

**LAW OF THE REPUBLIC OF TAJIKISTAN
ABOUT PUBLIC ASSOCIATIONS**

(as amended by the Law of the Republic of Tajikistan dated March 20, 2008 No. 384, dated July 21, 2010 No. 621, dated March 19, 2013 No. 962, dated August 08, 2015 No. 1210, dated November 23, 2015 No. 1242, dated January 2, 2019. No. 1575)

Chapter 1. General Provisions

Article 1. Relationships Regulated by this Law

This Law regulates public relations related to the exercise by citizens of the right to join public associations, the creation, activities, reorganization and liquidation of public associations.

Article 2. Scope of this Law

This Law applies to all public associations created in the established manner, with the exception of public associations (religious organizations, political parties, trade unions and other public associations), the creation and operation of which are regulated by separate laws.

Article 3. Legislation of the Republic of Tajikistan on public associations

The legislation of the Republic of Tajikistan on public associations is based on the Constitution of the Republic of Tajikistan and consists of this Law, other regulatory legal acts of the Republic of Tajikistan, as well as international legal acts recognized by Tajikistan.

Article 4. The right of citizens to association

1. The right of citizens to association includes the right to create voluntary associations for the protection of common interests and common goals, to join existing social associations or to refrain from joining them, as well as to freely leave these associations.

2. Citizens have the right to create public associations on their own, without prior permission of state bodies, and also to join such public associations based on common interest and to achieve their statutory goals.

Article 5. Public Association

A public association is a voluntary, self-governing, non-profit association of citizens who have united on the basis of a common interests to achieve the goals specified in the charter of a public association.

Article 6. Founders, members and participants of a public association

1. The founders of a public association are individuals and legal entities - public associations that convened a congress, conference, general or constituent assembly, at which the charter of the public association is adopted, its governing and control-audit bodies are formed. The founders of a public association have equal rights and equal obligations.

2. Members of a public association are individuals whose interest in jointly solving the problems of this association in accordance with the rules of its charter is formalized by individual applications or relevant documents. This allows account the number of members of a public association. Members

of a public association have equal rights and duties.

Members of a public association have the right to elect and be elected to the governing and control-audit bodies of this association, as well as to monitor the activities of the governing body of a public association in accordance with its charter.

Members of a public association have rights and obligations in accordance with the requirements of the norms of the charter of a public association and, if these requirements are not met, can be excluded from the public association.

3. Participants of a public association are individuals who have expressed support for the goals of this association and (or) its specific activities, taking part in its activities without obligatory drawing up the conditions for their participation, unless otherwise provided by the charter.

Article 7. Legal forms of public associations

Public associations can be created in the following legal forms:

- public organization;
- public movement;
- body of public initiative.

Article 8. Public Organization

1. A public organization is a public organization established, as a rule, on the basis of membership, for joint activities of united citizens to protect common interests and achieve their statutory goals.

2. The supreme governing body of a public organization is a congress, conference or general meeting. The governing body of a public organization is an elected collegial body reporting to a congress, conference, or general meeting.

Article 9. Public Movement

1. A social movement is a mass public association consisting of participants, without membership, pursuing social and other socially useful goals supported by participants in the social movement.

2. The supreme governing body of the social movement is a congress, conference or general meeting. The governing body of the social movement is an elected collegial body, consisting of at least ten people, accountable to the congress, conference or general meeting.

3. In the case of state registration of a social movement, its governing body exercises the rights of a legal entity on behalf of the social movement and performs its duties in accordance with the charter.

Article 10. The body of public initiative

The body of public initiative is a non-membership and informal public association, the order of creation and activity of which is regulated by the legislation of the Republic of Tajikistan (as amended by the Law of the Republic of Tajikistan dated 03.20.2008 No. 384)

Article 11. Unions (associations, councils) of public associations

Public associations have the right to create unions (associations, councils) of public associations. Citizens, public associations, legal entities, state bodies are entitled to join such unions (associations, councils).

Article 12. Territorial sphere of activity of public associations

1. International, republican and local public associations can be created and operate in the RT.
2. An international public association is a public association whose activities extend to the territory of the Republic of Tajikistan, one or more foreign states, have its representative offices and branches in the territory of the Republic of Tajikistan and in one or more foreign states, or intend to have such structures in accordance with the charter (as amended Law of the Republic of Tajikistan dated 03.19.2013 No. 962).
3. A republican public association is a public association that can carry out its activities in accordance with the statutory goals on the territory of the Republic of Tajikistan, have branches and representative offices.
4. A local public association is a public association, the activity of which, in accordance with its statutory goals, is carried out within the administrative-territorial unit of the region, city and district.
5. Republican and international public associations may use the words "Republic of Tajikistan", "Tajikistan" in their names, without special permission of the competent state body and payment of any fees for this.

