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The code of good practice for political parties

Report
Political Affairs Committee
Rapporteur: Mr Luc VAN DEN BRANDE, Belgium, Group of the European People's Party

Summary

Today's democratic systems rely on political parties as one of the main ways of channelling different views and securing a variety of interests in the political decision-making process. Political parties play a crucial role in establishing public authorities, formulating policies and implementing them. The effectiveness and credibility of parties have a fundamental impact on the nature and success of democracy. They are of the utmost importance for the legitimacy of the whole political system and constitute a necessary precondition for the effectiveness of the democratic process.

Nowadays, political parties in many countries are facing a serious crisis in public confidence. They are being increasingly criticised and sometimes regarded as corrupt and serving narrow interests. In general, from the public's perception, they often lack internal democracy, accountability and equality.

The Rapporteur identifies a set of principles and guidelines which could be recommended directly to political parties in Council of Europe member states with a view to eliminating deficits of democracy within parties, and should be addressed by the parties themselves either in their practice or regulations. Furthermore, the Rapporteur proposes the elaboration of a code of good practice for political parties and invites the European Commission for Democracy through Law to draft it.

A. Draft resolution

1.   The Parliamentary Assembly refers to its Recommendation 1438 (2000) and Resolution 1344 (2003) on the threat posed to democracy by extremist parties and movements in Europe; Resolution 1308 (2002) on the restrictions on political parties in the Council of Europe member states', Recommendation 1516 (2001) on the financing of political parties, and Resolution 1264 (2001), Resolution 1320 (2003) and Recommendation 1595 (2003) on a code of good practices in electoral matters.

2.   Furthermore, it refers to the following texts adopted by the European Commission for Democracy through Law (Venice Commission): the Guidelines on legislation on political parties (2006), the Guidelines for financing political parties (2000), the Guidelines on prohibition and dissolution of political parties and analogous measures (1999) and a code of good practice in electoral matters (2002).

3.   The Assembly recalls the conclusions of the Council of Europe Forum for the Future of Democracy, held in Moscow in October 2006, which was devoted to the role of political parties in the building of democracy.

4.   The Assembly acknowledges that political parties constitute a permanent feature of modern democracies, a key element of electoral competition, and a crucial linking mechanism between citizens and the state. Their role consists in integrating groups and individuals into the political process, serving as a tool for formulating and representing their interests, establishing public authorities at different levels, and elaborating policies and alternative political programmes.

5.   Consequently, being the key link between society and democratic governance, political parties bear a particular responsibility. Their legitimacy and credibility are of utmost importance for the legitimacy of the democratic process as a whole. On the other hand, their dysfunctionning may affect the entire democratic system and institutions.

6.   Regrettably, many political parties are increasingly criticised and distrusted. In many Council of Europe member states, some face a crisis of legitimacy, sometimes being regarded as corrupt, undemocratic in their internal procedures and only serving the interests of small groups rather than the public at large.

7.   This decline in confidence in political parties results in distrust in the democratic system as a whole, and, consequently, indifference towards political institutions and lack of interest in the political process. This phenomenon is best illustrated by decreased participation and low turn-out in elections.

8.   The Assembly is convinced that, in order to restore public confidence, political parties should step up efforts aimed at developing intra-party democracy as well as the accountability and transparency of their decision-making bodies. They should take urgent steps to:

8.1   reconnect with individual citizens and focus on their aspirations and concerns;
8.2   improve their accountability to their electorates;
8.3   enhance the role of the individual elected representatives;
8.4   develop their openness and that of the decision-making bodies on which they serve;
8.5   resist the temptation to make unrealistic promises to voters.

9.   The Assembly considers that the elaboration of a code of good practice for political parties, which would set out the most important elements for the conduct of political parties, is both necessary and timely. The code should be based on the experience of political parties in Council of Europe member states and drawn from existing good practices. It should promote concepts and strategies which enhance and strengthen the role, status and relevance of political parties in a democratic system.

10.   The elaboration of such a code would reinforce parties' internal democracy and increase their credibility in the eyes of citizens, thus contributing to their greater participation in political life. The Assembly considers that good practices should also promote democratic principles such as equality, dialogue, co-operation, transparency and the fight against corruption.

11.   The Assembly also considers that the elaboration of such a code would assist parties in improving their impact on the democratic process and their ability to comply with the legislative framework within which they operate**.**

12.   The Assembly considers that the proposed code of good practice for political parties should embrace the following issues:

12.1.   Good practices for the election process:

      12.1.1. Promoting democratic principles and, in particular, transparency and equality of opportunities in the selection and nomination of candidates on electoral lists;

      12.1.2. Encouraging the participation and nomination of members from under-represented groups (for example: young people, minorities, immigrants and the disabled);

      12.1.3. Establishing a long-term strategy, including special projects and training, aimed at increasing assertiveness, knowledge and experience of underrepresented groups within the party;

      12.1.4. Examining the experience of political parties that have introduced quotas for the selection and nomination of candidates for elections, and consideration of such a possibility in their own practice;

      12.1.5. Observing the principles of "fair play" and setting general standards for conduct during the electoral campaign;

      12.1.6. Developing internal rules which would ensure compliance with legislation on fair and transparent funding of electoral campaigns;

12.2.   Good practices for increasing the equality between men and women in political parties:

      12.2.1. Examining the experience of other political parties that have introduced quotas for women, not only for parliamentary elections but also for elections in any internal body (governments, parliamentary committees, etc.);

      12.2.2. Organising training and other forms of encouragement for women's active participation in political parties;

12.3.   Good practices for the financing of political parties and the funding of electoral campaigns:

      12.3.1. Developing internal rules which would complete and strengthen national legislation on financing of political parties and funding of electoral campaigns, in particular, regarding transparency and accountability;

      12.3.2. Developing internal rules, complementary to national legislation, enabling monitoring of the financial status of elected representatives before, during and after their term of office;

      12.3.3. Ensuring transparency, high standards of conduct and sound management in their public performance to maintain the trust and confidence of citizens;

