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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**DRAFT CODE OF GOOD PRACTICE
IN THE FIELD OF POLITICAL PARTIES**

on the basis of comments by

Mr Carlos CLOSA MONTERO (Member, Spain)
Mr Jean-Claude COLLIARD (Member, France)

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Propositions prepared by the rapporteurs during the working meeting in Paris on 21 May 2008.**I. General principles****I.1 Definition****I.1.1 A specific type of association**

1. A political party is an association of citizens with specific tasks - to present candidates for elections in order to be represented in political institutions and to exercise power on a national, regional and local level or on all three levels.

2. States should adopt legislation that makes a clear distinction between political parties and other associations, including those involved in politics.

I.1.2 Freedom of establishment

3. There should be freedom to establish a political party on the basis of principles established in the constitution so as to allow the courts of law to protect this freedom, if necessary.

4. State bodies should abstain from participating in the establishment of political parties and should not limit the right to establish political parties on a national and regional level.

I.1.3 Possible legal framework

5. States may establish a specific legal framework for political parties, however freedom of association of political parties shall not be limited.

6. The State must secure neutrality and should not discriminate against any of the political forces.

7. The State should create conditions suitable to guarantee the activities of political parties (freedom of speech, freedom of assembly, access to justice etc.).

I.2 Principles to follow

8. The rule of law, democracy and human rights are the three pillars of the European and the Council of Europe's constitutional heritage. Therefore, provisions on democracy, the rule of law and human rights' protection alongside norms regulating the political system and the separation of powers stand among the basic principles of the Council of Europe's member States. Political parties are major actors in any democratic society, hence they enjoy the benefits of the guarantees of those principles by the State, they must therefore also respect and promote these very same principles. The latter should be taken into account in the parties' organisation, functioning and financing.

I.2.1 Rule of law

9. Parties should respect the Constitution and the law. It is understood that nothing can prevent them from seeking to change both the Constitution and the legislation through lawful means.

I.2.2 Democracy

10. Parties are an integral part of a democracy and their activities should ensure its good functioning. Parties are committed to democracy and to the democratic state and they must also be committed to internal democracy.

I.2.3 Non-discrimination

11. Political parties must promote the values of the ECHR and the principle of equality. The principle implies that incumbent parties should not abuse or seek advantage from their ruling position to create discriminatory conditions for other political forces, but respect equality in inter-party competition. Parties should not discriminate against individuals on the basis of their race, religion or on any other grounds.

I.2.4 Responsibility

12. Political parties should assume responsibility for their action.

I.2.5 Transparency and openness

13. Political parties must be prepared to shoulder responsibility before the people for implementing their proposals.

14. Political parties must guarantee openness in their financial and other activities.

I.3 Compliance with legal rules

15. Political parties must comply with international rules on the exercise of civil and political rights (UN Covenant and European Convention on Human Rights).

16. Political parties must comply with national rules ([laws](#)) governing their activities; such rules must recognise the principles of the freedom to set up and parties and the latter's freedom of expression, and must allow them freely to carry out their activities.

17. States can lay down additional criteria (minimum period of existence, number of members, electoral representativity, etc), eg in the form of registration, to qualify for access to certain facilities (radio and TV broadcasts, funding, standing for specific elections, etc). [In doing so, any legal discrimination should be clearly established a priori and jurisdictional control of these acts should be established.](#)

I.4 Prohibition and dissolution

18. These facilities must remain exception and be expressly provided for by law. They can only be used in the event of incitement to violence, serious infringements of the democratic ideal and blatant violations of human rights.

19. The procedure used for prohibiting and/or dissolving political parties must guarantee all the rights of the defence. Where dissolution or prohibition is not ordered by the Constitutional Court or a Supreme Court, it must be appealable before either of these Courts.

II. International organisation of political parties

II.1 Membership

20. Parties may establish different forms of relationship such as membership, sympathisers, collaborators, campaigners, etc. Should this occur, party statutes must clearly spell out the different rights and duties of each situation. Any person must be able to define freely on her personal form of relationship with a party.

21. Everyone must be free to choose which political party to join. Nevertheless, a party may require the inclusion of a specific admission procedure in its statutes. Political parties must comply with any domestic legislation prohibiting affiliation to a party by specified officials (members of the army and police).

