



## **On Political Parties**

### *Non-official translation*

The Law of the Republic of Kazakhstan, dated 15 July, 2002 No 344

#### **Unofficial translation**

This Law shall determine fundamental legal principles of creation of political parties, its rights and obligations, guarantee of activity, regulate relations of political parties with state bodies and other organizations.

### **Chapter 1. General provisions**

#### **Article 1. Concept of political parties**

1. Political party shall be recognized voluntary association of citizens of the Republic of Kazakhstan expressing political will of citizens, of different social groups in order to represent their interests in presented and executive bodies of state authority, local self-government and participation in their formation.

2. A political party shall have not a right to act on name of the people.

#### **Article 2. The legislation of the Republic of Kazakhstan on political parties**

1. The legislation of the Republic of Kazakhstan on political parties shall be based on the Constitution of the Republic of Kazakhstan, consist of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. Political parties are equal before the Law.

#### **Article 3. The right to association to political party**

1. Citizens of the Republic of Kazakhstan shall have the right to freedom of association in political parties.

2. Citizen of the Republic of Kazakhstan may be a member of only one of a political party

3. Membership in a political party may not be grounds of limitation of rights and freedoms of citizen of the Republic of Kazakhstan.

4. Each shall have a right to point out and not point out their party identification.

#### **Article 4. The State and political parties**

1. The State shall provide loyalty and lawful interests of political parties.

2. Unwarranted interruption of state in the affairs of political parties and political parties in the affairs of state shall not be allowed. As well as assignation on political

parties of functions of state bodies shall not be allowed.

3. Demand from citizens in any form as well as in the official documents, specification of party identification shall be prohibited.

4. Deputies of Parliament, civil servants shall have not the right to hold salaried employment in political parties.

5. State employees in the discharge of its duties shall rely by requirements of the legislation of the Republic of Kazakhstan and not linked by the decisions of political parties and their bodies.

6. On persons, working in continuing bodies of political parties, shall be distributed the labor legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on social service and assurance.

**Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 15 May, 2007 No 253.**

## **Article 5. Basis of creation and activities of political parties**

1. Activity of political parties shall be based on the principles of voluntariness, equality of rights, self-government, legality and publicity. Political parties shall be free in determining its internal structures, goals, forms and methods of activity except of abridgment, established by this Law.

2. Activity of political parties shall not violate the right and freedom of person and citizen, guaranteed by the Constitution of the Republic of Kazakhstan.

3. Political parties shall create to citizens of the Republic of Kazakhstan, who are members of a political party, equal opportunities for representation in the governing bodies of the political parties, in the lists of candidates and for other elective posts in agency of State power and local self-government.

4. Organized structure of political parties shall be based on the territorial principle.

5. Governing bodies of political parties and its structural subdivisions (branches and representative offices) shall be in the territory of the Republic of Kazakhstan.

6. On the territory of the Republic of Kazakhstan political parties of other countries shall not be allowed.

7. Creation and activity of political parties, goals or actions of which aimed at forcible change of the constitutional system, breach of the integrity of the Republic of Kazakhstan, subversion of state security, stirring social, racial, national, religious, class and tribal discord shall be prohibited.

8. Creation of political parties based on professional, racial, national, ethnical and religious affiliation of citizens, as well as creation in state bodies and local self-government of primary party organizations of political parties shall not be allowed.

9. Creation and activity of military political parties, as well as para-military secessionist units in the political parties shall be prohibited.

10. Promulgation of program, charter requirements of political parties in the educational process of educational organizations shall not be allowed.

## **Chapter 2. Creation, reorganization and winding-up of a political party**

### **Article 6. Creation of a political party**

1. Political party shall be created at the initiative of group of citizens of the Republic of Kazakhstan of no less than one thousand people convening founding convention (conference) of a political party and representing two thirds of the regions, city of republican significance and capital city. Citizens shall participate personally in the founding convention

(conference) of a political party. Representation of citizens by power of attorney at the founding convention (conference) of the political party shall not be allowed. Financing creation of a political party, as well as organization of holding of founding convention (conference) shall be carried out in accordance with the requirements of Article 18 of this Law.

