THE CEO of the Global Organisation of Parliamentarians Against Corruption (GOPAC), Mr John Williams (Canada) said parliamentary immunity is counter productive and outdated.

He was reacting to the decision made by the Slovak Parliament to do away with the requirement of parliamentary authorisation before a Member of Parliament can be prosecuted. The point was strongly opposed by many MPs from around the world, saying this was irrelevant and does not freely grant the right for MPs to exercise the duties freely.

Sharing the experience from Tanzania, Honourable Mr Hamad Rashid Mohamed said that in Tanzania, statutory provisions covering parliamentary privilege are defined in Article 100 of the constitution of Tanzania, which covers the privilege of freedom of speech and debate in the Assembly and the parliamentary immunities, powers and privileges Act, 1988 (No.3 of 1988).

The parliament and parliamentarians have immunity from legal proceedings which is clearly stated in the parliamentary immunities, powers and privileges Act, 1988 (No.3 of 1988) Section 5 which is provides as follows:- "No civil or criminal proceeding may be instituted against any member for words spoken before the Assembly or any of its Committees, or by reason of any matter or thing brought by him therein by petition, Bill or motion or otherwise, or for words spoken or act done bonafide in pursuance of a decision or proceeding of the Assembly or a committee."

Mr Mohamed said that the law also provides immunity from arrest for civil debts which also the law in Section 6 of Act no. 3 of 1988 states as follows:- "No member shall be liable for arrest for any civil debt except for a debt the contraction of which constitutes a criminal offence."

One among the significant power the House has is the power of control over its own affairs and proceedings. This is one of the significant attributes of any independent legislature. However, Members of Parliament spoke out in support of having immunities while performing their work as people's representatives in parliaments and other works related to that.

During the Panel Session under the topic: Parliamentary Immunity: Benefit Or Burden? At the 127 inter- parliamentary Union (IPU) Conference which is taking place here in Quebec City, Canada since 21 to 26 October, 2012, most of the contributors said freedom of expression is the working tool of Members of Parliament.

"It enables them to do their jobs as representatives of people and to speak out, criticise the government and denounce abuses. Parliamentary immunities are designed to ensure that parliamentarians can freely express themselves without hindrance and fear of prosecution."

During the debate, the MPs said there is a tendency of citizens in general to perceive immunity as a negative concept; they tend to see it as a way of politicians themselves to place above the law, thing that are very untrue. This is particularly true in countries
where parliamentary immunity, in the form of inviolability offers protection to MPs against legal proceedings for acts they carry it outside the confines of parliamentary duties.

The public reasoning they may be partly due to the lack of understanding of the purpose of parliamentary immunities. It may also reflect a more widely held belief that excessive parliamentary immunity offers protection to those who should be prosecuted and inversely failed to protect those who have done nothing wrong.

The panel discussion took place at the rationale and effectiveness of parliamentary immunity in today’s world in particular in light of public insistence on over greater accountability. The main questions here are, should MPs enjoy parliamentary immunity, including immunity from the legal proceeding for acts unrelated to parliamentary duties in order to effectively do their work? Should such immunity exist everywhere as a matter of principle or only in fragile democracies?

Apart from majority saying that immunities for MPs are inevitable, they also debated more on how can one ensure that application of parliamentary immunity indeed protects those subjected to political motivated charges – often members from the opposition and that inversely, the majority in parliament cannot block, for purely political reasons the prosecution of one of theirs.