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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**19th MEETING OF THE SUB-COMMISSION
ON DEMOCRATIC INSTITUTIONS**

(Venice, 11 December 2003 at 3.00 p.m.)

MEETING REPORT

Report on the establishment, organisation and activities of political parties.

Mr J.C. Scholsem opened the meeting and asked Mr H.H. Vogel to present the Draft Report on the establishment, organisation and activities of political parties (CDL-DEM (2003) 3 rev).

Mr H.H. Vogel informed the participants that the draft presented to them had been modified following the meeting of the Sub-Commission in October 2003 on the basis of comments and suggestions of the members of the Commission. This text was a summary of the replies and did not intend to give any recommendations to the Member-States. It could be adopted during the plenary session of the Commission.

Speaking about the draft guidelines (CDL-DEM (2003) 4), Mr H.H. Vogel pointed out that it was difficult to make proposals in the field of political parties since the national practice in the field was too diverse. The draft guidelines were based partly on the opinions of the Venice Commission given on legislation on political parties in Armenia, Moldova, Georgia and Ukraine. Mr H.H. Vogel stressed that this text was a first draft and that he expected some assistance or at least comments from other members in order to finalise that text.

Mr J.C. Scholsem suggested creating a working group that could further elaborate Mr H.H. Vogel's draft.

During the discussion that followed the presentation of the document by Mr H.H. Vogel, the members of the sub-Commission proposed a number of issues to be further developed or reconsidered during the future work on the draft:

- 1) the draft guidelines should include a comprehensive list of practices that should be avoided using the examples quoted in the opinions of the Venice Commission;
- 2) the important role of freedom of association in political parties for the purpose of participation in elections should be examined in a more detailed manner; and
- 3) the problem of the participation of non-citizens in political parties should be examined with great care, especially considering the examples of some States where they represent the majority of the population of the country (for example, in the case of Andorra).

The Sub-Commission on Democratic Institutions decided :

- a) **to recommend during the plenary session of the Commission the adoption of the Report on the establishment, organisation and activities of political parties (CDL-DEM (2003) 3 rev); and**
- b) **to create a working group composed of Mrs L. Err and Messrs J. Klucka, K. Tuori and H.H. Vogel who would prepare a revised version of the guidelines on the establishment, organisation and activities of political parties on the basis of the document CDL-DEM (2003) 4 and who would invite other members to send their comments/proposals to the Secretariat by 1 February 2004.**

LIST OF PARTICIPANTS

BELGIUM

Mr Jean-Claude SCHOLSEM, President, Professor of the University of Liege

ALBANIA

Mr Luan OMARI, Vice President of Albanian Academy of Sciences

ANDORRA

Mr François LUCHAIRE, Former President of the Constitutional Court of Andorra

FINLAND

Mr Kaarlo TUORI, Professor of Administrative law, Department of Public Law, University of Helsinki

ICELAND

Mr Hjörtur TORFASON, Former Judge of the Supreme Court of Iceland

LATVIA

Mr Aivars ENDZINS, President of the Constitutional Court

LITHUANIA

Mr Kestutis LAPINSKAS, Judge at the Constitutional Court

MALTA

Mr Hugo MIFSUD BONNICI, President Emeritus

ROMANIA

Mr Bogdan AURESCU, General Director at the Ministry of Foreign Affairs of Romania

SWEDEN

Mr Hans Heinrich VOGEL, Professor of Public Law, University of Lund

SECRETARIAT

Mr Gianni BUQUICCHIO
Mr Thomas MARKERT
Mr Pierre GARRONNE
Mr Serguei KOUZNETSOV