



Strasbourg, 30 November 2012

CDL(2012)064syn
Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with
the Constitutional Court of the Russian Federation

CONFERENCE ON
**“POLITICAL PARTIES IN A DEMOCRATIC SOCIETY:
LEGAL BASIS OF THE ORGANISATION AND ACTIVITIES”**

on the premises of the Constitutional Court,
1, Senatskaya pl., St Petersburg, Russia,
27 – 28 September 2012

SYNOPSIS

The Constitutional Court of Russia, together with the Venice Commission, organised a conference on “Political parties in a democratic society: legal basis of the organization and activities”, which was held in Saint Petersburg on 27-28 September 2012.

In addition to several members of the Venice Commission, as well as representatives of the European Court of Human Rights, of the Parliamentary Assembly of the Council of Europe, as well as of the Group of States against Corruption (GRECO), the conference brought together members of the Russian Constitutional Court, of the Central Electoral Commission, representatives of the State *Duma*, State Council of the Russian Federation (coming from the four political parties represented there: United Russia, Liberal-Democratic Party, just Russia and Communist Party), the Ministry of Justice, the Court of Accounts, the Institute of Legislation and Comparative Law as well as the Committee of Civil initiatives.

This conference was organised in the aftermath of the adoption of substantial changes to the Law on Political Parties in April 2012, further to the opinion on this law which the Venice Commission adopted at the request of the Parliamentary Assembly in March 2012. The recent amendment of the law on political parties has given the context to discuss about the European and international standards on political parties regulation, as well as the rights and responsibilities of the latter. Indeed, the number of registered political parties in Russia is increasing and it is likely that many new registered or new formed political parties will gain space in the democratic public debate. More in general, the aim of this conference was to discuss widely about the important challenges faced by political parties in public life all around Europe.

The debates and presentations were divided into three panels a) on the action of political parties in public life, b) balancing external and internal regulations of political parties and c) the issue of financing political parties (see link to the programme). The panels were preceded by the welcoming remarks of Mr Jan Helgesen, Vice-President of the Venice Commission, and Mr Zorkin, President of the Russian Constitutional Court. Mr Zorkin also conveyed a message from President Putin expressing his satisfaction for the organisation of this event and stressing the importance of building multi-partitism in Russia. There was also an introductory session in which the Council of Europe and particularly the Venice Commission standards on political parties were presented, as well as the relevant European Court of Human Rights’ case-law. Mr Zorkin presented the Russian legal standards on the matter and stressed the importance of combining them with the Council of Europe standards.

The first panel dealt with several topics related to the role of political parties inside and outside Parliament, as well as concerning their participation in elections. Extensive discussions concerned the application of the Venice Commission recommendations to the Russian legal context - not only the Law on Political parties as such, but also the constitutional provisions concerning fundamental rights affecting political parties, such as Article 55 in combination with Articles 17.3 and 13.5.

The second panel dealt with issues such as the internal democracy for political parties and gender equality. The discussion about gender quotas and the constitutional limits of cooperation between political parties as such and the State were part of the debates. Alternatives to the actual barriers remaining in Russian regulation concerning political parties and the restrictions on regional political parties were also discussed. Finally, funding of political parties, including campaign funding but also the general standards on the issue were analysed.

In the conclusions, Mr Colliard presented the main challenges faced by political parties and the representation crisis, as well as the classical but modern dichotomy between political parties as State bodies or as private associations separate from the State. Modern political and parliamentary life in our societies is structured and based on political parties. Elections are a choice among parties and they are not only recognized, but also financed by the State. Democracy, although with its imperfections, relies on political parties and they have to enforce principles such as the requirement for equality and a gender balanced representation. Financing political parties, regulating rights and responsibilities of political parties, access to media, internal democracy issues and other topics are essential. The Venice Commission has worked extensively to elaborate guidelines in the field, contributing to building a robust and coherent common electoral heritage in Europe.

Mr Zorkin stressed that the important issue in Russia is not the number of political parties as such, but the construction of a real democracy, avoiding political monopoly of public life. To achieve these goals, Russia needs time to adapt its legal system to European standards, taking into account the historic and political context of Russia and the complexities and specificities of the Russian legal order. However, there should be no dilemma concerning the respect for European standards and a progressive approach towards the Council of Europe shared values, based on a mutual knowledge, should be pursued.

Link to the programme ([CDL\(2012\)064prog](#))

Link to the list of participants ([CDL\(2012\)064list](#))