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IMMUNITY PROVISIONS FOR MINISTERS AND MEMBERS OF PARLIAMENT

QUERY

Please provide an overview of the domestic immunity regimes for ministers and members of parliament in different countries.

CONTENT

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SUMMARY

Immunities, or jurisdictional privileges, provide persons or groups of persons some degree of protection against civil or criminal rules that do not apply to all citizens. These provisions are in place to ensure the unimpeded performance of public functions and to avoid targeted prosecutions or political persecution. However, immunities can also be abused by officials who use it as a shield from liability for criminal offences, including corruption. Good immunity regimes manage to balance the independence required for public officials to fulfil their mandate with the right accountability mechanisms to ensure that corruption is effectively sanctioned and prevented.

While most countries provide immunity protections for their public officials, each jurisdiction varies in the range of officials covered, scope of immunity and rules regulating the procedures for lifting immunities.

International norms and standards have emerged in the last two decades with the aim of sharing best practices and closing loopholes that may encourage corrupt behaviour. Most notably, Article 30 of the United Nations Convention against Corruption provides a legal framework for the reduction of immunity protections.

The effectiveness of amending the regime of immunities as an anti-corruption instrument depends on the institutional settings, observance of the rule of law as well as the domestic political economy.

1 RATIONALE FOR IMMUNITY PROVISIONS AND THEIR CORRUPTION RISKS

Overview

Immunities or jurisdictional privileges provide persons or groups of persons some degree of protection against civil or criminal rules that do not apply to all citizens (UNODC 2009; Venice Commission 2014). In criminal law, immunities are considered exceptions to the compulsoriness of criminal law, whose final effect is to exclude coercive state power (Iovene 2017).

Immunity provisions help ensure a better separation of the judiciary, executive and legislative powers. They are in place to ensure the unimpeded performance of public functions and to avoid targeted judicial proceedings or political persecution.

The first registered cases of legal protection for public functions date as far back as the Roman republic where it was punishable by death to attack citizens participating in tribunes of the people or to hinder their functions (Venice Commission 2014). By the late 17th century, Britain had become the first country in the world to codify legal protection for its MPs (Joint Committee on Parliamentary Privilege 2013). By the end of the 18th century, the American and French revolutions had produced new governing modalities which provided the representatives of the people with some degree of protection from the other branches of government.

Today, most countries provide some degree of legal protection for public officials. The Organisation for Security and Cooperation in Europe (OSCE), in its recent Handbook on Fighting Corruption, lists the following legitimate purposes for immunity provisions (OSCE 2016, p.194):

- to ensure that the elected representatives of the people can speak in the legislature without fear of criminal or civil sanctions (including claims of defamation)
- to protect elected representatives from being arbitrarily detained and prevented from attending the legislature
- to act as a shield against malicious and politically motivated prosecution

While recognising the merits of providing public officials with some degree of legal protection, it is crucial to identify potential integrity gaps and corruption risks that stem from these very rules. Ultimately, there is a trade-off between providing public officials with independence from external pressure when acting in good faith and ensuring that they remain accountable for their actions, particularly if they abuse their public function. This trade-off means that every jurisdiction should aim to strike the right balance between ensuring independence and accountability for public officials. The right balance depends on contextual factors, such as the risks that public officials face in terms of legal harassment and political pressure, integrity of the judiciary, observance of the rule of law as well as integrity norms and mechanisms in the state apparatus and society as a whole.

Types of immunity provisions

The types and scope of immunity provisions vary across countries and jurisdictions.

Absolute immunity versus functional immunity

One crucial distinction can be drawn between jurisdictions that provide immunity for public officials only for acts committed in the course of the performance of their function (functional immunity), and jurisdictions which extend immunity for any acts committed by public officials, whether they are directly related to their official function or not (absolute immunity) (UNODC 2017). The United Nations Office on Drugs and Crime (UNODC) highlights absolute immunity as the type most likely to be invoked in the context of criminal proceedings for corruption offences (UNODC 2017).

'Narrow' versus 'wide' immunity

Among countries that provide their officials with functional immunity, two further categories can be observed: non-liability and inviolability. Non-liability is a type of functional immunity which provides legal protection for opinions and votes cast in parliament. Non-liability applies almost exclusively to MPs and does not cover other categories of public officials. It is otherwise known as narrow immunity.

