



## **ECPRD REQUEST 1440**

### **Misleading statements by Members (MP) or Ministers in Parliament**

#### **FINAL SUMMARY**

**PREPARED BY  
Oireachtas Library & Research Service  
Ireland**

**Date: 18 May 2010**  
**Contact: Matthew Day**  
**[Matthew.Day@oireachtas.ie](mailto:Matthew.Day@oireachtas.ie)**

ECPRD Request 1440 concerned the investigation and discipline/punishment of MPs or Ministers who make knowingly misleading statements in parliament.

By 18 May responses had been received from 17 countries. The Table summarises the responses received and the situation in Ireland according to four questions:

- Is there any legislation, a code of conduct or a procedure whereby a member of parliament can be disciplined for making misleading / false statements to Parliament?
- Is there any regulatory body that scrutinises statements made in Parliament to ensure they are not knowingly misleading?
- Have any MPs or Ministers resigned from Parliament and/or Government since 2000 for giving misleading / false statements to parliament? If so, can you provide details?
- Can you identify MPs and Ministers who have resigned from Parliament and/or Government since 2000 and the reasons for resignations?

## Comparative Table

| Country                       | Legislation, code of conduct or procedure                                                                                                                      | Regulatory body | Any MPs/Ministers who resigned for giving misleading statements | MPs/Ministers who have resigned and reasons for doing so                                                                                                             |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Andorra</b>                | No. General rules on discipline.                                                                                                                               | No              | No                                                              | 15 Deputies, for various reasons (to occupy other public posts of responsibility, local elections, illness)                                                          |
| <b>Belgium</b>                | No                                                                                                                                                             | No              |                                                                 | No known instances of MPs. Most Ministers remain in the post but 3 examples of exceptions were given.                                                                |
| <b>Bosnia and Herzegovina</b> | No. General Code of Conduct.                                                                                                                                   | No              | No                                                              |                                                                                                                                                                      |
| <b>Canada</b>                 | Immune from civil and criminal prosecution. But can be seen as contempt of Parliament.                                                                         | No              | No                                                              | List given.                                                                                                                                                          |
| <b>Croatia</b>                | No                                                                                                                                                             | No              | No                                                              | List given. 17 Ministers, 8 MPs.                                                                                                                                     |
| <b>Cyprus</b>                 | General rules on discipline. Rule 36, The Rules of Procedure of the House of Representatives : "Behaviour of Representatives during the sittings of the House" | No              | No                                                              | MPs have resigned from Parliament to fill up other posts. Ministers have resigned from Government either to fill up another vacancy or for political considerations. |
| <b>Czech Republic</b>         | No. General disciplinary code.                                                                                                                                 | No              | No                                                              | No                                                                                                                                                                   |
| <b>Denmark</b>                | Not for MPs. For Ministers, Section 5, subsection 2, <a href="#">act number 117 of 15/04/1964 about the responsibilities of Ministers of Government</a>        | No              | No                                                              | The Prime Minister decides on appointment of Ministers and can also dismiss them.                                                                                    |

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|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Estonia</b> | No                                                                                                                                                                           | No | Several voluntary resignations, but none for directly false statements to parliament. | 14 Ministers and 12 MPs since 1999. List given, though not including suspension due to appointment to Government/President                 |
| <b>Finland</b> | Possibly, though no cases have arisen. Section 31 of the Constitution relates to breaches of conduct.                                                                        | No | No                                                                                    | List given (36). 21 Members of Parliament. 17 Ministers. 3 resignations in controversy.                                                    |
| <b>France</b>  | No. Articles 70-80 of the Regulations of the National Assembly, deal with general discipline and immunities of deputies.                                                     | No | No                                                                                    | Main cause of resignations is accepting governmental functions.                                                                            |
| <b>Germany</b> | No. General code of conduct.                                                                                                                                                 | No | No                                                                                    | List given.                                                                                                                                |
| <b>Greece</b>  | No                                                                                                                                                                           | No | No                                                                                    | MPs and Ministers have resigned but not for making misleading statements.                                                                  |
| <b>Hungary</b> | No                                                                                                                                                                           | No | No                                                                                    | List given. 5 Members of Parliament. 13 Ministers. 1 Prime Minister. All resigned voluntarily (though some were also urged by their Party) |
| <b>Iceland</b> | Motions and votes of no confidence may be moved against a Minister or the Government as a whole. Under Article 40 of the Constitution the Parliament can allow a prosecution | No | No                                                                                    | List given (16).                                                                                                                           |

