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This unofficial translation of the draft Law on Noncommercial Organizations has been prepared by the International Center for Not-for-Profit Law (June 2008) 1

**Law of the Republic of Kazakhstan from 31 May 1996 N 3-1
on Public Associations
(with changes, made in accordance with Laws of the RK from 15.15.07)**

The right to freedom of association is constitutional and is one of the most important rights of the citizen and person, the implementation of which is in the interests of society and is under the protection of the state.

CHAPTER 1. GENERAL PROVISIONS.

Article 1. The Subject of Regulation of the Law.

The subject of regulation of this Law are the social relations, arising in connection with the exercise of the right to association by citizens of the Republic of Kazakhstan , as well as formation, operation, reorganization and/or liquidation of public associations.

Article 2. Concept of Public Association

A public association in the Republic of Kazakhstan is acknowledged to be any political party, trade union, or other association of citizens, formed on a voluntary basis for the achievement of common goals, which are not contrary to legislation. Public associations are noncommercial organizations.

Article 3. Legislation on Public Associations

The legislation of the Republic of Kazakhstan on public associations is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other legislative acts, which are not contrary to this Law or the Constitution.

The authority of this Law extends to all social associations formed on the initiative of citizens, with the exception of religious organizations, territorial local self-government and independent social activity organizations, whose procedures of formation and activities are determined by other legislative acts.

The authority of this Law extends to the activities of subordinate structures (branches and representative offices) of foreign and international noncommercial nongovernmental non-religious associations, formed and operating on the territory of the Republic of Kazakhstan.

If an international legal act, ratified by the Republic of Kazakhstan, establishes rules that are different from those contained in this Law, the rules of the international act take precedence.

The particularities of formation, operations, reorganization, and liquidation of political parties, trade unions and other specific types of social associations, can be regulated by other laws. The activities of the specified public associations, if they are not regulated by other laws, are regulated by this Law.

Article 4. The State and Public Associations

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The state ensures the observance of rights and lawful interests of public associations.

The merger of public and state institutions, unlawful intervention of the state into the affairs of public associations or intervention of public associations into the affairs of state, assignment of the functions of the state agency's functions to a public association, or state financing of a public association are not allowed

Public associations may collaborate and cooperate with state agencies by means of signing agreements with them, and performing certain work for them, as specified by legislation, in accordance with the agreements.

The legislation of the Republic of Kazakhstan on labor and the legislation on social protection and insurance is applied to the personnel of public associations.

In certain cases stipulated by legislative acts, issues affecting the interests of public associations can be resolved by state organizations in coordination with public associations.

Article 5. The Foundations of the Activity of Public Associations

Public associations shall be formed and operate with the purposes of implementation and protection of the political, economical, social, and cultural rights and freedoms, promotion the activity and independent actions of citizens; satisfaction of professional and amateur interests; development of scientific, technical, and artistic creativity; life and health protection of the people; protection of the natural environment; participation in charitable activities; carrying out of cultural and sports activities; protection of historical and cultural monuments; patriotic and humanistic education; expansion and strengthening international cooperation; and implementation of other activities, not prohibited by the legislation of the Republic of Kazakhstan.

The formation or operation of a public association that pursues extremist goals, and the formation of paramilitary forces that were not stipulated by the legislation of the Republic of Kazakhstan, are prohibited.

On the territory of the Republic of Kazakhstan, it is prohibited to form public associations under the model of paramilitary forces with the militarized structure, uniform, insignia, hymns, flags, pennants, special conditions of internal discipline and control, weapons, including imitation weapons.

Activities of political parties and trade unions of foreign states, parties with religious platforms, as well as the financing of political parties and trade unions by foreign legal persons and individuals or foreign countries or international organizations are not allowed.

Formation and operation of public association infringing the health or moral principles of the citizens, as well as the activity of unregistered public associations are not allowed.

Article 6. Principles of Formation and Operation of Public Associations.

Public associations are equal before the law. Public associations shall operate within the

framework of the Constitution and other legislative acts of the Republic of Kazakhstan.

Public associations are formed and operated on the basis of voluntarism, equal rights of the members (participants), self-government, legality, accountability, and openness of operations.

The participation or non-participation of a citizen in the activities of a public association cannot serve as a reason for limitation of her or his rights and freedoms. It is not permitted to require anyone to indicate membership or participation in a public association in official documents.

Article 7. The Status of Public Associations

National, regional, and local public associations may form and operate in the Republic of Kazakhstan.

National public associations are associations that have subordinate structures (branches and representative offices) on the territories of more than half of the regions of the Republic of Kazakhstan.

Regional public associations are associations, having subordinate structures (branches and representative offices) on the territories of less than half of the regions of the Republic of Kazakhstan.

Local public associations are associations operating within the borders of one region of the Republic of Kazakhstan.

In order to affirm its status, a national or regional public association within one year after the date of its registration is obliged to provide the agency that registered this association with the copies of documents confirming the registration of its subordinate structures (branches and representative offices) in the territorial justice agencies.

