109. Accountability of the President of the Republic If, in the course of carrying out his office, the President of the Republic acts in a manner contrary to this Constitution or commits a serious breach of the law, he may be brought before the Constitutional Court upon the complaint of the National Assembly. The Constitutional Court shall determine whether the complaint of the National</p>	<p>Article 83. Immunity of Deputies of the National Assembly A Deputy of the National Assembly shall not be held liable under the criminal law for any opinion expressed or for any vote cast at any sitting of the National Assembly or of any of its Committees or duly constituted organs. A Deputy relying on such parliamentary immunity may not be arrested or detained, nor have any criminal proceedings instituted against him, without</p>	<p>Article 119. Charges against the Prime Minister or against any Minister of State The National Assembly may bring the Prime Minister or any Minister of State before the Constitutional Court to answer charges relating to breaches of this Constitution or of statute committed during the performance of office. Any such charge shall be determined by the Constitutional Court pursuant to the provisions of Article 109 hereof.</p>	<p><u>H.E.P.</u> - immunity except for acts in a manner contrary to the Constitution or commits a serious breach of the law, competence of the Constitutional Court, initiative of the National Assembly</p> <p><u>G.</u> - The National Assembly may bring the Prime Minister or any Minister of State</p>

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	<p>Assembly is well-founded and, if not, shall dismiss the same. If the complaint is determined to be well-founded, the President of the Republic may be dismissed from office upon the vote of no less than two-thirds of all of the judges of the Constitutional Court.</p> <p>As soon as the Constitutional Court is advised of a reference by the National Assembly of a complaint to it, the Constitutional Court may determine that the President of the Republic shall not carry out the duties of his office until the Constitutional Court decides upon the complaint</p>	<p>the consent of the National Assembly, except where he has been found committing a criminal offence for which a penalty of over five years goal is prescribed. The National Assembly may grant immunity to a Deputy notwithstanding that such immunity has not been claimed by him or notwithstanding that he has been found committing a criminal offence of the sort referred to in the last preceding paragraph</p>		<p>before the Constitutional Court to answer charges relating to breaches of this Constitution or of statute committed during the performance of office.</p> <p><u>L.P.</u> - immunity - criminal responsibility only with the consent of the National Assembly except for offences for which the penalty of over five years is prescribed, competence of the Constitutional Court</p>
42. Spain	<p>Article 56 (...) 3. The person of the King is inviolable and shall not be held accountable. His acts shall always be countersigned in the manner established in Article 64. Without such countersignature they shall not be valid, except as provided under Article 65,2.</p>	<p>Article 71 1. Deputies and Senators shall enjoy inviolability for opinions expressed when in office. 2. During their terms of office, Deputies and Senators shall likewise enjoy immunity and may only be arrested in the event of delicto flagrante. They may neither be indicted nor tried without prior authorization of the respective Houses. 3. In criminal proceedings brought against Deputies and Senators, the competent court shall be the Criminal Court of the Supreme Court.</p>	<p>Article 102 1. The President and other members of the Government shall be held criminally liable, should the occasion arise, before the Criminal Court of the Supreme Court. 2. If the charge is of treason or of any offence against the security of the State committed in the exercise of their office, it may only be brought on the initiative of one quarter of the members of Congress and with the approval of the absolute majority thereof. 3. The Royal prerogative of pardon shall not be applicable in any of the cases provided for under the present article.</p>	<p><u>H.E.P.</u> - inviolable and unaccountable</p> <p><u>G.</u> - criminal responsibility, competence of the Criminal Court of the Supreme Court. If the charge is of treason or of any offence against the security of the State committed in the exercise of their office, it may only be brought on the initiative of one quarter of the members of Congress and with the approval of the absolute majority thereof.</p> <p><u>L.P.</u> - immunity (total) - not criminal responsibility during their mandate except for delicto flagrante. Competence of the Criminal Court of the Supreme Court</p>
43. Sweden	<p>Chapter 5 The Head of State Article 7 The King may not be prosecuted for his actions. Nor may a Regent be prosecuted for his actions as Head of State.</p>	<p>Chapter 4 The work of the Riksdag Article 7 No member of the Riksdag or alternate for such a member may resign his mandate without the Riksdag's consent. Where grounds exist, the Election Review Board shall examine on its own initiative whether a</p>	<p>Chapter 12 Parliamentary control Article 1 The Committee on the Constitution shall examine ministers' performance of their official duties and the handling of Government business. The Committee is entitled for this purpose to have access to the records of</p>	<p><u>H.E.P.</u> - immunity (total)</p> <p><u>G.</u> - A minister may be held accountable for a criminal act committed in the performance of his official duties only if</p>

