The Moscow Times
30 YEARS
INDEPENDENT NEWS FROM RUSSIA

European Court Rebukes Law on Parties

By Nabi Abdullaev

April 12, 2011



In a stiff rebuke of authorities' efforts to sideline opposition parties, the European Court of Human Rights has declared Russia's law on political parties draconian and ruled that the 2007 dissolution of the opposition Republican Party was unjustified.

Party leader Vladimir Ryzhkov called the ruling a "great precedent" and vowed to use it to register a new opposition party to run in State Duma elections in December and, perhaps, challenge the law in the Constitutional Court.

As a member of the Council of Europe, Russia is obliged to heed the rulings of the Strasbourg-based European Court of Human Rights. But analysts voiced skepticism that the court's harsh reprimand would lead to changes.

No one was available at the Justice Ministry to comment on the ruling on Tuesday afternoon.

The Republican Party, created in 1990 from a grouping of democracy-minded members of the Communist Party of the Soviet Union, registered with the Justice Ministry in 2002 under

a new restrictive law on political parties backed by Vladimir Putin's Kremlin. By that time, it was led by Ryzhkov, an opposition-minded politician who served as a Duma deputy from 1993 to 2007. (Full disclosure: Ryzhkov now is a columnist for The Moscow Times.)

When the Republican Party decided to change its address and create several new regional branches in December 2005, it turned to the Justice Ministry with a request to make the necessary amendments in the ministry's register of legal entities. The ministry balked, saying the party had not provided proof that its latest general conference was legitimate.

The party went to court, arguing that the ministry had no power to verify this issue when a party wants to change its details in the register but only — as defined in the law on political parties — when a party applies to register for the first time. The party lost its court battle after the Moscow City Court ruled in December 2006 that the ministry had the power to demand the same set of documents as when registering a new party. The court made its ruling based on a notoriously punitive law on nonprofit organizations that entered force in April 2006.

Meanwhile, the Justice Ministry asked the Supreme Court to disband the party, saying an inspection had found that the party had less than 50,000 members and fewer than 45 branches with more than 500 members as required by the law on political parties.

In May 2007, the Supreme Court ordered the party disbanded.

Ryzhkov filed a complaint with the Strasbourg court in February 2007.

In a statement issued Tuesday, the European Court of Human Rights said Russian authorities had violated the rights of citizens by applying the NGO law to a case that was initiated before the NGO law entered force.

The court also said the Justice Ministry was unjustified in its decision to cite purported irregularities in the internal functioning of the party, namely proof about the legitimacy of the general conference.

The court also dismissed arguments from the Russian government that the Republican Party was given the opportunity to reorganize itself into a public association. The court said it was unacceptable to force members and founders of an association to take a legal shape that they did not seek. Moreover, the court said, such a reform would deprive the party of its right to participate in elections because Russian law allows only registered parties to stand in polls.

The court also criticized the law on the political parties for setting the minimum membership requirements for political parties, which are the highest in Europe.

The court dismissed as ungrounded Russian government arguments advanced in explanatory notes to this case that it was necessary to limit the number of political parties to avoid disproportionate expenditures from the federal budget.

The court also noted that the frequently amended law on political parties, coupled with regular checks on party membership, has imposed a disproportionate burden on political parties, while an argument by the Russian government that only large parts of the society should be eligible for representation through political parties goes against the right of small minority groups to establish parties of their own and participate in elections.

The court ordered the government to pay 6,950 euros ($10,000) to the Republican Party to cover its court costs and other expenses. The government has three months to appeal.

Ryzhkov said by phone Tuesday that he does not plan to revive the Republican Party because there is no such need for it anymore.

"I would rather use this decision to register the Party of People's Freedom and to run in parliamentary elections in December," he said.

He is working to create the new party together with opposition leaders Mikhail Kasyanov, Boris Nemtsov and Vladimir Milov.

Ryzhkov added that he was considering filing a request with the Constitutional Court to reconsider the law on political parties, which he said effectively bars creation of the new parties.

There are seven parties registered in Russia, but only four of them have seats in the Duma: United Russia, the Communists, A Just Russia and the Liberal Democratic Party. The latest party to be registered, in 2009, is the tiny, pro-business Right Cause party, which is widely believed to be a Kremlin project. The Justice Ministry routinely rejects attempts to create new parties by both opposition and loyal political groups.

Yury Korgunyuk, a political analyst with the Indem think tank, said the European court's ruling did not mean authorities would change their policy of blocking party registrations.

"The system might be changed — but only by a decision from the top, not because of the European court's ruling," Korgunyuk said by telephone.

"For Ryzhkov, the fine will be more like a consolation prize that he could wisely use in his agitation campaigns," he said, adding that the money would probably be paid "after a long delay."

Alexei Makarkin, an expert with the Center for Political Technologies, said the European court's long-awaited ruling was justified but too late.

Even if the Republican Party were to seek re-registration, it would not be able to regroup its supporters, many of whom have scattered to other parties, he said.

He said the only result he expected to see emerge from the ruling was the eventual payment of the fine.

Staff writer Alexandra Odynova contributed to this report.

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