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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

COMMENTS
ON THE LAW ON POLITICAL PARTIES
OF THE REPUBLIC OF AZERBAIJAN

**(adopted on 3 June 1992; amended by the Laws
of 25 June 1992, 5 November 1996, 5 October 2001,
2 July 2002 and 30 December 2003)**

by

Mr Hans-Heinrich VOGEL (Substitute member, Sweden)

1. In document CDL(2004)044, Mr Hamilton points out that the Law of the Republic of Azerbaijan on Political Parties is a relatively clear and straightforward piece of legislation. He, however, sets out some detailed observations. I entirely agree with both Mr Hamilton's general comments and his detailed observations, but I would like to add the following observation.
2. Article 1 of the draft defines as "political party" an association "of citizens of the Republic of Azerbaijan", and among the requirements for membership as stated in Article 8 there is the requirement that members of political parties shall be "citizens of the Republic of Azerbaijan". These provisions seem to exclude both foreign citizens and stateless persons from membership in political parties. However, as the Venice Commission stated in its Guidelines on legislation on political parties: Some specific issues (adopted at the 58th Plenary Session, Venice, 12-13 March 2004), general exclusion of foreign citizens and stateless persons from membership in political parties is not justified. According to the guidelines foreign citizens and stateless persons should, to some extent be permitted to participate in the political life of their country of residence, at least as far as they can take part in elections; at the very least, the country of residence should make membership in political parties possible for these persons. In addition, in dealing with issues of the participation of foreign nationals in the public life of their country of residence, the Venice Commission invited the Member States to apply to the largest possible extent the provisions of the European Convention on the Participation of Foreigners in Public Life at Local Level¹. To this the Venice Commission has added that additional measures further extending the guarantees provided for by the provisions of this Convention would be most welcomed.

¹ETS no. 144.