Article 8. Unions (Associations) of Public Associations

Public associations, formed and registered under established procedures, regardless of their type, have the right to form unions of public associations on the basis of constituent agreements and charters adopted by those unions, thereby forming new legal persons. They also have the right to be a member of international unions (associations).

The procedures of operation and state registration of unions of public associations, including international unions of public associations, are determined in accordance with the laws of the Republic of Kazakhstan.

Article 9. The Activity of International and Foreign Noncommercial Nongovernmental Associations on the Territory of the Republic of Kazakhstan.

The formation and activities of the subordinate structures (branches and representative offices) of international and foreign noncommercial nongovernmental associations is

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permitted in the Republic of Kazakhstan

The subordinate structures (branches and representative offices) of international and foreign noncommercial nongovernmental associations are governed by their charters, as long as they are not contrary to the legislation of the Republic of Kazakhstan.

CHAPTER 2. THE FORMATION, REORGANIZATION, AND LIQUIDATION OF PUBLIC ASSOCIATIONS

Article 10. The Formation of Public Associations.

A public association is formed on the initiative of a group of no less than ten citizens of the Republic of Kazakhstan, convening conference or meeting where the charter to be adopted and governing bodies to be formed.

The legal capacity of a public association as a legal person appears from the moment of its registration in accordance with the procedures, specified by the legislation of the Republic of Kazakhstan.

Article 11. Membership (Participation) in Public Associations.

Citizens of the Republic of Kazakhstan can be the members (participants) of public associations. Membership (participation) of foreign citizens or stateless persons in public associations, except for political parties, can be provided in the charters of public associations.

Citizens reached sixteen years of age can be members (participants) of youth public associations existing under the auspices of political parties. The member's age of other public youth and childrens associations are determined by the charters of such associations.

The terms and procedures for acquiring and losing membership are determined by the charter of a public association.

Military personnel, employees of national security, law enforcement agencies and judges may not belong to political parties and trade unions, or express support for any political party.

Article 12. The Charter of Public Association

The charter of public association should contain the following :

1. The name, subject, and goals of the activity of public association;
2. The membership (participation); methods and procedures for acquiring and losing membership, rights and obligations of members (participants) of the public association;
3. The organizational structure of the public association, legal status of its subordinate structures (branches and representative offices), and territorial limits within which it carries

out its activities;

4. The procedure for forming, authority and terms of office of the governing bodies of the public association, as well as the location of the constantly operating governing body of the public association;
5. The sources of capital and other property of the public association, rights of the public association and its subordinate structures (branches and representative offices) to manage the property;
6. The procedure for amending the charter of the public association;
7. The procedure for reorganization and liquidation the public association, and distribution of its property in the event of liquidation of the public association.

The charter may contain other provisions, relevant to the work of the public association, as long as these provisions are not contrary to the legislation of the Republic of Kazakhstan.

Adoption of the charter and amendments to the charter is under the authorities of the supreme governing body of the public association convention, conference, and meeting.

Article 13. State Registration and Re-Registration of a Public Association

The state registration of national and regional public associations and the subordinate structures (branches and representative offices) of foreign and international noncommercial nongovernmental associations is carried out by the Ministry of Justice of the Republic of Kazakhstan.

The state registration of local public associations and of branches and representative offices is carried out by territorial justice agencies.

The state registration and re-registration of public associations are carried out according to the procedures and time limits specified by legislation on the state registration of legal persons.

In order to register, a public association submits an application to a registration agency within two months after the date of its formation.

The application must be accompanied by the charter, the minutes of the founding convention (conference, meeting) that adopted the charter, information about the founders of the association, documents, confirming the status and legal address of the public association, and proof of payment of the legal entity's registration fee.

Failure to meet the established deadline for submission of an application, caused by justified reasons, can be excused and the deadline can be extended by the registration agency.

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

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For registration and re-registration of public associations, registration fees are levied through the procedures and in the amounts established by the Tax Code of the Republic of Kazakhstan.

Article 14. Record Registration of Branches and Representative Offices of Public Associations.

The subordinate structures (branches and representative offices) of public associations are subject to record registration.

The registration of branches and representative offices of foreign and international noncommercial nongovernmental associations is carried out by the Ministry of Justice of the Republic of Kazakhstan.

Territorial justice agencies register the branches and representative offices of public associations.

The procedures and terms for record registration are regulated by legislation on the registration of legal persons.

Article 15. Interruption of the Term of State Registration.

The term of state registration can be interrupted in the event of an inspection of the founding documents, verification of the list of members of a political party, or for the reasons, specified in the laws on state registration of legal persons.

Article 16. Refusal of State Registration.

A refusal to register a public association or its subordinate structure (branch or representative office) is carried out in accordance with legislation on the state registration of legal persons.

A refusal to register can be appealed in a judicial proceeding.

Article 17. Reorganization or Liquidation of a Public Association

The reorganization of a public association by merger, acquisition, division separation, or transformation is carried out upon the decision of the governing body of that public association according to the procedures provided in its charter and the legislation of the Republic of Kazakhstan.