      12.3.4. Reinforcing and supporting preventive and repressive measures aimed at combating corruption;

      12.3.5. Setting up independent disciplinary bodies to investigate and sanction corruption within parties;

      12.3.6. Strengthening evaluation, monitoring and disciplinary processes;

12.4.   Good practices for the political parties in the opposition:

12.4.1. Recognising the role of the opposition as having a beneficial effect on the democratic process;

12.4.2. Enhancing dialogue between governing and opposition parties;

12.4.3. Fostering conditions that ensure that the role of opposition parties is not merely confined to criticising those in power;

12.4.4. Encouraging the opposition to establish a "shadow" programme;

12.5. Good practices for external and institutional accountability:

12.5.1. Ensuring public accountability by implementing transparency, high standards of conduct and sound management in their public performance;

12.5.2. Reinforcing preventive measures as well as procedures for enforcement, namely evaluation, monitoring and disciplinary measures;

12.5.3. Monitoring and reporting systematically on results achieved by party's representatives in public institutions;

12.5.4. Keeping citizens informed of the fulfilment of electoral promises by, *inter alia*, providing the public with an assessment of the party programme and an explanation as to what extent it has been translated into public policies;

12.5.5. Making the electoral programme available on the party's website during the length of its legislative mandate in order to enable public scrutiny;

12.5.6. Disclosing details of pre-selection and key decision-making procedures upon registration;

12.5.7. Providing for the disclosure of politicians' assets before, during and after having served in public administration;

12.6. Good practices for internal accountability and intra-party democracy:

12.6.1. Ensuring that the internal rules of political parties are guided by legal certainty, clarity, transparency, accountability and independence;

12.6.2. Ensuring that interaction between local political parties and society is based on dialogue, interdependence and co-operation;

12.6.3. Promoting and enforcing equality in the administrative system of political parties at all levels;

12.6.4. Reinforcing links between party leadership and local and regional levels of organisations;

12.6.5. Reinforcing measures aimed at combating corruption within the party and improving internal accountability;

12.6.6. Introducing open conditions for membership and member rights;

12.6.7. Adopting internal procedures involving consultation of members on policy or on important decisions for the party such as electoral coalitions or government agreements;

12.6.8. Establishing of mechanisms ensuring internal accountability of party members holding public offices;

12.7. Good practices for the involvement of young people in the political process:

12.7.1. Supporting youth organisations of parties at local and regional levels;

12.7.2. Providing training for youth participation;

12.7.3. Creating youth sections within parties;

12.7.4. Promoting of active participation of young members in statutory bodies, and in particular, encouraging candidatures of young people at all levels and elections;

12.8. Good practices for participation of national minorities:

12.8.1. Encouraging and enhancing the participation of minorities at all level within the political process;

12.8.2. Ensuring that respect for dignity and the rights of national minorities are taken into account during the election process;

12.9. Good practices for education for democratic citizenship:

12.9.1. Facilitating citizens' access to information concerning local political affairs, informing them about all forms of participation in local public life and setting up administrative offices to facilitate contacts between local authorities and citizens; this should not entail the use jof public funds to promote propaganda on behalf of political parties or certain ideologies;

12.9.2. Organising activities in education for democratic citizenship, including open-ended conferences and civic groups that focus on the topics related to the rights and responsibilities of a citizen in a democracy, the constitution, political parties, or the role of the civil society;

12.10. Good practices in regards to the media and information flow:

12.10.1. Promoting new information and communication technologies;

12.10.2. Exploring ways in which advances in information technology might be able to strengthen the democratic process, individual participation and decision-making;

12.10.3. Increasing the information flow that parties may offer citizens, as well as receiving input from the latter;

12.10.4. Promoting free, competitive and active media;

12.11. Good practices for relations and interaction with society at large:

12.11.1. Ensuring that relations between political parties and civil society are based on independence, interdependence and dialogue as well as on the principle of transparency;

12.11.2. Reinforcing connections between political parties and citizens aimed at achieving a more transparent and participatory system of government.

13. The principles set out above should also be applied to federations of parties at European level.

14. The Assembly invites the European Commission for Democracy through Law to elaborate a code of good practice for political parties taking into account the above elements.

15. At the same time, the Assembly calls on political parties in Council of Europe member states to base their actions on the guidelines set out above.

16. The Assembly invites the Conference of INGOs of the Council of Europe to complement the code of good practice for political parties with a code of good practice for civic participation.

B.   Explanatory memorandum, by Mr Luc Van den Brande, Rapporteur

I.   Introduction

1.   The question of political parties is an essential aspect of the concept of representative democracy. Today's democratic systems rely on political parties as one of the main ways of channelling different views and securing a variety of interests in the political decision-making process along with other actors of democratic societies including economic, social, cultural lobbies, civil society and action groups.

2.   Political parties play a crucial role in establishing public authorities, formulating policies and implementing them. They are based on the principle of subsidiarity: the vertical one in a multi-level governance system, and the horizontal one which implies the responsibility of the actors towards society. Contemporary democracy without political parties is hardly conceivable.

3.   The effectiveness and credibility of parties have a fundamental impact on the nature and success of democracy. They are of the utmost importance for the legitimacy of the whole political system and constitute a necessary precondition for the effectiveness of democratic process.

4.   Nowadays, political parties in many countries are facing a serious crisis of public confidence. They are being increasingly criticised and sometimes regarded as corrupt and serving narrow interests. In general, from the public's perception, they often lack internal democracy, accountability and equality. This tends to result in widespread indifference towards politics as a whole, and as a consequence, in decreased participation in political life and low turn-out in elections. In the long run this could create a real threat to democracy.

5.   The Council of Europe which stands for democracy and the rule of law can not turn a blind eye to this phenomenon. On several occasions, the Parliamentary Assembly has addressed different aspects of the functioning of political parties in the context of the political system as a whole. The relevant texts include Resolution 1264 (2001) and Resolution 1320 (2003) on the Code of good practices in electoral matters, Resolution 1344 (2003) on the threat posed to democracy by extremist parties and movements in Europe, Resolution 1308 (2002) on restrictions on political parties in the Council of Europe member states, and Recommendation 1516 (2001) on financing of political parties.

