



On Public Associations

Non-official translation

The Law of the Republic of Kazakhstan dated 31May, 1996 No. 3

Unofficial translation

The right to freedom of associations shall be the one of the most important and constitutional rights of a person and citizen, the implementation of which shall meet the interests of society and shall be under the protection of the state.

Chapter 1.

General provisions

Article 1. Subject of regulation of this Law

The subject of regulation of this Law shall be the social relations, arising in connection with the implementation of the right to freedom of associations by the citizens of the Republic of Kazakhstan, as well as with creation, activity, reorganization and liquidation of public associations.

Article 2. Concept of a public association

Public associations in the Republic of Kazakhstan shall be recognized as political parties, trade unions, and other associations of citizens, established on voluntary basis in order to achieve their general goals, not contradicting the legislation. Public associations shall be non-commercial organizations.

Article 3. The legislation on public associations

The legislation of the Republic of Kazakhstan on public associations shall be based on the Constitution of the Republic of Kazakhstan and shall consist of this Law and other legislative acts not contradicting with them.

This Law shall apply to all public associations, established at initiative of citizens, with the exception of religious associations, bodies of local self-government and of public independent action, which procedure of establishment and activity shall be specified by other legislative acts.

This Law shall apply to the activity of the established and existing structural subdivisions (branches and representative offices) of foreign and international public associations in the territory of the Republic of Kazakhstan, with the exception of religious associations.

If an international treaty, ratified by the Republic of Kazakhstan established the rules

other than those, provided by this Law, the rules of an international treaty shall be applied.

Special aspects, linked with the establishment, activity, reorganization and liquidation of political parties, trade unions and other particular types of public associations may be governed by other legislative acts.

The activity of specified public associations, not regulated by other legislative acts, shall be regulated by this Law.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 09.02.2009 No. 126 (the order of enforcement See Article 2); dated 29.04.2009 No. 154-IV (the order of enforcement See Article 2).

Article 4. The state and public associations

The state shall secure the compliance of rights and legitimate interests of public associations.

Unlawful interference of the state in the affairs of public associations and interference of public associations in the affairs of the state, assignment of functions of state bodies to public associations shall be prohibited.

Public associations may cooperate and interact with state bodies, concluding agreements with them, and may perform certain works for them, provided by the legislation, under the agreements with the state bodies.

The labour legislation of the Republic of Kazakhstan on social secure and insurance shall apply to employees of the administration of public associations.

The issues, concerning the interests of public associations, to the extent, provided by the legislative acts, may be decided by the state bodies by agreement with public associations.

Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 15.05.2007 No. 253; dated 29.04.2009 No. 154-IV (the order of enforcement See Article 2).

Article 5. Principles of activity of public associations

Public associations shall be established and shall act for the purposes of implementation and protection of political, economic, social and cultural rights and freedoms, development of citizens' activity and independence; satisfaction of professional and amateur interests; development of scientific, engineering and arts creation, protection of life and health of the people, protection of natural environment; participation in charity, conducting of cultural-enlightenment, sports and recreation work; protection of monuments of history and culture; patriotic, legal and humanistic educations; expansion and strengthening of international cooperation; carrying out of other activity, that is not prohibited by the legislation of the Republic of Kazakhstan.

The establishment and activity of public associations that pursues extremist's goals, as well as the creation of paramilitary units, not provided by the legislation of the Republic of Kazakhstan shall be prohibited.

The establishment of public associations by the type of paramilitary units, having military structure, uniform, special decorations, anthems, flags, pennants, special conditions of internal discipline and governing, arms including the imitative arms, in the territory of the Republic of Kazakhstan shall be prohibited.

The activity of political parties and trade unions of other states, parties on religious basis, as well as the financing of political parties and trade unions by foreign legal entities and citizens, foreign states and international organizations shall be prohibited.

The establishment and activity of public associations, infringing on health and moral statutes of the citizens, as well as the activity of unregistered public associations shall be prohibited.

Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 23.02.2005 No. 33; dated 29.04.2010 № 272-IV (the order of enforcement See Article 2).

Article 6. Principles of establishment and activity of public associations

Public associations shall be equal before the Law. Public associations shall carry out their activity under the Constitution and other legislative acts of the Republic of Kazakhstan.