The liquidation of a public association is carried out for the reasons and in accordance with the procedures, specified by the legislation of the Republic of Kazakhstan.

Article 18. Symbols of a Public Association.

Public associations may have their own symbols (flags, hymns, emblems, pennants, and pins), as long as they are not contrary to the legislation of the Republic of Kazakhstan.

A complete or abbreviated name of a public association and its symbols should not entirely or essentially duplicate the title and symbols of the Republic of Kazakhstan and other states, state agencies, public associations registered in the Republic of Kazakhstan, as well as public associations liquidated due to violation of legislation.

Description and designs of symbols of a public association are to be fixed in its charter.

CHAPTER 3. THE RIGHTS AND OBLIGATIONS OF A PUBLIC ASSOCIATION THE PROPERTY OF A PUBLIC ASSOCIATION

Article 19. The Rights and Obligations of a Public Association

Public associations acquire rights and obligations through their governing bodies, acting within the limits of their authority, provided by the charter and the legislation of the Republic of Kazakhstan.

In order to achieve statutory goals, public associations in accordance with the legislative procedures established by the Republic of Kazakhstan have the right to:

- disseminate information about their activities;
- represent and protect the rights and lawful interests of their members in courts and other state agencies and other public associations;
- establish mass media outlets;
- hold meetings, protests, demonstrations, marches, and pickets;
- perform publishing activities;
- join international noncommercial nongovernmental associations;
- exercise other powers, not contrary to the legislation of the Republic of Kazakhstan.

A public association is obligated to:

- observe the legislation of the Republic of Kazakhstan, as well as provisions of its charter;
- provide members with the opportunity to be acquainted with the documents and decisions affecting their rights and interests;
- inform its members about cash receipts and expenses;
- inform the registration agency about changes in the location of the permanent governing body and provide information about the managers of the public association to the extent set forth in the unified state register.

Article 20. Entrepreneurial Activities of Public Associations

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Public associations may engage in entrepreneurial activity only insofar as it serves the achievement of the goals set forth in its charter. The entrepreneurial activity of public associations is conducted in accordance with the legislation of the Republic of Kazakhstan.

Profits from the entrepreneurial activities of public associations are subject to taxation in accordance with the legislation of the Republic of Kazakhstan.

Profits from the entrepreneurial activities of public associations may not be distributed among members (participants) of the public association, but should be used to further achievement of the goals set forth in its charter. Public associations are permitted to use their resources for charitable purposes.

Article 21. The Property of Public Associations

The property of a public association consists of objects necessary for the material support of activities specified by its charter, with the exception of objects prohibited by the legislation of the Republic of Kazakhstan.

The cash assets of a public association are formed from initiation and membership fees, if these payments are stipulated by the charter; from voluntary donations and contributions; from receipts from lectures, exhibitions, lotteries, sports and other events conducted in accordance with the charter; from the profits of production or other economic activity; and from other receipts, not prohibited by the law.

The members (participants) of a public association do not have the right to property transferred by them to the public association, including membership fees. They are not responsible for the obligations of a public association, in which they are involved as members (participants), and a public association is not responsible for the obligations of its members (participants).

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

CHAPTER 4. LIABILITY FOR VIOLATION OF LEGISLATION ON PUBLIC ASSOCIATIONS

Article 22. Liability for Violation of Legislation on Public Associations

Violation of the legislation on public associations results in liability as provided by the legislation of the Republic of Kazakhstan.

Liability for violation of legislation on public associations shall be imposed on guilty physical and legal persons, including officials in state agencies and persons, who are members of the governing body of a public association.

Article 23. Suspension of the Operations of a Public Association

A court may suspend the activity of a public association for a period from three to six months by the court's decision based on a petition from the prosecutor's office or internal affairs agencies or on the application of citizens in the case of a violation of the Constitution and legislation of the Republic of Kazakhstan or repeated actions of the public association falling outside the goals and objectives, determined by its charter.

If the activity of a public association is suspended, it may not use any mass media, carry out agitation or propaganda, hold meetings, demonstrations, and other mass activities, and participate in elections. Likewise suspended are its rights to use bank accounts, except for payments on labor contracts, compensation for losses caused as a result of its operations, and payment of fines.

If during the period of suspension of its activity, a public association corrects the violations that caused the suspension of its activity, then after the expiration of the suspension period, that public association renew its activity. If a public association fails to correct the violation, or repeatedly violates the legislation of the Republic of Kazakhstan, prosecutor's office and internal affairs agencies, as well as citizens, have the right to file a petition to the court to liquidate the public association.

CHAPTER 5. FINAL PROVISIONS

Article 24. International Communications of Public Associations

In accordance with their charters, the public associations of the Republic of Kazakhstan can maintain international communications, sign related agreements, and join international noncommercial nongovernmental associations with the exception of religious organizations.

Public associations of the Republic of Kazakhstan can form their subordinate structures (branches and representative offices) in foreign states on the basis of generally recognized principles and norms of international law, international treaties, and the legislation of the relevant states.

Almaty
31 May 1996

President of the Republic of Kazakhstan N. Nazarbayev