

**Law of the Kyrgyz Republic
"On Amendments to Some Legislative Acts
of the Kyrgyz Republic"**

Article 1.

The Law of the Kyrgyz Republic ""On Non-Profit Organizations" (see the newspaper "Erkin-Too" of November 3, 1999, No. 86) shall be amended as follows:

1. Article 2 shall be supplemented with paragraphs 4-9 reading:

"A foreign non-profit organization is an organization which does not see profit-making as the main objective of its activities and does not distribute its earnings among its participants; one founded outside the Kyrgyz Republic in agreement with the laws of a foreign country with its founders (participants) being other than government authorities.

A foreign non-profit organization carries out its activities within the Kyrgyz Republic using its units, branches or offices.

Units of foreign non-profit organizations are branches or offices of foreign non-profit organizations that are subject to state registration and acquire legal capacity within the Kyrgyz Republic on the date on which information about the unit in question is included on the register of branches and offices of international organizations and foreign non-profit organizations, as provided for by the Law of the Kyrgyz Republic "On State Registration of Legal Entities, Branches (Offices)."

A non-profit organization acting as a foreign agent is a non-profit organization which (a) is created within the Kyrgyz Republic, receives monetary funds or any other assets from foreign countries, their government authorities, international and foreign organizations, foreign citizens, stateless persons or from persons authorized by them, who are recipients of monetary funds or any other assets from the above-mentioned sources (except for government-sponsored public joint-stock companies and their subsidiaries) (hereinafter referred to as foreign sources); and (b) is involved in political activities within the Kyrgyz Republic, among other things in the interests of the foreign sources.

Any non-profit organization shall be regarded as one involved in political activities carried out within the Kyrgyz Republic if, regardless of its purposes or targets as specified in its constituent instruments, it takes part (including by way of funding) in the organization and conducting of political events designed to impact on the government decisions, alter government policies and influence public opinion to these ends.

Political activities do not cover activities in the field of science, culture, arts, health protection, social protection, social support for the disabled, motherhood and child protection, promotion of healthy lifestyles, physical culture and sport, wildlife protection and charities."

Paragraphs 4-8 shall be thus regarded as paragraphs 10-14.

2. Article 12 shall be supplemented with paragraph 4 reading:

"Materials issued by a non-profit organization acting as a foreign agent and/or distributed by it, among other things, through mass media outlets or the Internet shall be marked as those issued and/or distributed by a non-profit organization acting as a foreign agent."

3. Article 17 shall be hereby amended to read as follows:

"Article 17. Openness of a Non-Profit Organization

1. Bookkeeping and statistical reporting in any non-profit organization shall be done as provided for by the laws of the Kyrgyz Republic.

Annual bookkeeping reports in any unit of a foreign non-profit organization, except as otherwise provided in an international agreement signed by the Kyrgyz Republic, and annual bookkeeping reports in any non-profit organization acting as a foreign agent shall be subject to mandatory audits.

A non-profit organization shall submit its operation reports to a relevant statistics authority and tax body, its founders and other officials as identified in the laws of the Kyrgyz Republic and constituent instruments of the non-profit organization.

The size and structure of a non-profit organization's revenue as well as reports regarding the size and structure of its assets, its expenses, number and composition of its employees, their salaries, unpaid labor used by a non-profit organization may not constitute a commercial secret.

A non-profit organization shall submit to a relevant authorized body documents containing its operation reports, personal details regarding its managers, documents indicating expenditure items and destination of other assets, including those received from foreign sources, while non-profit organizations acting as foreign agents, in addition to the above, shall also submit audit reports.

Documents submitted by non-profit organizations acting as foreign agents shall contain information on items of the expenditure of monetary resources and destination of other assets received from foreign sources, as well as reports on their actual expenditure and use. Reporting forms (except for audit reports) and deadlines shall be determined by a relevant state registration authority.

Non-profit organizations receiving monetary funds or other assets from foreign sources shall maintain separate records of incomes (expenses) earned (incurred) as part of funding from foreign sources and incomes (expenses) earned (incurred) as part of funding from other sources.

Non-profit organizations acting as foreign agents shall submit to relevant authorized bodies documents containing their half-yearly operation reports and personal details regarding their governing bodies; quarterly reports of items of the expenditure of monetary resources and destination of other assets, including those received from foreign sources; and annual audit reports.

Units of foreign non-profit organizations active within the Kyrgyz Republic shall issue to media outlets or post on the Internet their progress reports, including details regarding their founders, property structure, cash sources and expenditure items on an annual basis while non-profit organizations acting as foreign agents shall do the same on a semiannual basis.

Any unit of a foreign non-profit organization shall annually submit to a relevant authorized body an audit report issued by an audit institution of the Kyrgyz

Republic or by an individual auditor, except as otherwise provided for by an international agreement signed by the Kyrgyz Republic.

Scheduled checks of non-profit organizations acting as foreign agents may not be conducted more often than once a year.