Public associations shall be established and shall act on the basis of voluntariness, equality of their members (participants), self-governing, legality, statements and publicity of the activity.

Participation or non-participation of a citizen in the activity of a public association may not serve as the basis for restriction of his/her rights and freedoms. The requirement in a public association to specify membership (participation) in official documents shall not be allowed.

Article 7. Status of public associations

Republican, regional and local public associations may be established and may operate in the Republic of Kazakhstan.

Republican public associations shall include the associations that have their structural subdivisions (branches and representative offices) in the territory of more than half of regions of the Republic of Kazakhstan.

Regional public associations shall include the associations that have their structural subdivisions (branches and representative offices) in the territory of less than half of regions of the Republic of Kazakhstan.

Local public associations shall include the associations, operating within one region of the Republic of Kazakhstan.

In order to confirm the status, republican and regional public associations, before the expiration of one year from the date of registration, shall be obliged to submit the copies of documents, certifying the record registration passed by structural subdivisions (branches and representative offices) to the body, registered this association, in the territorial bodies of justice.

Article 8. Unions (alliances) of public associations

Public associations, established and registered in the established manner, notwithstanding the type, shall have the right to organize unions (alliances) of public associations on the basis of memorandums and charters, approved by unions (alliances), establishing a new legal entity, as well as to be the participant of international unions (alliances).

Standard operating procedure and state registration of unions (alliances) of public associations, including the international associations, shall be specified in accordance with the legislative acts of the Republic of Kazakhstan.

Article 9. Activity of international and foreign non-commercial associations in the territory of the Republic of Kazakhstan

The structural subdivisions (branches and representative offices) of international and foreign non-commercial associations may be established and operate in the territory of the Republic of Kazakhstan.

The structural subdivisions (branches and representative offices) of international and foreign non-commercial associations shall be governed by the charters of the latter, unless they contradict the legislation of the Republic of Kazakhstan.

Chapter 2. Establishment, reorganization, liquidation of public associations

Article 10. Establishment of public associations

A public association shall be established by initiative of a group of citizens of the Republic of Kazakhstan not less than ten persons.

The right of citizens to establish public associations shall be implemented both immediately by joining individuals and through legal entities – public associations, with the exception of political parties and trade unions.

Founders of a public association shall be individuals or legal entities – public associations, with the exception of political parties and trade unions, convening the constituent assembly (conference, meeting), where the charter shall be approved and governing bodies shall be formed. The founders of a public association – individuals or legal entities shall have the equal rights and bear equal obligations.

The legal capacity of a public association as a legal entity shall arise from the moment of its registration in the manner, established by the legislative acts of the Republic of Kazakhstan.

Footnote. Article 10 as amended by the Law of the Republic of Kazakhstan dated 12.01.2012 № 537-IV (shall be enforced upon expiry of 10 calendar days after its first official publication).

Article 11. Membership (participation) in a public association

Members (participants) of public associations may be the citizens of the Republic of Kazakhstan and (or) legal entities – public associations, with the exception of political parties and trade unions. The charters of public associations, with the exception of political parties may provide membership (participation) therein of foreign citizens and stateless persons.

Members (participants) of youth public associations under political parties may be the citizens attained sixteen years of age. The age of members of other youth and children associations shall be determined by their charters (statutes).

Conditions and procedure of acquisition and loss of membership shall be specified by the charters of public associations.

Military servants, workers of national security structures and judges shall not be the members of parties, trade unions, act in support of any political party.

Footnote. Article 11 as amended by the Law of the Republic of Kazakhstan dated 12.01.2012 № 537-IV (shall be enforced upon expiry of 10 calendar days after its first official publication).

Article 12. Charter of a public association

The charter of a public association shall provide:

- 1) name, subject and goals of activity of a public association;
- 2) membership (participation), condition and the procedure of acquisition and loss of membership, rights and obligations of members (participants) of a public association;
- 3) organizational structure of a public association, legal statute of structural subdivisions (branches and representative offices) and the territory, within which they carry out their activity;
- 4) procedure of formation, competence and terms of powers of the governing bodies, location of continuous governing body of a public association;
- 5) sources of formation of monetary funds and other property of a public association, rights of a public association and its structural subdivisions (branches and representative offices) concerning administration of property;
- 6) procedure for introduction of alterations and additions to the charter of a public association;
- 7) procedure of reorganization and liquidation of a public association, the future of the property of a public association in case of liquidation.