Article 13. Principles for creation and activities of a Public Association

1. The activities of a public association are based on the principles of voluntariness, equality, self-government and the rule of law. A public association is free to determine its internal structure, goals, forms and methods of its activity.
2. The activities of a public association are public, and information on their founders and program documents shall be publicly available.
3. The structure and activities of a public association must comply with democratic standards. The activities of a public association shall not violate or limit the rights and freedoms of man and citizen guaranteed by the Constitution of the Republic of Tajikistan.

Article 14. Restrictions on the creation and activities of a public association

1. The creation and activities of a public association that promote racial, nationalist, social and religious hatred or call for the violent overthrow of the constitutional system and the organization of armed groups is prohibited.
2. It is forbidden to create and operate a public association encroaching on the rights and legitimate interests of citizens, on people's health and public morality.

Article 15. State and public associations

1. The interference of public authorities and their officials in the activities of public associations, as well as the interference of public associations in the activities of public authorities and their officials, is prohibited.
2. The state ensures the observance of the rights and legitimate interests of public associations, legislatively regulates the provision of tax and other benefits to them.

State support can be expressed in the form of targeted financing (state grants) of separate socially useful programs of public associations at their request; conclusion of various agreements, including for the performance of work and the provision of services; social order for the implementation of various state programs to an unlimited number of public associations on a competitive basis.

3. Issues affecting the interests of public associations, in the cases provided for by law, shall be decided by the bodies of state power and administration with the participation of the relevant public associations or by agreement with them.

4. Contracted employees of public associations are subject to the legislation of the Republic of Tajikistan on labor and social insurance.

Chapter 2. Creation of public associations

Article 16. Creation of a public association

1. A public association is created at the initiative of its founders - at least three individuals. Along with individuals, founders of a public association may also be legal entities - public associations.

2. Decisions on the creation of a public association, on the approval of its charter and on the formation of the governing and control and audit bodies are made at a congress, conference, general or constituent assembly. Since the adoption of these decisions, a public association is considered to be created. Founders creating a public association as a legal entity are required to submit constituent documents for state registration to the registration authority within a month after creation.

3. A public association acquires the right of a legal entity from the moment of state registration.

4. is excluded (as amended by the Law of the Republic of Tajikistan dated 03.20.2008 No. 384)

Article 17. Requirements for founders, members and participants of public associations

1. Founders, members and participants of public associations may be citizens who have reached the age of 18, unless otherwise provided by this Law.

2. Foreign citizens and stateless persons, along with citizens of the Republic of Tajikistan, may be founders, members and participants of public associations, provided that their permanent place of residence is the Republic of Tajikistan or having a residence permit in the Republic of Tajikistan. Cases of restrictions on these rights of foreign citizens and stateless persons are established by the laws of the Republic of Tajikistan, as well as international legal acts recognized by Tajikistan.

3. Citizens who have reached the age of 14 may be members and participants of youth public associations.

4. Citizens who have reached 8 years of age may be members and participants of children's public associations.

5. The heads of public associations, as well as members of their control and audit bodies, may only be adult citizens who permanently reside in the Republic of Tajikistan.

6. The conditions and procedure for the acquisition, loss of membership, including the conditions for retirement from members of public associations by age, are determined by the charters of the respective public associations.

7. The requirement to indicate in official documents membership or participation in a particular public association is not allowed. Citizens' membership in a public association cannot serve as a basis for limiting their rights and freedoms, as a condition for the state to provide them with any benefits and advantages.

8. The founders, members and participants of public associations may not be:

- state authorities (with the exception of the case provided for in Article 11 of this Law);
- legal entities (with the exception of cases provided for in articles 6, 11, 16 of this Law);
- persons whose relationship with terrorist, extremist and separatist organizations is established by the court.

9. When creating a public association in the form of a public organization, the founders of this organization automatically become its members, acquiring the corresponding rights and obligations.

10. When creating public associations in other forms, the rights and obligations of the founders of such organizations are indicated in their charters.

Article 18. Charter of a public association

1. The charter of a public association should provide for:

- name, goals of the public association, its organizational legal form;
- the structure of the public association, the governing and auditing bodies of the public association, the territory in which the association operates;
- conditions and procedure for the acquisition and loss of membership in a public association, the rights and obligations of members of this association (only for associations providing for membership);
- competence and the procedure for the formation of the governing bodies of a public association, the terms, powers, location of a permanent governing body;
- the procedure for amending and supplementing the charter of a public association;
- sources of funding and other property of a public association, the rights of a public association and its branches, property management representative offices;
- the procedure for the reorganization and liquidation of a public association.

2. The charter of a public association may contain a description of the symbols of this organization.

3. The charter may also provide for other provisions related to the activities of a public association that do not contradict the laws.

Article 19. Name and Symbols of a Public Association

1. The name of the public association, flag, emblem, pennants and other symbols, if any, shall differ from the names and symbols of other legal entities, including those that have been liquidated by a court decision and ceased operations.

