

The Law of the Kyrgyz Republic
on Introducing Amendments and Changes into some
Legislative Acts of the Kyrgyz Republic”

Article 1.

Introduce into the Law of the Kyrgyz Republic "On Noncommercial Organizations" (the newspaper "Erkintoo" as of November 3, 1999 N86) the following amendments:

1. Amend Article 2 by items 4 - 9 as follows:

"Foreign noncommercial organization - an organization that does not have derivation of profit as the main objective of its activity and does not distribute profits among the members, established outside the territory of the Kyrgyz Republic in accordance with the laws of a foreign country, the founders (members) of which are not state bodies.

Foreign noncommercial organization operates on the territory of the Kyrgyz Republic through its departments - branches and representative offices.

The structural units of foreign noncommercial organizations - branches and representative offices of foreign noncommercial organizations that are subject to state registration and obtaining legal capacity on the territory of the Kyrgyz Republic from the date of entry of relevant information about the structural unit in the manner prescribed by the Law of the Kyrgyz Republic on State Registration of Legal Entities, Branches (Representative Offices) into the register of branches and representative offices of international organizations and foreign noncommercial organizations.

Noncommercial organization, which serves as foreign agent - noncommercial organization established in the Kyrgyz Republic, which receives money or other property from foreign governments and their public authorities, international and foreign organizations, foreign citizens, persons without citizenship or their authorized representatives receiving cash and other property from the specified sources (except for the open joint-stock companies with state participation and their affiliates) (hereinafter - foreign sources), and that is involved in political activities carried out on the territory of the Kyrgyz Republic as well as in the benefit of foreign sources.

Noncommercial organization is recognized as participating in political activities carried out in the territory of the Kyrgyz Republic, if regardless of its goals and objectives stated in its founding documents, it is involved (including through financing) in organizing and conducting political activities in order to influence the decisions of public authorities aimed to change the public policy, as well as in formation of public opinion for the abovementioned purposes.

Political activities do not include activity in the field of science, culture, art, health, public health, social support and protection, and social support to the disabled, protection of motherhood and childhood, and the promotion of healthy lifestyles, physical culture and sport, protection of flora and fauna and charitable activities.”.

Parts 4 – 8 shall be considered as parts 10 - 14.

2 . Amend Article 12 by item 4 as follows:

"Materials published by the noncommercial organization acting as a foreign agent, and / or distributed by it, as well as through the media and / or using the" Internet "shall be accompanied by

a reference to the fact that these materials are published and / or distributed by noncommercial organization acting as a foreign agent. " .

3 . Article 17 shall be amended as follows :

«Article 17. The openness of a noncommercial organization»

Noncommercial organization conducts accounting and statistical reporting in accordance with the legislation of the Kyrgyz Republic.

The annual financial statements of the structural units of foreign noncommercial organizations, unless otherwise provided by an international agreement of the Kyrgyz Republic, and the annual financial statements of a noncommercial organization acting as a foreign agent, are subject to statutory audit.

Noncommercial organization provides information on its activities to the authorized body in the field of statistics and tax bodies, and other persons in accordance with the legislation of the Kyrgyz Republic and the founding documents of the nonprofit organization.

The size and structure of a noncommercial organizations, as well as information about the size and composition of the property a noncommercial organization, its cost, size and composition of employees, remuneration of their labor, and the use of unpaid labor in the activities of noncommercial organizations cannot be the subject of trade secrets.

Noncommercial organizations are required to submit to the authority documents containing a report of its activities on the composition of the governing bodies of the documents for expenditure of funds and the use of other property, including from foreign sources, and noncommercial organizations that act as a foreign agent, and auditor's report.

The documents submitted by noncommercial organizations that perform functions of a foreign agent must contain the following information for expenditure of funds and the use of other assets received from foreign sources, and their actual spending and use. The presentation of these documents (with the exception of the audit report) and the time they are submitted by the authorized body in the sphere of state registration.

Noncommercial organizations that received money and other property from foreign sources maintain separate records of income (expenses) received (made) in the income from foreign sources, and income (expenses) received (made) for other types of income.

Noncommercial organizations that act as a foreign agent shall submit to the authorized body of documents containing a report of its activities on the composition of the governing bodies, semi-annually, documents for expenditure of funds and the use of other property, including from foreign sources, - quarterly and audit report - annually.

The structural units of foreign noncommercial organizations operating in the territory of the Kyrgyz Republic, annually, and noncommercial organizations that act as foreign agent - once every six months, provide the media or placed in the "Internet" report on its activities, including its founders, the composition of the property, sources of formation and guidelines for spending the money.

The structural unit of a foreign noncommercial organization in each year submit to the authorized body of the audit report received from the audit organization of the Kyrgyz Republic or the individual auditor, unless otherwise stipulated by international agreements of the Kyrgyz Republic.

Routine inspections of organization acting as a foreign agent, held no more frequently than once a year.

