Либерально-демократические ценности / Journal of liberal democratic values https://liberal-journal.ru

2019, №1–2, Том 3 / 2019, No 1–2, Vol 3 https://liberal-journal.ru/issue-1-2-2019.html

URL статьи: https://liberal-journal.ru/PDF/01UNLD119.pdf

Ссылка для цитирования этой статьи:
Спрышак К. Значение стандартов «мягкого права» Совета Европы для политического плюрализма // Либерально-демократические ценности, 2019 №1–2, https://liberal-journal.ru/PDF/01UNLD119.pdf (доступ свободный). Загл. с экрана. Яз. рус., англ.

For citation:
Spryszak K. (2019). Importance of the Council of Europe "Soft Law" Standards on Political Pluralism. *Journal of liberal democratic values*, [online] 1–2(3). Available at: https://liberal-journal.ru/PDF/01UNLD119.pdf (in Russian)

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Importance of the Council of Europe "Soft Law" Standards on Political Pluralism

Abstract. The author analyses importance of so called "soft law" standards in the Council of Europe on the subject of the political pluralism. Even though these standards are not legally binding in the terms of international public law, they play an important role in the Council of Europe and its influence on Member States. The author analyses those standards. Especially he concentrates on the Europe Commission on Democracy through Law (Venice Commission). There is no doubt that the impact of the standards concerning political pluralism is quite broad, because it concerns all spheres of legal life in the state. They are interlinked, but each of them determines the existence of another, for example: a guarantee of human rights is possible only in conjunction with the rule of law and pluralist democracy, while the rule of law cannot function realistically without a properly functioning system of protection of human rights and pluralistic democracy. This empowers reflection not only about the consequences of a membership of the Council of Europe, but it is also an excellent opportunity to look at the contemporary role of international organizations and their impact on the political transformation, among others within the justice system.

Keywords: Council of Europe; soft law; democratic standards; political pluralism; Venice Commission

Standards contained in files classified in the "soft law" category are referred to as "resolution standards". In relation to such standards included in the resolutions of the Council of Europe, they play an important role, either inspiring the creation of the treaty standards or supplementing them [6].

However, there is a difference between contractual and resolution standards. The first ones become binding for the state upon accession to the international agreement (convention, treaty). The fact of accepting the convention by the appropriate body of an international organisation does not directly bring any legal consequences from the point of view of the standards being in force. In the case of resolution standards, e.g. recommendations of the Committee of Ministers of RE, they do not require any act of accession to their effect. As soon as they are accepted by the appropriate Council of Europe body, their legally come into life. They are binding on the Member State from the moment of their adoption, but it is a weaker bond, precisely of a "soft law" nature. However, there is a certain option in the case of legislative standards, which does not stem from non-accession (if there is no such procedure), it may be because a Member State may simply not take action to implement such standards,

assuming that it has no legal obligation to do so and for some reasons considers it inappropriate to introduce these standards [2].

The reason for the creation of international standards of a soft law character in many cases was that a number of values in a given international organisation were not known *in statu nascendi* [19]. However, they were recognised only at further stages of its development. In this situation, the requirement to introduce them to the axiological system arose [3]. This was particularly evident in the example of the Council of Europe, because in this organisation the most efficient way of this addition was to introduce them, via additional protocols, to the European Convention on Human Rights, as well as to conclude in newly introduced conventions. In many cases, reaching conventional solutions is difficult, therefore the RE procedure was possible only when the regulatory matter matured to the conventional regulation.

Regardless of this axiological aspect, according to Prof. J. Jaskiernia, the following issue seems to be worth reflecting on: how does the character of the norm as a "soft law" affect its functioning in comparison with the "hard law" standards, and especially how does it affect its logical value? If we assume that the law is normative, *then the question must be posed about the normative value of "soft law"* [20].

Legal regulations are mainly for the purpose of applying legal norms that are being constructed on their basis, these are undoubtedly norms, constructed on the basis of "soft law", e.g. recommendations of the Committee of Ministers of the Council of Europe, are subject to such an understanding [1]. Subsequently, one can propose a conclusion that the status of a regulations as a "soft law" is not a barrier to build legal norms on its basis.

In scientific literature, "soft law" standards are referred to as "recommended standards", which are of high moral importance, being a program law or a teleological law. They are therefore "instruments and agreements applicable in international relations as expressing commitments that are more than just political declarations, however, on the other hand they are not *strictly* a law" [10].

"Soft law" usually has a similar construction to "hard law" and is often set up by the same bodies that create legal acts of binding force. Its provisions often do not concern matters that are less significant, but rather those that, due to their specific nature, make it impossible or unreasonable to create law in a traditional form [5].

The literature indicates that some kind of obligation to respect the "soft law" – whether derived from the authority of the decision-making body, from the honorable nature of such binding, from sanctions for non-compliance with standards set independently by the entities creating them, or due to the actual influence of other subordinated entities – it can also be far more effective than often only theoretical sanctions. One shall emphasize that this will take place especially in legal systems free from the presence of a typical coercive apparatus. Considering the peculiar process of creating a "soft law". Also, the mode of its change is significantly facilitated and promotes the creation of a functionally flexible law.

States refer to "soft law" documents in order to avoid unfavorable situations that may result from their obligations that are non-questionably binding. Soft law acts serve as a compromise between the sovereignty of the state and the need to establish norms governing international relations. The states select them to achieve the *modus vivendi* that manages them in a rather flexible way, or allowing to withdraw from the commitments made. However, they play a role in the sphere of direct legal effects. They are important from the point of view of "good faith", i.e. they mean that a given subject cannot deny his own decision (e.g. he cannot prove the unlawfulness of acts that he/she has previously approved), and the expectations of certain decision are protected by soft law for as long as they are justified by the decisions of interested parties. Moreover, soft law can contribute to the development of legal sources that have a binding character, both contract law and custom. In addition, *Soft Law* can

play a role in explaining and clarifying the provisions of binding sources of international law. It is important to notice that standards in the area of "soft law" or inspire the emergence of standards of the treaties (then their meaning is temporary), or complement them (then their meaning is permanent, but on the condition that the matter regulated by them is not suitable for recognition in treaty standards).

Although the "soft law" supports the regulation of many important issues, researchers of this kind of law draw attention to the hazard of creating of too many of such standards in place of typically sanctioned ones. Even if one accepts the concept that it creates a specific form of commitment to compliance, it may turn out to be insufficient [69]. As a result, this may negatively affect the enforcement of legal obligations, especially in international law. The second risk is abusing it on the international level in order to bypass the complicated law-making process and abandon the requirements of formal consent by the states.