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		<p>particular member or alternate member is qualified under Chapter 3, Article 10. A person pronounced to be disqualified is deprived thereby of his mandate.</p> <p>A member or alternate member may be deprived of his mandate in cases other than cases under paragraph two only if he has proved himself manifestly unfit to hold a mandate by reason of a criminal act. A decision in such a case shall be taken by a court of law.</p> <p>Article 8 No person may institute criminal proceedings against a person who holds a mandate as a member of the Riksdag, or who has held such a mandate, deprive him of liberty, or take action to restrict his movements within the Realm on account of an act or statement made in the exercise of his mandate, unless the Riksdag has given its consent thereto in a decision in which at least five sixths of those voting concur.</p> <p>If in any other case a member of the Riksdag is suspected of having committed a criminal act, the relevant rules of law concerning arrest, detention or remand shall be applied only if he admits guilt or was caught in the act, or the minimum penalty for the offence is imprisonment for at least two years.</p>	<p>decisions taken in Government matters and to all documents pertaining to such matters. Any other Riksdag committee and any member of the Riksdag shall be entitled to raise in writing with the Committee on the Constitution any issue relating to a minister's performance of his official duties or the handling of Government business.</p> <p>Article 3 A person who is currently, or has been previously, a minister may be held accountable for a criminal act committed in the performance of his official duties only if he has grossly neglected his official duty thereby. A decision to institute criminal proceedings shall be taken by the Committee on the Constitution and the case shall be tried before the Supreme Court.</p>	<p>he has grossly neglected his official duty thereby. A decision to institute criminal proceedings shall be taken by the Committee on the Constitution and the case shall be tried before the Supreme Court.</p> <p><u>L.P.</u> - immunity - criminal responsibility only if the member of the Riksdag admits guilt or is caught in the act, or the minimum penalty is imprisonment for at least two years</p>
44. Switzerland	<p>Article 162. Immunity 1 The members of the Federal Parliament and the Federal Government, and the Federal Chancellor may not be held responsible for their statements in the Chambers and before parliamentary organs. 2 The statute may provide for further forms of immunity, and extend them to other persons.</p>	<p>Article 162. Immunity 1 The members of the Federal Parliament and the Federal Government, and the Federal Chancellor may not be held responsible for their statements in the Chambers and before parliamentary organs. 2 The statute may provide for further forms of immunity, and extend them to other persons.</p>	<p>Article 162. Immunity 1 The members of the Federal Parliament and the Federal Government, and the Federal Chancellor may not be held responsible for their statements in the Chambers and before parliamentary organs. 2 The statute may provide for further forms of immunity, and extend them to other persons.</p>	<p><u>G. and L.P.</u> May not be held responsible for their statements in the Chambers and before parliamentary organs.</p>
45. "the former Yugoslav Republic of	<p>Article 87 The President is held accountable for any violation of the Constitution in exercising his or her rights and duties. The procedure for determining the President of</p>	<p>Article 64 Representatives enjoy immunity. A Representative cannot be held to have committed a criminal offence or be detained owing to views he or she has expressed or to the</p>	<p>Article 92 The Government and each of its members are accountable to the Assembly. Amendment XXIII 1. The Prime Minister enjoys immunity. The</p>	<p><u>H.E.P.</u> - Any violation of the Constitution is accountable initiated by the Assembly and pronounced by the Constitutional Court</p>