The other type of functional immunity, known as inviolability, extends legal protection to public officials

not only for opinions and votes cast, but also for any acts they perform in their function. As a wider provision, inviolability can be extended not just to MPs but also to heads of state, ministers and other public officials.

Differences in immunity provisions for MPs and ministers

Historically, immunity protections have been given to members of parliaments to ensure that kings and courts would not intervene with the work of the elected representatives of the people. MPs, particularly those from the opposition parties, remain to this day susceptible to political persecution and legal harassment in many countries. For this reason, immunity protections for MPs are still very common. The last systematic assessment of immunity legislation around the world, conducted by the World Bank in 2013, shows that 84 out of the 88 countries assessed provided some type of protection to MPs. The remaining four countries are Botswana, Honduras, Malawi and Mauritius (World Bank Group 2013).[1]

Immunity provisions for ministers are not as usual as immunities for members of parliament. As members of the government, ministers are usually drawn from the ranks of parties that form the majority and therefore have considerably more power and influence than MPs, making them less susceptible to politically targeted legal proceedings. The World Bank assessment further showed that less than half of the 88 countries covered provide any protection for their ministers, while Mauritius is the only country where ministers enjoy immunity but MPs do not (World Bank Group 2013).

In many countries, ministers are also MPs and enjoy the same privileges as the latter. In some jurisdictions, including Finland, Norway, Greece and France there are special procedures envisaged for lifting minister's immunities, which do not apply to MPs (Suominen 2017). These procedures are usually handled by specialised courts of impeachment, high courts or tribunals of ministers (Suominen 2017).

Corruption risks – impunity

While immunity provisions help ensure the separation of powers and a functioning democracy, they can pose serious corruption risks. The independence required to ensure the separation of powers can come at the cost of reduced accountability for public officials. The obvious link between immunity and corruption stems from a shift in the cost-benefit analysis that a public official makes when engaging in a corrupt act. Economist Gary Becker (1968) argued that corruption, as well as other crimes, can be attributed to the individuals' assessment of how high the costs of being caught are against the benefits yielded by engaging in corruption. Immunity, when applied to corruption cases, essentially minimises the cost to almost zero, therefore always yielding a net gain in the cost-benefit analysis of engaging in corruption.

Indeed, the UNODC states that investigations into high-level corruption may be significantly impeded by public officials invoking their political immunity. For this reason, the UNODC claims, it is not unusual for immunity from prosecution to be perceived as the main cause for increased corruption levels (UNODC 2009).

There are numerous historical and contemporary examples of blatant misuse of immunity to prevent the proper investigation, prosecution or arrests of public officials. At the end of 2017, the Albanian parliament refused to lift the immunity from prosecution and arrest of an MP and former minister of the interior who is accused of having been involved in drug trafficking while he was a minister, aiding a smuggling ring directed by his cousins (Mejdini 2017). In Mexico, a newly elected member of the Chamber of Deputies who had an arrest warrant on his name on charges of organised crime and corruption, managed to secretly enter the chamber and take the oath, thus ensuring immunity from legal action for at least five years. In his case, however, politics ran its course and the new deputy was impeached by his peers a few months later (CNN 2010). In 2006 the Egyptian customs services found 1,700 kg of Viagra illegally imported in the name of an MP's company. The MP denied wrongdoing and used his immunity protection to shield himself from criminal prosecution (The Economist 2016). Perhaps

[1] See appendix 1 for a table on immunity coverage for MPs and ministers from the individual country assessments conducted by the World Bank. The individual country reports are available on the World Bank website here: http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPUBLICSECTORANDGOVERNANCE/0,,contentMDK:23352107~pagePK:148956~piPK:216618~theSitePK:286305,00.html

one of the most famous cases is that of Pablo Escobar, the murderous drug baron who temporarily won immunity following his election to Colombia's House of Representatives in 1982 (The Economist 2016).

Some politicians have singled out immunity provisions as one of the causes of corruption and impunity. In 2017, the Ukrainian president submitted a draft law on the abolition of parliamentary immunity. In an accompanying statement he said, "The immunity of people's deputies has long turned into a guarantee of impunity" (President of Ukraine 2017).