The literature also indicates the problem when the use of the term "soft law" applies to a conventional framework instrument, such as the Framework Convention for the Protection of National Minorities. "Softness" is meant to signal not the legal nature of the document, but the difficulties in enforcing the rules contained in such a document in practice [16].

The impact of the Council of Europe on the political system of the state, both by means of the *soft law* standards and *hard law* thus results from its basic axiological assumptions [21]. It is worth referring to the Statute of the Council of Europe, which in the provision of art. 1 point and that its purpose is "to achieve a closer connection between its members, to protect and promote the ideas and principles that constitute its common heritage and to act for their economic and social progress". In the provision of art. 3 it has been unambiguously stated that all members of the Council of Europe recognise the principle of the rule of law, as well as the principle according to which every person under their jurisdiction uses human rights and fundamental freedoms. The members are required to loyal and active cooperation in pursuing the goal set out in Chapter I. "The implementation of the European Convention on Human Rights is therefore essential to achieving this objective. It affects both the shape of domestic law and the instruments at the citizen's disposal" [17].

Statute in art. 15b provides that the Committee of Ministers may ask the government of a Member State to inform how the recommendation is implemented. Although the recommendation is undoubtedly only a legal act of a "soft law" nature, it does not mean that it has no legal effect. Since the RE statute states that the Committee of Ministers may ask for information on how the recommendation is being implemented, it means that it can be alleged that this recommendation should be implemented by the Member States, despite the fact that it formally has only the status of "soft law". However, the problem is in determining what character this "duty" has and whether it involves sanctions. Undoubtedly, the sanctions provided for, for example, in the European Convention on Human Rights, and thus in an internationally binding legal act, are not included here. At the most, one can consider the moral-political aspect in the sense that since the Council of Europe is referred to as the "organisation of values", the states that have joined it should implement its axiological system regardless of what form it has been articulated [22]. An additional argument here may be that recommendations of the Committee of Ministers are usually made by the consensus method. Since the representatives of the member states have decided to support the recommendation, they have expressed the readiness of these states to implement the instructions contained in the recommendation.

When examining the role of CoE standards of a soft law nature, it is worth paying particular attention to the problem of political pluralism. In legal-constitutional terms, political pluralism refers strictly to the problems of political parties [33]. As a constitutional principle in constitutional law, political pluralism consists of three basic, interrelated elements: the recognition of party multiplicity, the recognition of party equality and the democratic role of the party [26].

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Recognition of the multiplicity of political parties is associated with the acceptance of the freedom of functioning of the multiparty system and the introduction of a ban on the existence of a party with anti-democratic features, especially those who refuse to gain power by submitting to the evaluation of the electorate. This acceptance may manifest itself in the freedom to enter and organise not only political parties, but also all kinds of associations, religious associations, trade unions, foundations and other social organisations. Multi-party means the prohibition of one-party, that is, a system in which only one political party can operate, with the prohibition on the creation and operation of others. Multi-party, however, permits the functioning of a one-party system, if this is, on each basis, the will of the electorate expressed in a democratic electoral act. In such a system, all power belongs to one party, but the creation and action of others is completely free. As a result of little support, they do not participate in the process of acting as public authority [70].

Recognition of the equality of political parties, in turn, takes place at the external and internal level [34]. At the external level, it means guaranteeing the same possibilities for parties in their creation and functioning (adopting a "proportional principle of equal opportunities" to the party) and prohibiting discrimination [35]. At the internal level, it is assumed that it is forbidden to differentiate between candidates or members both when joining the party and in the field of party activity. All of them should have the same rights and obligations, and discrimination on any grounds will form the basis for supervisory activities of a given state authority. As noted by J. Jaskiernia, the fact of party's equality according to law should be distinguished, however, from the actual diversity of parties that fear their political significance [23]. Therefore, the legislator can relativise the formal equality of the party, e.g. by differentiating the amount of the entity subsidy from the number of parliamentary mandates and the targeted subsidy on the amount of support received on a national scale [36].

According to P. Uziębło, the implementation of the principle of political pluralism is associated with the implementation of freedom of association. "The state of law must provide such a legal framework for the implementation of freedom that will not entail the existence of institutional barriers preventing association, and will not limit the diversity of ideological associations. This is one of the conditions for the existence of a civil society" [37]. According to A. Żukowski, this does not mean that the state cannot sanction a certain type of organisations that will in their programs or actions call for abolishing of those values on which the state is based, that is democratic values [4].

Określenie demokratycznej roli partii polega na określeniu ich funkcji, a także na wprowadzeniu zakazu tworzenia lub istnienia partii, których cele lub działalność są sprzeczne z demokratycznym porządkiem określonym w konstytucji.

Defining the democratic role of the party involves determining their function, as well as in introducing a veto on the creation or existence of parties that goals or activities are contrary to the democratic order defined in the constitution [18].

The importance of political pluralism was often pointed out by the Parliamentary Assembly of the Council of Europe. For example, in the resolution of June 20, 1998, it was pointed out, among others that the relations between the majority and the opposition are regulated by rules and procedures that often lead to malfunctioning. It was recommended that parliaments would give the opposition a status that enabled it to play a responsible and constructive role. In addition, the need to develop recommendations aimed at enabling selected representatives to have greater independence in order to prevent the transformation of democracy into party self-creation was indicated [42].

The fundamental idea was consolidated in the resolution 1950 (2013), which is connected with the fact that the Parliamentary Assembly of the Council of Europe "believes that democracy and the rule of law require politicians to be effectively protected from criminal proceedings for their political decisions. Political decisions should be the basis of political responsibility, and the final judge should be voters (§1)" [38]. At the same time, however, the Assembly reminded that it is against all forms of

impunity, as defined in Resolution 1675 (2009) on the state of human rights in Europe and the necessity to remove impunity. Consequently – as the Assembly said – "politicians should be held criminally liable for acts and omissions they have committed either as part of their private activities or while acting in public office (§2)" [39].

Significant in the resolution of the 1950 (2013) Assembly is the attempt, included in §3, to distinguish between the political process and criminal acts and omissions. The Assembly acknowledged that the difference between the political decision-making process and criminal acts and behaviours (within the area of criminal law) should be based on national constitutional and criminal law, which subsequently should respect the following principles, according to the conclusions of the Venice Commission:

1. Criminal law procedures should not be used to punish political errors and disputes.
2. Politicians should be responsible for ordinary criminal acts in the same way as other citizens.
3. The main national rules of criminal responsibility of ministers should be in line with art. 7 of the European Convention on Human Rights and other requirements derived from the rule of law, including legal certainty, predictability, clarity, proportionality and equal treatment.
4. In particular, the broad and unclear construction in the national criminal law of "violation of the office" can be considered problematic both within art. 7 of the European Convention on Human Rights, as well as other basic requirements of the rule of law and may in particular be susceptible to political violations.
5. National regulations on "violation of the office" should be interpreted narrowly and should take into account the high threshold by reference to other criteria, such as – in the case of an economic interest – intent to obtain personal gain; they should be referred to politicians as the last instance, and criminal sanctions should be proportional to the degree of violation of the law and should not be influenced by political exceptions.
6. In terms of the procedure where allegations against politics are in accordance with art. 6 of the Convention, the "criminal" nature, the same requirements of a fair trial should apply to ordinary criminal proceedings, as well as to special proceedings of constitutional liability, existing in many member countries of the Council of Europe.
7. Special rules on the constitutional accountability of ministers should not violate the fundamental principles of the rule of law. Because these rules are susceptible to political violations, this encourages extraordinary attention and limitations as to how these principles will be interpreted and applied [24].

