Members of Parliament have expressed their support of exercising immunities for members of parliament, something which allows members of parliament to express their opinions freely when in parliament without being legally held accountable for any acts or words they utter at the assembly.

They defended the status during a discussion on ‘Parliamentary Immunity: Benefit or Burden?’ at the 127th Inter-Parliamentary Union (IPU) Conference held in Quebec City, Canada from October 21 to 26, 2012.

They said freedom of expression is a working tool for members of parliament for it enables them to speak out and criticize the government and denounce abuses whenever necessary.

Parliamentary immunity is designed to ensure that parliamentarians can freely express themselves without hindrance and fear of prosecution.

During the debate, MPs said there is a tendency of citizens perceiving immunity as a negative concept; considering it as a way of politicians placing themselves above the law, something which isn’t true.

This is particularly true in countries where parliamentary immunity offers protections to MPs against legal proceedings for acts they carry outside their parliamentary duties.

The public reasoning may be partly due to lack of understanding the purpose of parliamentary immunities. It may also reflect a more widely held belief that excessive parliamentary immunity offers protections 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 the light of public insistence on over greater accountability.

The main questions here were; should MPs enjoy parliamentary immunity, including being exempted from legal proceeding for acts unrelated to parliamentary duties in order to effectively perform their duties? Should such immunity exist everywhere as a matter of principle or only in fragile democracies?

Apart from the majority saying that immunities for MPs are inevitable, they also debate more on how one can ensure that application of parliamentary immunity indeed protects those subjected to political motivated charges.

Earlier, making his highlights, John Williams (Canada) CEO of the global organization of parliamentarians against corruption (GOPAC), urged that parliamentary immunity is counter productive and outdated, drawing the recent decision by Slovak parliament to do away with the requirement of parliamentary authorization before a member of parliament can be prosecuted; a point which was strongly opposed by many MPs claiming it irrelevant and does give MPs the right to exercise their duties freely.

Sharing experience from Tanzania, an MP from Tanzania, Hamad Rashid Mohamed said in Tanzania, statutory provisions covering parliamentary privilege is defined in Article 100 of the constitution of the United Republic 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 the immunity from legal proceedings which is clearly stated in the parliamentary immunities, powers and privileges Act, 1988 (No.3 of 1988) Section 5 which reads: “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 bona fide in pursuance of a decision or proceeding of the Assembly or a committee.”

Hamad also said that the law also provides the 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 to control its own affairs and proceedings. This is one of the significant attributes of any independent Legislature.
Mps defend parliamentary immunity