

LAW OF THE REPUBLIC OF KAZAKHSTAN

About public associations of May 31, 1996 No. 3-I

(amended as of 24-05-2018)

The right to liberty of associations represents one of the most important and constitutional rights of man and citizen whose realization is equitable to interests of society and is under protection of the state

Chapter 1. General provisions

Article 1. Subject of regulation of this Law

Subject of regulation of this Law are the public relations arising in connection with realization by citizens of the Republic of Kazakhstan of right to liberty of associations and also creation, activities, reorganization and liquidation of public associations.

Article 2. Concept of public association

Public associations the political parties, labor unions and other associations of citizens created on voluntary basis for achievement by them of the common goals which are not contradicting the legislation are recognized the Republic of Kazakhstan. Public associations are non-profit 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 legal acts which are not contradicting them.

Operation of this Law extends to all public associations created at the initiative of citizens, except for religious associations, local government bodies and public amateur performance, procedure for creation and which activities are determined by other legal acts.

Operation of this Law extends to activities of the structural divisions (branches and representations) of foreign and international non-commercial non-governmental associations created and operating in the territory of the Republic of Kazakhstan, except for religious.

If the international treaty ratified by the Republic of Kazakhstan establishes other rules, than those which are provided by this Law then are applied rules of the international treaty.

The features connected with creation, activities, reorganization and liquidation of political parties, labor unions, the self-regulatory organizations based on voluntary membership (participation) and other separate types of public associations can be regulated by other legal acts of the Republic of Kazakhstan. The activities of the specified public associations which are not settled by other legal acts of the Republic of Kazakhstan are regulated by this Law.

Article 4. State and public associations

The state provides observance of the rights and legitimate interests of public associations.

Illegal intervention of the state in cases of public associations and public associations in cases of the state, assignment on public associations of functions of state bodies is not allowed.

Public associations can cooperate and interact with state bodies, signing with them agreements, and can perform on contracts with state bodies for them certain works, stipulated by the legislation.

The labor law of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on social security and insurance extend to workers of offices of public associations.

The questions infringing on interests of public associations in the cases provided by legal acts can be solved state bodies in coordination with public associations.

Article 5. Bases of activities of public associations

Public associations are created and are effective for the purpose of realization and protection of the political, economic, social and cultural rights and freedoms, development of activity and amateur performance of citizens; satisfactions of professional and amateur interests; developments of scientific, technical and art creativity, protection of life and human health, protection of the surrounding environment; participations in charity; carrying out cultural and educational, sports work; protection of historical and cultural monuments; patriotic, legal and humanistic education; expansion and strengthening international cooperation; implementation of other activities which are not forbidden by the legislation of the Republic of Kazakhstan.

Creation and activities of public associations which pursues the extremist aims, and also creation not of stipulated by the legislation paramilitary forces of the Republic of Kazakhstan are forbidden.

In the territory of the Republic of Kazakhstan creation of public associations as the paramilitary forces having the militarized structure, form, special distinctions, anthems, flags, pennants, special conditions of internal discipline and management, weapon, including imitating is forbidden.

Activities of political parties and labor unions of other states, batches on religious basis, and also financing of political parties and labor unions by foreign legal entities and citizens, foreign states and the international organizations are not allowed.

Creation and activities of the public associations encroaching on health and moral principles of citizens, and also activities of the unregistered public associations is not allowed.

Article 6. Principles of creation and activities of public associations

Public associations are equal before the law. Public associations perform activities within [the Constitution](#) and other legal acts of the Republic of Kazakhstan.

Public associations are created and act on the basis of voluntariness, equality of their members (participants), self-government, legality, the reporting and publicity of activities.

Participation or nonparticipation of the citizen in activities of public association cannot form the basis for restriction of its rights and freedoms. The requirement about specifying in official documents about membership (participation) in public association is not allowed.

Article 7. Status of public associations

In the Republic of Kazakhstan republican, regional and local public associations can be created and be effective.

The associations having the structural divisions (branches and representations) in the territory of more than a half of the areas of the Republic of Kazakhstan belong to republican public associations.

The associations having the structural divisions (branches and representations) in the territory of less than a half of the areas of the Republic of Kazakhstan belong to regional public associations.

The associations operating within one area of the Republic of Kazakhstan belong to local public associations.

Before the expiration of year from the date of registration republican and regional public associations for confirmation of the status shall provide in the body which registered this consolidation, copies of the documents confirming passing of accounting registration by structural divisions (branches and representations) in territorial authorities of justice.