In connection with these principles, the Assembly in §4 of the resolution:

1. asked the majority of rulers in the RE Member States to refrain from using the criminal liability system to prosecute political opponents;
2. invited the legislative authorities of those Member States where criminal law continues to take account of the broad construction of the offending 'crime' to consider removing or amending such provisions in order to limit their range;
3. invited the competent authorities of the Member States of which constitutions lay down special provisions on constitutional liability for the criminal activities of the ministers to ensure that these provisions are interpreted and are appropriate with the great caution and restraints recommended by the Venice Commission;

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4. approached the competent authorities of those countries that were criticised for violating Art. 18 of the Convention (prohibition of abuse of power to restrict rights and freedom), to take appropriate measures to ensure real independence of the judiciary and quickly and comprehensively implement the relevant judgments of the European Court of Human Rights.

The presented resolution of the Parliamentary Assembly is dictated by concern that in some Member States (this was noted in particular in the accession procedure in the case of Azerbaijan and Armenia) there were situations that could be interpreted as an attempt to use criminal law instruments against political opponents. Such a state had to affect the perception of democracy in these countries and the tendency to limit political pluralism [25].

It is also worth noting the report of the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe entitled "Restrictions on political parties in the Council of Europe member states", which indicated that "imposing restrictions on political parties is a dilemma of democracy, since democracy should guarantee freedom of speech and association, and only the second, protect democratic principles against certain extreme political parties" [40].

However, in a document entitled "A procedural guide on the rights and obligations of the opposition in a democratic parliament", the RE Committee on the Procedural Regulations and Immunities of the Parliamentary Assembly pointed out that "the functioning of an active and responsible parliamentary opposition or minority is necessary in every pluralistic democracy. By criticising the work of the government and presenting other political options to consider, the opposition works to bring transparency and efficiency to the management of public affairs, by means of which it increases trust in public institution [41].

Also in the activities of the Venice Commission, one finds work on issues of political parties and, in particular, their financing [7; 45]. The Commission places special emphasis on the principles of equal opportunities and transparency in the financing of political parties. With regard to private financing, the Commission considers that reasonable restrictions may be placed on private contributions in order to minimise the possibility of corruption or political influence. On the other hand, in its view, the sanctions imposed on political parties in the event of irregularities in financing should be proportional to the seriousness of the offense [43].

The Venice Commission has dealt with various aspects of the regulations on political parties over the years, as evidenced by numerous guidelines, reports, opinions and comments. In 1997–1999, the Commission, initially at the request of the Secretary General of the Council of Europe, conducted a study on the ban and dissolution of political parties, which resulted in the formulation of appropriate guidelines together with an explanatory report [46]. In another study, conducted in 1999–2000, the financing of political parties was analysed [47]. Whereas, another study concerned good practices in the field of elections in which some aspects of the law on political parties were raised [48].

W 2003 r. Podkomisja ds. Instytucji Demokratycznych przeprowadziła badanie na temat tworzenia, organizacji i działalności partii politycznych. W tym celu przesłano kwestionariusz do państw członkowskich uzgodniony w Wenecji, 13 marca 2003 r. W wyniku zebranych odpowiedzi Komisja Wenecka na 57. sesji plenarnej przyjęła sprawozdanie podsumowujące (Wenecja, 12–13 grudnia 2003 r.).

Among the issues that the Venice Commission dealt with in these years were, among others, the Law on political parties in Armenia; legislation regarding political parties in Ukraine [49]; Act on Political Parties and Socio-political Organisations of the Republic of Moldova, or a bill on the prohibition of extremist organisations and trade unions in Georgia [50].

In 2003, the Subcommittee on Democratic Institutions carried out a study on the creation, organisation and operation of political parties. For this reason a questionnaire was sent to the Member

States agreed in Venice on 13 March 2003 [51]. As a result of the collected responses, the Venice Commission adopted a summary report at the 57th plenary session (Venice, 12–13 December 2003) [52].

It is worth noting herein that the guidelines adopted earlier by the Venice Commission included a goal aimed at establishing common rules for all member states of the Council of Europe and other countries, which meant sharing the common values established and reflected in the European Convention on Human Rights [53; 15]. As the European Court of Human Rights pointed out, therefore, at the legal level of the Council of Europe, the general principles and standards resulting from the Convention, in particular its Article, had to be the starting point for systematic discussion and commentary on general legal issues of political parties, especially its art. 11 Freedom of assembly and association or art. 14 concerning the prohibition of discrimination together with protocol No. 12 and art. 16 including restrictions on public activities of foreigners [44]. In this case, taking into account the participation of foreigners in public life at the local level [9].

Article 11 of the ECHR protects the right to assembly, associations into political parties as part of the general freedom of assembly and association:

> *"1. Everyone has the right to free, peaceful assembly and free association, including the right to form trade unions and join them to protect own interests.*
>
> *2. This entitlement shall not be subject to restrictions other than those specified in statute and which are necessary in a democratic society due to the interests of state or public security, order protection and prevention of crime, protection of health and morals or protection of the rights and freedom of others. This provision shall not prevent the imposition of lawful restrictions on the use of these rights by members of the armed forces, the police or the administration of the State* [11]*."*

The right to freedom of association in the context of the Convention is case law, which the ECtHR usually interpreted in conjunction with art. 10 regarding freedom of speech:

"1. Everyone has the right to freedom of speech. This right includes the freedom to have views and to receive and pass information and ideas without the interference of public authorities and regardless of national borders. This provision shall not exclude States from the procedure of authorising radio, television or cinematographic permits.