2. The symbols of a public association shall not coincide with the state symbols of the Republic of Tajikistan, as well as with symbols of foreign states and violate the right to intellectual property. It is not allowed to use the image of the national emblem on the seals and letterhead of public associations.

3. The name and symbols of a public association cannot serve the propaganda of the goals and methods of action specified in Article 14 of this Law.

4. A public association has the right to use the name of a citizen in its name only with its consent, in case of death of this citizen - on the basis of its notarized will, and in the absence of a will - with the consent of the wife (husband), parents and adult children of the deceased. If these persons are absent, the issue of using the name of a citizen in the name of a public association is decided by the association itself.

Article 20. Procedure for Using the Name of a Public Association

1. The official name of a public association must contain an indication of its form and territory where its activities are carried out.

2. The name of a public association does not allow the use of the names of bodies of state power and state administration operating in the Republic of Tajikistan of political parties, as well as political parties that have ceased activity due to liquidation following the court decision or to self-liquidation.

Article 21. State Registration of a Public Association

1. To acquire the rights of a legal entity, a public association is subject to state registration.

2. State registration of a public association is carried out by the Ministry of Justice of the Republic of Tajikistan, justice departments of the Gorno-Badakhshan Autonomous Oblast and oblasts (hereinafter the registration authority).

3. State registration of international and republican public associations, as well as local public associations whose activities extend to the territory of the city of Dushanbe, cities and regions of republican subordination, is carried out by the Ministry of Justice of the Republic of Tajikistan (as amended by the Law of the Republic of Tajikistan dated July 21, 2010 No. 621).

4. The Ministry of Justice of the Republic of Tajikistan has the following powers for state registration of public associations:

- carries out legal verification of founding documents of republican public associations, local public associations located in the territory of the city of Dushanbe, cities and regions of republican subordination, and international public associations located in the territory of the Republic of Tajikistan;
- carries out legal verification of the founding documents of representative offices and branches of republican public associations located in the territory of the city of Dushanbe, cities and regions of republican subordination, international public associations of foreign states in the Republic of Tajikistan and international public associations located in the Republic of Tajikistan, as well as their registration;
- issues a Certificate of state registration of republican public associations, local public associations located in the territory of the city of Dushanbe, cities and regions of republican subordination, international public associations of foreign states in the Republic of Tajikistan and international public associations located in the territory of the Republic of Tajikistan;
- issues extracts from the Unified State Register of Public Associations and the registration of representative offices and branches of international public associations of foreign states in the Republic of Tajikistan and international public associations located in the Republic of Tajikistan;

- maintains the Unified State Register of Public Associations;
- keeps records of representative offices and branches of public associations;
- determines the procedure for maintaining the Unified State Register of Public Associations and the procedure for the registration of representative offices and branches of public associations;
- exercises other powers stipulated by the legislation of the Republic of Tajikistan. ";

5. State registration of local public associations located on the territory of the Gorno-Badakhshan Autonomous Oblast and oblasts is carried out by the justice departments of the Gorno-Badakhshan Autonomous Oblast and oblasts.

6. The justice departments of the Gorno-Badakhshan Autonomous Oblast and oblasts have the following powers for state registration of public associations:

- carry out legal verification of the founding documents of public associations located in the region;
- carry out legal verification of documents of representative offices and branches of republican public associations;
- issue a certificate of state registration of public associations;
- issue extracts from the State Register of Public Associations and the registration of representative offices and branches of public associations (regarding the respective territory);
- keep the State register of public associations of the respective territories;
- monthly provide the Ministry of Justice of the Republic of Tajikistan with information on the state registration of public associations and on the registration of representative offices and branches;
- exercise other powers provided for by this Law (as amended by the Law of the Republic of Tajikistan dated July 21, 2010 No. 621).

7. For state registration of a public association, the following documents shall be submitted to the registration authority:

- a statement signed by members of the governing body of a public association, indicating their surnames, names, patronymics, place of residence and contact numbers;
- the charter of the public association in two copies in the state language and at the request of the public association in two copies in the language of international communication;
- extract from the minutes of the congress, conference, general or constituent assembly, containing information on the establishment of a public association, on the approval of the charter and on the formation of governing and control-audit bodies;
- information about the founders of the public association: for individuals - last name, first name, patronymic, year of birth, place of residence, citizenship (certified by their signature) and a copy of a passport or other identification document; for public associations when organizing a union (association, council) of public associations - a copy of the certificate of state registration of the charter of these associations, an extract from the minutes of the meeting of the governing body of the public association, a decision to create a union (association, council) of public associations, as well as a copy of the constituent agreement;
- a statement of the persons referred to in Article 19 of this Law about their consent to use the citizen's personal name in the name of a public association;
- when a public association uses symbols protected by the legislation of the Republic of Tajikistan on the protection of intellectual property or copyrights - documents confirming the right to use them;

- a document on the payment of state duties;
- a document on the address (location) of the permanent governing body of the public association;
- minutes of congresses, conferences, general or constituent assemblies of structural divisions for republican and international public associations.