Grounds for an unscheduled check of a non-profit organization acting as a foreign agent are as follows:

- expiration of a remedial period specified in a warning previously made by a relevant authorized body to a non-profit organization acting as a foreign agent;

- reports presented by government authorities or local self-government bodies to a relevant authorized body containing complaints to the effect that a non-profit organization acting as a foreign agent does not comply with the laws of the Kyrgyz Republic in its activities;

- an order (direction) issued by the head of a relevant authorized body based on a public prosecutor's demand that an unscheduled check should be made as part of law enforcement initiatives based on files and complaints presented to public prosecutor's offices.

A relevant state registration authority shall see to it that a non-profit organization in its activities comply with the purposes declared in its constituent instruments and the existing laws of the Kyrgyz Republic. Such a relevant authority shall be empowered:

- to request administrative documents from the governing body of a non-profit organization;

- to request and receive reports regarding the financial and operating performance of non-profit organizations from national statistics, tax and other supervising and controlling authorities as well as from credit and other financial institutions;

- assign its representatives to participate in events organized by non-profit organizations;

- check non-profit organizations for compliance, in accordance with procedures specified by such an authority, to see, among other things, that expenditures of their monetary funds and use of other assets are in compliance with the purposes stated in their constituent instruments;

- to issue a written warning, should a non-profit organization or any of its units be found guilty of breaking the Kyrgyz law or committing any act conflicting with the purposes as specified in their constituent documents. Such a warning shall contain the description of a wrongful act and the remedial period, at least one month. Any warning issued to a non-profit organization may be challenged in the higher authority or in court;

- to issue decisions suspending, for at least six months, operation of any non-profit organization acting as a foreign agent if it has failed to apply for including it on the register of non-profit organizations acting as foreign agents, as provided for by the Law of the Kyrgyz Republic "On State Registration of Legal Entities and their Branches (Offices)". Any decision suspending operation of a non-profit organization of this kind may be challenged in court.

When suspended, no non-profit organization may be allowed to hold mass actions or public events, use its bank deposits except for paying operating accounts, salaries, damages for losses caused by its activities, taxes, charges and fines.

If, prior to expiration of the suspension period, a non-profit organization applies to a relevant authorized body for registration as a non-profit organizations acting as a foreign agent, as provided for by the Law of the Kyrgyz Republic "On State Registration of Legal Entities, Branches (Offices)", such a non-profit organization will resume operations on the date of its registration.

Should any unit of a foreign non-profit organization fail to submit information as provided for herein in due time or should activities of any unit of a foreign non-profit organization be found in conflict with the purposes specified in the notification or with information presented in agreement herewith, this unit of a foreign non-profit organization may be taken off the register of branches and offices of international organizations and foreign non-profit organizations based on the decision of a relevant state registration authority.

With a view to shielding the foundations of the constitutional system, strengthening the national defense and security, public morals, health, rights and liberties enjoyed by other persons, a relevant authorized body shall be empowered to issue to any unit of a foreign non-profit organization a motivated decision banning it from sending monetary funds or other assets to certain recipients of the said monetary funds and assets."

Article 2.

The Law of the Kyrgyz Republic "On State Registration of Legal Entities, Branches (Offices) (see "Vedomosti Jogorku Kenesha Kyrgyzskoy Respubliki", 2009, No. 2, p. 130) shall be hereby amended to read as follows:

1. Subparagraph 5, paragraph 1 of Article 5 shall be reworded as follows:

"register foreign base legal entities, **including those acting as foreign agents**, branches (offices) of foreign legal entities and foreign base legal entities, **including those acting as foreign agents**, except for legal entities, branches (offices) specified in subparagraph 3 paragraph 2 of this Article";

2. Paragraph 4 of Article 11 shall be supplemented with paragraph 7 reading as follows:

"application for registration as non-profit organizations acting as foreign agents – applicable for non-profit organizations acting as foreign agents."

Article 3.

The Criminal Code of the Kyrgyz Republic ("Vedomosti Jogorku Kenesha Kyrgyzskoy Respubliki", 1998, No. 7, p. 229) shall be amended to read as follows:

Article 259 shall be reworded to read as follows:

"Article 259. Founding of a Non-Profit Organization Infringing upon the Liberties and Rights of Individuals

-Paragraph first of part 1 state in the following way:

(1) Creation of a religious or other non-commercial organization or structural division of a foreign non-commercial organization or a non-commercial organization performing functions of a foreign agent, whose activity is fraught with violence against individuals or with the infliction of injury to their health or facilitate citizens civil disobedience or facilitate performance of other illegal acts, as well as the management of such associations, organizations or **structural division,-**

- In paragraph first of part 2 replace word “association” with “non-commercial organizations or structural divisions”

Article 4.

1. The Government of the Kyrgyz Republic shall bring its regulatory legal acts in agreement with this Law within three months:
 - it shall bring implementing regulations in compliance with this Law;
 - submit proposals to Zhogorku Kenesh on bring other legislation in compliance with this Law;
2. Legal entities, affiliates (representative offices) are required to pass through state re-registration or register termination of activities before January 1, 2015;
3. Legal entities, affiliates (representative offices) which fail to pass through state re-registration or register termination of activities before January 1, 2015, are subject to involuntary termination by court based on application of the authorized government body
4. This Law shall come into force from January 1, 2015.

President of the Kyrgyz Republic