2. The use of those freedoms entailing duties and responsibilities may be subject to such formal requirements, conditions, limitations and sanctions as are prescribed by statute and necessary in a democratic society in the interests of national security, territorial integrity or public security due to the need to prevent disruption order or crime, health and morality, protection of the reputation and rights of others and for the purpose of preventing the disclosure of confidential information or guaranteeing the authority and impartiality of the judicial authority [11]*."*

In its case-law, the European Court of Human Rights has ruled that*: "...protection of opinions and freedom of their expression within the meaning of art. 10 of the Convention is one of the aims of freedom of assembly and association written in art. 11. This applies in particular to political parties, their essential role in ensuring pluralism and the proper functioning of democracy* [12]*." Moreover, the Court added that it believes that "There can be no democracy without pluralism. It is for this reason that freedom of expression referred to in art. 10, shall apply, subject to subparagraph 2* [13]*."*

According to the Venice Commission, the legal regulation of political parties is a complex issue requiring consideration of a wide range of problems. This was expressed in the 2001 *guidelines on the prohibition of dissolution of political parties* and *guidelines on the regulation of political parties* in 2010, which drew attention to the above principles and clarified key issues related to the legislation of political parties and provided examples of potential good practices for countries [14; 54]. It was pointed

out that "legislation concerning political parties should aim at facilitating the environment for pluralistic politics. The ability of citizens to have different political views is widely recognised as a key element of a solid democratic society [...] Pluralism is necessary to ensure that individuals are selected from among the wide range of political parties" [55].

Electoral legislation and laws regarding political parties vary from country to country. Therefore, it is generally accepted that electoral systems and party systems depend to a large extent on specific historical, cultural, political, social and national factors. It is virtually impossible to find two similar political systems in these areas. Additionally, as the Venice Commission points out in its 2006 report, the rules aim to manage the functioning of national systems in such a way as to respond to national problems, experiences and expectations [56].

Since the publication of the above guidelines, the Venice Commission has been investigating legislation on political parties in countries such as the Republic of Serbia (2010); [57] The Republic of Azerbaijan (2011); [58] The Russian Federation (2012); [68] The Republic of Moldova (2013, 2017); [59] Malta (2014); [60] Ukraine (2015); [61] Armenia (2016) or Tunisia (2018) [62; 63]. Considering the fundamental role of political parties in the functioning of pluralistic democracy, the Venice Commission has always underlined in their opinions on the importance of the three basic principles regarding the prohibition or dissolution of a party: (1) the exceptional nature of a ban or solutions; (2) proportionality of termination or prohibition to the legitimate aim pursued; and (3) procedural guarantees: the procedure of prohibiting or dissolving political parties should guarantee the principles of fairness, due process and openness. In these opinions, the Venice Commission also presented an overview of the national rules on the dissolution of parties, in particular the procedures and criteria to accompany it, as well as the bans established [64].

In 2014, the Venice Commission, recommending the amendments to the Constitution of the Republic of Macedonia in its opinion, indicated that transparency, openness and integration, and, at the same time, an appropriate time frame and conditions enabling pluralism of views are key requirements of the democratic process of creating the Constitution. The Commission therefore expressed the hope that constructive dialogue and cooperation between the parliamentary majority and the opposition would be pursued during the upcoming stages of the constitutional process [65].

In 2015, the Venice Commission in a study on the methods of nominating candidates in political parties indicated that in a situation where the constitution recognises only the freedom of political parties, the legislator must respect the parties' autonomy and the principle of proportionality more [66; 67]. However, when the constitution introduces rules regarding political parties, the level of detail of these norms can vary significantly from one country to another. Some constitutions give not only freedom to political parties, but also impose some requirements on their structure and functioning. Such a requirement was included in art. 21.1 of the German Basic Law claiming that "the Parties cooperate in shaping the political will of the nation. Their establishment is unlimited. Their internal structure must comply with democratic principles. They must submit public reports on the origin and investments of their funds and on their property" [29]. Accordingly, the type of approach and the legal framework indicate that political parties play a fundamental role in the political system, because they contribute to shaping and expressing public opinion and are the main actors in the selection of representatives. Because of their importance, political parties must be treated as associations of constitutional importance.

The importance of political pluralism and the right to participate in public affairs is also the basic principles set out in the Constitutions, including Argentina, Chile, Costa Rica, Mexico and Spain [27; 28; 30–32].

There is no doubt that the impact of the standards of "soft law", in this case those concerning political pluralism is quite broad, because it concerns all spheres of legal life in the state. They are

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interlinked, but each of them determines the existence of another, for example: a guarantee of human rights is possible only in conjunction with the rule of law and pluralist democracy, while the rule of law cannot function realistically without a properly functioning system of protection of human rights and pluralistic democracy. This empowers reflection not only about the consequences of a membership, but it is also an excellent opportunity to look at the contemporary role of international organisations and their impact on the political transformation, among others within the justice system [8].

REFERENCES

1. Jamróz, Wprowadzenie do prawoznawstwa, LexisNexis, Warszawa 2008, p. 126.
2. A. Jaskiernia, Media masowe w demokratycznych procesach wyborczych: Standardy europejskie i uwarunkowania ich realizacji, Oficyna Wydawnicza ASPRA-JR, Warszawa 2008, p. 188–189.
3. A. Jurewicz, Rola "miękkiego" prawa w praktyce instytucjonalnej Wspólnoty Europejskiej, [in:] Implementacja prawa integracji europejskiej w krajowych porządkach prawnych, ed. C. Mik, TNOiK, Toruń 1998, p. 111.
4. A. Żukowski, Istota formuły demokratycznych wyborów – kilka refleksji teoretycznych i terminologicznych, "Studia Wyborcze" 2006, vol. I, p. 61.
5. C. Mik, Europejskie prawo wspólnotowe. Zagadnienia teorii i praktyki, vol. 1, Wydawnictwo C.H. Beck, Warszawa 2000, p. 522.
6. C. Mik, Standardy Rady Europy dotyczące prasy, "Palestra" 1993, nr 9–10, p. 97.
7. Code of Good Practice in the field of Political parties, adopted by the Venice Commission at its 77th Plenary Session (12–13 December 2008), CDL-AD(2009)002.
8. Comp. Transformacja systemów wymiaru sprawiedliwości. Pozycja ustrojowa władzy sądowniczej i uwarunkowania transformacji, ed. J. Jaskiernia, vol. I, Wydawnictwo Adam Marszałek, Toruń 2011, pp. 697.
9. Convention on the Participation of Foreigners in Public Life at Local Level, ETS No. 144.
10. D. Thürer, Soft law [in:] Encyclopedia of Public International Law, vol. IV, 2000, p. 454.
11. Dz.U. 1993 No 61, pos. 284.
12. European Court of Human Rights Case of Refah Partisi and Others v. Turkey, Judgment of 13 February 2003, §88.
13. European Court of Human Rights Case of Refah Partisi and Others v. Turkey, Judgment of 13 February 2003, §89.
14. European Court of Human Rights Case of Refah Partisi and Others v. Turkey, Judgment of 13 February 2003, §89.
15. European Court of Human Rights, Loizdou v. Turkey (Preliminary Objections), Judgment of 23 March 1995, pkt. 75.
16. F. Palermo, Domestic Enforcement and Direct Effect of the Framework Convention for the Protection of National Minorities on the Judicial Implementation of the (soft?) law of integration [in:] The Framework Convention for the Protection of National

01UNLD119
Издательство «Мир науки» \ Publishing company «World of science» http://izd-mn.com

Minorities: a Useful Pan-European Instrument?, eds A. Vertischel (at all), Intersentia, Antwerpen 2008.

