

THE LAW OF THE KYRGYZ REPUBLIC

On Amending Certain Legislative Acts of the Kyrgyz Republic (the Law of the Kyrgyz Republic on Noncommercial Organizations, the Law on State Registration of Legal Entities, Branches (Representative Offices), and the Criminal Code of the Kyrgyz Republic)

Article 1

To introduce the following amendments to the Law of the Kyrgyz Republic on Noncommercial Organizations (*Gazette of the Jogorku Kenesh of the Kyrgyz Republic*, 2000, #2, p.102):

1) Article 2 shall be supplemented with paragraphs 4-10 to read as follows:

“A foreign noncommercial organization is an organization that does not have profit making as the primary goal purpose of its activity, does not distribute the received profit among its participants, is established outside the territory of the Kyrgyz Republic in accordance with the legislation of a foreign state, and whose founders (participants) are not government bodies.

A foreign noncommercial organization carries out its activities in the Kyrgyz Republic through its structural subdivisions – branches and representative offices.

The structural subdivisions of foreign noncommercial organizations are branches and representative offices of foreign noncommercial organizations that are subject to state registration and acquire legal capacity in the Kyrgyz Republic from the date of entering information about the relevant structural subdivision into the register of branches and representative offices of international organizations and foreign noncommercial organizations in the manner provided for by the legislation of the Kyrgyz Republic.

A noncommercial organization performing the functions of a foreign representative is a noncommercial organization established in the Kyrgyz Republic that receives funds and other property from foreign states, their government agencies, international and foreign organizations, foreign citizens, stateless persons or their authorized representatives who receive funds and other property from aforementioned sources (except for open joint stock companies with state participation and their subsidiaries) (hereinafter referred to as foreign sources) and participates, including in the interest of foreign sources, in political activities conducted in the territory of the Kyrgyz Republic.

A noncommercial organization is recognized as participating in political activities conducted in the territory of the Kyrgyz Republic if, regardless of the goals and objectives specified in its constituent documents, such noncommercial organization participates (including through financing) in organizing and conducting political actions in order to influence decision making by government bodies for the purpose of changing the state policy pursued by them, as well as in shaping public opinion for those purposes.

Political activity is activity in the sphere of state building, protection of the foundations of the constitutional system of the Kyrgyz Republic, protection of its sovereignty and ensuring its territorial integrity, ensuring legality, law and order, state and public security, defense, foreign policy, and socio-economic and national development.

Forms of political activity:

- participation in the organization and conduct of public events in the form of meetings, rallies, demonstrations, marches, or picketing or in various combinations of those forms, and the organization and conduct of public debates, discussions, and speeches;

- participation in activities aimed at obtaining a certain result in elections and referendums, in monitoring elections and referendums, in the formation of election and referendum commissions, and in the activities of political parties;

- public appeals to government bodies, local self-government bodies, their officials, as well as other actions that influence the activities of such bodies, including the adoption, amendment, or repeal of laws or other normative legal acts;

- dissemination, including through the use of modern information technologies, of opinions on decisions and policies adopted by government bodies;

- formation of socio-political views and beliefs, including by conducting public opinion polls and publicizing their results or conducting other sociological research; and

- engaging citizens, including minors, in such activities.

Political activity does not include activities in the field of science, culture, art, health care, health protection, social support and protection of citizens, social support for the disabled, protection of motherhood and childhood, promotion of healthy lifestyles, physical culture and sports, protection of flora and fauna, as well as charitable activities.”

2. Paragraph 2 of Article 1 of the Draft Law shall read as follows:

“2) Chapter 1 shall be supplemented with Article 17¹ to read as follows:

“Article 17¹. The Openness of a Noncommercial Organization Performing the Functions of a Foreign Representative.

1. The Authorized Body shall maintain a Register of non-commercial organizations performing the functions of a foreign representative.

The Register shall include the name of the noncommercial organization and information on its founders and director.