6.   The European Commission for Democracy through Law (Venice Commission) has devoted much attention to political parties and has adopted, *inter alia,* Guidelines on legislation on political parties (2006), Guidelines for financing political parties (2000), Guidelines on prohibition and dissolution of political parties and analogous measures (1999) and a Code of Good Practice in Electoral Matters (2002).

7.   The Council of Europe Third Summit of Heads of State and Government, held in Warsaw in May 2005, clearly demonstrated the commitment and concern of European leaders regarding democracy. By establishing the Council of Europe Forum for the Future of Democracy, the European leaders provided their countries with a useful instrument for strengthening democracy, political freedom and citizens' participation through the exchange of ideas, information and examples of best practices.

8.   Following the first meeting of the Forum, held in Warsaw in November 2005, several members of the Parliamentary Assembly tabled a Motion for a recommendation on the establishment of a code of good practice for political parties. The Political Affairs Committee appointed Mr Elo as Rapporteur and it started work on the issue with a view to recommending to the Committee of Ministers the elaboration of the Code of good practice for political parties.

9.   The second meeting of the Forum for the Future of Democracy, held in Moscow in October 2006, was entirely devoted to the "role of Political Parties in the Building of Democracy"; Mr Elo was the General Rapporteur of this session of the Forum. Thus the discussions held earlier in the Political Affairs Committee contributed to the deliberations of the Forum, and conversely, the conclusions of the Forum have greatly contributed to this report. The idea of the elaboration of the Code of good practice for political parties has been widely supported.

10.   I was appointed Rapporteur by the Political Affairs Committee on 25 January 2007, after Mr Elo had stepped down from the rapporteurship because he was leaving the Assembly. My experience as Chairman of the Council for Democratic Elections of the Venice Commission, which has done a vast amount of work on political parties, has been of great help in accomplishing the task of preparing the present report.

11.   While preparing the present report and following discussions in the Committee, I decided to make a clear distinction between the external conditions in which parties operate and which are not directly dependent on their will, on the one side, and parties' internal democracy which remains under their own authority and is governed by internal rules and practices, on the other.

12.   The former include, for example, electoral systems, legislation governing the registration of parties, laws on their financing outside and during electoral campaigns and access to media. Generally speaking, they constitute an environment or a legal framework in which political parties function. They obviously have a great impact on the functioning of parties. They can and certainly do influence internal democracy by imposing certain principles by means of legislation.

13.   In order for political parties to play a constructive role, the legal and administrative framework obviously has to address a number of questions and set parties certain requirements in a clear and transparent way. However, as this constitutes an external factor, independent from the parties themselves, it is not the subject of this report.

14.   The aim of this report is to identify a set of principles and guidelines which, irrespective of external conditions, could be recommended directly to political parties in Council of Europe member states. These guidelines would refer to the questions which may or should be addressed by the parties themselves either in a statutory manner or through practice.

15.   I wish to stress that there is no question of imposing any binding rules or principles on parties' internal behaviour. I am fully aware of the sensitivity of this issue. The discussions in the Committee have shown clearly that some colleagues perceive such possible interference in internal party matters - whatever good intentions might guide such action - as a violation of democracy. I understand their fears. The Code - if adopted by a Committee of Ministers - is not designed as an international legal instrument and would not be mandatory.

16.   Moreover, some colleagues have expressed their doubts as to the universality of any models for good practices for political parties. For example, how can one recommend quotas in selection of candidates for elections in one mandate majority constituencies? How can one impose solutions regarding equality issues which have proven to be successful in Nordic societies to countries less receptive to equality ideas? In reply to these doubts I wish to stress that the proposals included in this report should be considered as indicative and constitute a basis for further reflection.

17.   I do not think that there are any ideal solutions or any miraculous remedies which could be applied to any party in any country. But I certainly see the usefulness of sharing experience and information on practices which have been proven to be successful. This may encourage a widespread process of reflection in other parties. If this is achieved I will consider that the aim of this report has been fulfilled.

18.   In considering the possible procedure for the elaboration of a Code of good practice for political parties, I drew from the experience of this Committee which was at the origin of the Code on electoral matters. That Code was proposed by the Assembly and the actual drafting of the document was entrusted to the Venice Commission. My intention is to propose to follow the same procedure with a view to adopting a Code of good practice for political parties.

II.   Areas in which good practices should be examined

19.   While I was preparing the present report I was confronted with a problem of methodology. Firstly, national legislation regarding political parties is different in Council of Europe member states. Certain questions which are very scrupulously regulated in some countries may be hardly dealt with by the law in the others. This creates a problem of the choice of areas to be addressed in the Code. For example, the majority of recommendations which I included in the part concerning the financing of

political parties are integrated in the national legislation of many Council of Europe members. However, there are some countries where the regulation is non-existent or inadequate. My recommendations are addressed to political parties in these countries.

20.   Secondly, for the purpose of clarity my proposal for an outline of a code of good practices for political parties is divided into several sections. Each section relates to one important aspect of party functioning. However, I am fully aware that this structure may sometimes appear somewhat artificial. For example, how can you distinguish between good practices for the election process and good practices for participation of women? Or between these two and intra-party democracy? Obviously all these questions are inter-related and inter-dependent.

21.   Conscious of these difficulties I nevertheless decided to stick to the division into sections. Even if there are some inevitable repetitions, in each section the question is examined from a slightly different angle, and other problems are highlighted.

22.   The fact that I included some recommendations in my proposal for a code does not mean that, in my view, they should not also be tackled through national legislation. But even if certain questions should rather be addressed by the legislation at the national level, I still decided to include them in the proposal for a code in order to fill the gap awaiting a more satisfactory solution.

i.   Good practices for the election process

23.   Participation in the election process is a key activity of political parties which corresponds to their main function – acceding to and exercising of power.

24.   The legal, administrative and organisational framework for the participation of political parties in the election process is stipulated by national legislation. This law is much more detailed in some countries than in others. In some cases it addresses in detail the rights and obligations of political parties during electoral campaigns. But in all countries political parties enjoy a margin of liberty where their action is not regulated by legislation and in these areas the Code of good practice could be useful in setting up desirable standards of behaviour.