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Macedonia	<p>the Republic's answerability is initiated by the Assembly with a two-thirds majority vote of all Representatives. It is the Constitutional Court that decides on the answerability of the President by a two-thirds majority vote of all judges. If the Constitutional Court considers the president answerable for a violation, his or her mandate is terminated by the force of the Constitution.</p>	<p>way he or she has voted in the Assembly. A Representative cannot be detained without the approval of the Assembly unless found committing a criminal offence for which a prison sentence of at least five years is prescribed. The Assembly can decide to invoke immunity for a Representative without his or her request, should it be necessary for the performance of the Representative's office. Representatives may not be called up for duties in the Armed Forces during the course of their term of office. A Representative is entitled to remuneration determined by law.</p> <p>Article 65 A Representative may resign his or her mandate. The Representative submits his or her resignation in person at a session of the Assembly. The mandate of a Representative terminates if he or she is sentenced for a criminal offence for which a prison sentence of at least five years is prescribed. The Representative can have his or her mandate revoked for committing a criminal offence making him or her unfit to perform the office of a Representative, as well as for absence from the Assembly for longer than six months for no justifiable reason. Revocation of the mandate is determined by the Assembly by a two-thirds majority vote of all Representatives.</p>	<p>Assembly decides on his/her immunity.</p>	<p><u>G.</u> The Government and each of its members are accountable to the Assembly.</p> <p><u>L.P.</u> - criminal responsibility not without the consent of the Assembly unless he commits a criminal offence for which a prison sentence of at least five years is prescribed</p>
46. Turkey	<p>E. Presidential Accountability and Non-accountability Article 105 All Presidential decrees except those which the President of the Republic is empowered to enact by himself without the signatures of the Prime Minister and the minister concerned, in accordance with the provisions of the Constitution and other laws, shall be signed by</p>	<p>Article 112 The Prime Minister, as Chairman of the Council of Ministers, shall ensure cooperation among the ministers, and supervise the implementation of the government's general policy. The members of the Council of Ministers are jointly responsible for the implementation of this policy. Each minister shall be responsible to the Prime Minister and shall also be responsible for the</p>	<p>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</p>	<p><u>H.E.P.</u> - political immunity - criminal responsibility for high treason on the proposal of National Assembly and tried by the Constitutional Court in its capacity as a Supreme Court</p> <p><u>G. and L.P.</u> - immunity (total)</p>

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	<p>the Prime Minister, and the ministers concerned. The Prime Minister and the ministers concerned shall be accountable for these decrees.</p> <p>No appeal shall be made to any legal authority, including the Constitutional Court, against the decisions and orders signed by the President of the Republic on his own initiative.</p> <p>The President of the Republic may be impeached for high treason on the proposal of at least one-third of the total number of members of the Turkish Grand National Assembly, and by the decision of at least three-quarters of the total number of members.</p> <p>3. Functions and Powers</p> <p>Article 148 The President of the Republic, the Speaker of the TGNA, members of the Council of Ministers, presidents and members of the Constitutional Court, of the High Court of Appeals, of the Council of State, of the Military High Court of Appeals, of the High Military Administrative Court of Appeals, their Chief Public Prosecutors, Deputy Public Prosecutors of the High Court of Appeals, and the presidents and members of the Supreme Council of Judges and Public Prosecutors, and of the Court of Auditors shall be tried for offences relating to their functions by the Constitutional Court in its capacity as the Supreme Court.</p>	<p>conduct of affairs under his jurisdiction and for the acts and activities of his subordinates.</p> <p>The Prime Minister shall ensure that the ministers exercise their functions in accordance with the Constitution and the laws and shall take corrective measures to this end.</p> <p>The members of the Council of Ministers who are not deputies shall take their oath before the Turkish Grand National Assembly as written in Article 81, and during their term of office as ministers they shall abide by the rules and conditions to which deputies are subject and shall enjoy Parliamentary immunity. They receive the same salaries and allowances as members of the Turkish Grand National Assembly.</p>	<p>the Assembly.</p> <p>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.</p> <p>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.</p> <p>Investigation and prosecution of a reelected deputy shall be subject to the renewed waiver of immunity by the Assembly.</p> <p>Political party groups in the Turkish Grand National Assembly shall not hold discussions or take decisions regarding parliamentary immunity.</p> <p>5. Loss of Membership</p> <p>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.</p> <p>The loss of membership, through a final judicial sentence or deprivation of legal capacity, shall take effect after the final court</p>	<p>- criminal responsibility: immunity during his mandate (except for the cases in which we have the consent of the Assembly or he is caught in the act of committing it)</p>

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			decision in the matter has been communicated to the plenary of the Turkish Grand National Assembly.	