2. For preparation and holding of founding convention (conference) of a political party from among of members of initiative group of citizens of the Republic of Kazakhstan shall be formed an organizing committee consist of at least ten people.

3. Organizing committee shall represent to registration body notification of intention of creation of a political party in the form established by the registration body accompanied by the following information:

1) list of initiative group of citizens of creation of a political party and information on members of organizing committee on electronic and paper medium in the form established by registration body.

2) meeting minutes of organizing committee, in which shall be appointed the goal of its creation, supposed entitlement of a political party, location, supposed sources of formation and using money and other properties of organizing committee, as well as information on member of the organizing committee, authorized to open a checking account for the formation means of organizing committee and conclude civil law contracts for ensuring its activity (later on - authorized person of organizing committee).

4. On the date of receipt of the notice and other documents, appointed in paragraph 3 of this article, registration body shall issue to an authorized person of the organizing committee a document confirming their submission (later on - the confirmation).

5. Organizing committee shall have the right to start its activity only after issuing the confirmation of registration body.

6. During two months from the date of issuance of confirmation of organizing committee shall conduct a founding convention (conference) of a political party. In pursuing these aims organizing committee shall:

1) no later than one month after issuance of confirmation to it, published in periodical written publication, distributed on the territory of the Republic of Kazakhstan, information on intention to create political party, the place and date of holding of founding convention (conference) of a political party;

2) open an operating account in the regulated banks of the Republic of Kazakhstan through the authorized person of the organizing committee;

3) carry out other organizational and advocacy, directed to the creation of a political party;

7. At the founding convention (conference) shall be made a decision on creating of a political party, its name, charter, program and formed its governing bodies.

8. Political party shall carry out its charter activity after passing through official registration.

9. Organizing committee shall terminate its activity in the event of one of the following cases:

1) expiration of six months from the date of issuance the confirmation by registration body;

2) state registration of political part;;

3) refusal in the state registration of a political party;

4) by the decision of initiative group of citizens.

10. In the case of state registration of a political party money and other property of organizing committee, as well as a financial report on their use, in which shall be appointed the sources of cash inflow and other property, transferred to created political party.

In the case of refusal of state registration of a political party or termination of activity of organizing committee odd money and other property of organizing committee transferred to citizens and non-governmental organizations of the Republic of Kazakhstan proportionally kicked in.

Footnote. Article 6 in the wording of the Law dated 06.02.2009 No 122-IV (the order of enforcement see Article 2).

## **Article 7. The name and symbolism of a political party**

1. The name of a political party shall contain the words "political party" or "party", the use of which shall be allowed only in the name of a political party.

Full and abbreviated name of the political party and its symbolism should not be wholly or in essential part to duplicate the name and symbolism of state bodies, political parties and public associations registered in the Republic of Kazakhstan, as well as political parties and public associations, liquidated in connection with breach of the legislation of the Republic of Kazakhstan.

2. Specification to the national, ethnic, religious, regional, community and gender characteristics, using the names and surnames of its leader, historical figures shall not be allowed in the name of a political party.

3. Political party shall have not a right to use as their symbolism state symbols of the Republic of Kazakhstan and other countries.

4. Political party shall have a right to use as symbolism emblems, flags, anthems, pennons, badges.

5. Symbolism of a political party should not be used to promulgation of unconstitutional and illegal goals.

6. Description and sketches of symbolism of a political party should be contained in the charter.

Footnote. Article 7 as amended by the Laws of the Republic of Kazakhstan dated July 8, 2005 No 67 (the order of enforcement see Article 2); dated 06.02.2009 No 122-IV (the order of enforcement see Article 2).

## **Article 8. Membership in a political party**

1. Member of a political party may be a citizen of the Republic of Kazakhstan who reached the age of eighteen.

2. Membership of foreigners and stateless persons, as well as the collective membership in political party shall not be allowed.

3. Military serviceman, employees of national security, law enforcement agencies and judges should not consist in a political party, neither to act in support of any political party.

4. Membership in a political party shall be a voluntary, individual and fixed.

5. Reception in a political party shall be carried out under authority of written application.

6. Membership in a political party may not be limited on grounds of professional, social, racial, generic, ethnic or religious affiliation, as well as depending on the gender or property status.