17. I. Cameron, The Swedish Experience of the Convention on Human Rights Since Incorporation, "International and Comparative Law Quarterly" 1999, No. 1, p. 52.
18. I. von. Biezen, Political Parties in New Democracies, Palgrave Macmillan, New York 2003, p. 18–23.
19. J. Jaskiernia, Znaczenie standardów Rady Europy o charakterze "miękkiego prawa", [in:] Ius est ars boni et equi. Księga pamiątkowa z okazji 5 – lecia Wydziału Prawa Wyższej Szkoły Menedżerskiej w Legnicy, red. N. Szczęch, Wyższa Szkoła Menedżerska, Legnica 2010.
20. J. Jaskiernia, Konstrukcja normy prawnej o charakterze "miękkiego prawa", [in:] Wielowymiarowość prawa. Księga jubileuszowa z okazji 40-lecia pracy naukowej Prof. Krzysztofa Pałeckiego, eds J. Czapska, M. Dudek, M. Stępień, Wydawnictwo Adam Marszałek, Toruń 2014, p. 106.
21. J. Jaskiernia, Standardy Rady Europy a ustrój polityczny Polski, in:] Polska w Radzie Europy. 10 lat członkostwa. Wybrane zagadnienia, ed. H. Machińska, Ośrodek Informacji Rady Europy. Centrum Europejskiego Uniwersytetu Warszawskiego, Warszawa 2002, s. 93.
22. J. Jaskiernia, Rada Europy jako "organizacja wartości", [in:] Wyjaśnianie polityki, eds J. Błuszkowski, J. Zaleśny, "Studia Politologiczne" 2010, Vol. 17, p. 172.
23. J. Jaskiernia, Partie polityczne w systemie demokratycznym w świecie standardów Rady Europy, [in:] Prawne aspekty funkcjonowania partii politycznych w państwach Europy Środkowej i Wschodniej, eds A. Domańska, K. Skotnicki, Łódź 2003, s. 50–51.
24. J. Jaskiernia, Odpowiedzialność polityczna i odpowiedzialność karna polityków oraz kategoria więźnia politycznego w percepcji Zgromadzenia Parlamentarnego Rady Europy, "Studia Iuridica Lublinensia" 2014, No 22, p. 87.
25. J. Jaskiernia, Odpowiedzialność polityczna i odpowiedzialność karna polityków oraz kategoria więźnia politycznego w percepcji Zgromadzenia Parlamentarnego Rady Europy, "Studia Iuridica Lublinensia" 2014, No 22, p. 88.
26. J. Sobczak, Zasada pluralizmu politycznego, [in:] Konstytucja Rzeczypospolitej Polskiej. Komentarz encyklopedyczny, red. W. Skrzydło, S. Grabowska, R. Grabowski, Warszawa 2009, p. 717.
27. Konstytucja Hiszpanii z dnia 27 grudnia 1978 r. wraz z ostatnią zmianą z 27 sierpnia 1992 r., www.libr.sejm.gov.pl/tek01/txt/konst/hiszpania.html, (access: 09.11.2018).
28. Konstytucja Meksyku z dnia 5 lutego 1917 r., www.biblioteka.sejm.gov.pl/konstytucje-swiata-meksyk, (access: 09.11.2018).
29. Konstytucja Niemiec z 23 maja 1949 r., źródło: www.libr.sejm.gov.pl/tek01/txt/konst/niemcy.html (access: 09.11.2018).
30. Konstytucja Republiki Argentyńskiej z dnia 1 maja 1853 r., www.biblioteka.sejm.gov.pl/konstytucje-swiata-argentyna (access:09.11.2018).
31. Konstytucja Republiki Chile z dnia 11 lipca 1980 r., www.biblioteka.sejm.gov.pl/konstytucje-swiata-chile, (access: 09.11.2018).

32. Konstytucja Republiki Kostaryki z dnia 8 listopada 1949 r., www.biblioteka.sejm.gov.pl/konstytucje-swiata-kostaryka, (access: 09.11.2018).
33. M. Rosenfeld, Rethinking Constitutional Ordering in an Era of Legal and Idelogical Pluralism, "International Journal of Constitutional Law" 2008, Vol. 6, p. 415–455.
34. M. Bartoszewicz, Partie polityczne a zasada równości, "Przegląd Prawa i Administracji" 2003, No 54, p. 53.
35. M. Granat, A. Gorgol, J. Sobczak, Ustawa o partiach politycznych. Komentarz, Wydawnictwo C.H. Beck, Warszawa 2003, p. 30.
36. M. Chmaj, Zasady pluralizmu politycznego w Polsce na tle standardów Rady Europy, [in:] Rada Europy a przemiany demokratyczne w państwach Europy Środkowej i Wschodniej w latach 1989–2009, ed. J. Jaskiernia, Wydawnictwo Adam Marszałek, Toruń 2010, p. 507.
37. P. Uziębło, Demokratyczne państwo prawa jako filar funkcjonowania współczesnych państw, "Studia Elbląskie" 2010, XI, p. 238.
38. Parliamentary Assembly Resolution 1950 (2013) Final version, Keeping political and criminal responsibility separate, Doc. 1314.
39. Parliamentary Assembly Resolution 1675 (2009), State of human rights in Europe: the need to eradicate impunity, Doc. 11934.
40. Parliamentary Assembly of the Council of Europe Report, Restrictions on political parties in the Council of Europe member states, Doc. 9526. 17 July 2002.
41. Parliamentary Assembly of the Council of Europe Report, Procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament, 3 January 2008, Doc. 11465.
42. Parliamentary Assembly of the Council of Europe Resolution 1154 (1998), Democratic functioning of national parliaments, 20 April 1998, Doc. 7961.
43. Political parties, www.venice.coe.int/WebForms/pages/?p=02_parties, (access: 26.10.2018).
44. Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, ETS no. 177.
45. Venice Commission Opinion on the Prohibition of Financial Contribution to Political Parties from Foreign Sources, Adopted by the Venice Commission at its 66 th Plenary Session, Venice, 17–18 March 2006, CDL-AD(2006)014.
46. Venice Commission Guidelines on Prohibition and Dissolution of Political and Analogous Measures Adopted by the Venice Commission at its 41st plenary session (Venice, 10–11 December, 1999), CDL-INF(2000)001-e.
47. Venice Commission Guidelines and Report on the Financing of Political Parties adopted by the Venice Commission at its 46th Plenary Meeting (Venice, 9–10 March 2001, CDL-INF(2001)008-e.
48. Venice Commission, Code of Good Practice in Electoral Matters: Guidelines and Explanatory Report – Adopted by the Venice Commission at its 52nd session (Venice, 18019 October 2002), CDL-AD(2002)023rev-e.

