



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**QUESTIONNAIRE
ON ESTABLISHMENT, ORGANISATION
AND ACTIVITIES OF POLITICAL PARTIES**

**Adopted by the Sub-Commission on Democratic Institutions
(Venice, 13 March 2003)**

1. *General*

- 1.1 Are there any constitutional, statutory or other legal provisions on political parties or on private associations with political goals?
- 1.2 To which extent is the law on private associations applicable to political parties?
- 1.3 Is there a definition of the term “political party” in a constitutional, statutory or other normative text or has it been defined in the case law of the courts?
- 1.4 Does the law distinguish between political parties on the local, the regional and the national level?
- 1.5 Is:
 - a) the participation in elections;
 - b) or are other political activities reserved to recognised political parties?

2. *Establishment*

- 2.1 Are there any constitutional, statutory or other legal provisions on the establishment of political parties?
- 2.2 What are the substantive and procedural requirements to establish a political party – in general?
 - concerning its political programme?
 - concerning founding members or concerning other individuals, who in some way have to support the establishment (and their number, citizenship, geographical distribution etc.)?
- 2.3 Are there legally defined limits for what may be legally acceptable as a political programme of a political party?
- 2.4 When is a political party recognised as such, is registration required for recognition, and, if the latter is the case, under which conditions is registration granted?
- 2.5 If registration is required:
 - a) Which authority conducts the registration procedure, and which rules are governing the registration procedure?
 - b) Is there a legal remedy, if recognition or registration is denied? Is there any recourse to a court of law?
 - c) Are there any restrictions on the activities of the party pending its registration?

3. *Organisation*

- 3.1 Are there any constitutional, legislative or regulatory texts on the organisation of political parties?
 - Who can be a member?
 - Is membership open for national citizens only, or are foreign citizens and stateless persons accepted as members?

- Are there other legal requirements for membership as for example residence in the country or knowledge of a certain language?
- 3.2 Can membership be denied or can membership be terminated against the will of the person concerned? Can denial or termination be challenged within the party organisation or by appeal to an external authority? Can other decisions of the party be challenged by members within the party organisation or through appeals to courts?
- 3.3 Are there regulations concerning the internal registration of party members and concerning access to and disclosure of information on membership, e.g. in matters concerning public financing, taxation or upon dissolution?
- 3.4 Which individual or body represents a political party in legal matters?
- 3.5 Are there legal requirements concerning internal democracy in a political party?
- 3.6 Is a political party required to maintain national, regional or local branches or offices?
- 4. *Political activities*
- 4.1 Are there any constitutional, statutory or other legal provisions on the political activities of political parties?
- 4.2 Is it mandatory for political parties, e.g. as a prerequisite for maintaining registration or for access to public financing,
 - to present individual candidates or lists of candidates for general elections on the local, regional or national level?
 - to participate in local, regional or national election campaigns?
 - to get a minimum percentage of votes or a certain number of candidates elected in local, regional and national elections?
 - to conduct other political activities specified by law?
- 5. *Supervision and control*

Are there any mechanisms to control or supervise the activities of political parties outside the financial field not mentioned in the replies to the earlier questions?