2. The procedure for keeping the Register, including the requirements to the composition of data contained therein, shall be established by an authorized body.

3. The director of a noncommercial organization performing the functions of a foreign representative shall be required to submit to the authorized body an application for his/her inclusion in the Register.

4. Data contained in the register shall be placed in the order determined by the authorized body on the official website of the authorized body in the Internet.

5. Materials produced and (or) distributed by noncommercial organizations performing the functions of a foreign representative included in the Register, including through the mass media and (or) using the Internet, must be accompanied by an indication that these materials (information) are produced, distributed and (or) dispatched by a noncommercial organization performing the functions of a foreign representative.

6. A noncommercial organization performing the functions of a foreign representative shall annually submit to the authorized body an audit report obtained from an independent auditor, unless otherwise provided for by an international treaty of the Kyrgyz Republic.

7. In case of violation by a non-commercial organization performing the functions of a foreign representative of paragraphs 3, 5 and 6 of this Article, the authorized body shall send a written notification indicating the violation committed and the deadline for its elimination, which shall not exceed one month.

8. If a noncommercial organization that has received a notification in accordance with Paragraph 6 of this Article fails to eliminate violations specified in the notification, the authorized body shall make a decision and suspend its activities for a period not exceeding six months.

The decision to suspend the activity of such noncommercial organization may be appealed in the manner provided for by the Law of the Kyrgyz Republic on the Basics of Administrative Activity and Administrative Procedures.

The filing of an appeal in accordance with the procedure established by this Law shall not suspend the execution of the appealed decision.

In case of suspension of its activities, a noncommercial organization shall be prohibited to use bank deposits, except for settlements on its business activities and labor contracts, compensation of losses caused by its actions, and the payment of taxes, fees, and fines.

9. If, within the established period of suspension, the noncommercial organization fails to eliminate the violations specified in the notification, the authorized body shall apply to the court for liquidation of the legal entity in accordance with Article 96 of the Civil Code of the Kyrgyz Republic.

10. If, within the established period of suspension, the noncommercial organization eliminates the violations specified in the notice, it may resume its activities.

11. The authorized body in the sphere of state registration shall exercise control over compliance of noncommercial organizations' activities with the objectives stipulated in their constituent documents and the legislation of the Kyrgyz Republic. For these purposes, with respect to a noncommercial organization, the authorized body has the right:

- to request administrative documents from the noncommercial organization's management bodies;
- to request and receive information on the financial and economic activities of noncommercial organizations from government statistics bodies, tax

authorities, and other state supervision and control bodies, as well as from credit and other financial organizations;

- to send its representatives to take part in events held by a noncommercial organization; and

- to conduct inspections of compliance of the activities of a noncommercial organization, including its expenditure of funds and use of other property, with the objectives stipulated in its constituent documents, in accordance with the procedure established by the authorized body.

Article 2

To introduce the following amendment to the Criminal Code of the Kyrgyz Republic (the *Erkin-Too* newspaper for November 16, 2021, ##122-123):

The Criminal Code shall be supplemented by Article 200¹ to read as follows:

“Article 200¹. The Conduct by a Noncommercial Organization of Unlawful Activities.

1. The conduct by a founder, director, officer, member, or representative of a noncommercial organization of activities involving the infliction of significant harm to the rights and legitimate interests of individuals, society, or the state, or inducing citizens to refuse to perform civil or official duties or commit other unlawful acts resulting in significant harm, -

shall be punishable by a fine of 500 to 1,000 calculation indices or imprisonment for up to three years.

2. The same act committed by:

1) a group of persons;

2) a group of persons in conspiracy;

3) causing especially large damage, -

shall be punishable by a fine of 1,000 to 2,000 calculation indices or imprisonment from three to five years.”

Article 3

1. This Law shall come into force upon expiration of ten days from the date of its official publication.

2. The Cabinet of Ministers of the Kyrgyz Republic shall bring its normative legal acts in compliance with this Law within a month.

**President
of the Kyrgyz Republic**