25.   The nomination of candidates on electoral lists is no doubt one of the most crucial issues influencing to a great extent the perception of intra-party democracy and its image among its members and supporters as well as the public at large. The way to select and nominate candidates who may - if elected - be called to represent citizens at every level of representative democracy is a question of internal procedure which may vary considerably between the parties.

26.   Good practices in selecting and nominating candidates should promote democratic principles and practices at all levels including national, regional and local. The process has to be initiated from the bottom-up with great respect for the local party level. The specific problem of one national list in parliamentary elections and the threat of abuse of power by party leaders should be addressed. This implies full transparency and equality. As the former does not usually give rise to controversy and may easily be defined, the latter is subject to different interpretations and concepts.

27.   Does equality in this respect mean merely equal access to selection and nomination procedures? Does this understanding of equality guarantee equal chances of being selected and nominated for all categories of members? Opinions are divided. Moreover, even those who argue for a negative reply to the last question, propose different solutions in order to remedy the current unsatisfactory situation.

28.   One cannot deny that in practically all parties certain categories of members are under-represented. I will come back to the specific question of the participation of women in political parties in more detail later, here I wish to point to the broader problem of eliminating or limiting the participation of certain vulnerable categories on electoral lists. This applies to young people, people of migrant origin, minorities, handicapped and other vulnerable groups.

29.   Of course, all these people do not represent a homogeneous category and it is not my intention to analyse the complex reasons of marginalisation which may stand behind each of them.

The question which should be put here is how to increase the chances of these vulnerable groups being nominated within their parties for electoral posts?

30.   A long-term strategy could foresee special projects and training aimed at increasing their assertiveness, knowledge and experience. This should be included in the Code.

31.   Another more controversial proposal consists of the introduction of quotas. It is worth mentioning that some quotas may be introduced by national legislation and imposed on political parties. This is the case in eight Council of Europe member states. In twenty seven countries, political parties have voluntarily introduced quotas for the nomination of candidates. The majority of them relate to women and I will come back to this question in the section below.

32.   Without prejudging, I should like to point out that the experience of political parties which have introduced quotas certainly deserves closer examination, and the Code should invite political parties to do so.

33.   An electoral campaign itself provides numerous opportunities for abuse on the part of political parties competing sometimes for votes without mercy over their rival parties. Some of these unfair actions are not necessarily foreseen or prevented by national legislation. This is an area where the Code could prove to be particularly useful by recommending to political parties the principles of "fair play", constructive attitude and setting general standards for conduct during the electoral campaign.

34.   Another important question which should be addressed in the Code refers to the funding of electoral campaigns, but I will examine it in the section devoted to the financing of political parties.

ii.   Good practices for increasing equality between men and women in political parties

35.   The gender imbalance is most visible when it comes to the composition of national parliaments. In the majority of European countries, legislation does not impose gender quotas, so political parties   are free to choose between men and women when selecting and nominating candidates.

36.   Although the overall representation of women in European Parliaments (including the CIS countries) stands at approximately 18 per cent, the differences between countries are staggering; from a low of 3 per cent in Kyrgyzstan to a high of 45 per cent in Sweden. Even if the former country is not a member State of the Council of Europe, the situation is equally worrying in some member states. The proportions are only slightly better at lower levels of representation.

37.   The existence of the problem has been acknowledged in all European countries, but there is no agreement regarding the solution. Given the slow speed by which the number of women in politics is growing, there are increased calls for more efficient methods of reaching gender balance in political institutions.

38.   Quotas present one such mechanism. Quota systems aim at ensuring that women constitute at least a "critical minority" of 20, 30 or 40 per cent. Positive action strategies are explicitly designed to benefit women as a temporary measure until such a time as gender parity is achieved in legislative and elected bodies. They have become increasingly popular in recent decades as one of the most effective policy options for achieving short-term change. There are three main strategies: (i) The use of *reserved seats* for women established in electoral law; (ii) *Statutory gender quotas* controlling the composition of candidate lists for all parties in each country; and also (iii) V*oluntary gender quotas* used in the regulations and rules governing the candidate selection procedures within particular parties.

39.   Voluntary gender quotas have been introduced within a number of parties. By 2000, among 76 relevant European parties (with at least ten members in the lower house), almost half (35 parties) use gender quotas, and two dozen of these have achieved levels of female representation in the lower house of parliament of over 24%. Among the European parties using gender quotas, on average one third (33%) of their elected representatives were women. In contrast, in European parties without gender quotas, only 18% of their members of parliament are women.

40.   The supporters of quotas in many European countries face an unusual dilemma compared to other regions – rejection and scepticism based on previous experience with quotas. In many former communist states, quotas were employed as a way of accomplishing equality declarations made by state-sponsored socialism. In some of these countries, now modern democracies, quotas are not regarded as positive measures but rather negative reminders of non-democratic practices, and they raise serious questions and, in some cases strong resistance.

41.   Apart from Nordic countries and Europe generally, where change is gradual, there are surprisingly new rapid developments in countries such as Argentina, Costa Rica and South Africa. Today, quotas are being introduced in countries where women constitute only a small minority in parliament, and the world is witnessing historic leaps in women's representation. For example, the proportion of successful candidates who were women jumped from 19 to 35 per cent in one election in Costa Rica; 30 per cent of successful candidates in the first democratic parliamentary election in South Africa in 1994 were women; there was a sudden jump to 49 per cent in the proportion of members of Parliament who were women in Rwanda in 2003 – which propelled the country to the top of the world ranking of parliaments according to women's share of parliamentary seats. Such great historical leaps might well have occurred without quota provisions, of course, but all the examples mentioned were furthered by the introduction of quotas.

42.   It is important to note that a quota system that does not match the electoral system in a country may merely be symbolic.

43.   Quota systems constitute only one aspect of gender equality in political parties. The composition of electoral lists is the first step towards a more gender balanced representation. Further measures may be applied not only to parliamentary elections. They may entail that women must constitute a certain number or percentage of the members of a body, whether it is a list of candidates, a parliamentary assembly, a committee, or a government. Representation means more than elected politics. It means that more women must have seats at the Cabinet table, more women must be appointed to senior decision-making positions, and more women's voices must be heard and included when major political reform or transformation is undertaken.