The grounds for an unscheduled nonprofit organization that performs the function of a foreign the agent is:

- Outflow contained in the prevention of the authorized body, previously issued on a noncommercial organization acting as a foreign agent, the term elimination of the violation;
- Admission to the authority information from state bodies, local self-government of violating a noncommercial organization acting as a foreign agent, the legislation of the Kyrgyz Republic in the sphere of its activity;
- The presence of the order (order) of the head of the authorized body, issued on the basis of the prosecutor's conduct unscheduled audits under the supervision of the execution of the laws on the submitted materials to the prosecutors and appeals.

The authorized body in the sphere of state registration exercise control over the compliance of the noncommercial purposes, with its statutory, and the legislation of the Kyrgyz Republic. With respect to noncommercial organizations the authority may:

- Request the government noncommercial organization of their documents of title;
- To request and receive information on the financial and economic activities of noncommercial organizations at the state statistical agencies, tax authorities and other bodies of state supervision and control, as well as to credit and other financial institutions;
- To send their representatives to participate in the ongoing activities of a noncommercial organization;
- Review the compliance of noncommercial organizations, including the disbursement of funds and property, purpose, with its statutory, in the manner prescribed by the authority;
- In the case of violation of the legislation of the Kyrgyz Republic or the commission of a noncommercial organization or its structural unit of action contrary to the purposes for which it is constitutive documents, to make organization a written notice, indicating the violation and the period of removal of not less than one month. Notice issued to a noncommercial organization, can be appealed to a higher authority or to a court;
- To suspend its decision for a period of not more than six months of noncommercial organization acting as a foreign agent , who has not filed an application for inclusion in the register of noncommercial organizations acting as a foreign agent, in accordance with the Law of the Kyrgyz Republic "On state registration of legal entities, branches (offices). The decision to suspend the activities of a noncommercial organization may be appealed in court.

In the case of suspension of a noncommercial organization it is prohibited to carry out mass actions and public events, use of bank deposits, with the exception of settlements on economic activity and employment contracts, compensation for losses caused by its actions, payment of taxes, fees and fines.

If within the prescribed period of suspension of a noncommercial organization, it will submit to the authority a statement for inclusion in the register of noncommercial organizations acting as a foreign agent in accordance with the Law of the Kyrgyz Republic "On state registration of legal entities, branches (offices)," is a noncommercial organization resumed its activities after its inclusion in the registry.

In the case of not providing authorized body with information stipulated in this Article within the prescribed period, and in case the activity of the structural units of foreign noncommercial organization does not meet the goals stated in its declaration, and the information submitted in

accordance with this Article is not accordance with this Article, the relevant structural unit of a foreign a noncommercial organization may be removed from the register of branches and representative offices of international organizations and foreign noncommercial organizations to address the authorized body in the sphere of state registration.

In order to protect the constitutional order, national defense and state security, morality, health, rights and freedoms of others, the authority may issue a structural unit of the foreign noncommercial organization motivated decision to ban the direction of cash and other assets to specific recipients of these funds and other assets. "

Article 2.

The Law of the Kyrgyz Republic "On state registration of legal entities, branches (representations)" adds following addition:

"Registration of legal entities with foreign participation, including performing functions of a foreign agent, branches (offices) of foreign legal persons and legal entities with foreign participation, including performing functions of a foreign agent, with the exception of legal entities, branches (offices) listed in the third paragraph of Part 2 of this article ";

Part 4 of Article 11, paragraph seven supplemented as follows:

"An application for inclusion in the register of noncommercial organizations noncommercial organizations acting as a foreign agent - for noncommercial organizations acting as a foreign agent."

Article 3.

Amend the Criminal Code by followings:

Change Article 259 as follows:

“Article 259. Creation of noncommercial organization, infringing on a rights of citizens”

(1) Establishment of a religious or public associations and the leadership of such association whose activities involve violence against citizens or otherwise causing harm to their health, - shall be punished by a fine of two hundred to five hundred calculated indices or imprisonment for up to four years.

(2) Establishment of noncommercial organizations (including noncommercial organization that acts as a foreign agent) or a structural unit of a foreign noncommercial organizations whose work is associated with an urge citizens to refuse to fulfill their civic duties or commit other unlawful acts, as well as the leadership of such an organization or a structural unit - shall be punished by a fine of one hundred to four hundred calculated indices or imprisonment for up to three years.

(3) Participation in the activities of noncommercial organizations listed in paragraphs one and two of this article, as well as propaganda acts provided by the first and second paragraph of this article - shall be punished by a fine of one hundred to three hundred calculated indices or imprisonment for a term not exceeding two years".

Article 4.

(1) The Government of the Kyrgyz Republic in the three month period to bring its regulations into conformity with this Law.

(2) The Government of the Kyrgyz Republic to make suggestions Parliament in order to implement the provisions of this Law.

(3) This Law shall take effect upon the expiration of three months from the date of publication.

The President of the Kyrgyz Republic