47. Ukraine	<p>Article 105 The President of Ukraine enjoys the right of immunity during the term of authority. Persons guilty of offending the honor and dignity of the President of Ukraine are brought to responsibility on the basis of the law. The title of President of Ukraine is protected by law and is reserved for the President for life, unless the President of Ukraine has been removed from office by the procedure of impeachment. (...) Acts of the President of Ukraine, issued within the limits of authority as envisaged in subparagraphs 3, 4, 5, 8, 10, 14, 15, 17, 18, 21, 22, 23 and 24 of this Article, are co-signed by the Prime Minister of Ukraine and the Minister responsible for the act and its execution.</p> <p>Article 108 (...) The powers of the President of Ukraine terminate prior to the expiration of term in cases of: 1) resignation; 2) inability to exercise his or her powers for reasons of health; 3) removal from office by the procedure of impeachment;</p> <p>Article 111 The President of Ukraine may be removed from office by the Verkhovna Rada of Ukraine by the procedure of impeachment, in the event that he or she commits state treason or other crime. The issue of the removal of the President of Ukraine from office by the procedure of impeachment is initiated by the majority of</p>	<p>Article 80 National Deputies of Ukraine are guaranteed parliamentary immunity. 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. National Deputies of Ukraine shall not be held criminally liable, detained or arrested without the consent of the Verkhovna Rada of Ukraine.</p> <p>Article 81 The authority of National Deputies of Ukraine terminates simultaneously with the termination of authority of the Verkhovna Rada of Ukraine. The authority of a National Deputy of Ukraine terminates prior to the expiration of the term in the event of: (...) 2) a guilty verdict against him or her entering into legal force; (...) The decision about the pre-term termination of authority of a National Deputy of Ukraine is adopted by the majority of the constitutional composition of the Verkhovna Rada of Ukraine.</p>		<p><u>H.E.P.</u> - politically responsible, procedure of impeachment initiated and decided by the Verkhovna Rada of Ukraine, after the review of the opinion of the Constitutional Court, or the opinion of the Supreme Court of Ukraine if he is accused of treason or other crime</p> <p><u>L.P.</u> - criminal responsibility only with the consent of the Verkhovna Rada of Ukraine</p>

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	<p>the constitutional composition of the Verkhovna Rada of Ukraine. To conduct the investigation, the Verkhovna Rada of Ukraine establishes a special temporary investigatory commission whose composition includes a special procurator and special investigators. The conclusions and proposals of the temporary investigatory commission are considered at a meeting of the Verkhovna Rada of Ukraine. For cause, the Verkhovna Rada of Ukraine, by no less than two-thirds of its constitutional composition, adopts a decision on the accusation of the President of Ukraine. The decision on the removal of the President of Ukraine from office by the procedure of impeachment is adopted by the Verkhovna Rada of Ukraine by no less than three-quarters of its constitutional composition, after the review of the case by the Constitutional Court of Ukraine and the receipt of its opinion on the observance of the constitutional procedure of investigation and consideration of the case of impeachment, and the receipt of the opinion of the Supreme Court of Ukraine to the effect that the acts, of which the President of Ukraine is accused, contain elements of state treason or other crime.</p>			
48. United Kingdom			<p>Bill of Rights act of 1689 Freedom of Election. That Election of Members of Parliament ought to be free. Freedom of Speech That the Freedom of Speech and Debates or Proceedings in Parliament ought not to be impeached or questioned in any Court or Place out of Parliament.</p>	