8. Changes made to the charter of a public association are subject to state registration in the same manner and at the same time as the state registration of a public association, and become legal from the moment of such registration.

9. For the state registration of a public association, amendments to its charter, a state fee is charged in the manner and in the amounts established by the Law of the Republic of Tajikistan "On state duty".

10. State registration of a public association is carried out within one month from the date of submission of all documents listed in this article, and a certificate of state registration is issued to the public association.

Article 21 (1) Issue of a duplicate of a certificate of state registration of a public association

In case of loss or other necessity, the registration authority, upon application of the public association, issues a duplicate of the Certificate of state registration of the public association within 10 days (as amended by the Law of the Republic of Tajikistan dated 21.07.2010 No. 621).

Article 22. Registration of representative offices and branches of a public association; denial of registration and liquidation thereof

(as amended by the Law of the Republic of Tajikistan dated March 19, 2013, No. 962)

1. Representative offices and branches of public associations, including international public associations of foreign states in the Republic of Tajikistan and international public associations located on the territory of the Republic of Tajikistan, are subject to registration (as amended by the Law of the Republic of Tajikistan dated July 21, 2010 No. 621, dated March 19, 2013 No. 962)

2. The registration of representative offices and branches of a public association is carried out by the registration authority (as amended by the Law of the Republic of Tajikistan dated March 19, 2013 No. 962).

3. For the registration of representative offices or branches of a public association, the following documents shall be submitted:

- 1) a statement of a public association on the registration of its representative office or branch;
- 2) copies of the constituent documents of the public association creating the representative office or branch certified by a notary public;
- 3) the decision of the public association:
 - a. on the establishment of a representative office or branch;
 - b. on approval of the Regulation;
 - c. on the appointment of the head of the representative office or branch;
- 4) regulation on the representative office or branch of a public association (as amended by the Law of the Republic of Tajikistan dated March 19, 2013 No. 962);
- 5) a power of attorney issued to the head of a representative office or branch of a public association;

- 6) a document confirming the location of the representative office or branch of a public association;
- 7) a receipt or payment order on the payment of the state duty in accordance with the legislation of the Republic of Tajikistan (as amended by the Law of the Republic of Tajikistan dated 07.21.2010 No. 621).

4. Information on representative offices or branches of a public association shall be entered in the Unified State Register of Representative Offices and Branches of Public Associations (as amended by the Law of the Republic of Tajikistan dated July 21, 2010 No. 621).

5. The registration of the representative office or branch of a public association is carried out within 10 days from the date of submission of the documents specified in this article, the representative office or branch of a public association is issued an extract from the registration of a representative office and a branch of public associations (as amended by the Law of the Republic of Tajikistan dated 21.07.2010 No. 621)

6. Changes to the documents of representative offices or branches of a public association are made in the manner and within the time stipulated by this article (as amended by the Law of the Republic of Tajikistan dated July 21, 2010 No. 621).

7. The registration of representative offices or branches of public associations, including representative offices and branches of international public associations of foreign states in the Republic of Tajikistan, representative offices and branches of international public associations located on the territory of the Republic of Tajikistan may be refused for the following reasons (as amended by the Law of the Republic of Tajikistan dated March 19, 2013 No. 962):

- if the position of the representative office or branch of a public association is contrary to the Constitution of the Republic of Tajikistan, the provisions of Article 14 of this Law and other regulatory legal acts of the Republic of Tajikistan;
- if a complete list of documents required for accounting registration is not provided, as defined by this Law, or the information in the documents is drawn up in an unspecified manner or submitted to an inappropriate body;
- if it is established that the founding documents submitted contain false information.

8. In case of loss of the Certificate of registration of the representative office or branch of a public association and other necessity, the registration authority shall issue a duplicate of it on the basis of the application within 10 days.

9. In case of refusal in the registration of the representative office or branch of the public association, the applicants are notified in writing of this, indicating specific provisions of the legislation of the Republic of Tajikistan, the violation of which entailed the refusal of registration of the representative office or branch of the public association.

10. A denial of registration of a representative office or branch of a public association, as well as evasion of such registration, may be appealed in court.

11. The refusal to register the representative office or branch of a public association is not an obstacle to re-submitting documents for registration, provided that the grounds that caused the refusal are eliminated.

12. Consideration of a repeated application for the registration of a representative office or branch of a public association is carried out in the manner prescribed by this Law (as amended by the Law of the Republic of Tajikistan dated March 19, 2013 No. 962).

