



SC (06/2) 12 E
Original: English

SUPPLEMENTARY ITEM

DRAFT RESOLUTION

ON

**LIMITING IMMUNITY FOR PARLIAMENTARIANS IN
ORDER TO STRENGTHEN GOOD GOVERNANCE, PUBLIC
INTEGRITY AND RULE OF LAW IN THE OSCE REGION**

**Principal Sponsor
Mr. Ben Cardin
USA**

BRUSSELS, 3 TO 7 JULY 2006

Supplementary Item
on
**Limiting Immunity for Parliamentarians in order to Strengthen Good Governance,
Public Integrity and Rule of Law in the OSCE Region**

1. Recognizing that good governance, particularly in national representative bodies, is fundamental to the healthy functioning of democracy,
2. Recalling that in the Charter of Paris for a New Europe the OSCE participating States recognized, “the obligation of public authorities to comply with the law and justice administered impartially. No one will be above the law,
3. Noting that in some OSCE participating States members of parliament are able to carry out criminal activities without being held accountable due to broad immunity that shields them from prosecution,
4. Recognizing that limited immunity, narrowly defined in law and properly applied, facilitates the ability of the parliamentarians to perform their public duties and maintain the necessary independence from the executive,
5. Noting that parliamentarians, who have the sacred trust of the public to formulate the nation’s laws, should not be themselves beyond the reach of the law,
6. Noting with concern that in some OSCE participating States criminals have sought public office to avoid prosecution, particularly when parliamentary immunity attaches to actions occurring before the individual takes office,
7. Welcoming the international efforts to combat corruption undertaken by the Organization for Economic Cooperation and Development, the Council of Europe, and the United Nations and urging continued OSCE cooperation and coordination with these organizations,
8. Recalling that the United Nations Convention Against Corruption (“Convention”), which went into effect on December 14, 2005, and has been signed by 140 nations and ratified by over 50 nations, provides in Article 8, Paragraph 6 that “[e]ach State Party shall consider taking, in accordance with fundamental principles of its domestic law, disciplinary or other measures against public officials who violate the codes and standards established in accordance with this article”,
9. Noting that the Convention provides in Article 30, Paragraph 2 that “[e]ach State Party shall take such measures as may be necessary to establish or maintain, in accordance with its legal system and constitutional principles, an appropriate balance between any immunities or jurisdictional privileges accorded to its public officials for the performance of their functions and the possibility, when necessary, of effectively investigating, prosecuting and adjudicating offences established in accordance with this Convention”,
10. Commending the OSCE Office of the Coordinator for Economic and Environmental Activities for its work in promoting public and private sector integrity through the publication of “Best Practices in Combating Corruption” and related activities,

The OSCE Parliamentary Assembly:

11. Urges the OSCE participating States, and in particular the members of the Parliamentary Assembly, to:
 - (a) Adopt clear, balanced, transparent, and enforceable procedures for waiving parliamentary immunities in cases of criminal acts or ethical violations;
 - (b) Provide that the privilege of parliamentary immunity must not apply to actions taken by an individual before they have assumed office or actions taken after they have left public office;

12. Encourages the OSCE participating States to:
 - (a) Develop rigorous standards of ethics and official conduct for parliamentarians and their staff;
 - (b) Establish efficient mechanisms for disclosure of financial information and potential conflicts of interests by parliamentarians and their staff; and
 - (c) Consider establishment of a public integrity unit within the Ministry of Justice to devote the appropriate resources to the investigation and prosecution of criminal violations by parliamentarians and their staff;

13. Recommends that the OSCE Office of the Coordinator for Economic and Environmental Activities develop additional best practices or other appropriate tools for parliamentarians to use in developing national legislation or policies that promote good governance and public integrity.

AMENDMENT TO SUPPLEMENTARY ITEM

on

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ORDER TO STRENGTHEN GOOD GOVERNANCE, PUBLIC
INTEGRITY AND RULE OF LAW IN THE OSCE REGION**

[Set out text of Amendment here:]

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