Having documented how immunity provisions can be used to avoid criminal liability for corruption and other serious crimes, it is important to emphasise that in a great deal of countries around the world, inviolability allows public officials to engage in much needed reforms and initiatives that would otherwise be too dangerous or costly for their careers.

2 INTERNATIONAL STANDARDS AND RECOMMENDATIONS

Having identified that immunity provisions pose a potential threat to the prevention, investigation and adjudication of corruption cases, international standards and norms have been emerging in the last two decades, first through the Council of Europe (CoE) Programme of Action against Corruption in 1996, followed a year later by the Resolution on the Twenty Guiding Principles for the Fight against Corruption. The ratification of the United Nations Convention against Corruption (UNCAC) in 2003 and subsequent resolutions in 2009 and 2015 took these norms beyond the European context, providing a framework and technical assistance for reform around the world.

Council of Europe

Guiding Principle 6 (GP6) of the Council of Europe Resolution on the Twenty Guiding Principles for the Fight against Corruption (Council of Europe Committee of Ministers 1997, p.1) states that countries should "limit immunity from investigation, prosecution or adjudication of corruption offences to the degree necessary in a democratic society".

Based on this broad principle, the CoE Group of States against Corruption (GRECO) evaluated whether its members were conforming to GP6 in law and in practice. Successive rounds of evaluations conducted between 2000 and 2006, and then again from 2011, identified gaps in the legal framework as well as the application of existing legislation. GRECO has made over 50 recommendations on the immunity regimes of 42 countries since 2000. The recommendations fall under four general clusters:[2]

- reducing the range of officials provided immunity, in some cases including election candidates, civil servants and heads of government agencies
- reducing the scope of criminal offences for which immunity can be invoked. For example, exceptions should apply to legal protection if the public official is caught in the act of a crime (flagrante delicto)
- introducing clear guidelines and procedures for lifting immunities
- the specification of a time limit for the duration of legal protection in the case of absolute or personal immunity. For example, it is recommended that former ministers should not be immune from prosecution for acts they committed during their time in office

The recommendation urging GRECO member states to introduce clear guidelines and procedures for lifting immunities is by far the most common. More than half the countries (23 out of 42) received this recommendation from at least one GRECO round of evaluation. That is more than all other clusters of recommendations taken together.

In 2014, the European Commission for Democracy through Law, otherwise known as the Venice Commission, drafted a set of criteria and guidelines on the lifting of parliamentary immunity for Council of Europe member states. The Venice Commission provided specific recommendations that fall under non-liability of opinions and votes cast in parliament and inviolability of a member of parliament.

[2] Appendix 2 contains a list of all GRECO recommendations pertaining to immunity provision based on the publicly available evaluation and compliance reports for all countries and the type of recommendations they received. All country reports can be found on the GRECO website here: https://www.coe.int/en/web/greco/evaluations

The Venice Commission deemed it appropriate that legal protections for opinions and votes cast in parliament are granted to MPs in CoE member states and indeed around the world, since this guarantees freedom of opinion and speech for elected representatives of the people (Venice Commission 2014). On the other hand, the report concluded that "rules on parliamentary inviolability are not a necessary part of modern democracy. In a well-functioning political system, members of parliament enjoy adequate protection through other mechanisms, and do not need special immunity" (Venice Commission 2014, p.30). The "other mechanisms" refer to the due judicial process available for all citizens despite their occupation.

In countries where protection of parliament from undue pressure or harassment from the executive or judiciary is not guaranteed, the Venice Commission regards inviolability as being justifiable, but strongly recommends that such provisions ought to be "subject to limitations and conditions, and there should always be the possibility of lifting immunity following clear and impartial procedures" (Venice Commission 2014, p.30)[3]

The Venice Commission also emphasised that while there are no common international or European rules that prohibit inviolability, this type of immunity does impinge on the principle of equality before the law. Following this line of reasoning, GRECO wrote in an evaluation report for Montenegro that "inviolability should be lifted in all cases in which there is no reason to suspect that the charges against the MP concerned have been politically motivated: immunity cannot be tantamount to a shield protecting any MP from exposure to the general criminal law that applies to all citizens". (GRECO 2015a, p.19)

United Nations Convention against Corruption (UNCAC)

Article 30 paragraph 2 of UNCAC states, "Each 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", (UNODC 2004, pp.22-23).