7. Members of a political party shall have a right to elect and be elected to the governing bodies of a political party, get information on activity of a political party and its governing bodies.

8. Grounds of termination of membership in the political party shall be death, desertion of a party, expulsion from the party, joining to another party, reception for military service.

In the case of entry into military service membership in a political party shall be automatically terminated.

Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan dated 16.02.2012

No 562-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 9. Charter of a political party**

1. Charter of a political party shall contain:
  - 1) name, goals and tasks of a political party, as well as description of symbolism;
  - 2) location of the central office of a political party;
  - 3) conditions and procedure of acquisition and forfeit of membership in a political party, rights and obligations of its members;
  - 4) a procedure of record of members of a political party;
  - 5) a procedure of creation, reorganization and liquidations of a political party and its structural subdivisions (branches and representative offices);
  - 6) a procedure of election of governing and internal control bodies of the political party and its structural subdivisions (branches and representative offices), term of powers and competence of specified bodies;
  - 7) a procedure of alteration and additions to the charter of a political party and its program;
  - 8) procedure of recommendation of a political party candidates (lists of candidates) for deputies and other elective posts in state government body and local government bodies;
  - 9) grounds of revocation and rotation of recommended by political party candidates for deputies of Mazhilis on the territory of unified national election district;
  - 10) rights of a political party and its structural subdivisions (branches and representative offices) in the field of money management and other properties, financial responsibility of a political party and its structural subdivisions (branches and representative offices) and procedure of reports of a political party and its structural subdivisions (branches and representative offices).
2. In charter of a political party may be contained other provisions related to its activity and be without prejudice to the legislation of the Republic of Kazakhstan.
3. Alteration and additions, introduced to the charter of a political party, shall be liable to the state registration.

## **Article 10. State registration of a political party.**

1. State registration of a political party shall be carried out by Ministry of justice of the Republic of Kazakhstan.
2. Documents, necessary for the state registration of a political party, shall be presented to the registration body not later than four months from the date of founding convention (conference) of a political party.
3. During six months from the date of state registration a political party shall be obliged to conduct a record registration of its structural subdivisions (branches and representative offices) in the territorial bodies of justice.
4. Non-fulfilment of paragraph 3 of this article shall carry a cancelling of state registration of a political party according to the procedure established by the legislation of the Republic of Kazakhstan.
5. Registration and reregistration of a political party as well as record registration of its structural subdivisions (branches and representative offices) shall be carried out in the procedure and terms, provided by the legislation of the Republic of Kazakhstan on state registration of legal entities and record registration of branches and representatives.
6. For state registration of a political party in its composition should be no less than fourty thousand members of party, representing the structural subdivisions (branches and representative offices) of party in all regions, city of republican significance and the

capital city with number of no less than six hundred party members in each of it.

7. State registration of a political party shall be carried out when upon presentation in the registration body the following documents:

- 1) application in the form, established by registration body;
- 2) charter and program of a political party in two copies, signed by head of a political party;
- 3) minutes of the founding convention (conference) of a political party.
- 4) the lists of members of a political party on electronic and paper medium in form, established by registration body, and according with requirements by paragraph 6 of this article;
- 5) document of payment of duties for state registration of legal entity.

8. The term of state registration shall be suspended on the basis, provided by the legislation of the Republic of Kazakhstan on state registration of legal entities and record registration of branches and representatives.

At elimination of grounds, served for term break of state registration, registration body shall make a decision on state registration or refusal of state registration of a political party.

**Footnote. Article 10 as amended by the Laws of the Republic of Kazakhstan dated 08.07.2005 No 67 (the order of enforcement see Article 2); dated 06.02.2009 No № 122-IV (the order of enforcement see Article 2); dated 24.12.2012 No 60-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 11. Refusal of state registration of a political party**

1. Registration body shall refuse in state registration of a political party on the basis provided by the legislative acts of the Republic of Kazakhstan, as well as in the case of breach of established by the Law the procedure of formation of a party, inconsistency of presented documents, as well as its constituent documents and lists of members of party, its structural subdivisions (branches and representative offices) by the legislative acts of the Republic of Kazakhstan.

