



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**18th MEETING OF THE SUB-COMMISSION
ON DEMOCRATIC INSTITUTIONS
(Venice, 16 October 2003 at 3.30 p.m.)**

MEETING REPORT

Legislation on political parties in countries co-operating in the framework of the Venice Commission.

The meeting was opened by Mr J. Jowell who introduced the subject of the meeting of the Sub-Commission and invited Mr H-H. Vogel to present the draft report on “the establishment, organisation and activities of political parties” (CDL-DEM (2003) 3).

Mr Vogel informed the participants that the document submitted to the Sub-Commission had a preliminary character. The text is a summary of the replies by 41 countries members or observers of the Venice Commission to the questionnaire on “the establishment, organisation and activities of political parties” (CDL-DEM (2003) 1rev). It did not claim to be exhaustive and members are invited to comment on it to modify or update any information. Mr Vogel stressed that after having worked on the replies, he considered that no concrete general recommendation could be given as to the best way to proceed with the legal status of parties. Countries had different systems established according to their legal and political traditions and in most cases no major problems existed as to the protection of the right to association enshrined in the European Convention on Human Rights.

Some participants were of opinion that no standard could be established on the European level related to the establishment and organisation of political parties. Under such circumstances the Venice Commission might complete the report with an overview of the situation in different countries without establishing any guidelines in this field. Others underlined that, bearing in mind the Commission’s co-operation on the issue of political parties in several countries, a set of guidelines mainly for use by the Commission’s rapporteurs could be established based on recommendations given to some States having a rigid legal framework for political associations. These guidelines should not cover the whole scope of the law on political parties but only address rules which could present problems in respect of the freedom of association, in particular as defined by the case-law of the European Court of Human Rights.

Mr Omari proposed that the full text of replies to the questionnaire (CDL-DEM (2003) 2) should be widely circulated by the Commission.

The Sub-Commission decided:

- a) To ask Mr Vogel to finalise the report on “the establishment, organisation and activities of political parties” by its next meeting in December 2003;**
- b) To invite members to send their comments on the draft document CDL-DEM (2003) 3, if any, to the Secretariat of the Venice Commission by 7 November 2003;**
- c) To establish a set of guidelines on specific issues related to political parties;**
- d) To ask the Secretariat to finalise the text of replies to the questionnaire on the CDL-DEM (2003) 2 “Establishment, organisation and activities of political parties” and to make it available to any interested party.**