49. Venice Commission Opinion on the Ukrainian Legislation on Political Parties, adopted by the Venice Commission at its 21st Plenary Session (Venice, 5–6 July 2002), CDL-AD(2002)017-e.

50. Venice Commission Guidelines and Explanatory Report on legislation on Political Parties Some Specific Issues, Adopted by the Venice Commission at its 58 th Plenary Session (Venice, 12–13 March 2004, CDL-AD (2004)007 rev, s. 5.

51. Venice Commission Replies to the Questionnaire on the Establishment, Organisation and Activities of Political Parties, CDL-Dem(2003)2 rev.

52. Venice Commission Draft Report on the Establishment, Organisation and Activities of Political Parties, CDL-DEM(2003)3 rev.

53. Venice Commission on Prohibition and Dissolution of Political Partie and Analogues Measures, Adopted by the Venice Commission at its 41st plenary session, Venice, 10-11 December, 1999, CDL-INF(2000)001-e.

54. Venice Commission Guidelines on Political Party Regulation by OSCE/ODIHR & Venice Commission. Adopted by the Venice Commission at its 84th Plenary Session, Venice, 15–16 October 2010, CDL-AD(2010)024, s. 6.

55. Venice Commission Guidelines on Political Party Regulation by OSCE/ODIHR & Venice Commission. Adopted by the Venice Commission at its 84th Plenary Session, Venice, 15–16 October 2010, CDL-AD(2010)024, s. 10.

56. Venice Commission, Report on Political Parties in Elections, Adopted by the Council for Democratic Elections, Venice, 16 March 2006, CDL-AD (2006) 025, s. 8.

57. Venice Commission Draft Joint Opinion on the Bill on Financing the Political Activities of the Republic of Serbia, CDL (2010) 142-e.

58. Venice Commission Draft Amendments to the Law on Political Parties of the Republic of Azerbaijan, CDL-REF(2011) 036-6.

59. Venice Commission Joint Opinion on Draft Legislation of the Republic Moldova pertaining to financing political parties and election campaigns adopted by the Council for Democratic Elections at its 44th meeting (Venice, 7 March 2013) and by the Venice Commission at its 94th plenary session (Venice, 8–9 March 2013), CDL-AD(2013) 002-e.

60. Venice Commission Draft Joint Opinion on the draft act to regulate the formation, the inner structures, functioning and financing of political parties and their participation in elections of Malta, CDL(2014)049-e.

61. Venice Commission on the Draft Amendments to some Legislative acts Concerning Prevention and Fight Against Political Corruption of Ukraine, adopted by the Council of Democratic Elections at its 52nd meeting (Venice, 22 October 2015) and by the Venice Commission at its 104th Plenary Session (Venice, 23–24 October 2015), CDL-AD(2015)025-e.

62. Venice Commission, Armenia – Draft Joint Opinion on the Draft Constitutional Law on Political Parties, CDL-PI(2016) 012-e.

63. Venice Commission, Tunisia – Opinion on the Draft Institutional Law on the Organisation of Political Parties and their funding, Adopted by the Venice Commission at its 116th Plenary Session (Venice, 19–20 October 208), CDL-AD(2018)025-e.

64. Venice Commission Compilation of opinion and reports concerning political parties, Strasbourg, 15 March 2016, CDL-PI(2016)003.

65. Venice Commission Opinion on the Seven Amendments to the Constitution of "The former Yugoslav Republic of Macedonia, Adopted by the Venice Commission at its 100th Plenary Session (Rome, 10–11 October 2014), CDL-AD(2014)026, s. 4.

66. Venice Commission Report on the method of nomination of candidates within political parties, Adopted by the Council for Democratic Elections at. Its 51 th meeting (Venice, 18 June 2015) and by the Venice Commission at its 103rd Plenary Session (Venice, 19-20 June 2015), CDL-AD(2015)020-e.

67. Ibidem, p. 6.

68. Venice Commission, Federal Law on Political Parties of the Russian Federation, CDL-REF (2012)001rev-e.

69. W. Slowmason, Fundamental perspectives on international law, Wadsworth Cengage learning, Boston 2011, p. 36.

70. Zob. W. Sokół, Partie w systemach politycznych, [in:] Współczesne partie i systemy partyjne. Zagadnienia teorii i praktyki politycznej, eds W. Sokół, M. Żmigrodzki, Lublin 2003, p. 131–149.

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УДК 341

ГРНТИ 10.87.01

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Значение стандартов «мягкого права» Совета Европы для политического плюрализма

Аннотация. Автор анализирует важность стандартов так называемого «мягкого права» Совета Европы в отношении политического плюрализма. Хотя эти стандарты не имеют обязательной юридической силы с точки зрения международного публичного права, они играют важную роль в Совете Европы и его влиянии на государства-члены. Автор анализирует эти стандарты, особо концентрируясь на Европейской комиссии по демократии через право (Венецианская комиссия). Нет сомнений в том, что влияние стандартов, касающихся политического плюрализма, достаточно широкое, поскольку это касается всех сфер правовой жизни государства. Они взаимосвязаны, но каждый из них определяет существование другого, например: гарантия прав человека возможна только в сочетании с верховенством права и плюралистической демократией, в то время как верховенство права не может реально функционировать без должным образом функционирующей системы защиты прав человека и плюралистической демократии. Это дает возможность размышлять не только о последствиях членства в Совете Европы, но и дает прекрасную возможность взглянуть на современную роль международных организаций и их влияние на политические преобразования, в том числе в рамках системы правосудия.