Article 8. Unions (associations) of public associations

The public associations created and registered in accordance with the established procedure, irrespective of the type having the right to create the unions (associations) of public associations on the basis of the foundation agreements and charters accepted by the unions (associations) forming the new legal entity, and also to be member of international unions (associations).

Procedure for activities and state registration of the unions (associations) of public associations including international, it is determined according to legal acts of the Republic of Kazakhstan.

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

In the territory of the Republic of Kazakhstan structural divisions (branches and representations) of the international and foreign non-commercial non-governmental associations can be created and be effective.

Structural divisions (branches and representations) of the international and foreign non-commercial non-governmental associations are guided by charters of the last if they do not contradict the legislation of the Republic of Kazakhstan.

Chapter 2. Creation, reorganization, liquidation of public associations

Article 10. Creation of public association

The public association is created at the initiative of group of citizens of the Republic of Kazakhstan at least ten people.

The right of citizens to creation of public associations is exercised as it is direct by merging of physical persons, and through legal entities - public associations, except for political parties.

Founders of public association are physical and (or) legal entities - public associations, except for political parties, convoking constituent congress (conference, meeting) at which the charter is accepted and governing bodies are created. Founders of public association - physical and (or) legal entities have the equal rights and perform equal duties.

The labor union can be the founder of labor union.

Legal capacity of public association as legal entity arises from the moment of its registration according to the procedure, established by legal acts of the Republic of Kazakhstan.

Article 11. Membership (participation) in public association

Citizens of the Republic of Kazakhstan and (or) legal entities - public associations, except for political parties can be members (participants) of public associations. By charters of public associations, except political parties, membership (participation) in them of foreigners and stateless persons can be provided.

Labor unions can be members (participants) of labor unions.

The citizens who reached sixteen-year age can be members (participants) of youth public associations under political parties. The age of members of other public youth and children's associations is determined by their charters (provisions).

Conditions and procedure for acquisition and loss of membership are determined by charters of public associations.

Military personnel, employees of bodies of homeland security, law enforcement agencies and judges shall not consist in batches, labor unions, support any political party.

Article 12. Charter of public association

The charter of public association shall provide:

- 1) name, subject and purposes of activities of public association;
- 2) membership (participation), condition and procedure for acquisition and loss of membership, right and obligation of members (participants) of public association;
- 3) organizational structure of public association, legal status of structural divisions (branches and representations) and the territory within which perform the activities;
- 4) procedure for forming, competence and terms of office of governing bodies, location of permanent governing body of public association;
- 5) sources of forming of money and other property of public association, the right of public association and its structural divisions (branches and representations) on property management;
- 6) procedure for modification and amendments in the charter of public association;

7) procedure for reorganization and liquidation of public association, destiny of property of public association in case of liquidation.

Other provisions relating to activities of public association, not contradicting the legislation of the Republic of Kazakhstan also can be provided in the charter.

Adoption of the charter, introduction in it of changes and amendments are within the exclusive competence of the supreme body of public association - congress (conference, meeting).

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

State registration of republican, regional public associations, structural divisions (branches and representations) of foreign and international non-commercial non-governmental associations is performed by the Ministry of Justice of the Republic of Kazakhstan.

State registration of local public associations, branches and representations is performed by territorial authorities of justice.

State registration and re-registration of public associations is made according to the procedure and terms, stipulated by the legislation about state registration of legal entities.

For registration of public association the application is submitted to registering body in two-month time from the date of its education. The charter, the protocol of the constituent congress (conference, meeting) which accepted the charter, the information about initiators of formation of consolidation, and the documents confirming the location of public association, and also payment of collection for state registration of legal entities are enclosed to the application.

The term passed on reasonable excuses established for filing of application about registration of public association is recovered by the body performing registration.

In cases, stipulated by the legislation, the public association is subject to re-registration.

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

Structural divisions (branches and representations) of public associations are subject to accounting registration.

Accounting registration of branches and representations of foreign and international non-commercial non-governmental associations is made by the Ministry of Justice of the Republic of Kazakhstan.

Accounting registration of structural divisions (branches and representations) of public associations is made in territorial authorities of justice.

The procedure and terms of passing of accounting registration are regulated by the legislation on registration of legal entities.

Article 15. Break of term of state registration

The term of state registration is interrupted in cases of conducting examination of constituent documents, verifications of lists of members of political parties, and also on the bases specified in legal acts for state registration of legal entities.

Article 16. Refusal in state registration

The refusal in registration of public association, its structural division (branch and representation) is made according to the legislation on state registration of legal entities.

The refusal in registration can be appealed judicially.

Article 17. Reorganization and liquidation of public association

Reorganization of public association (merge, accession, separation, allocation, transformation) is made according to the decision of body of public association according to the procedure, provided by its charter and the legislation of the Republic of Kazakhstan.