Registration body shall refuse in record registration of structural subdivisions (branches and representative offices) of a political party on the basis provided by the legislative acts of the Republic of Kazakhstan, as well as in the case of breach of the procedure of creation of structural subdivisions (branches and representative offices), inconsistency of presented documents on the record registration, as well as the lists of party members by the legislative acts of the Republic of Kazakhstan.

1-1. The number of established breaches by the lists of members of a political party, not influenced on muster-roll of party members, provided by paragraph 6 of Article 10 of this Law, may not be reason for refusal in state registration of a political party.

Act of this paragraph shall not be distributed in case of breach of paragraphs 1, 2, 3 and 5 of Article 8 of this Law.

2. In case of refusal in state registration, a political party may provide re documents to the registration body for its state registration upon the expire of three months.

3. Refusal in state registration of a political party, record registration its structural subdivisions (branches and representative offices) may be appealed in legal process.

**Footnote. Article 11 – in the wording of the Law of the Republic of Kazakhstan dated 8 July, 2005 No 67 (the order of enforcement see Article 2); as amended by the Laws of the Republic of Kazakhstan dated 06.02.2009 No 122 – IV (the order of enforcement see Article 2).**

## **Article 12. State bodies, carrying out control over the observance of the legislation of the Republic of Kazakhstan on political parties**

Control over the observance of the legislation of the Republic of Kazakhstan on political parties, as well as of compliance of a political party and its structural subdivisions (branches and representative offices) to the legislation of the Republic of Kazakhstan shall carry out:

1). registration bodies, having the right to demand or get access to the documents of a political party and its structural subdivisions (branches and representative offices), confirming the presence of necessary number of members of a political party.

2) rating authority in accordance with law of taxation of the Republic of Kazakhstan;

3) other state bodies in cases, provided by the legislative acts of the Republic of Kazakhstan.

Checking of authenticity of lists of initiative group of citizens on creation of a political party, members of a political party in accordance with requirements of paragraph 1 of Article 6, Article 8, paragraph 6 of Article 10 of this Law shall be carried out by the relevant state bodies according to the procedure, determined by the Government of the Republic of Kazakhstan.

**Footnote. In the Article 12 as amended by the Laws of the Republic of Kazakhstan dated 8 July, 2005 No 67 (the order of enforcement see Article 2).**

### **Article 13. Suspension of activity of a political party**

1. Activity of a political party may be suspended under court decision for the term of three to six months in the following cases:

1) breach of the Constitution and legislation of the Republic of Kazakhstan;

2) systematical carrying out of activity, inconsistent to the charter of a political party;

3) public appeal and speeches of the heads of a political party to carrying out of extremism;

4) inconsistency of number of members of a political party to the requirements of paragraph 6 of Article 10 of this Law.

2. During the suspension of a political party, the heads and party members shall be prohibited to act on its name in mass media, organize and hold meeting, rallies and other public speeches, as well as shall be suspended the debit operations on bank accounts of a political party, except of calculations on labor contracts, compensation of losses, caused as a result of its activity, and payment of penalty.

3. If during the established term of suspension of activity of a political party the breaches eliminate, the political party shall be resumed its activity.

4. The breaches' elimination by a political party shall be established by a ruling of the court which decided the suspension of a political party's activities.

**Footnote. In the Article 13 as amended by the Laws of the Republic of Kazakhstan dated 23 February, 2005 No 33; dated 8 July, 2005 No 67 (the order of enforcement see Article 2).**

### **Article 14. Reorganization and liquidation of a political party**

1. Reorganization of a political party (merger, accession, division, separation, transformation) shall be carried out by decision of its superior body according to the procedure, provided by the legislation acts of the Republic of Kazakhstan and charter of a political party.

Structural divisions (branches and representative offices) of a political party terminating its activity, shall be liable to removal from record registration in the registration body under authority of decision of superior body of a political party on reorganization (liquidation).

2. Reorganization newly formed after its reorganization shall be carried out upon expire

of two months from the date of making a decision on reorganization of a political party in accordance to the procedure, established by the legislation of the Republic of Kazakhstan.

2-1. Upon division of a political party or demerger from membership of a political party the muster-roll of members of reorganized political party and newly formed political parties must be conformed to requirements of paragraph 6 of Article 10 of this Law.