Article 23. Refusal of registration of a public association and procedure for appealing against it

1. The state registration of a public association may be refused on the following grounds:
 - if the charter of the public association is contrary to the Constitution of the Republic of Tajikistan, the provisions of Articles 14, 17 and 18 of this Law and other regulatory legal acts of the Republic of Tajikistan;
 - if a complete list of the documents required for state registration specified by this Law is not provided, or the information in the documents is drawn up in an improper manner or submitted to an inappropriate body;
 - if a previously registered public association with the same name carries out its activities (as amended by the Law of the Republic of Tajikistan dated 07.21.2010 No. 621);
 - if it is established that the constituent documents submitted contain false information;
 - if the name of the public association offends morality, national and religious feelings of citizens.
2. Denial of state registration of a public association on the grounds of the inappropriateness of its creation is not allowed.
3. In case of refusal of state registration of a public association, applicants are notified in writing about this, indicating specific provisions of the legislation of the Republic of Tajikistan, the violation of which entailed a refusal to state registration of this organization.
4. The refusal of state registration of a public association, as well as evasion of such registration, may be appealed in court.
5. Denial of state registration of a public association is not an obstacle to re-submitting documents for state registration, provided that the grounds that caused the denial are eliminated.

Consideration of a repeated application for state registration of a public association is carried out in the manner prescribed by this Law.

Chapter 3. Rights and obligations of a public association

Article 24. Rights of a Public Association

1. For the implementation of its statutory goals, a public association has the right:
 - freely disseminate information about their activities;
 - participate in the development of decisions of state bodies in the manner and to the extent provided for by this Law and other laws;
 - hold meetings, rallies, demonstrations, processions and other mass events in the manner prescribed by the laws of the Republic of Tajikistan;
 - in accordance with the legislation of the Republic of Tajikistan, establish mass media and carry out publishing activities;
 - represent and protect their rights, the legitimate interests of their members and participants, as well as other citizens in government bodies, organizations, public associations and courts;

- to take initiatives on various issues of public life, to make proposals to state bodies;
- receive from government bodies the information necessary for the implementation of the statutory tasks, with the exception of cases established by the legislation of the Republic of Tajikistan;
- in accordance with the legislation of the Republic of Tajikistan, carry out production and business activities that contribute to the implementation of the statutory goals and objectives, including through the creation of commercial organizations for this purpose;
- participate in national and international competitions in order to receive social orders, grants, scholarships and other benefits not prohibited by the legislation of the Republic of Tajikistan for the implementation of statutory activities;
- conclude agreements with individuals and legal entities on scientific, technical, economic, financial and industrial cooperation, on the provision of services and the performance of work aimed at implementing the statutory goals and objectives;
- accept material assistance from individuals and legal entities in the form of property and cash (as amended by the Law of the Republic of Tajikistan dated 08.08.2015. No. 1210);
- in accordance with the legislation of the Republic of Tajikistan, carry out research and development, conduct a public examination of socially significant projects, programs and participate in the work of mixed commissions for their consideration, provided that these types of activities are provided for in the charter;
- exercise other powers provided by law.

2. The exercise of these rights by public associations created by foreign citizens and stateless persons or with their participation may be limited by laws or international legal acts recognized by Tajikistan.

Article 25. Duties of a Public Association

A public association is obliged:

- comply with the Constitution of the Republic of Tajikistan, other regulatory legal acts of the Republic of Tajikistan, as well as international legal acts recognized by Tajikistan, the norms provided for by its charter;
- annually by April 1, submit to the registration authority information on the continuation of its activities, the form of which is determined by the Ministry of Justice of the Republic of Tajikistan (as amended by the Law of the Republic of Tajikistan dated March 19, 2013 No. 962);
- present at the request of the registering authority the decisions of the governing bodies and officials of the public association, as well as information about their activities;
- admit representatives of the registration authority to public events held by the public association;
- assist the representatives of the registration authority in familiarizing themselves with the activities of the public association in connection with the achievement of the statutory goals and compliance with the legislation of the Republic of Tajikistan;
- annually post on your website or the website of the registering authority financial reports containing detailed information about income and expenses;
- store data on completed domestic and international operations for at least five years after the completion of business relations;
- store and submit to the registering authority information on identification data on persons controlling or managing the activities of the public association, including founders, members of governing and control bodies (as amended by the Law of the Republic of Tajikistan dated 02.01.2019, No. 1575).

Chapter 4. Property of a public association

Article 26. Property of a public association

1. A public association, which is a legal entity, may own buildings, structures, housing, transport, equipment, inventory, cultural, educational and recreational property, cash, shares, securities and other property necessary for tangible ensuring the statutory activities of this public association. The public association may also own institutions, publishing houses, and mass media created and acquired at the expense of the funds of this public association in accordance with the legislation of the Republic of Tajikistan and its charter.
2. The property of a public association shall be protected in accordance with regulatory legal acts of the Republic of Tajikistan.
3. The law may establish types of property which, for reasons of state and public safety or in accordance with international legal acts recognized by Tajikistan, cannot be owned by a public association.