44.   The core idea behind this system is to recruit women into political positions and to ensure that women are not isolated in political life. Previous notions of having reserved seats for only one or for very few women, representing a vague and all-embracing category of "women", are no longer considered sufficient.

45.   It is not all about numbers. While a critical mass of women is necessary to ensure women's representation, the quality of the representation is just as important. Training is crucial to avoid the trap of electing "token women". In addition, to enlarge the pool of female candidates, parties should run parallel membership campaigns targeting women and provide leadership training for those female members who could run for office.

46.   Even if quotas are introduced, other forms of encouraging women's participation in political parties should not be neglected. These should include, as for all underrepresented categories, training aimed at increasing their assertiveness, knowledge and experience. Special attention should also be given to education and orienting young women toward political life in particular. This recommendation should be included in the Code.

iii.   Good practices for the financing of political parties and the funding of electoral campaigns

47.   In recent years, the question of funding of political parties, including during electoral campaigns, has become increasingly relevant with respect to the fulfilment of democratic values. The growing number of corruption scandals or other improper influence on political decisions through financial means has made the question very timely.

48.   The Parliamentary Assembly has addressed the question as mentioned above in Recommendation 1516 (2001) on the financing of political parties. The Venice Commission has adopted guidelines on public and private financing of political parties including during the electoral campaigns. Most Council of Europe member states have taken substantial legislative action to regulate the practice of party financing. However, adopted legislation differs considerably from country

to country, particularly as regards the questions of reporting, accountability and monitoring. It is not the purpose of this report to analyse different solutions and models. I would like to focus in general on certain questions which, if not addressed in the national legislation, should be the subject of the Code.

49. Transparency and accountability in the use of funding during the electoral campaigns is of utmost importance and should operate at two levels. The first concerns campaign funds, the details of which must be set out in a special set of carefully maintained accounts and made public. The second level involves monitoring the financial status of elected representatives before, during and after their term of office.

50 Other effective mechanisms for controlling funding and financing of political parties could include annual public accounts incorporating a list of all donations other than subscriptions and parliamentary control mechanisms.

51. Good practices for enhancing the transparency of funding in general and openness in private funding still need to be addressed in many European parties and should be carefully examined during the elaboration of the Code.

iv. Good practices for political parties in the opposition

52. The aim of political parties is, as has been stated earlier, to reach a position of decision-making power within the public sector. It is in the nature of democracy that positions of political decision-making power can only be reached through legal channels as a result of elections. The aim will only be reached by a few of the political parties, which means that other parties will be placed in a position of opposition at least until the next elections.

53. Political parties in opposition play an extremely important role in a democratic society. Opposition is an important part of democracy and good practices for political parties in opposition also need to be examined.

54. In most Council of Europe member states, national legislation ensures that the important role that opposition parties have to play may be carried out under adequate conditions. However, being in opposition entails not only rights but also obligations and these are rarely addressed by the national legislation.

55. Political parties in opposition play an important role in general public debate and inside Parliament. The duty of the opposition is to appose and its role is to check, criticise and render the majority accountable with the ultimate aim of reaching power. While a democratic system must provide space and time for dialogue with the opposition, political parties in opposition must be prepared to accomplish this task in a responsible way. This includes an elaboration of alternative programmes and policies, possible establishment of a "shadow Government", constructive criticism and guaranteed presence in all parliamentary bodies.

56. We need to look into good practices for political parties in the opposition.

v. Good practices for external and institutional accountability

57. Accountability is important to democracy because it confirms to citizens that their government and its institutions are working in their interest.

58. Public influence and the purpose of political parties demand that they be open to public accountability. Political parties are responsible for maintaining the trust and confidence of the citizenry by ensuring transparency, high standards of conduct and sound management in their public performance. Practices which promote transparency also help to fight corruption.

59. Some of the questions addressed below are the subject of national legislation in some countries. However, even in this case, effective reform must also come from within the parties themselves to complement and reinforce legislative requirements. Practices need to reinforce preventive measures, as well as procedures for enforcement, namely evaluation, monitoring and disciplinary processes.

60. In order to ensure proper accountability, parties should periodically monitor and report on the results achieved by their representatives in public institutions. Reports could be available on the party website and campaigns at local level could be carried out.

61. Citizens should be kept informed of the fulfilment of electoral promises. Sometime before the next national elections, parties should provide the public with an assessment of the party programme and indicate to what extent it has been translated into public policies. Knowing that the party programme will be scrutinised, parties would have greater incentives to present responsible and feasible electoral platforms.

62. The parties in government should publicly justify why some promised policies have not been implemented.

63. The party's electoral programme should be kept on the party's website during the length of its legislative mandate so it can be publicly scrutinised.

64. In order to achieve greater levels of accountability, party constitutions ought to be made publicly available, and parties should be obliged to disclose details of pre-selection and key decision-making procedures upon registration.

65. Parties should provide for the disclosure of politicians' assets before, during and after having served in the public administration.

66. Similar principles of transparency and accountability should apply to parties related to associations, foundations and lobbying structures, even if they only have loose institutional relations or no formal relations at all with political parties.

67. It goes without saying that European federations of political parties should be subject to similar principles.

vi.   Good practices for internal accountability and intra-party democracy

68. Good practices within political parties are particularly important as they enhance the credibility of the entire democratic process. In parallel to the external legislation on the subject, effective reform must come from within political parties themselves. There are frequently loopholes and shortcomings enabling the circumvention of the law if parties do not voluntarily adopt certain measures in this respect.

69. In addition, internal party efforts are needed to complement and reinforce legislative requirements and can help demonstrate the party's democratic message to the voting public. There need to be other reinforcing preventive measures, as well as procedures for enforcement, namely evaluation, monitoring, and disciplinary process.

70. Political parties operate at various levels in a country: at national, regional and local (municipal) levels. The co-operation and co-ordination of activities of a political party at various levels is decided by each party separately, but good practices in this field should also be examined.

71. The internal rules of political parties should be guided by clarity, transparency, accountability and independence, as well as by effective links between party leadership and local and regional levels of the organisation. Their interaction with society should be based on dialogue, interdependence and co-operation. Parties have to use open conditions for membership and list the members' rights.