3. Political party shall be liquidated:

- 1) by decision of its superior body;
- 2) on the proposal of not less than fifty one percent of its members, representing at least half of the regions;
- 3) under court decision.

4. Liquidation of a political party shall be carried out by a liquidation commission, assigned by the superior body of a political party, or by a court ruling according to the procedure, provided by the legislation acts of the Republic of Kazakhstan.

5. Under court decision a political party may be liquidated in the following cases:

- 1) failure to comply with requirements of this Law;
  - 2) failure on the term, established by court, breaches, constitute as a ground for the suspension of activity of a political party;
  - 3) systematic conduct of activity, inconsistent with the charter of a political party;
  - 4) carrying out of activity, prohibited by the legislative acts of the Republic of Kazakhstan, or by multiple (at least two times) or gross breach of the legislation of Republic of Kazakhstan;
  - 5) invalidation of state registration of a political party establishing invalid information, contained in the documents, represented for the state registration, or cancel the state registration of a political party;
  - 6) two-fold in a row of non-participation of a political party in the elections of deputies of Mazhilis of the Parliament of the Republic of Kazakhstan;
  - 7) financing by foreign legal entities and citizens, foreign states and international organizations, taking charitable gifts by political party, prohibited by this Law.
- 7-1) carrying out of activity of a political party, its structural subdivisions ( branches and representative offices) without reregistration in the cases, provided by the legislation of the Republic of Kazakhstan;
- 8) in other cases, provided by legislative acts of the Republic of Kazakhstan.

**Footnote. Article 14 as amended by the Laws of the Republic of Kazakhstan dated 8 July, 2005 No 67 (the order of enforcement see Article 2); dated 06.02.2009 No 122-IV (the order of enforcement see Article 2).**

### **Chapter 3. Activity of a political party**

#### **Article 15. Rights and responsibilities of a political party**

1. Political party for implementing a goals and tasks, determined by charter and program, according to the procedure, established by the legislation of the Republic of Kazakhstan, shall have the rights:

- 1) to spread information on its activity and promulgate their goals and tasks;
- 2) to unite on a voluntary basis in association (unions), electoral block;
- 3) to submit a candidate for the President of the Republic of Kazakhstan, deputies of Mazhilis of the Parliament and maslikhats of the Republic; through its representatives in maslikhats propose candidates to the deputies of Senate of the Parliament of the Republic of Kazakhstan;
- 4) to create its mass media;
- 5) to hold meetings, rallies and demonstrations, processions and vigil;
- 6) to carry out other rights, provided by this Law and other legislative acts of the Republic of Kazakhstan.

2. Political party shall be obliged:

1) to observe the requirements of the Constitution and the legislation of the Republic of Kazakhstan;

2) to provide every citizen the opportunity to get acquainted with concerning its rights and interests with documents, decisions and information sources;

3) to inform a registration body on changes of location area of continuing body and facts on its heads, included in the National Register of business of identification numbers;

4) to represent to tax authorities a report on its financial activity on the term and volume, established by the legislation of the Republic of Kazakhstan.

**Footnote. Article 15 as amended by the Laws of the Republic of Kazakhstan dated 24.12.2012 No 60-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 16. Bodies of a political party and its structural subdivisions (branches and representative offices)**

1. The highest governing body of a political party shall be in the convention (conference) of a political party, convened at least once every four years.

2. At the convention (conference) of a political party:

1) the amendments and additions to the charter and program of a political party shall be introduced;

2) members of a political party as a candidate for the President of the Republic of Kazakhstan, deputies of Mazhilis of Parliament shall be submitted, the party list of candidates to deputies, represented for registration to the Central Election Commission of the Republic of Kazakhstan shall be confirmed;

3) governing bodies of a political party shall be elected;

4) a size of party membership dues shall be confirmed.

3. The highest governing body of the branch and representative offices of a political party shall be a conference (general meeting) of the branch and representative offices of a political party.

4. At the conference (general meeting) of the branch and representative offices of a political party:

1) its governing bodies shall be elected;

2) the candidates to the deputies of relevant Maslikhats shall be submitted.

5. Decision of the convention (conference) of a political party shall be adopted by a majority of votes upon participation at the convention (conference) of a political party of representatives of all regional, city of republican significance and a capital city of branches and representatives of a political party.

