

## OVERVIEW

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# Kazakhstan: Draft Law on Non-Governmental Organizations

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In May 2025, the Kazakhstan's Prime Minister Olzhas Bektenov [announced](#) an initiative to draft a new Law on Non-Governmental Organizations (NGOs) (Draft Law). The stated purpose of the Draft Law is "improvement of the legal regulation of non-commercial organizations in Kazakhstan."

To develop the Draft Law, Kazakhstan's government created a working group consisting of over 40 members, who include experts nominated by the Civic Alliance of Kazakhstan (CAK), which is the largest and most influential government-organized non-commercial organization (NCO) in Kazakhstan, as well as several independent civil society experts. Although the Draft Law is in its initial development stage, some independent experts in the working group are concerned that the Draft Law does not improve the regulation of NCOs in Kazakhstan. While it may provide special benefits to registered NGOs, it is unclear whether all existing NCOs would be able to pass through the new registration and verification requirements to be established under the Draft Law and what will happen to the rights of other NCOs that do not register as NGOs. Further, none of the long-standing issues in the regulation of NCOs are addressed in the Draft Law, such as the burdensome reporting requirements for NCOs receiving foreign funding, territorial limitations on NCOs' activities, prohibition of unregistered (informal) associations, and administrative and criminal liability for NCO managers and staff carrying out activities that are recognized as legitimate under the international law. Moreover, Kazakhstan civil society experts question the need for the new law itself, considering that several existing laws already regulate NCOs' establishment, activities, and relations with the government in Kazakhstan, including the Law on NCOs, the Law on Public Associations, the Law on State Social Contracts, the Law on Public Councils, among others. In addition, independent experts are concerned that the Draft Law contains potential new risks for NCOs such as:

- creating a distinction between the new (as a legal form) NGOs as "public benefit" organizations versus other types NCOs, potentially dividing the sector and limiting access to state support only to NGOs;

- creating a new registration procedure for NGOs, in addition to pre-existing registration procedures for all types of NCOs as non-commercial legal entities;
- limiting dialogue between the government and civil society to communications only between registered NGOs and the government;
- enabling government control over NGOs' activities, including through "unscheduled inspections" and "preventative oversight";
- establishing "expert councils" as consultative bodies under the auspices of local government bodies, where only registered NGOs will be allowed to participate (however, it is unclear how "expert councils" will differ from existing public councils, where NCOs as well as other civic experts can participate);
- establishing a new NGO database, which may potentially require burdensome reporting requirements;
- granting special authority to the CAK that includes:
  - o representing NGOs in a "strategic partnership" between the civil society and the government;
  - o organizing the Civic Forum of Kazakhstan as the main base for communication between Kazakhstani civil society and the government;
  - o preparing the National Report on Development of Civil Society;
  - o serving as a coordinator for issuing awards to "the best" NGOs at the expense of state budget; and
  - o managing the "Academy of NGOs," designated to train NGO managers among other functions.

NCOs are also concerned that additional restrictive provisions may be added to the Draft Law during the consideration process in the parliament. For example, in February 2025, parliamentarian Irina Smirnova [proposed](#) adopting a "foreign agents" type law, which would impose burdensome new "transparency" requirements and equate foreign-funded NCOs with "foreign spies." Although Kazakhstan's Ministry of Justice later [confirmed](#) that that government is not planning to draft a "foreign agents" law, local experts believe that such proposals could reemerge.

Based on ICNL's comparative law experience and analysis of existing Kazakhstan legislation, it is vital for civil society to participate in the development of any legislation directly affecting their activities. Such legislation should directly address practical issues or shortcomings identified in existing laws or regulations. In many countries, a framework NCO law or other type of law (such as France's Civil Code) usually provides a sufficient legal base to guarantee the right to freedom of association. Unfortunately, however, the proposed Draft Law appears to be highly duplicative of Kazakhstan's existing Law on NCOs. For example, if there are practical problems with the regulation

of state support to NCOs or there is a need to facilitate a more active NCO role in citizens oversight over the activities of government bodies or government decision making, amendments can be developed to existing laws that already regulate such activities. Lastly, it is important to note that all issues relating to the regulation of NCOs' activities, as well as new regulatory measures to address them, are identified through meaningful consultations between the government and independent civil society actors.

ICNL stands ready to provide formal analysis and recommendations for the Draft Law, as well as to provide comparative law information on any issues related to the regulation of NCOs in Kazakhstan.