

## ANALYSIS

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# Initiative Groups: Legal Status and International Regulatory Experience

MAY 1, 2026

## Introduction

This analysis was prepared at the request of Uzbek non-governmental non-commercial organizations (NNOs). It examines the legal status of initiative groups (associations of citizens without establishing a legal entity) in the Republic of Uzbekistan (RUz), as well as international standards and comparative regulatory experience concerning such associations.<sup>1</sup>

The issue has practical significance because many socially beneficial initiatives arise at the local level and do not require the creation of a fully registered organization. These may include neighborhood initiatives in mahallas, parent groups, volunteer assistance, environmental, cultural, youth, and other local projects. Often, such initiatives are small, temporary, and/or designed to address a specific practical issue.

The analysis examines:

1. The legal status of initiative groups in the RU.
2. International standards on freedom of association.
3. International experience in the legal regulation of initiative groups.
4. The legal status of an initiative group and how it differs from a registered NNO.
5. The practical benefits of unregistered associations for society and the state;
6. Possible legislative solutions for Uzbekistan.

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<sup>1</sup> For purposes of this analysis, in the context of RU legislation, the terms “initiative group,” “unregistered public association,” and “unregistered non-governmental non-profit organization” are used synonymously.

The purpose of the analysis is to present good practices in regulating initiative groups in accordance with international law and to help the RUz further improve its legislation on freedom of association.

## 1. The legal status of initiative groups in the RUz

Uzbekistan's Constitution guarantees the right to freedom of association: "Citizens of the Republic of Uzbekistan shall have the right to unite in trade unions, political parties and other public associations, and to participate in mass movements" (Article 39). The 2023 constitutional reform expressly confirmed that human rights and freedoms are recognized and guaranteed in accordance with generally recognized norms of international law (Article 19) and may be restricted only by law and only to the extent necessary to protect the constitutional order, public health, public morals, the rights and freedoms of others, and to ensure public safety and public order (Article 21).

At the same time, Uzbekistan's Law on Public Associations prohibits the activities of unregistered public associations. Pursuant to Article 11 of that Law: "A public association or its organizations (bodies) shall carry out their activities only after registration of their charter in the manner established by this Law and, in accordance with civil legislation, may be recognized as legal entities. The activities of international public associations, their divisions and branches, including mass movements, that have not registered their charters with the Ministry of Justice of the RUz and its local bodies shall not be permitted on the territory of the RUz." In practice, this means that registration serves not only as a means of obtaining legal entity status, but also as a condition for acting as an unregistered public association.

The absence of registration makes the organization's activities unlawful and entails liability. Article 239 of the Code on Administrative Offenses (CoAO) provides for a fine for the activities of NNOs (except religious organizations), their representative offices and branches without state registration (recording) in the amount of 10 to 25 base calculation units (BCUs) (up to USD 24). In addition, Article 216 of the Criminal Code of the RUz establishes liability for "the unlawful organization or resumption of the activities of unlawful public associations or religious organizations, as well as active participation in their activities," in the form of a fine of 50 to 100 BCUs or restriction or deprivation of liberty for up to five years. Inducing participation in the unlawful activities of public associations after an administrative penalty has been imposed is punishable by a fine of 25 to 50 BCUs, or compulsory community service for up to 360 hours, or correctional labor for up to three years, or restriction or deprivation of liberty for up to three years (Article 216(1) of the Criminal Code).<sup>2</sup>

No publicly available, systematized data exist on the application of these sanctions to initiative groups. However, the very existence of the prohibition and the related

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<sup>2</sup> As of August 1, 2025, one BCU equals 12,000 soms, or USD 0.95.

sanctions create legal uncertainty for local initiatives. Participants in a neighborhood, parent, volunteer, or other informal association may be concerned that their joint activity will be treated as the activity of an unregistered public association. Such a risk may discourage citizens from participating in socially beneficial initiatives, even when those initiatives are peaceful, local, and aimed at solving practical issues.

## 2. International standards on freedom of association

The right to freedom of association is guaranteed by the Universal Declaration of Human Rights (Article 20), the International Covenant on Civil and Political Rights (ICCPR, Article 22), and the International Covenant on Economic, Social and Cultural Rights (ICESCR, Article 8). Uzbekistan is a party to the Universal Declaration of Human Rights,<sup>3</sup> as well as to both covenants.<sup>4</sup>

The requirement of mandatory registration as a condition for the ability to associate and act jointly is a restriction on freedom of association. Restrictions on freedom of association are permissible only if they are prescribed by law, pursue a legitimate aim, and are necessary and proportionate. This means that the state may respond to unlawful activity, but restrictions should not be broader than required to address a specific risk.<sup>5</sup>