## **Article 17. Property of a political party**

In property of a political party may be objectives, that are necessary for financial security of its activity, provided by its charter, as well as organization, created at the expense of its means, except objects prohibited by the legislation of the Republic of Kazakhstan.

Property owner of a political party, as well as properties of its structural subdivisions (branches and representative offices), shall be a political party as a whole. Members of a political party shall have no rights concerning properties of a political party.

The property of a political party shall be used only for realization of goals and task solutions, provided by charter and program of a political party.

The property of a political party in the case of its liquidation shall be used in accordance with its charter. If by the charter of a political party such procedure shall not be

provided, that solution of this issue shall be carried out by bodies, that made the decision of liquidation of a political party.

## **Article 18. Sources of financing and using means of a political party**

1. Means of a political party shall be formed from:

1) entrance and membership fees;

2) charitable gifts of citizens and non - state organizations of the Republic of Kazakhstan, carried out in the procedure, established by the central executive body, provided the tax control over the fulfillment of tax obligations before the state, upon condition that these charitable gifts shall be documented and appointed its sources;

3) entrepreneurial incomes;

4) treasure funds;

2. the charitable gifts of a political party and its structural subdivisions ( branches and representative offices) shall not be allowed from:

1) foreign states, foreign legal entities and international organizations;

2) foreigners and persons without citizenship;

3) legal entities with foreign participation;

4) state bodies and state organizations;

5) religious associations and philanthropy organizations;

6) anonymous donators;

7) from citizens or non - state organizations of the Republic of Kazakhstan, receiving grants and other means from international or foreign non - governmental organizations.

Charitable gifts, received from the persons, appointed in this Law, shall be credited to the public revenue under court decision.

3. Money of a political party shall be placed into the bank account, registered in accordance with the legislation of the Republic of Kazakhstan.

4. Money and other property of a political party may not be distributed between its members and shall be spent in accordance with charter goals. Use of political party's means for charitable goals shall be allowed.

5. Annual financial statement of a political party shall be annually published in republican publications.

**Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan dated 8 July, 2005 No 67 (the order of enforcement see Article 2); dated 06.02.2009 No 122 - IV (the order of enforcement see Article 2).**

## **Article 18 - 1. Budget funds, allocated to political parties**

1. At the end of last elections budget funds shall be annually allocated to a political parties, represented in the Mazhilis of Parliament of the Republic of Kazakhstan.

2. A size of budget funds allocated to the financing of activity of a political parties, shall be determined in the Law on the republican budget.

3. The procedure of financing political parties shall be determined by the Central election commission of the Republic of Kazakhstan.

4. The control for expenditure of budget funds shall be carried out in the procedure established by the budget legislation of the Republic of Kazakhstan.

**Footnote. Chapter 3 is supplemented by Article 18 - 1 in accordance with the Law of the Republic of Kazakhstan dated 06.02.2009 No 122-IV (the order of enforcement See Article 2).**

## **Chapter 4. Concluding provisions**

## **Article 19. Responsibility for breach of the legislation of the Republic of Kazakhstan on a political parties**

Responsibility for breach of the legislation of the Republic of Kazakhstan on a political parties shall bear the guilty of its individuals and legal entities, as well as civil servants of state bodies and persons, including in the composition of governing bodies of a political party, in accordance with the Laws of the Republic of Kazakhstan.

## **Article 20. International relations of political parties**

Political parties of the Republic of Kazakhstan may establish and maintain international relations, conclude relevant agreements, enter as collective members in international non - profit non - state associations, except of religious.

## **Article 21. Transitional period provisions**

Political parties, created before enforcement of this Law, shall be obliged to pass the state re-registration, in accordance with the requirements of this Law.

## **Article 22. The procedure of enforcement of this Law.**

1. This Law shall be enforced from the date of its official publication.

2. The Law "On political parties" of the Republic of Kazakhstan shall be deemed to have lost force dated 2 July, 1996 (Bulletin of the Parliament of the Republic of Kazakhstan, 1996, No 11-12, Article 260; 1997, No 13-14, Article 205).

*The President  
of the Republic of Kazakhstan*