Article 27. Sources of Formation of Property of a Public Association

1. The property of a public association is formed on the basis of entrance and membership fees, if their payment is provided for by the charter, voluntary contributions and donations, grants, proceeds from lectures, exhibitions, lotteries, auctions, sports and other events held in accordance with the established procedure and charter of the public association, income from entrepreneurial activity, not prohibited by law of other activities of a public association.
2. Voluntary and charitable contributions, grants, property received in public associations from foreign states, foreign legal entities, legal entities established with the participation of foreign entities, international organizations and international public movements, as well as through other individuals and "legal entities, are subject to registration by the registering authorities in the Register of Humanitarian Assistance to Public Associations of the Republic of Tajikistan, the procedure for which is determined by the Government of the Republic of Tajikistan. Projects funded by these entities, public associations made after notification of the registration authorities. The form of notice specified by the Ministry of Justice of the Republic of Tajikistan (in edition of the Law RT from 08.08.2015g. №1210).

Article 28. Subjects of property rights in a public organization

1. A public organization is the subject of ownership of all property in a public organization. Each individual member of a public organization does not have ownership of a share of property belonging to a public organization.
2. In public organizations in which the activities of representative offices and branches are carried out on the basis of their provisions and the unified charter of these organizations, the owner of the property as a whole is a public organization (as amended by the Law of the Republic of Tajikistan dated March 19, 2013 No. 962).

Article 29. Subjects of property rights in the social movement

On behalf of the public movement, the rights of the owner of the property entering the social movement, as well as created and (or) acquired by him at his own expense, are exercised by his governing bodies.

Article 30.

Excluded (as amended by the Law of the Republic of Tajikistan dated March 20, 2008, No. 384)

Article 31. Entrepreneurial Activities of a Public Association

1. A public association carries out entrepreneurial activities in accordance with the Civil Code of the Republic of Tajikistan and other legislative acts of the Republic of Tajikistan.
2. A public association, in accordance with the procedure established by the legislation of the Republic of Tajikistan, may create business partnerships, companies and other business organizations, as well as acquire property intended for conducting entrepreneurial activity.
3. Income from the entrepreneurial activity of a public association cannot be redistributed between members or participants of this association and should be used only to achieve the statutory goals. A public association may use its funds for charitable purposes, even if it is not indicated in their charters.

Chapter 5. Reorganization and liquidation of a public association

Article 32. Reorganization of a public association

1. The reorganization of a public association is carried out by decision of a congress, conference or general meeting. The decision-making procedure is determined by the legislation of the Republic of Tajikistan or the charter of a public association.
2. The state registration of a public association created by reorganization is carried out in the manner prescribed by this Law.
3. The property of a public association, which is a legal entity, is transferred after its reorganization to newly emerged legal entities in the manner prescribed by the Civil Codes of the Republic of Tajikistan.

Article 33. Liquidation of a public association

1. The liquidation of a public association is carried out by decision of the congress, conference or general meeting in accordance with the charter of the public association or by decision of the court in the manner prescribed by this Law.
2. The property remaining as a result of the liquidation of a public association, after satisfying the claims of creditors, shall be sent for the purposes provided for in the charter of the public association. If the charter does not resolve the issue of how to dispose of the property of a liquidated public association, such a decision shall be taken at a congress, conference or general meeting simultaneously with the decision to liquidate the public association, and in cases of dispute, by a court decision. The decision to use the remaining property is sent to the registration authority.
3. Excluded (as amended by the Law of the Republic of Tajikistan dated 21.07.2010 No. 621)

Section 33 (1). State registration of the liquidation of a public association

1. A congress, conference or general meeting of a public association that has made a decision on the liquidation of a public association is obliged to immediately inform the registration authority of the adoption of such a decision (as amended by the Law of the Republic of Tajikistan dated March 19, 2013 No. 962).
2. The registration body, having received a decision on the liquidation of a public association, verifies compliance with the rules of liquidation and, based on the results of the verification, enters into the Unified State Register of Public Associations information about the public association being in liquidation.
3. The following documents are submitted for state registration of the liquidation of a public association (as amended by the Law of the Republic of Tajikistan dated March 19, 2013, No. 962).
 - statement;
 - a copy of the decision on the liquidation of the public association;
 - originals of constituent documents, Certificate of state registration of a public association;
 - a document from the tax authority on the absence of debt of the public association to the budget.
4. The registering authority shall, within ten days from the end of the liquidation process:
 - verify compliance with the liquidation procedure;
 - make information on the liquidation of a public association in the Unified State Register of Public Associations;
 - issue an extract from the Unified State Register of Public Associations.
5. A public association, representative offices or branches of public associations are considered to be liquidated from the moment they enter the relevant data into the Unified State Register of Public Associations (as amended by the Law of the Republic of Tajikistan dated July 21, 2010 No. 621).