Ключевые слова: Совет Европы; мягкое право; демократические стандарты; политический плюрализм; Венецианская комиссия

ЛИТЕРАТУРА

1. Jamróz, Wprowadzenie do prawoznawstwa, LexisNexis, Warszawa 2008, p. 126.
2. Jaskiernia, Media masowe w demokratycznych procesach wyborczych: Standardy europejskie i uwarunkowania ich realizacji, Oficyna Wydawnicza ASPRA-JR, Warszawa 2008, p. 188–189.
3. Jurewicz, Rola “miękkiego” prawa w praktyce instytucjonalnej Wspólnoty Europejskiej, [in:] Implementacja prawa integracji europejskiej w krajowych porządkach prawnych, ed. C. Mik, TNOiK, Toruń 1998, p. 111.
4. Żukowski, Istota formuły demokratycznych wyborów – kilka refleksji teoretycznych i terminologicznych, “Studia Wyborcze” 2006, vol. I, p. 61.
5. Mik, Europejskie prawo wspólnotowe. Zagadnienia teorii i praktyki, vol. 1, Wydawnictwo C.H. Beck, Warszawa 2000, p. 522.
6. Mik, Standardy Rady Europy dotyczące prasy, “Palestra” 1993, nr 9–10, p. 97.
7. Code of Good Practice in the field of Political parties, adopted by the Venice Commission at its 77th Plenary Session (12–13 December 2008), CDL-AD(2009)002.

8. Comp. Transformacja systemów wymiaru sprawiedliwości. Pozycja ustrojowa władzy sądowniczej i uwarunkowania transformacji, ed. J. Jaskiernia, vol. I, Wydawnictwo Adam Marszałek, Toruń 2011, pp. 697.
9. Convention on the Participation of Foreigners in Public Life at Local Level, ETS No. 144.
10. Thürer, Soft law [in:] Encyclopedia of Public International Law, vol. IV, 2000, p. 454.
11. Dz.U. 1993 No 61, pos. 284.
12. European Court of Human Rights Case of Refah Partisi and Others v. Turkey, Judgment of 13 February 2003, §88.
13. European Court of Human Rights Case of Refah Partisi and Others v. Turkey, Judgment of 13 February 2003, §89.
14. European Court of Human Rights Case of Refah Partisi and Others v. Turkey, Judgment of 13 February 2003, §89.
15. European Court of Human Rights, Loizdou v. Turkey (Preliminary Objections), Judgment of 23 March 1995, pkt. 75.
16. Palermo, Domestic Enforcement and Direct Effect of the Framework Convention for the Protection of National Minorities on the Judicial Implementation of the (soft?) law of integration [in:] The Framework Convention for the Protection of National Minorities: a Useful Pan-European Instrument?, eds A. Vertischel (at all), Intersentia, Antwerpen 2008.
17. Cameron, The Swedish Experience of the Convention on Human Rights Since Incorporation, "International and Comparative Law Quarterly" 1999, No. 1, p. 52.
18. von. Biezen, Political Parties in New Democracies, Palgrave Macmillan, New York 2003, p. 18–23.
19. Jaskiernia, Znaczenie standardów Rady Europy o charakterze "miękkiego prawa", [in:] Ius est ars boni et equi. Księga pamiątkowa z okazji 5 – lecia Wydziału Prawa Wyższej Szkoły Menedżerskiej w Legnicy, red. N. Szczęch, Wyższa Szkoła Menedżerska, Legnica 2010.
20. Jaskiernia, Konstrukcja normy prawnej o charakterze "miękkiego prawa", [in:] Wielowymiarowość prawa. Księga jubileuszowa z okazji 40-lecia pracy naukowej Prof. Krzysztofa Pałeckiego, eds J. Czapska, M. Dudek, M. Stępień, Wydawnictwo Adam Marszałek, Toruń 2014, p. 106.
21. Jaskiernia, Standardy Rady Europy a ustrój polityczny Polski, in:] Polska w Radzie Europy. 10 lat członkostwa. Wybrane zagadnienia, ed. H. Machińska, Ośrodek Informacji Rady Europy. Centrum Europejskiego Uniwersytetu Warszawskiego, Warszawa 2002, s. 93.
22. Jaskiernia, Rada Europy jako "organizacja wartości", [in:] Wyjaśnianie polityki, eds J. Błuszkowski, J. Zaleśny, "Studia Politologiczne" 2010, Vol. 17, p. 172.
23. J. Jaskiernia, Partie polityczne w systemie demokratycznym w świecie standardów Rady Europy, [in:] Prawne aspekty funkcjonowania partii politycznych w państwach Europy Środkowej i Wschodniej, eds A. Domańska, K. Skotnicki, Łódź 2003, s. 50–51.

Издательство «Мир науки» \ Publishing company «World of science» http://izd-mn.com

24. J. Jaskiernia, Odpowiedzialność polityczna i odpowiedzialność karna polityków oraz kategoria więźnia politycznego w percepcji Zgromadzenia Parlamentarnego Rady Europy, "Studia Iuridica Lublinensia" 2014, No 22, p. 87.
25. J. Jaskiernia, Odpowiedzialność polityczna i odpowiedzialność karna polityków oraz kategoria więźnia politycznego w percepcji Zgromadzenia Parlamentarnego Rady Europy, "Studia Iuridica Lublinensia" 2014, No 22, p. 88.
26. J. Sobczak, Zasada pluralizmu politycznego, [in:] Konstytucja Rzeczypospolitej Polskiej. Komentarz encyklopedyczny, red. W. Skrzydło, S. Grabowska, R. Grabowski, Warszawa 2009, p. 717.
27. Konstytucja Hiszpanii z dnia 27 grudnia 1978 r. wraz z ostatnią zmianą z 27 sierpnia 1992 r., www.libr.sejm.gov.pl/tek01/txt/konst/hiszpania.html, (access: 09.11.2018).
28. Konstytucja Meksyku z dnia 5 lutego 1917 r., www.biblioteka.sejm.gov.pl/konstytucje-swiata-meksyk, (access: 09.11.2018).
29. Konstytucja Niemiec z 23 maja 1949 r., źródło: www.libr.sejm.gov.pl/tek01/txt/konst/niemcy.html (access: 09.11.2018).
30. Konstytucja Republiki Argentyńskiej z dnia 1 maja 1853 r., www.biblioteka.sejm.gov.pl/konstytucje-swiata-argentyna (access:09.11.2018).
31. Konstytucja Republiki Chile z dnia 11 lipca 1980 r., www.biblioteka.sejm.gov.pl/konstytucje-swiata-chile, (access: 09.11.2018).
32. Konstytucja Republiki Kostaryki z dnia 8 listopada 1949 r., www.biblioteka.sejm.gov.pl/konstytucje-swiata-kostaryka, (access: 09.11.2018).
33. Rosenfeld, Rethinking Constitutional Ordering in an Era of Legal and Idelogical Pluralism, "International Journal of Constitutional Law" 2008, Vol. 6, p. 415–455.
34. Bartoszewicz, Partie polityczne a zasada równości, "Przegląd Prawa i Administracji" 2003, No 54, p. 53.
35. Granat, A. Gorgol, J. Sobczak, Ustawa o partiach politycznych. Komentarz, Wydawnictwo C.H. Beck, Warszawa 2003, p. 30.
36. Chmaj, Zasady pluralizmu politycznego w Polsce na tle standardów Rady Europy, [in:] Rada Europy a przemiany demokratyczne w państwach Europy Środkowej i Wschodniej w latach 1989–2009, ed. J. Jaskiernia, Wydawnictwo Adam Marszałek, Toruń 2010, p. 507.
37. Uziębło, Demokratyczne państwo prawa jako filar funkcjonowania współczesnych państw, "Studia Elbląskie" 2010, XI, p. 238.
38. Parliamentary Assembly Resolution 1950 (2013) Final version, Keeping political and criminal responsibility separate, Doc. 1314.
39. Parliamentary Assembly Resolution 1675 (2009), State of human rights in Europe: the need to eradicate impunity, Doc. 11934.
40. Parliamentary Assembly of the Council of Europe Report, Restrictions on political parties in the Council of Europe member states, Doc. 9526. 17 July 2002.
41. Parliamentary Assembly of the Council of Europe Report, Procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament, 3 January 2008, Doc. 11465.