72. Equality is an essential part of democracy. Equality means equal access for all in participation and involvement in public affairs. Equality in politics starts with equal political rights for all citizens – men and women, young and old.

73. Political parties need to adopt or strengthen practices, such as evaluation and monitoring, which fight against corruption and improve internal accountability. They should recommend internal procedures involving consultation of members on policy or on important decisions for the party

(electoral coalitions, government agreements etc). This consultation process, which is absent in many parties, could be carried out through deliberative opinion polls so as to discuss policy-centred issues or through referendum.

74.   The internal hierarchy of a party should be clear and transparent, and have a direct flow of information between various levels of party hierarchy. Parties should introduce greater transparency in the way the party operates and activate the local life of political parties.

75.   Mechanisms to enhance party ethics should include strict eligibility requirements for party candidates and officials including signed codes of conduct to hold party candidates accountable, monitored and implemented by the party committee on the Code of Conduct.

76.   Parties could consider the possibility of obliging all party members who hold public office (MPs, ministers, provincial governors) to sign a contract before accepting their appointment engaging them to resign voluntarily from their position if they violate provisions in the contract relating to ethical conduct and job performance (e.g. conflict of interests). Regular evaluation aimed at ensuring that the contract is fulfilled should be ensured.

77.   Parties should also consider, if they have not done it so far, the idea of establishing an independent disciplinary committee to investigate and punish corruption within the party. This could be done by the creation of internal structures to monitor party operations and finances which should operate at all levels of party structures: national, provincial, district, branch etc. An example of such an action can be provided by two Spanish parties (PSOE in 1997 and IU in 1992) which have approved the "Ethic Code".

78.   Party life risks being put aside when the party is in government. Nevertheless, the party in central office should not only act as an information provider to the party in public office but should also monitor its performance. Therefore members should have the right to control the political activity of their representatives in institutions and on the party boards. This requires the, dissemination of periodical information to all levels of the party and the discussion and vote of the leadership's report at the party congress;

79.   From a democratic values standpoint, internal party democracy fulfils the citizens' legitimate expectation that parties, which receive public funding and effectively determine who will be elected to public office, should conform to democratic principles within their own organisations.

80.   However, given the diversity of parties' circumstances and political outlooks, there is no single "one size fits all" set of "best practices" for intra-party governance. In short, expanding intra-party democracy may benefit those parties that implement these reforms as well as the wider society, but these changes may entail high costs for parties so party leaders ought to judiciously consider the practicalities of certain internal democratic party procedures and assess their respective merits.

81.   Another crucial question for intra-party democracy is the selection and nomination of candidates for electoral posts known as party primaries. I have already examined certain aspects of this question but here I would like to tackle it from another angle.

82.   In spite of being characterised as one of the maximum expressions of intra-party democracy, one has to note problems with some party pre-selections, including the fact that very few people actually vote in such ballots. Not only may such pre-selections be unrepresentative, but they may also be easily manipulated by party powerbrokers.

83.   During recent decades primaries have been introduced in a number of European parties. The main reason for this trend, commentators suggest, is an attempt to attract new members, or at least to staunch membership losses, by offering engagement in the candidate nomination process as a selective benefit. Nevertheless, there have not been parallel moves to weaken or even eliminate the vetoes over this process held by central party elites, ensuring that the leadership retains the ability to exclude unwanted nominees.

vii.   *Good practices for the involvement of young people*

84.   In many countries, interest in politics among young people has shown a declining trend. Any policy or action designed to promote youth participation must ensure that the cultural environment is one of respect for young people and must also take into account the diverse needs, circumstances and aspirations of young people. Getting youth involved in the political life is vital for the future prospects of democracy.

85.   Working with youth party activists can be a way to work from the grassroots to affect change in political parties. Young political party activists can also present the best opportunity to galvanise the parties' outreach to the electorate. They often have fresh ideas and enthusiasm, but they have not been afforded growth opportunities by party hierarchies. Therefore, party lists should reserve some posts, both in internal lists as well as in party lists in public elections for the young with the two-fold benefit of improving the party itself and opening leadership to new ideas.

86.   Party authorities, particularly at local and regional level, should promote the active participation of young people in statutory bodies.

87.   Furthermore, policies and programmes should be developed in co-operation with young people. Party boards could develop a system of decision-making in partnership with young people and youth organisations in policy areas of relevance to young people and put in place the appropriate structures or arrangements enabling the participation of young people in the decisions and debates affecting them.

88.   Parties should provide support and training in youth participation;

89.   Information and communication technologies can offer new possibilities to allow for the participation of young people. Party authorities should therefore use these technologies in their information and participation policies towards youth;

90.   Local and regional party authorities might have a specific budget for supporting youth organisations that run activities or provide services or act as the voice of young people in the community and advocate on their behalf;

91.   Parties could create structures which provide the physical framework for the free expression by young people of their concerns, particularly as regards the raising of such concerns with the authorities, and the possibility of making proposals to them. The roles of such a structure might be oriented to providing a forum for the free expression by young people of their concerns; to providing a forum where projects involving young people are developed; to facilitating consultation with young people's associations and organisations on specific issues, to offering the possibility for young people to make proposals to public authorities.

92.   This is the ideal opportunity for young public officers to bring public institutions closer to the youth. In this vein, parties could create parliamentary offices headed by young parliamentarians aimed at facilitating access of proposals made by young citizens to the parliamentary group as well as to creating bridges between social organisations led by young people and the party.

93.   Good practices should encourage the candidature of young people at all levels and elections, provide training in youth participation and promote their active participation in their statutory bodies by the creation of youth commissions inside the party.

viii.   *Good practices for participation of seniors*

94.   Taking into account the changing demographic structure of European societies, facilities should be introduced for the active participation of senior members of political parties. Encouragement of the active involvement of youth by no means implies the elimination of senior participation. They should be treated as other vulnerable groups and be fairly represented in elected party bodies at all levels.

ix.   Good practices for participation of minorities

95.   Over the last few years, minorities have increasingly participated in political life, particularly at local level; this is due in part to the special attention given to treating minorities equally and fairly through the electoral process.