This approach is further elaborated in the Joint Guidelines on Freedom of Association of the OSCE/ODIHR and the Venice Commission. They state that legislation should recognize both formal and informal associations or, at a minimum, permit the activities of informal associations and not treat them as unlawful. The Guidelines also emphasize that legislation should not require associations to obtain legal entity status, but should make that status available and provide for the related advantages.<sup>6</sup>

In light of these standards, the current approach of Uzbekistan's legislation is inconsistent with the principle of proportionality. Registration effectively becomes a mandatory condition for any activity in the form of a public association, and the absence of registration in itself may entail administrative or criminal liability. This restriction applies equally to all associations, without taking into account the nature, scale, and purposes of their activities, and without assessing any specific risk to public order, security, or the rights of others. Therefore, the general prohibition on the

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<sup>3</sup> On September 30, 1991, at the extraordinary VII session of the Supreme Council of the Republic of Uzbekistan, the Universal Declaration of Human Rights was ratified.

<sup>4</sup> See: Resolution of the Oliy Majlis of the Republic of Uzbekistan No. 127-I of August 31, 1995, URL: <https://lex.uz/docs/2638212>; Resolution of the Oliy Majlis of the Republic of Uzbekistan No. 126-I of August 31, 1995, URL: <https://lex.uz/docs/2678858>.

<sup>5</sup> See the Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, URL: <https://www.refworld.org/ru/legal/resolution/unchr/1984/57200>.

<sup>6</sup> See: Guidelines on Freedom of Association, prepared by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Venice Commission of the Council of Europe, URL: <https://www.osce.org/ru/odihr/160961?download=true> (hereinafter, the "Guidelines").

activities of unregistered associations is a disproportionate restriction on freedom of association.

### 3. International experience in the legal regulation of initiative groups

Practice shows that the activities of informal associations are recognized in many countries and are not treated as a violation as such. Specific regulatory models vary, but they share a common approach: the right of citizens to associate is guaranteed regardless of whether the association obtains legal entity status. Registration remains a voluntary procedure for those associations that need additional rights, such as the ability to act on behalf of the organization, open a bank account, own property, or enter into contracts.

Jurisdiction	Legal basis
<b>Russian Federation</b>	<p>Federal Law “On Public Associations,” Article 3: “Citizens have the right to create public associations of their choice without prior permission from state authorities and local self-government bodies, and also have the right to join such public associations subject to compliance with the provisions of their charters.</p> <p>Public associations created by citizens may be registered in the manner provided by this Federal Law and acquire the rights of a legal entity, or may function without state registration and without acquiring the rights of a legal entity.”</p>
<b>Kyrgyz Republic</b>	<p>Law of the Kyrgyz Republic “On Non-Commercial Organizations,” Article 6: “Non-commercial organizations may be created with or without the formation of a legal entity in the form of public associations, foundations, and institutions.”</p>
<b>Georgia</b>	<p>Civil Code of Georgia, Article 39, Unregistered unions (associations): “1. Issues related to the organization and structure of an unregistered union (association) shall be determined by mutual agreement of its members. An unregistered union (association) shall not be considered a legal entity.</p> <p>2. Membership dues paid by members and property acquired with those dues constitute the common property of the</p>

	<p>unregistered union (association).</p> <p>3. An unregistered union (association) may be represented by its members or duly authorized persons in court or in out-of-court relations.</p> <p>4. Creditors' claims may be satisfied from the common property of the unregistered union (association). In this case, persons who acted on behalf of the unregistered union (association) are also liable as debtors, both individually and jointly."</p>
<b>Germany</b>	<p>German Civil Code (Bürgerliches Gesetzbuch, BGB), § 54, Associations without legal personality (Vereine ohne Rechtspersönlichkeit): "The provisions of §§ 24-53 apply accordingly to associations whose purpose is not directed toward carrying on economic activity and that have not acquired legal personality by entry in the register of associations. [...] In a transaction concluded with a third party on behalf of an association without legal personality, the person who acted is personally liable; if several persons acted, they are jointly and severally liable."</p>
<b>France</b>	<p>French Law "On the Contract of Association" (Loi du 1er juillet 1901 relative au contrat d'association), Article 2: "Associations of persons may be freely formed without authorization and without prior declaration; however, they acquire legal capacity only if they comply with the provisions of Article 5." Article 5 provides that an association seeking legal capacity must be publicly announced by its founders through a prior declaration.</p>
<b>United States</b>	<p>A number of U.S. states (Delaware, Colorado, Arkansas, Alabama, the District of Columbia (Washington, D.C.), Pennsylvania, and many others) have adopted the Revised Uniform Unincorporated Nonprofit Association Act of the United States. The term "unincorporated nonprofit association" means an unincorporated organization consisting of [two] or more members joined by an agreement that may be oral, written, or inferred from conduct, for the pursuit of one or more common nonprofit purposes.</p>