22. Parties may withhold membership from any applicant who rejects the values they uphold or whose conduct is liable to damage their image. Any decision to withhold membership must be reasoned and appealable in court.

23. Unless prohibited by domestic law, parties may agree to the accession of foreign members who share their values, and may restrict their role solely to the extent required by law.

24. In connection with accession to and office-bearing in parties, the latter must comply with the principle of equal access by women and men. Parties may adopt measures to promote equal gender membership and a gender balanced policy for responsibility positions. Parties should consider the introduction of quotas.

25. [In countries that recognise national minorities, political parties may not oppose accession by members of these minorities]. Conversely, no party which deals with defending a national minority may refuse applications for membership from persons who do not belong to such minority, provided they are committed to upholding its values.

26. It is desirable for parties to recruit from all age brackets in the population. They must be able to set up specific structures for young people, particularly for those under voting age.

27. Equally, parties should aim at increased involvement of elderly people in their activities. They must take any possible measure to avoid discrimination because of age.

28. Existing European transnational parties should aim towards direct membership.

II.2 Structures

26. The organisation of a political party must be based on the following principles:

- it must target the whole population, without discrimination on any grounds;
- it must adopt statutes accessible to everyone;
- it must make its programme and budget public;
- it must shoulder responsibility for any positions adopted in its name by its leaders or elected representatives.

Alternative text:

26. The organisation of a political party must be based on the following principles:

- Representativeness and receptiveness. The structure of the party and its procedures must represent the opinion of the members and they must be receptive towards these.

- Responsibility and accountability. Organs (both collective and individual) must be held accountable and responsible. Procedures must secure internal (and external) responsibility and rendering account of actions and policies.
- Transparency. Parties must make public their statutes, their programme and financial balance and their public and internal actuations.

27. Parties must regulate themselves by means of statutes. These should comply with legal regulations and must clearly establish the organs, organization and procedures. They also must foresee redress mechanisms.

28. Decisions must be taken at each level (national, regional, and local) by the responsible organ. The procedures for decision-making should be clearly specified in the statutes. When possible (i.g. local level), members should take decisions directly; otherwise, decisions should be taken on the basis of democratic delegation.

29. Organs must meet on regular basis. The supreme organ (National congress or assembly) should meet at least once for each legislative term.

30. Parties must define their national and local and regional organisational methods in their statutes. At each of these levels, the major decisions must be taken by bodies involving all members (at the local level) or their representatives (local and regional levels). These bodies must meet regularly, and in the case of the national congress at least once per legislative term. In the interim periods the governing boards are responsible for decision-making. These boards must be made up essentially of members elected by the party membership in accordance with the procedures set out in the party statutes. The proportion of full members of these bodies may not exceed 50% of their total number.

31. Party operational procedures must be such as to enable the opinions of grassroots members to be heard by party leaders. They must allow the leadership to be challenged and replaced if the members so decide.

29. Parties must ensure that their members comply with democratic principles and current legislation.

30. In cases of failure to comply with these requirements or of serious infringements of party rules, disciplinary measures may be adopted, the severest measure being expulsion from the party. The measures must be governed by a procedure set out in the party statutes, with respect for the rights of the defence. Disciplinary decisions must be appealable before a judicial body external to the party, as provided for by national legislation on voluntary associations or under a specific law on political parties.

II.3 Appointment of leaders and candidates for election

32. At the local, regional and national levels, party leaders must be democratically appointed, either under a vote taken by the members concerned or via ratification by the latter of nominations from a higher party level.

Alternative text:

32. At the local, regional and national levels, party leaders must be democratically appointed **whether directly or indirectly, members must be able to vote for their selection. In particular, parties should encourage bottom up practices for the selection of nominees and candidates.**

33. The same requirements must apply to the appointment of party candidates to the different local, regional, national and European elections. However, the higher party levels may oppose the appointment of candidates who they consider do not represent the party's values or pursue its objectives, subject to a specific procedure stipulated for the purpose.

III. Funding

34. **Party funding must comply with the principles of accountability and transparency.**

III.1 Sources

35. A political party may ask its members and its elected representatives to pay dues, the amount of which it is free to fix, although the latter must not be discriminatory in nature. Non-payment of dues may constitute grounds for expulsion from the party.

