

Criminalisation and Law Enforcement

The problem of political immunities in Greece

Intersessional meeting of the UNCAC
COSP on the achievements of the
political declaration adopted by the
special session of the General
Assembly against corruption

5-6 September 2022

Political Immunities

1. The President of the Republic (ceremonial office)
2. Members of Parliament
3. Members of Government

Members of Parliament

Article 61 of the Constitution: Functional immunity for opinions or votes given in the course of exercising parliamentary duties (exception: defamation)

Article 62 of the Constitution: Immunity for any crime, for the duration of the parliamentary period (exception: felonies caught in flagrante)

Authorization by Parliament within a restricted time period is necessary

Case of Syngelidis v. Greece (ECHR Judgment of 11 Feb. 2010)

Members of Government

Article 86 of the Constitution :

Immunity for any crime committed in the course of exercising governmental duties.

Decision by Parliament necessary, separate votings on investigation and prosecution

Unwarranted time constraints: Prosecution had to be decided until the end of the second session of the Parliament following the commission of the offence.

Amendments in art. 62 reg. Members of Parliament

Authorization for prosecution shall be mandatorily granted by the Parliament, if the request of the prosecutor pertains to an offence unrelated to the exercise of the MP's duties or to her/his political activity.

The Parliament shall decide within three months.

Amendments in art. 86 reg. Members of Government

Abolition of the provision which linked the term of prescription to parliamentary sessions.

Full application of the provisions of the Criminal Code, as for all citizens.