96.   Good practices in this field should enhance the participation of minorities at all levels within the political process and ensure that elections are conducted with respect to the dignity and rights of minorities.

97.   When looking for different good practices of integrating minorities in political parties' I have come across the experience of Likud and Labour parties in Israel. In 1996, these Israeli parties used closed primaries to select their parliamentary candidates. For the election, each party had to present a single national list. But to ensure that candidates represented all areas of the country, both parties selected candidates according to geographic district. Both had "functional" districts as well, to ensure the representation of certain groups (non-Jewish members and those on collective settlements in the case of Labour, those from agricultural settlements in the case of Likud). In both the geographic and functional districts, only members from the district were eligible to vote. Finally, both parties also reserved positions for candidates from certain social sectors (women, young persons, non-Jews, etc.), guaranteeing that the top vote-getter from each category would be moved up into a more prominent spot on the list if he or she did not reach this level in the primary election. These district and reserved seats together made up a large ratio of each party's safe seats. Thus, rules established ahead of time enabled both parties to have some control over the demographic face of the party's candidate slate, reducing the perceived need for slate balancing intervention after party members had made their choices.

x.   Good practices for education for democratic citizenship

98.   Activities for education for democratic citizenship have a beneficial effect on the role of political parties. These activities should be based on the idea that educating people in democratic values and institutions can help citizens engage in political life whether from a partisan or non-partisan approach.

99.   It is important that citizenship education for youth contains the indispensable experience of self-government and civil society.

100.   Information is the basis of education in democratic citizenship. At local level, party authorities should facilitate access by citizens to information concerning local affairs, inform them about all forms of participation in local public life and set up administrative offices to facilitate contacts between local authorities and citizens.

101.   Good practices for improving activities in education of democratic citizenship need to be addressed. To make this possible, parties might provide the knowledge and practical skills citizens need.

102.   The recommended activities should include the organisation of open-ended conferences, civic fora or focus groups on topics related to the rights and responsibilities of a citizen in a democracy, the constitution, political parties, elections, or the role of civil society.

xi.   Good practices with regard to the media and information flow

103.   Party communication is often seen as one-way, from parties to the public. In a democracy, however, parties should also seek to learn more about the public's policy concerns, priority issues, and political preferences.

104.   Newer forms of information and communication technologies are playing increasing roles, especially internet and intranet websites, activists' weblogs and e-mail networks. They offer enormous possibilities to increase the information flow parties might offer to citizens as well as to receive inputs from the latter.

105.	With a view to attaining this potential, parties' websites should permit the download of party documents such as the party constitution, party congress resolutions, party manifesto, etc; present electronic agendas on the party's activities at the local or regional level; provide "Interactive" initiatives: e.g. by offering some channels to allow citizens to have a say in party policies, to send their suggestions, etc, such channels being based on the internet or on a local authority-specific intranet; adapt the internet websites to the special needs of disabled persons.

106.	Media is increasingly important in everyday politics. Much has been discussed on how media is used for political purposes, and about the relations and connections between media and political parties. They provide most of the information that the public uses to make judgments about candidates and polices. This is a field where good practices which promote a free and active media are needed. Practices which promote an active free press also discourage corruption.

107.	New information and communication technologies should not be perceived as a threat to democracy, but as new opportunities to develop European democracies through a greater participation of people in democratic debates and decision-making processes. The Internet and E-democracy in particular, can contribute to attracting young people to political life.

108.	Equal access to information by all citizens should be a component of democracies. Political parties need to adopt practices on freedom of information.

*xii.	Good practices for relations and interaction with society at large*

109.	Political parties constitute a crucial linking mechanism between civil society and the state, thus being the key link between society and democratic governance. By opening up channels of communication within party organisations, public institutions could be made 'porous' to the influence of demands expressed by civil society.

110.	Relationships between political parties and civil society should be based on the following guiding principles: independence, interdependence and dialogue. Firstly, parties and the organisations that form the voluntary sector are autonomous, have unique strengths and separate accountabilities.

111.	Secondly, the actions of one can directly or indirectly affect the other, since both often share the same objective of common good, operate in the same areas of public life, and serve the same public.

112.	Thirdly, recognising that sharing ideas, perspectives, and experiences contributes to better understanding, improved identification of priorities, and sound public policy, dialogue should be open and respectful. It should be carried out in a way that builds and maintains trust, and it should be aimed at designing appropriate processes and structures in order to achieve sustained co-operation.

113.	The principle of transparency regarding relations between parties and other organisations should be strictly observed. No secret relations should be tolerated.

114.	Possible actions that parties could implement include party manifesto conferences and meetings open to non-members and to civic organisations with a view to bringing in new blood. For example, the Green Party in Germany and the United Left in Spain organise meetings, generally held at a local or regional level, often open to all party supporters, not just paid-up party members, as well as to social organisations, although non-members are excluded from decision making. Nevertheless, these open meetings have not had high levels of attendance.

115.	Another possibility is the establishment of working or advisory groups within the party structure composed of party and non-party members who can act as a bridge between the party and civil society. Their experience, expertise, knowledge and ideas can also ensure that parties' policies are more geared towards the actual requirements of society;

116.	Other activities can include the creation of youth commissions inside the party as this sector has strongest links with the voluntary sector or the participation of social organisations in the

elaboration of the positions of the party parliamentary group by offering the expertise and practical knowledge legislators might lack.

117.   In the Code it might be recommended that local party leaders develop questionnaires to be delivered to party cadres asking about how the party is performing their functions. One set of questions might be related to the party organisation itself (information about members' engagement in party activities as well as in civic associations, training courses, internal communication channels, etc..) and the other might have an external approach (knowledge of the local environment, responsiveness to citizenship demands, etc.). Once the party has detected which are its main deficits, it should make a public commitment to an ongoing process of improvement setting clear, realistic, and measurable programme objectives and clear benchmarks that denote progress. This programme should be subject to a monitoring process the results of which should then be disseminated through the organisation and also be used in periodic programme development discussions.