36. A party may receive gifts from private individuals, with respect for current legislation. **By no means private donations may be interpreted as granting any right to condition and/or alter party programme and/or policies. According to the law, provisions may exist for disclosing the origin of private donations to parties.**

37. Where public funding is provided for by legislation, political parties must have access to it subject to possible minimum conditions, which must be reasonable and non-discriminatory. A party must refrain from receiving material or financial assistance from any public authorities, particularly those directed by its members.

III.2 Restrictions

38. No party may receive clandestine or fraudulently obtained financial aid.

39. For the purposes of financing electoral campaigns, parties must guarantee that their candidates comply with current regulations, particularly where there is a ceiling on electoral expenditure.

III.3 Supervisory mechanisms

40. Every political must include in its statutes a mechanism for supervising its accounts at the national level and for ensuring that the national level supervises the accounts of its local branches.

41. Where public funding exists, the State may (must) provide for a mechanism for the supervision of party accounts by a court or an independent body, concentrating on the public monies allocated to parties. Public funding may be reduced, withdrawn or withheld from any

party that infringes the legislation on the funding of political activities or the law in general, subject to an appropriate public procedure which respects the rights of the defence, with a facility for appealing the corresponding decisions before the Constitutional Court or a Supreme Court.

IV. Political functions

IV.1 Programme

42. Every party must publish a programme providing information on the main thrusts of the policies which it intends to conduct if it comes to power.

43. The programme must have been approved under a vote by party members or their representatives. *In particular, parties must devise strategies aiming at increasing the knowledge, experience and assertiveness of women, youngsters and seniors.*

IV.2 Training

44. Parties must provide civic and political training for their members.

45. To that end the party may set up a training institute, which may receive specific aid in addition to that earmarked for the party itself.

IV.3 Education

46. One of the party's objectives may be to educate the people's political will and inform the public of the major issues of national politics.

47. To that end, parties must have access to the media, particularly the audiovisual media, subject to minimum conditions on representativity which may be established by law.

Alternative: Not to include this paragraph.

IV.4. Elections

48. Parties must include among their objectives the aim of presenting candidates for elections at the level corresponding to the action it intends to conduct. Where a party fails to stand for several successive elections, it may be deprived of its political party status and the related advantages. The relevant procedure must be established by national law and accompanied by guarantees on legal remedies.

Alternative: Not to include this paragraph if it is agreed that the burden of proof must lie with the state and national legislation.

49. For the purposes of campaigning by its candidates, the party must have access to State aid, particularly in connection with media access, subject to minimum conditions on representativity which may be established by law.

Alternative text:

49. During the electoral campaign, parties must carry non-destructive strategies, avoiding ill-informed or misleading propaganda and observing the principle of fair play.

50. Every party putting up candidates may send its members or observers to meetings of the bodies responsible for organising the elections or running polling stations.

Alternative: Not to include this paragraph

IV.5 Place in the institutions

51. Parties must be able to set up a political group within an elected representative assembly in order to relay its action. A minimum representativity threshold may be fixed for this purpose.

52. When a party member accedes to managerial duties in any public institution, (s)he must be careful not to confuse the party's interests with the general interests for which (s)he takes on responsibility.

53. Parties and their members must perform a responsible opposition. This implies scrupulous control, scrutiny and checks on authorities and officials behaviour and policies but it excludes false accusations or ill informed criticism.

54. Parties must aim at fighting corruption. Ethical codes for party members in public offices are welcome. Members condemned because of corruption charges should be excluded from office and candidatures. Likewise, parties must reject the incorporation of elected officers coming from other parties. Transfugism is to be condemned.

55. Parties in office should inform on their achievements of electoral promises. They must keep public and available their campaign programme once elected for office for the whole duration of the legislature or term.

IV.6 International co-operation

56. A political party may accede as such to a transnational party or an international association of parties following the same political line.

57. A party may set up a foundation, which may receive specific funding aid, to help develop similar parties in other democratic countries, in accordance with the legislation of the country in question.

58. A party may assist similar parties which are prohibited or proscribed in non-democratic countries.