Chapter 6. Control over the activities of public associations

Article 34. Control over the activities of public associations

1. Oversight of the accurate and uniform application of laws by public associations is carried out by the Prosecutor General of the Republic of Tajikistan and prosecutors subordinate to him.
2. The registration authority exercises control over the conformity of the activities of public associations with the statutory goals. The procedure for checking the statutory activities of public associations is approved by the Ministry of Justice of the Republic of Tajikistan (as amended by the Law of the Republic of Tajikistan dated 08.08.2015. No. 1210).

The registration authority has the right to:

 - request in accordance with Article 25 of this Law from the governing bodies of public associations their administrative documents, decisions and information;
 - send representatives to participate in public events held by public associations;
 - in case of violations of the legislation of the Republic of Tajikistan by public associations or their actions contrary to their statutory goals, issue a written warning to the governing body of these associations indicating specific grounds.

A written warning issued by the registration authority is subject to review by the public association within one month.

3. The tax authorities control the sources of income of public associations, the amount of funds received by them and the payment of taxes in accordance with the Tax Code of the Republic of Tajikistan.

4. Supervision and control over the implementation by a public association of existing environmental, fire, anti-epidemiological and other norms and standards shall be carried out by authorized state bodies in accordance with the law.

5. The registration body is obliged, in accordance with the requirements of the Law of the Republic of Tajikistan "On combating the legalization (laundering) of funds received via criminal activities, the financing of terrorism and the financing of the proliferation of weapons of mass destruction", to submit information to the authorized body for combating the legalization (laundering) of funds received via criminal activities, financing of terrorism and financing of the proliferation of weapons of mass destruction, if there is suspicion or sufficient grounds for suspicion that a public association is a screen for raising funds by a terrorist and extremist organization or is used as a channel for financing terrorism, extremism and financing the proliferation of weapons of mass destruction in order to avoid freezing assets or to hide or mask the secret diversion of funds intended for legitimate purposes, but redirected for the benefit of terrorists and extremists or terrorist and extremist organizations (as amended by the Law of the Republic of Tajikistan dated 02.01.2019 No. 1575).

Article 35. Suspension of the activities of a public association

1. In case of violation by the public association of the provisions of the Constitution of the Republic of Tajikistan, legislation of the Republic of Tajikistan and actions contrary to the statutory goals, the Prosecutor General of the Republic of Tajikistan or subordinate prosecutors shall submit a written order to the governing body of this association to immediately eliminate these violations, and to the registration body - written warning, and establishes a period for their elimination.

2. If, within the prescribed time limit, the violations that served as the basis for making the corresponding written order or written warning are not eliminated, the Prosecutor General of the Republic of Tajikistan or the prosecutors subordinate to him, or the registration authority have the right to file a lawsuit with the court to suspend the activities of the public association.

In this case, the court may suspend the activities of a public association for a period of up to 3 months.

3. The activities of a public association may also be suspended in the manner and on the grounds provided for by other laws of the Republic of Tajikistan.

4. The procedure for suspending the activities of a public association in the event of a state of emergency in the territory of the Republic of Tajikistan is determined by law.

Article 36. Consequences of Suspension of Activities of a Public Association

1. In the event of suspension of the activities of a public association, its rights as the founder of the media are suspended, the activities of the media established by it are prohibited for him to organize and hold meetings, rallies, demonstrations, processions and other public events, to use bank deposits, with the exception of settlements on economic activities and employment contracts, compensation for losses caused by his actions, payment of taxes, fees and fines (as amended by the Law of the Republic of Tajikistan dated March 19, 2013 No. 962)

- the term of the suspension of the activities of the public association, it eliminates the violation that served as the basis for the suspension of its activities, the public association resumes its activity by the decision of the court, which suspended this activity.

Article 37. Grounds for the liquidation and prohibition of the activities of a public association

1. The grounds for the liquidation of a public association and the prohibition of its activities are:
 - violation by a public association of the rights and freedoms of human and citizen;
 - violation by the public association of the Constitution of the Republic of Tajikistan, constitutional laws, laws and other regulatory legal acts of the Republic of Tajikistan or the systematic implementation by a public association of activities contrary to its statutory goals;
 - non-elimination by the public association of actions that served as the basis for issuing a precept or written warning in accordance with Section 35 of this Law.

2. An application to the court for the liquidation of a public association on the grounds specified in this article shall be submitted by the registration authority or the Prosecutor General of the Republic of Tajikistan or prosecutors subordinate to it, regardless of the measures provided for in Article 35 of this Law.

3. The liquidation of a public association by a court decision means a ban on its activity regardless of the existence of an act of its state registration, and is also the basis for the liquidation of all legal entities established by it, withdrawal from business companies and partnerships, or the termination of any participation in the activities of other legal entities. A liquidated public association cannot be registered under a different name (as amended by the Law of the Republic of Tajikistan dated March 19, 2013 No. 962).