<b>United Kingdom</b>	Official GOV.UK guidance on unincorporated associations: “An unincorporated association is an organization set up by an agreement between a group of people who come together for a reason other than to make a profit (for example, a voluntary group or a sports club). An unincorporated association does not need to be registered and costs nothing to set up. Individual members are personally responsible for any debts and contractual obligations.”
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#### 4. The legal status of an initiative group and how it differs from a registered NNO

The right to freedom of association is the constitutional right of people to act jointly for lawful purposes. It should not depend on registration. Registration is needed only so that an association can obtain legal entity status and the rights connected with it (for example, to open a bank account in its own name, enter into contracts, own property, appear in court, receive tax benefits, or obtain licenses). An initiative group without legal entity status does not have those rights. However, its activities are not outside the law. Relations among participants may be governed by the general rules of civil law, including rules on contracts and joint activity. Participants may determine the group’s goals, decision-making procedure, use of property, allocation of expenses, and liability.

In practice, the property of an initiative group belongs to its participants, for example, under common ownership, whether shared or joint. A bank account may be opened by one or more participants in their own name by agreement with the others. Contracts with third parties are concluded in the name of specific individuals authorized by the participants, and those individuals bear liability for the obligations under the general rules of civil law. An initiative group may have internal rules, a participants’ agreement, or a name (not protected by law), but this is not mandatory and does not give it legal entity status.

Thus, recognition of initiative groups does not create a legal vacuum and does not remove their participants from the operation of the law. It simply makes regulation clearer. As a result, socially beneficial joint activity by citizens for lawful purposes is recognized as permissible, while the state retains the ability to respond to specific unlawful acts under the general rules.

#### 5. The practical benefits of unregistered associations for society and the state

Recognition of initiative groups serves the interests of both citizens and the state. At the mahalla level, neighbors can jointly improve a courtyard, repair a playground, organize

street lighting, or plant trees. Volunteers can temporarily join together to assist the elderly, persons with disabilities, and families in difficult life situations. Youth groups can implement cultural, educational, and environmental projects. Such initiatives are usually small, local, and often temporary, so creating a fully registered organization for them may be an excessive burden.

For citizens, recognition of initiative groups creates a clear legal framework: people can lawfully associate and work for the common good without unnecessary formalities. For the state, such groups are an additional resource rather than a risk: they help identify and solve local problems, support vulnerable groups, and strengthen feedback from communities. At the same time, this reduces the burden on registration authorities and allows their resources to be focused on those organizations that genuinely need legal entity status.

## 6. Possible legislative solutions for Uzbekistan

To bring the regulation of initiative groups into line with constitutional guarantees and international standards, it would be advisable to remove the prohibition on the activities of unregistered associations from the Law on Public Associations.

The liability provisions should also be clarified. Article 239 of the CoAO and Articles 216 and 216-1 of the Criminal Code should not apply to citizens solely for their participation in an unregistered association if their activity is peaceful and lawful. Liability should arise for specific unlawful acts, not for the absence of registration.

For legal clarity, the specific features of initiative groups could also be codified by stating that they are not legal entities, do not act on behalf of an organization, do not automatically receive tax benefits or licenses, and that issues of property, contracts, and liability are resolved through the participants under the general rules of civil law.

This approach does not require abolishing the existing system of NNO registration. It merely distinguishes between two different situations: an informal civic initiative that may operate without registration, and a registered organization that obtains legal entity status and a broader scope of rights.

## Conclusion

The 2023 constitutional reform strengthened the guarantees of human rights and freedoms in Uzbekistan, including the right to freedom of association. The Constitution recognizes and guarantees human rights in accordance with generally recognized norms of international law and permits their restriction only by law and only to the extent necessary to protect legitimate public interests.

In this context, the current prohibition on the activities of unregistered public associations requires reconsideration. It effectively turns registration into a mandatory

condition for exercising the right to association and fails to account for the difference between stable organizations that need legal entity status and small, temporary, or local civic initiatives.

International standards are based on the premise that citizens should be able to associate both with and without establishing a legal entity. Registration may provide additional rights and opportunities, but it should not be a precondition for peaceful joint activity for lawful purposes.

Recognition of initiative groups would also serve the practical interests of society and the state. Such groups help citizens solve everyday issues at the local level, support vulnerable groups, develop volunteering, and communicate community needs to public authorities. At the same time, they remain subject to the law: the state retains all necessary mechanisms for responding to unlawful activity.