The charter may provide other provisions as well, related to the operation of a public association, not contradicting the legislation of the Republic of Kazakhstan.

Adoption of the charter, introduction of alterations and additions to it shall relate to the exclusive competency of the supreme body of a public association – the assembly (conference , meeting).

Article 13. State registration and re-registration of a public association

State registration of republican, regional public associations, structural subdivisions (branches and representative offices) of foreign and international non-commercial non-governmental associations shall be carried out by the Ministry of Justice of the Republic of Kazakhstan.

State registration of local public associations, branches and representative offices shall be carried out by the territorial bodies of justice.

State registration and re-registration of public associations shall be made in the manner and within the terms, provided by the legislation on the state registration of legal entities.

In order to register a public association within the period of two months after the date of its establishment, an application shall be submitted to registering body. The application shall be attached with the charter, the protocol of the constituent assembly (conference, meeting), adopted the charter, information about initiators of the establishment of association and the documents, confirming the location of a public association, as well as the payment of registration fee for legal entities.

The period, established for the submission of an application on registration of a public association, missed for a good case, shall be restored by the body, carrying out the registration.

In the cases, provided by the legislation, a public association shall be subject to re-registration.

State registration fee shall be collected for registration and re-registration of public associations in the manner, specified by the Tax Code of the Republic of Kazakhstan.

Footnote. Article 13 was amended by the Law of the Republic of Kazakhstan dated 23 March, 2000 No. 39; dated 24 December, 2001 No. 276 (shall be enforced from 01.01.2002).

Article 14. Record registration of branches and representative offices of public associations

Structural subdivisions (branches and representative offices) of public associations shall be subject to record registration.

Record registration of branches and representative offices of foreign and international non-commercial non-governmental associations shall be carried out by the Ministry of Justice of the Republic of Kazakhstan.

Record registration of structural subdivisions (branches and representative offices) of public associations shall be carried out in territorial bodies of justice.

Procedure and terms of record registrations shall be governed by the legislation on registration of legal entities.

Article 15. Suspension of the term of state registration

The term of state registration shall be suspended in cases of conducting the expertise of constitutive document, verification of the lists of members of political parties, as well as on the grounds, specified in the legislative acts on state registration of legal entities.

Article 16. Refusal of state registration

Refusal of registration of a public association, its structural subdivision (branch and representative office) shall be made in accordance with the legislation on state registration of legal entities.

Refusal of registration may be appealed in a judicial proceeding.

Article 17. Reorganization and liquidation of a public association

Reorganization of a public association (merger, affiliation, division, segregation, reformation) shall be made under the decision of the body of the public association in the manner, provided by its charter and the legislation of the Republic of Kazakhstan.

Liquidation of a public association shall be made on the grounds and in the manner, provided by the legislation of the Republic of Kazakhstan.

Article 18. Symbols of a public association

Public associations may have own symbols (flag, anthem, emblem, pennants, badges), not contradicting the legislation of the Republic of Kazakhstan.

Full and short name of a public association and its symbols shall not duplicate in full or in sufficient part the symbols of the Republic of Kazakhstan and other states, government bodies, public associations⁶ registered in the Republic of Kazakhstan, as well as public associations, liquidated in connection with the violation of the legislation of the Republic of Kazakhstan.

Description and design of symbols of a public association shall be set forth in the charter.

Footnote. Article 18 – as amended by the Law of the Republic of Kazakhstan dated 08 July, 2005 No. 67 (the order of enforcement See Article 2).

Chapter 3. Rights and obligation of a public association. Property of a public association

Article 19. Rights and obligation of a public association

Public associations shall obtain the rights assume the obligations through their governing bodies, acting within powers, provided by the charter and the legislation of the Republic of Kazakhstan.

In order to implement the charter goals, public associations in the manner, established by the legislation of the Republic of Kazakhstan shall have the right:

- to spread information about their activity;
- to represent and to protect the rights and legitimate interests of their members in courts and other government bodies, other public associations;
- to establish mass media;
- to hold assemblies, meetings, demonstrations, processions and picketing;
- to carry out publishing activities;
- to enter into international non-commercial non-governmental associations;
- to carry out other powers, not contradicting the legislation of the Republic of Kazakhstan.