The UN recommends the following five criteria to be taken into account to ascertain whether there is an appropriate between immunities granted for the performance of the functions of public officials and the need to effectively investigate, prosecute and adjudicate corruption offences (UNODC 2017, pp.108-109):

- the percentage of immunities that have been lifted in recent years
- the circle of persons enjoying immunity or privileges, which should not be too broad, but reasonably compact and clearly defined
- the scope of immunities afforded (whether immunity is functional or absolute, whether it is restricted to the raising of criminal charges or extends to the preliminary and investigative stage and so on)
- the procedure for lifting immunities should be clearly regulated but should not be too cumbersome or unwieldy, should not cause excessive delays or the loss of evidence and should not impair the application of the offences established in accordance with the convention
- the limitation of immunity to the period of time public officials hold public office, and the possibility of conducting criminal proceedings after the cessation of immunity

3 COUNTRY EXAMPLES

Overview

Successive rounds of GRECO evaluations and compliance reports provide a wealth of qualitative information on how immunity provisions are regulated or have been amended in different national contexts.

Immunity provisions, in particular for ministers and members of parliament, are in most cases found at the constitutional level. Often these constitutional

[3] For a comprehensive list of criteria and guidelines for the scope and lifting of non-liability and inviolability please consult the Venice Commission Report (pp.29-33).

provisions are complemented and made functional through other legislation, usually to be found in codes of criminal procedure, electoral codes and so on. In jurisdictions that apply common law rather than civil law, immunity provisions may be regulated based on specific cases and precedent.

Ireland

Judging from GRECO evaluations of immunity legislation, Ireland appears to have one of the best regimes among the countries assessed. In Ireland, only the president and members of parliament enjoy immunity from criminal proceedings. Article 13.8 of the Irish constitution states that the president is not answerable either to parliament or to any court for the exercise and performance of the functions of his office. This is in line with international standards stipulating that immunity should only extend to actions committed as part of the public official's function.

Furthermore, members of parliament are privileged from arrest in going to and returning from and while in the premises of parliament and are not answerable to any court or any authority in respect to their speeches given in the House. This means that MPs are not immune from prosecution, only from arrest. GRECO concluded that given these provisions, no member of parliament could rely on their immunity as defence against accusation and investigation of corruption and that the immunity regimes in Ireland are in line with Guiding Principle 6 (GRECO 2001). However, this assessment is specific to Ireland considering the national and institutional context with a free and fair judiciary and proper observance of the rule of law.

Ukraine

Among countries that were found to have problematic immunity regimes, the case of Ukraine provides insights both for the number of deficiencies identified in the legislation as well as the difficulty faced by various reformers when attempting to amend the current regime. While the categories of public officials enjoying immunity in Ukraine are limited to MPs, the president and the commissioner for human rights, the scope of immunity and the procedures for lifting them are seen as posing grave corruption risks (GRECO 2009).

In terms of the scope, the key problem identified is that MPs enjoy immunity even when caught committing a criminal act, including cases of serious crimes. The Ukrainian parliament may approve lifting privileges of any MP, however the prosecution is required to submit separate requests for every measure such as search, detention, prosecution and so on. This is likely to cause serious delays and allow the suspect the chance to destroy evidence before the prosecution has access to it. In its first evaluation report, GRECO noted with concern that the current regime is tantamount to immunities being absolute in their character with regard to all officials covered (GRECO 2009).

In 2008, the Ukrainian Ministry of Justice organised a conference on political corruption, which formulated concrete recommendations addressed to the cabinet of ministers proposing the reduction of the scope of immunities. At the same time, parliament drafted a law on amending the constitution regarding the restriction of parliamentary immunity and requested an opinion from the constitutional court. The court declared the draft law constitutional, giving the green light for its vote and approval. However, the amendments were subsequently taken off the parliamentary agenda (GRECO 2009). To this day, these changes have not been implemented, despite high-level support from the Ukrainian president and international pressure. The explanation for this may be the lack of political will or shifts in the political economy dynamics. Therefore, anti-corruption reformers aiming to amend legal protections for public officials should bear in mind that ultimately this is a political process with winners and losers rather than strictly a technical and legalistic exercise.