4. If the court does not satisfy the application for the liquidation of the public association or the prohibition of its activity, it resumes its activity after the court decision comes into force.

5. The activities of a public association that is not a legal entity may be prohibited by a court decision in the manner and on the grounds provided for by this Law for the liquidation of a public association - a legal entity.

Chapter 7. International relations of public associations. International public associations

Article 38. International Relations of Public Associations

1. Public associations of the Republic of Tajikistan, in accordance with their charters, may join international public organizations, acquire rights and bear responsibilities corresponding to the status of these international public organizations, maintain direct international contacts and communications, enter into agreements with foreign public (non-commercial and non-governmental) organizations.

2. Public associations of the Republic of Tajikistan may create their organizations, representative offices and branches in foreign states on the basis of international legal acts recognized by Tajikistan and the laws of these states. Public associations that have established their branches and representative offices in foreign states, in accordance with Article 12 of this Law, are recognized international and must undergo re-registration in the manner prescribed by this Law (as amended by the Law of the Republic of Tajikistan dated March 19, 2013 No. 962).

Article 39. Activities of public (non-profit and non-governmental) organizations of foreign states on the territory of the Republic of Tajikistan

1. The state registration of public (non-commercial and non-governmental) organizations of foreign states or the registration of their representative offices and branches on the territory of the Republic of Tajikistan is carried out at the Ministry of Justice of the Republic of Tajikistan (as amended by the Law of the Republic of Tajikistan dated 19.03.2013 No. 962).
2. For the state registration of public (non-commercial and non-governmental) organizations of foreign states or the registration of their representative offices and branches on the territory of the Republic of Tajikistan, in addition to the documents specified in Articles 21, 22 of this Law, documents confirming the legal status of public (non-commercial and non-governmental) organizations are required of foreign states prepared, approved or submitted by the responsible authorities of a foreign state (as amended by the Law and RT dated 03/19/2013 No. 962).
3. The documents referred to in part 2 of this article must be legalized or apostilled in accordance with the legislation of the Republic of Tajikistan, unless otherwise provided by international legal acts recognized by Tajikistan (as amended by the Law of the Republic of Tajikistan dated 11.23.2015 No. 1242).
4. Documents prepared in a foreign language and submitted to the justice authorities must be translated into the state language and the language of interethnic communication and notarized.
5. After the state registration of public (non-commercial and non-governmental) organizations of foreign states or the registration of their representative offices and branches on the territory of the Republic of Tajikistan, their personnel must be accredited by the Ministry of Foreign Affairs of the Republic of Tajikistan (as amended by the Law of the Republic of Tajikistan dated March 19, 2013 No. 962).
6. Public (non-profit and non-governmental) organizations of foreign states or their branches and representative offices on the territory of the Republic of Tajikistan carry out their activities in the Republic of Tajikistan in accordance with the laws of the Republic of Tajikistan.
7. The activity of public (non-commercial and non-governmental) organizations of foreign states or their branches and representative offices that have not passed state or registration in the territory of the Republic of Tajikistan is prohibited.
8. The procedure and deadlines for registering representative offices and branches of public (non-profit and non-governmental) organizations of foreign states are determined by Article 22 of this Law and other regulatory legal acts of the Republic of Tajikistan (as amended by the Law of the Republic of Tajikistan dated July 21, 2010 No. 621).

Chapter 8. Final Provisions

Article 40. Responsibility for Violation of this Law

Individuals and legal entities for violation of this Law shall be held liable in the manner prescribed by the legislation of the Republic of Tajikistan.

Article 41. Registration of public associations created before the entry into force of this Law

1. The provisions of this Law on state registration shall also apply to public associations created before the entry into force of this Law.

2. The charters of public associations created before the entry into force of this Law shall be brought into conformity with the specified Law. The charters of public associations until they are brought into conformity with this Law are effective only to the extent that does not contradict the specified Law.

3. The state re-registration of public associations created before the entry into force of this Law shall be carried out no later than January 1, 2008 with exemption from payment of the state duty.

4. Public associations that have not passed the re-registration procedure within the time period established by this article shall lose the right of a legal entity, and their registration certificates by decision of the registering authority shall be canceled. This situation does not exempt them from fulfilling their obligations.

Article 42. On recognition as invalid the Law of the Republic of Tajikistan "On public associations"

The Law of the Republic of Tajikistan of May 21, 1998 "On Public Associations" (Akhbori Majlisi Oli of the Republic of Tajikistan, 1998, No. 10, Article 139) has become invalid.

Section 43. Procedure for the entry into force of this Law

This Law shall enter into force after its official publication.

The president

Republic of Tajikistan E. Rakhmonov

Dushanbe city

May 12, 2007, No. 258