118.   The party should put strong emphasis on developing and enhancing the membership abilities, invigorating the membership through the realisation of regular conferences and debates and the establishment of a quick answer service reporting back on members proposals, mapping the social network in the municipality and contacting those organisations with which they might share objectives, encouraging local residents to become involved in the design of the party manifesto.

119.   On the other hand, public officers should reserve office hours at the party local branch to receive those citizens or organisations that wish to put forward any claim or complaint.

120.   In addition, parties ought to introduce greater transparency in the way the party operates, and in particular, publish agendas of executive meetings and inform the public of open meetings or question and answer sessions.

121.   Policies whereby political parties (re)connect with civil society should be examined. More thought should also be given to civil society in order to more accurately identify the circumstances in which it can become a genuine partner for institutions and for the workings of democracy. Relationships between political parties and civil society should contribute to a more transparent and participatory system of government.

122.   Furthermore, new and alternative forms of democracy should be explored, including the possibility of drawing up the Code of Good Practices for Civic participation.

III.   Conclusions

123.   The aim of a Code of good practice for political parties is to collect and share ideas, experiences and strategies which enhance and strengthen the role of political parties in a democratic society. Once adopted, it would constitute a major step towards establishing the standards of functioning of political parties in compliance with democratic principles. It should encourage political parties to re-evaluate and possibly revise their internal rules and practices.

124.   Good practices should promote the general democratic principles such as equality, dialogue, co-operation, transparency and openness, and fight against corruption. In consequence, they should contribute to increasing credibility

125.   There is undoubtedly need for a coherent set of guidelines establishing general standards for functioning of political parties. In the process of the elaboration of such a Code, a close elaboration of existing practices and good and bad examples would have to be meticulously studied.

126.   The principles set-out above should also be applied to the federations of parties at European level

127.   Therefore I propose that the Parliamentary Assembly, taking into account previous and ongoing Council of Europe work in this field, including in the framework of the European Commission for Democracy through Law (Venice Commission), would invite the Venice Commission to draw up the Code of good practice for political parties with a view to adopting it by the Committee of Ministers.

128.   I am convinced that this Code, once adopted by the Committee of Ministers will become an important reference and will contribute to the development of democracy in all Council of Europe member countries.

129.   I am also convinced that the Code of good practice for political parties should be completed with a Code of good practice for civic participation which would be elaborated by the Conference of INGOs.

Reporting Committee: Political Affairs Committee.

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Members of the Committee: Mr Abdülkadir **Ateş** (Chairman), Mr Konstantion Kosachev (Vice-Chairman), Mr Zsolt Németh (Vice-Chairman), Mr Giorgi Bokeria (Vice-Chairman), Mr Miloš **Aligrudić**, Mr Birgir Ármannsson, Mr Claudio Azzolini, Mr Andris Bērzinš, Mr Alexandër Biberaj, Ms Raisa **Bohatyryova**, Mr Luc **Van den Brande**, Ms Cornelia Cazacu, Mr Lorenzo Cesa, M. Mauro Chiaruzzi, Ms Elvira **Cortajarena**, Ms Anna **Čurdová**, Mr Noel Davern, Mr Dumitru Diacov, Mr Michel **Dreyfus-Schmidt**, Ms Josette **Durrieu**, Mr Mikko **Elo**, Mr Joan Albert Farré Santuré, Mr Pietro Fassino (alternate: Mr Pietro **Marcenaro**), Mr Per-Kristian Foss, Ms Doris Frommelt, Mr Jean-Charles **Gardetto**, Mr Charles Goerens, Mr Andreas **Gross**, Mr Jean-Pol Henry, Mr Serhiy **Holovaty**, Mr Joachim Hörster (alternate: Mr Eduard **Lintner**), Mr Tadeusz **Iwiński**, Mr Miloš **Jeftić**, Ms Darja Lavtižar-Bebler, Mr Göran **Lindblad**, Mr Younal Loutfi (alternate: Mrs Iliana **Iotova**), Mr Mikhail **Margelov**, Mr Tomasz **Markowski**, Mr Dick Marty, Mr Frano Matušić, Mr Murat Mercan, Mr Jean-Claude Mignon, Mr Marko **Mihkelson**, Ms Nadezhda Mikhailova, Mr Aydin Mirzazada, Mr João Bosco **Mota Amaral**, Ms Natalia Narochnitskaya, Mr Grygoriy Nemyrya, Mr Fritz Neugebauer, Mr Pieter **Omtzigt**, Mr Theodoros Pangalos, Ms Elsa Papadimitriou, Mr Christos Pourgourides, Mr Gordon Prentice, Mr Gabino **Puche**, Mr Lluís Maria **de Puig**, Mr Jeffrey Pullicino Orlando, Mr Andrea **Rigoni**, Lord **Russell-Johnston**, Mr Oliver Sambevski, Mr Ingo Schmitt, Ms Hanne Severinsen (alternate: Mr Per **Kaalund**), Mr Samad Seyidov (alternate: Mrs Gultakin **Hajiyeva**), Mr Leonid **Slutsky**, Mr Rainder **Steenblock**, Mr Zoltán **Szabó**, Baroness Taylor of Bolton (alternate: Mr Nigel **Evans**), Mr Mehmet **Tekelioğlu**, Mr Tigran Torosyan, Mr Mihai Tudose (alternate: Mrs Florentina **Toma**), Mr José Vera Jardim, Ms Biruté Vesaité, Mr Björn Von Sydow, Mr Varujan Vosganian, Mr Harm Evert **Waalken**s, Mr David **Wilshire**, Mr Wolgang Wodarg, Ms Gisela Wurm, Mr Boris **Zala**, Mr Krzysztof **Zaremba**, ZZ…..(alternate: Mrs Miroslava **Nemcova**) ZZ…..(alternate: Mr Yves **Pozzo di Borgo**).

Ex-officio: MM. Mátyás Eörsi, Tiny Kox.

N.B.: The names of the members who took part in the meeting are printed in **bold.**

Head of the Secretariat: Mr Perin.

Secretaries to the Committee: Mrs Nachilo, Mr Chevtchenko, Mrs Sirtori-Milner, Mrs Pieter, Mr Alarcón.