Challenges in amending immunity regimes

Depending on the national legislation and the interaction between different sources of law, some degree of coordination across different legal provisions may be necessary to effectively amend immunity regimes. In Albania, constitutional amendments altered the previous regime for MPs' arrest and detention when apprehended in flagrante delicto. However, GRECO found that the constitutional provisions had not yielded the necessary results due to the absence of corresponding amendments to the criminal procedure code, without which the new

constitutional provisions were inapplicable in practice (GRECO 2014b).

Amending immunity provisions does not always follow a linear progression towards international best practices and standards. Countries can, and do, take steps back when it comes to regulating immunity provisions. In Romania, the GRECO recommendation on reducing the scope of immunity protections was addressed through what became the Constitutional Revision Act. This act limited parliamentarians' immunity from criminal prosecution to apply only for actions carried out in accordance with their parliamentary mandate.

In its 2004 compliance report, GRECO found that Romania had implemented both recommendations that it received (Euractiv 2016). However, six years later, in 2010, GRECO noted that the country had relapsed since immunity protections for former ministers were re-introduced (GRECO 2010). The latest report from 2016 further underlines serious concerns over the procedure for the lifting of immunities (GRECO 2016). This example illustrates that maintaining an efficient regime of immunities is not a one-time technical exercise, but one that requires sustained attention and pressure.

Changes in immunity regimes are not always implemented with the aim of preventing or sanctioning corruption. This was the case in Turkey, where, in 2016, a provisional article was added to the constitution stipulating that certain institutions, such as the Ministry of Justice or office of the prime minister or president, can mandate the investigation of MPs without the approval of the assembly. This constitutional amendment seems to remove barriers from investigation and prosecution for parliamentarians. However, the preamble to the law which brought about the constitutional change states explicitly that the prime aim of the provisional article is to allow prosecution of those MPs whose speech is deemed to support terrorism (GRECO 2018). This coupled with the provisional nature of the article means that its usability as an anti-corruption instrument is limited in the medium to long term.

There are also cases when the legislation appears satisfactory at one point in time but is susceptible to abuse later. In the first evaluation of the Belgian legislation in 2000, GRECO concluded that the system of immunities and the mechanisms for obtaining waiver of immunity "do not seem to impede disproportionately the conduct of inquiries, prosecutions and the sentencing of the persons concerned" (GRECO 2000, p.13). However, in a subsequent evaluation, GRECO discovered that parliament had declined to lift the inviolability of two members suspected of corruption. The first case concerned the use of a municipal employee for an election campaign by a parliamentarian also holding a mandate as a local representative. The second case concerned potential manipulation of a public procurement contract. The justification given by parliament for not lifting their immunities was that both alleged acts were of a trivial character. Based on these findings, GRECO recommended that the appropriate measures be taken so that parliamentary inviolability is invoked in practice only for acts having an obvious connection with parliamentary activity and to introduce criteria for waiving immunity in cases which do not constitute an obstacle to the prosecution of corruption-related acts by parliamentarians (GRECO 2014a). Three years later, in 2017, GRECO concluded that the recommendation had not been implemented (GRECO 2017).

The opposite situation, where there is a shift in the practice of lifting immunities without any legal change, is also possible. This is best illustrated by the case of Greece. Between 2004 and 2009, the Greek parliament approved 13 per cent of the 86 requests to lift immunities. In the period between 2010 and 2014, it approved 45 per cent of the 211 requests (GRECO 2015b). This almost tripled the rate of accepted requests to lift immunities without any change in the legislation and illustrates that the reading of the law can matter more than the actual provisions.

4 ENABLING FACTORS NEEDED FOR IMMUNITY REGIMES AS AN ANTI-CORRUPTION INSTRUMENT

Rule of law

As outlined in the first section, the rationale behind recommendations to reduce the scope of immunity protection rests on the theory that corrupt behaviour can be attributed to the cost-benefit calculation that public officials assess when engaging in corrupt acts. This theory, in turn, relies on the assumption that the

rule of law is observed and that there exists an independent and clean judiciary, which is capable of prosecuting and sanctioning corrupt public officials. However, this assumption does not always hold true and, in the absence of proper rule of law, legal reforms are not likely to yield better control of corruption.