Liquidation of public association is made on the bases and according to the procedure, stipulated by the legislation the Republic of Kazakhstan.

Article 18. Symbolics of public association

Public associations can have the symbolics (flag, the anthem, the emblem, pennants, badges) which is not contradicting the legislation of the Republic of Kazakhstan.

The full and abbreviated name of public association and its symbolics shall not completely or in essential part to duplicate the name and symbolics of the Republic of Kazakhstan and other states, state bodies, the public associations registered in the Republic of Kazakhstan and also the public associations liquidated in connection with violation of the law of the Republic of Kazakhstan.

The description and sketches of symbolics of public association are enshrined in the charter.

Chapter 3. Rights and obligations of public association. Property of public association

Article 19. Rights and obligations of public association

Public associations acquire the rights and assume obligations through the governing bodies operating within the powers conferred by the charter and the legislation of the Republic of Kazakhstan.

For implementation of authorized public associations in the procedure established by the legislation of the Republic of Kazakhstan are more whole have the right:

- distribute information on the activities;
- represent and protect the rights and legitimate interests of the members in courts and other state bodies, other public associations;
- establish mass media;
- hold meetings, meetings, demonstrations, processions and picketing;
- perform publishing activities;
- enter the international non-commercial non-governmental associations;
- perform other powers which are not contradicting the legislation of the Republic of Kazakhstan.

The public association shall:

- observe the legislation of the Republic of Kazakhstan, and also the regulations provided by the charter;
- provide to the members opportunity to study the documents and decisions affecting their rights and interests;
- inform the members on receipt and expenditure of money;
- inform registering body on changes of the location of permanent governing body and data on heads in volume of the data included in the National register of business and identification numbers.

Article 20. Business activity of public associations

Public associations can perform business activity so far as it serves achievement of the authorized purposes. Business activity by public associations is performed according to the legislation of the Republic of Kazakhstan.

Entrepreneurial incomes of public associations are subject to the taxation according to the legislation of the Republic of Kazakhstan.

Entrepreneurial incomes of public associations cannot be redistributed between members (participants) of public associations and shall be used for achievement of the authorized purposes. Use by public associations of the funds for the charitable purposes is allowed.

Article 21. Property of public associations

Property of public association are the objects necessary for material security of the activities provided by its charter, except for the objects forbidden by the legislation of the Republic of Kazakhstan.

The property of public association is created of the admission and membership fees if their payment is provided by the charter, voluntary contributions and donations, receipts from carrying out according to the charter of lectures, exhibitions, sporting and other events, the income from productive and other economic activity and others, not forbidden legal acts of the Republic of Kazakhstan, receipts.

Members (participants) of public associations have no rights to the property given by them to these associations, including to the membership fees. They do not answer for obligations public associations in which they participate in quality of members (participants), and the specified associations do not answer for obligations the members (participants).

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

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

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

Violation of the law about public associations attracts responsibility according to the procedure, established by the laws of the Republic of Kazakhstan.

The responsibility for violation of the legislation on public associations is born by legal entities and physical persons, guilty of it, including officials of state bodies, and persons which are part of governing bodies of public associations.

Article 23. Suspension of operations of public association

Activities of public association can be suspended for a period of three up to six months by a court decision based on representations of bodies of prosecutor's office, internal affairs or petitions from citizens in cases of violation [of the Constitution](#) and legislation of the Republic of Kazakhstan or numerous making by public association of the actions which are going beyond the purposes and tasks determined by its charter.

In case of suspension of operations of public association it is forbidden to use all mass media, to carry on propaganda and promotion, to hold meetings, demonstrations and other mass actions, to take part in elections. Also its right to use bank deposits, except for payment under employment contracts, the indemnification caused as a result of its activities, and payment of penalties stops.

If during fixed term of suspension of operations the public association eliminates the violations which formed the basis of suspension of its activities, then after the termination of the specified term the public association resumes the activities. In case of not elimination of violations by public association or in case of further violation of the legislation of the Republic of Kazakhstan bodies of prosecutor's office, internal affairs, and also citizens have the right to take a legal action with the statement for its liquidation.

Chapter 5. Final provisions

Article 24. International backgrounds of public associations

Public associations of the Republic of Kazakhstan according to their charters can support international backgrounds, sign the relevant agreements, enter as collective members the international non-commercial non-governmental associations, except for religious.

Public associations of the Republic of Kazakhstan can create the structural divisions (branches and representations) in foreign states on the basis of the conventional principles and rules of international law, international treaties and legislations of the relevant states.

President of the Republic of Kazakhstan

N. Nazarbayev