



Doc. 11470

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The dissolution of the Russian Republican Party in the light of Russia's modified Law on political parties

Reply to Written question¹: Written question No. 532 (Doc. 11365)
Committee of Ministers

1. The Committee of Ministers recalls that the right to form a political party falls within the scope of freedom of association, as protected by Article 11 of the European Convention on Human Rights. As underlined by the European Court of Human Rights in previous judgments² on this matter, "political parties are a form of association essential to the proper functioning of democracy". Accordingly, only convincing and compelling reasons can justify restrictions on political parties' freedom of association. The Committee of Ministers expects all member states to strictly comply with this requirement, which is at the core of Council of Europe values and principles.

2. As far as the dissolution of the Russian Republican Party is concerned, according to the Russian Federation authorities, this measure has been decided by the Supreme Court of the Russian Federation – and subsequently confirmed by the Cassation Chamber of the Supreme Court on 31 May 2007 – in accordance with the provisions of the Federal Law on Political Parties, as an inspection conducted from March to October 2006 had established that this party did not meet the requirements set out in the law regarding the minimum number of members and their territorial distribution. In substance, the Committee of Ministers feels bound to refrain from any comments regarding its compliance with the requirements of the European Convention on Human Rights, since the case is now pending before the European Court of Human Rights.

3. Beyond the European Convention on Human Rights, the Committee of Ministers recalls that "the role of political parties in the building of democracy" was the general theme of the session of the Forum for the Future of Democracy held in Moscow on 18 and 19 October 2006. As was acknowledged by the participants of the session and as indicated by the general rapporteur in his final conclusions, "political parties constitute a permanent feature of all modern democracies and a key element of electoral competition" and "serve as an essential instrument for the expression and representation of different interests".

4. The Committee of Ministers firmly believes that when considering possible restrictions to the establishment of political parties, public authorities in member states should bear in mind these particular considerations, which are of utmost importance for having a genuine democracy. From this perspective, the Committee of Ministers fully concurs with the guidelines on the prohibition and dissolution of political parties adopted by the Venice Commission in 1999, and in particular that according to which "the prohibition and dissolution of political parties as a particularly far-reaching measure should be used with utmost restraint".

5. When examining the question of freedom of association in the context of its monitoring procedure in 2005, the Committee of Ministers paid particular attention to the freedom to establish political parties and invited member states, when drafting, amending or applying relevant legislation, to take due account of the

1. Adopted by the Committee of Ministers on 27 November 2007, at the 1012th meeting of the Ministers' Deputies. See [Doc. 11365](#).

2. See the judgments of the Court in the case of *The United Communist Party of Turkey and Others v. Turkey* (30 January 1998) and in the case of *Tsonev v. Bulgaria* (13 July 2006).



European Court of Human Rights' case law on Article 11 of the European Convention on Human Rights and the aforementioned guidelines. It reiterates this appeal and recalls that the Council of Europe is available to provide its advice in this respect.