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|                  | against an MP by means of a motion.                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                  |                                                                            |                                                                                                                                                |
| <b>Ireland</b>   | No. General disciplinary code.                                                                                                                                                                                                                                                                                                                                     | No                                                                                                                                                                                                               | Given in table which is in the Irish model answer.                         | Given in table which is in the Irish model answer.                                                                                             |
| <b>Italy</b>     | No specific rules. There are general rules relating to discipline.                                                                                                                                                                                                                                                                                                 | No                                                                                                                                                                                                               | Can't say                                                                  | List given. 25 Senators, 57 Deputies, 17 Ministers. Mainly due to incompatibility with other tasks.                                            |
| <b>Lithuania</b> | Nothing explicit. Depends on the nature of the statement. Constitution (see art. 62 and 100), Statute of the Seimas (Rules of Procedure, see art. 18-23 and art. 77-78); Code of Conduct for Politicians.                                                                                                                                                          | Commission on Ethics and Procedures may examine such matters. Conduct of political figures other than MPs (ministers, officials, senior civil servants) may be examined by the Chief Official Ethics Commission. | No direct connection between misleading/false statements and resignations. | List given. 30 MPs (5 in controversy), 18 Ministers (9 in controversy)                                                                         |
| <b>Macedonia</b> | No                                                                                                                                                                                                                                                                                                                                                                 | No                                                                                                                                                                                                               | No                                                                         | No                                                                                                                                             |
| <b>Poland</b>    | Nothing explicitly providing sanctions for false statements. Legislation and code of conduct. Act of 9 <sup>th</sup> May 1996 on the Exercise of the Mandate of a Deputy and Senator (consolidated text in Dziennik Ustaw of 2003, no. 211, item 2199 with amendments) and the Resolution of the Sejm of 17 <sup>th</sup> July 1998 – the 'Principles of Deputies' | No                                                                                                                                                                                                               | No                                                                         | No MPs have resigned (if election to other bodies is not included). 1 suspension related to corruption. About 80 resignations from Government. |

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|                       | Ethics" (Monitor Polski of 1998, no. 24, item 338)                                                                                   |                                                     |    |                                                                                                |
| <b>Portugal</b>       | Nothing explicit. 3 pieces of legislation dealing with ethics and conduct of Members in Parliament.                                  | No                                                  | No | List given (82). Reasons generally unavailable.                                                |
| <b>Romania</b>        | No                                                                                                                                   | No                                                  | No |                                                                                                |
| <b>Russia</b>         | Rules of Procedure of the State Duma (Art. 45)                                                                                       |                                                     |    |                                                                                                |
| <b>Serbia</b>         | Art. 104 of the Rules of Procedure of the National Assembly of the Republic of Serbia provides a general standard of conduct.        | No                                                  | No | MPs have resigned for various reasons but these were unavailable.                              |
| <b>Slovakia</b>       | No. Sections 136-139 of the Rules of Procedure deal with general disciplinary procedure.                                             | No                                                  | No | N/A                                                                                            |
| <b>Slovenia</b>       | No                                                                                                                                   | No                                                  | No | List given. 42 MPs (almost all for another appointment), 18 Ministers.                         |
| <b>Spain</b>          | No                                                                                                                                   | No                                                  | No | In the current legislative term (2008) 44 deputies and 19 Senators have resigned.              |
| <b>Turkey</b>         | No. Though the Rules of Procedure of Turkish Grand National Assembly contain very detailed rules relating to disciplinary penalties. | No                                                  | No | 8 resignations: 2 to take up new positions, 6 for controversy.                                 |
| <b>United Kingdom</b> | Self-disciplining mechanisms of the relevant House and                                                                               | Parliamentary Standards Commissioner, Standards and |    | List of Ministerial resignations since 1997: <a href="http://www.parlia">http://www.parlia</a> |

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|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
|                      | Code of Conduct.                                                                                                                                                                                                   | Privileges Select Committee                                  |                                                                                                 | <a href="http://ment.uk/commons/lib/research/briefings/snpc-02432.pdf">ment.uk/commons/lib/research/briefings/snpc-02432.pdf</a> |
| <b>United States</b> | Y<br>Constitution. Each Chamber has its own ethics manual, code of conduct, and ethics committee.<br><a href="http://www.rules.house.gov/archives/rl31382.pdf">http://www.rules.house.gov/archives/rl31382.pdf</a> | Y<br>House and Senate each have their own Ethics Committees. | Non-parliamentary system.<br><br>Member expelled from the House in 2002 for a number of crimes. | Non-parliamentary system.                                                                                                        |