In contexts of poor rule of law, there can be acute problems of impunity and selective legal enforcement (Mungiu-Pippidi & Dadašov 2017). This means that, before a country embarks on legal reforms such as the reduction of immunity protections for public officials, it is important to ensure that rule of law is observed and that courts are clean and independent from political pressure. The 2007 edition of the Global Corruption Report provided an analysis of corruption in the judiciary and concluded that, at the time, bribes taken by judges and undue political influence over the judiciary were the main reasons for the culture of impunity in many countries, including Mexico, Panama and Pakistan (Transparency International 2007).[4]

Context matters

Furthermore, while international standards, such as those cited above from UNCAC and the Council of Europe, provide important examples of robust institutional and legal frameworks, it is important to recognise that every national context has its own structures that need to be built upon or given time to evolve before they can accommodate best practices that work elsewhere (Andrews 2008). The late institutionalist political scientist Douglas North put this succinctly when he wrote that: “different institutional structures in governments will yield different results” (Andrews 2008, p.398). In an evaluation report on Greece, GRECO concluded that “the implementation of the relevant international instruments cannot per se constitute an effective strategy for fighting corruption. The first step should be to admit the existence of the phenomenon of corruption and assess its scale, the reasons for it, its impact etc.” (GRECO 2002, p.17).

Political will

Finally, the effectiveness of reducing immunity protections as an anti-corruption instrument ultimately depends on the political economy and political will. Before embarking on such reforms, it is important to identify whether it is the regime of immunities or the reading of the law that leads to impunity and corrupt behaviour. A good illustration of that claim comes from the case of immunity provisions in Greece. As described above in the country examples, the Greek parliament increased by almost three times the number of accepted requests to lift immunity in the four-year period before and after 2009 although there had been no relevant change in the legislation. Belgium illustrates a similar point, namely that even when the legislation is deemed to not impede the conduct of inquiries, prosecutions and the sentencing of the persons concerned, the reading and interpretation of the law can lead to the opposite outcome. It is perhaps not a coincidence that the most frequent GRECO recommendation relates to the drafting of clear and strict rules, regulating the lifting of immunities. The question remains, however, of whether the law can ever be comprehensive enough as long as there are parliaments willing to declare corruption a trivial issue.

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[4] For more information on the country specific context and cases please consult the chapter by Jawaid A. Siddiqi on Pakistan, Miguel Carbonell on Mexico and Angelica Maytin Justiniani on Panama.

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Appendix 1: Immunity protections for MPs and ministers around the world[5]

Country	Immunity granted to: Ministers	MPs	Country	Immunity granted to: Ministers	MPs
Albania	✓	✓	Malawi	✗	✗
Angola	✓	✓	Mali	✗	✓
Argentina	✓	✓	Mauritania	✗	✓
Armenia	✗	✓	Mauritius	✓	✗
Azerbaijan	✓	✓	Mexico	✓	✓
Bangladesh	✓	✓	Moldova	✗	✓
Benin	✗	✓	Mongolia	✓	✓
Bolivia	✓	✓	Montenegro	✓	✓
Bosnia	✓	✓	Morocco	✓	✓
Botswana	✗	✗	Namibia	✓	✓
Brazil	✗	✓	Nepal	✓	✓
Bulgaria	✗	✓	Niger	✗	✓
Burkina Faso	✗	✓	Nigeria	✗	✓
Burundi	✗	✓	Norway	✗	✓
Cambodia	✗	✓	Pakistan	✓	✓
Congo, DR	✗	✓	Palau	✗	✓
Congo Republic	✓	✓	Papua New Guinea	✗	✓
Croatia	✗	✓	Philippines	✓	✓
Czech	✗	✓	Poland	✓	✓
Dominican Republic	✓	✓	Romania	✓	✓
Estonia	✓	✓	Russia	✗	✓
Ethiopia	✓	✓	Senegal	✗	✓
Fiji	✗	✓	Serbia	✓	✓
France	✗	✓	Sierra Leone	✗	✓
Gambia	✗	✓	Slovakia	✗	✓
Georgia	✗	✓	Slovenia	✗	✓
Germany	✗	✓	Solomon Islands	✓	✓
Ghana	✗	✓	South Africa	✓	✓
Guinea	✗	✓	SriLanka	✓	✓
Guyana	✓	✓	Taiwan	✗	✓
Honduras	✗	✗	Tajikistan	✗	✓
India	✓	✓	Tanzania	✗	✓
Indonesia	✗	✓	Timor Leste	✓	✓
Italy	✓	✓	Tonga	✓	✓
Japan	✓	✓	Turkey	✓	✓
Jordan	✓	✓	Uganda	✗	✓
Kazakhstan	✗	✓	Ukraine	✗	✓
Kenya	✗	✓	United Kingdom	✓	✓
Kyrgyz Republic	✓	✓	United States	✓	✓
Lao	✗	✓	Uzbekistan	✗	✓
Latvia	✗	✓	Vanuatu	✓	✓
Lithuania	✓	✓	Vietnam	✗	✓
Macedonia	✓	✓	Zambia	✓	✓
Madagascar	✗	✓	Zimbabwe	✗	✓

