



Strasbourg, 4 December 1998
<cdl\doc\1998\cdl-pp\4.e>>

Restricted
CDL-PP (98) 4
Or. fr

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**Sub-Commission
on Democratic Institutions
(Venice, 10 December 1998)**

**PROHIBITION AND FINANCING
OF POLITICAL PARTIES**

Note prepared by the Secretariat

1. Prohibition of political parties and analogous measures

At the request of the Secretary General of the Council of Europe, the European Commission for Democracy through Law conducted a survey on the prohibition of political parties and analogous measures (CDL-PP (98) 3).

Countries which co-operate with the Venice Commission were invited to answer a questionnaire on the prohibition of political parties, covering both the existence of rules prohibiting political parties or providing for similar measures (document CDL-INF (98) 14) in order to study the situation existing in different countries. 40 countries contributed to the study.

The conclusions of the study highlighted the following issues:

- a) party activities everywhere are guaranteed by the principle of freedom of association;
- b) there is a possibility to sanction political parties that do not respect a certain set of rules, including prohibition and dissolution of political parties, in a number of countries which answered the questionnaire;
- c) the procedure regarding measures restricting the activities of the political parties show the authorities' concern to respect the principle of freedom of association.

The study provides a good starting point for further analysis of the question of the prohibition of political parties. Considering the importance of the issue the Commission has decided to continue the study of this problem with a view to drafting guidelines in this field¹.

The Parliamentary Assembly of the Council of Europe will consider a motion for a recommendation on the threat posed to democracy by extremist parties in January 1999.

2. The funding of political parties

Several international organisations have already considered the issue of the funding of political parties. The Council of Europe has been working on this issue since early 90es. The project "Human Rights and true democracy" of the Steering Committee on Human Rights (1991-1995) included a study on the funding of political parties. This initiative was continued by the Ad-hoc Committee on International Law (CAHDI) which organised a Conference on the trading in influence and illegal financing of political parties in Madrid on 28-30 October 1998².

The European Parliament has dealt with this issue and discussed at the plenary in Strasbourg in February 1998 a report on The Funding of Political Parties in the member States of the European Union.

The International Institute for Democracy and Electoral Assistance (IDEA) will launch a project on the funding of the political parties during a Conference which will take place on 8 December 1998 in London.

¹ The list of documents of other institutions on this subject appears in the Appendix to this note

² The list appears in the Appendix to this note

3. APPENDIX

List of documents available at the Secretariat

I. PROHIBITION OF POLITICAL PARTIES

Council of Europe

- Resolution on the consequences of the dissolution of the Party for Democracy (DEP) in Turkey, Parliamentary Assembly, Resolution 1041 (1994), E/F
- Threat posed to democracy by extremist parties, Parliamentary Assembly, Doc. 8263 of 9 November 1998, E/F
- Prohibition of Political Parties and analogous measures, Venice Commission, CDL-INF (98) 14, E/F

II. FINANCING OF POLITICAL PARTIES

Council of Europe

- Project Group “Human Rights and Genuine Democracy”, Draft Final Activity Report on the Financing of Political Parties, CAHDD (95) 16, Addendum II, E/F
- GMC Corruption, Programme of Action against Corruption, Third European Conference of Specialised Services in the Fight against Corruption (Madrid, 28-30 October 1998), Trading in influence and illegal financing of Political Parties:
 - General Report (by Mr Van Ruymbeke), CONF/3 (98) 1, E/F
 - Criminal characterisation of the illegal financing of Political Parties (by Mr C. Jimanéz Villarejo), CONF/3 (98) 2, E/F
 - Investigating illegal financing of Political Parties (by Mr F. H. Brüner), CONF/3 (98) 3, E/F
 - Trading in influence as a means of illegally financing Political Parties (by Mr J.-M. Lequesne), CONF/3 (98) 4, E/F
 - Trading in influence as a means of illegally financing Political Parties (by Mr G. Colombo), CONF/3 (98) 5, E/F
 - National Report of Germany, CONF/3 (98) Nat. 1, E/F
 - National Report of Georgia, CONF/3 (98) Nat. 2, E/F
 - National Report of France, CONF/3 (98) Nat. 3, E/F
 - National Report of the United Kingdom, CONF/3 (98) Nat. 4, E/F
 - National Report of Latvia, CONF/3 (98) Nat. 5, E/F
 - Conclusions, CONF/3 (98) Concl., E/F

European Parliament

- The funding of Political Parties in the member States of the European Union, DG for Research, Political series, POLI 101EN, E/F