A public association shall be obliged:

- to comply with the Laws of the Republic of Kazakhstan, as well as with the regulations, provided by the charter;
- to provide the opportunity for its members to familiarize with the documents and decisions, affected their rights and interests;
- to inform its members about receipt and expenditure of monetary funds;
- to inform the registering body about changes of location of permanent governing body and data about the directors in the volume of information, included into the National register of business identification numbers.

Footnote. Article 19 as amended by the Law of the Republic of Kazakhstan dated 24.12.2012 № 60-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 20. Entrepreneurial activity of public associations

Public associations may carry out entrepreneurial activity to the extent that it serves for achievement of the charter goals. Entrepreneurial activity shall be carried out by public associations in accordance with the legislation of the Republic of Kazakhstan.

Revenues from entrepreneurial activity of public associations shall be subject to taxation in accordance with the legislation of the Republic of Kazakhstan.

Revenues from entrepreneurial activity of public activity shall not be redistributed between the members (participants) of public associations and shall be used for the achievement of charter goals. Use of own funds for charity purposes by public associations shall be allowed .

Article 21. Property of public associations

The property of a public association shall be the objects, required for material provision of the activity, provided by the charter, with the exception of the objects, prohibited by the legislation of the Republic of Kazakhstan.

Monetary funds of public associations shall be formed from subscription and membership fees, if their payment is provided by the charter; voluntary contributions and donations; incomings from conducting lectures, exhibitions, sports and other events, lotteries, in accordance with the charter; revenues from production and other economic activity; other incomings, not prohibited by the legislative acts.

Members (participants) of public associations shall not have the rights to the property, transferred to them by these associations, as well as to the membership fees. They shall not be liable on the obligations of public associations, in which they participate as members (participants), and the mentioned associations shall not be liable on the obligations of their members (participants).

The property of public associations shall be protected by the legislation of the Republic of Kazakhstan.

Chapter 4. Responsibility for violation of the legislation on public associations

Article 22. Responsibility for violation of the legislation on public associations

Violation of the legislation on public associations shall entail the responsibility in the manner, established by the Laws of the Republic of Kazakhstan.

Responsibility for the violation of the legislation on public associations shall bear the legal entities and individuals, guilty of that, as well as the officials of government bodies, and the persons that are the members of governing bodies of public associations.

Footnote. Article 22 as amended by the Law of the Republic of Kazakhstan dated 15 May, 2007 No. 253.

Article 23. Suspension of the activity of a public association

The activity of a public association may be suspended for the period from three to six months under the decision of court on the basis of submissions by the prosecution authorities, the authorities of internal affairs or applications of citizens in cases of violation of the Constitution and the legislation of the Republic of Kazakhstan or when the public association repeatedly perform the activities, that are beyond the limits of the goals and objectives, prescribed by its charter.

In case of suspension of the activity of a public association, it shall be prohibited to use all means of mass media, to conduct agitation and propagation, to hold meetings, demonstrations, and other public events, to take part in elections.

The right of a public association to use its bank deposits shall be also suspended, with the exception of the settlements of labour agreements, compensation for damages, caused in the result of its activity, and the payment of fines.

If a public association eliminates the violations, served as the ground for suspension of its activity within the established period of suspension of activity, then a public association shall resume its activity after the specified period. If the public associations fail to eliminate violations or in case of repeated violation of the legislation of the Republic of Kazakhstan, the prosecution authorities, internal affairs bodies as well as the citizens shall have the right to seize the court with application on its liquidation.

Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan dated 23 February, 2005 No. 33.

Chapter 5. Final provisions

Article 24. International relations of public associations

Public associations of the Republic of Kazakhstan may maintain international relations, conclude the relevant agreements, enter into international non-commercial non-governmental

associations in the capacity of collective members, with the exception of religious associations in accordance with their charters.

Public associations of the Republic of Kazakhstan may establish their structural subdivisions (branches and representative offices) in foreign states on the basis of generally recognized principles and regulations of international law, international treaties and the legislations of the relevant states.

*The President
of the Republic of Kazakhstan*