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42. Parliamentary Assembly of the Council of Europe Resolution 1154 (1998), Democratic functioning of national parliaments, 20 April 1998, Doc. 7961.

43. Political parties, www.venice.coe.int/WebForms/pages/?p=02_parties, (access: 26.10.2018).

44. Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, ETS no. 177.

45. Venice Commission Opinion on the Prohibition of Financial Contribution to Political Parties from Foreign Sources, Adopted by the Venice Commission at its 66 th Plenary Session, Venice, 17–18 March 2006, CDL-AD(2006)014.

46. Venice Commission Guidelines on Prohibition and Dissolution of Political and Analogous Measures Adopted by the Venice Commission at its 41st plenary session (Venice, 10–11 December, 1999), CDL-INF(2000)001-e.

47. Venice Commission Guidelines and Report on the Financing of Political Parties adopted by the Venice Commission at its 46th Plenary Meeting (Venice, 9–10 March 2001, CDL-INF(2001)008-e.

48. Venice Commission, Code of Good Practice in Electoral Matters: Guidelines and Explanatory Report – Adopted by the Venice Commission at its 52nd session (Venice, 18019 October 2002), CDL-AD(2002)023rev-e.

49. Venice Commission Opinion on the Ukrainian Legislation on Political Parties, adopted by the Venice Commission at its 21st Plenary Session (Venice, 5–6 July 2002), CDL-AD(2002)017-e.

50. Venice Commission Guidelines and Explanatory Report on legislation on Political Parties Some Specific Issues, Adopted by the Venice Commission at its 58 th Plenary Session (Venice, 12–13 March 2004, CDL-AD (2004)007 rev, s. 5.

51. Venice Commission Replies to the Questionnaire on the Establishment, Organisation and Activities of Political Parties, CDL-Dem(2003)2 rev.

52. Venice Commission Draft Report on the Establishment, Organisation and Activities of Political Parties, CDL-DEM(2003)3 rev.

53. Venice Commission on Prohibition and Dissolution of Political Partie and Analogues Measures, Adopted by the Venice Commission at its 41st plenary session, Venice, 10-11 December, 1999, CDL-INF(2000)001-e.

54. Venice Commission Guidelines on Political Party Regulation by OSCE/ODIHR & Venice Commission. Adopted by the Venice Commission at its 84th Plenary Session, Venice, 15–16 October 2010, CDL-AD(2010)024, s. 6.

55. Venice Commission Guidelines on Political Party Regulation by OSCE/ODIHR & Venice Commission. Adopted by the Venice Commission at its 84th Plenary Session, Venice, 15–16 October 2010, CDL-AD(2010)024, s. 10.

56. Venice Commission, Report on Political Parties in Elections, Adopted by the Council for Democratic Elections, Venice, 16 March 2006, CDL-AD (2006) 025, s. 8.

57. Venice Commission Draft Joint Opinion on the Bill on Financing the Political Activities of the Republic of Serbia, CDL (2010) 142-e.

58. Venice Commission Draft Amendments to the Law on Political Parties of the Republic of Azerbaijan, CDL-REF(2011) 036-6.

59. Venice Commission Joint Opinion on Draft Legislation of the Republic Moldova pertaining to financing political parties and election campaigns adopted by the Council for Democratic Elections at its 44th meeting (Venice, 7 March 2013) and by the Venice Commission at its 94th plenary session (Venice, 8–9 March 2013), CDL-AD(2013) 002-e.

60. Venice Commission Draft Joint Opinion on the draft act to regulate the formation, the inner structures, functioning and financing of political parties and their participation in elections of Malta, CDL(2014)049-e.

61. Venice Commission on the Draft Amendments to some Legislative acts Concerning Prevention and Fight Against Political Corruption of Ukraine, adopted by the Council of Democratic Elections at its 52nd meeting (Venice, 22 October 2015) and by the Venice Commission at its 104th Plenary Session (Venice, 23–24 October 2015), CDL-AD(2015)025-e.

62. Venice Commission, Armenia – Draft Joint Opinion on the Draft Constitutional Law on Political Parties, CDL-PI(2016) 012-e.

63. Venice Commission, Tunisia – Opinion on the Draft Institutional Law on the Organisation of Political Parties and their funding, Adopted by the Venice Commission at its 116th Plenary Session (Venice, 19–20 October 208), CDL-AD(2018)025-e.

64. Venice Commission Compilation of opinion and reports concerning political parties, Strasbourg, 15 March 2016, CDL-PI(2016)003.

65. Venice Commission Opinion on the Seven Amendments to the Constitution of "The former Yugoslav Republic of Macedonia, Adopted by the Venice Commission at its 100th Plenary Session (Rome, 10–11 October 2014), CDL-AD(2014)026, s. 4.

66. Venice Commission Report on the method of nomination of candidates within political parties, Adopted by the Council for Democratic Elections at. Its 51 th meeting (Venice, 18 June 2015) and by the Venice Commission at its 103rd Plenary Session (Venice, 19-20 June 2015), CDL-AD(2015)020-e.

67. Ibidem, p. 6.

68. Venice Commission, Federal Law on Political Parties of the Russian Federation, CDL-REF (2012)001rev-e.

69. W. Slowmason, Fundamental perspectives on international law, Wadsworth Cengage learning, Boston 2011, p. 36.

70. Zob. W. Sokół, Partie w systemach politycznych, [in:] Współczesne partie i systemy partyjne. Zagadnienia teorii i praktyki politycznej, eds W. Sokół, M. Żmigrodzki, Lublin 2003, p. 131–149.

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