[5] Individual country reports can be found here: http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPUBLICSECTORANDGOVERNANCE/0,,contentMDK:23352107~pagePK:148956~piPK:216618~theSitePK:286305,00.html

Appendix 2: Group of States against Corruption recommendations on immunity provisions

	Recommendations regarding immunity protection				
Country	Reduction in the list of categories of officials covered	Reduction of the scope of immunity (flagrante delicto, serious crimes etc.)	Introduction or improvement of guidelines for the lifting of immunity	Limiting Duration of Immunity	Other
Albania	✓	✓			
Andorra					
Armenia	✓				
Austria			✓		
Azerbaijan	✓		✓		
Belarus					
Belgium		✓			1)Ensure that immunity is invoked only for acts connected to parliamentary activity; 2) ensure that criteria for waiving immunity do not constitute an obstacle.
Bosnia and Herzegovina	✓		✓		Ensure that the legal framework is clear and understood by practitioners and the public at large.
Bulgaria	✓		✓		
Croatia			✓		
Cyprus					
Czech Republic			✓	✓	
Denmark					
Estonia					
Finland					Finland should consider limiting the scope of immunity granted, to exclude acts of corruption and to simplify the procedure for lifing their immunity. These points were not official recommendations given the low level of corruption in Finland.
France					Clarify the conditions for submitting requests for the lifting of immunity, for all practitioners of criminal justice likely to submit such requests.
Georgia	✓	✓	✓		
Germany					
Greece			✓		

Country	Recommendations regarding immunity protection				
	Reduction in the list of categories of officials covered	Reduction of the scope of immunity (flagrante delicto, serious crimes etc.)	Introduction or improvement of guidelines for the lifting of immunity	Limiting Duration of Immunity	Other
Hungary			✔	✔	Ensure that procedures to lift immunity do not hamper criminal investigations in respect of corruption related offences.
Iceland					
Italy			✔		
Ireland					
Latvia			✔		The system of administrative immunities for members of the Saeima should be abolished.
Lithuania			✔		
Luxembourg					
Macedonia			✔		Amend the national legislation to ensure that the procedure for deciding on immunities of members of Government is not be carried out by the Government itself
Malta					
Moldova			✔		
Monaco		✔	✔		Abolish practice which requires judicial authorities to obtain athorisation at several levels in order to prosecutee and try Monegasque civil servants and administrative or military employees.
Montenegro			✔		
Netherlands					
Norway					
Poland	✔	✔	✔		
Portugal			✔		
Romania	✔		✔	✔	
Russia	✔		✔		
San Marino					
Serbia					
Slovakia					
Slovenia			✔		

	Recommendations regarding immunity protection				
Country	Reduction in the list of categories of officials covered	Reduction of the scope of immunity (flagrante delicto, serious crimes etc.)	Introduction or improvement of guidelines for the lifting of immunity	Limiting Duration of Immunity	Other
Spain					
Sweden					
Switzerland					Ensure that the equirement for prosecuting authorities to request authorisation to bring criminal proceedings against federal employees does not constitute an obstacle to the effective prosecution of corruption.
Turkey	✔		✔		
Ukraine			✔		Consider introducing measures to esnure the securing of evidence in situations where persons enjoying immunity are caught in the act of committing a serious crime, including corruption.
United Kingdom		✔			
United States of America					
Total	10	6	23	3	11