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OVERVIEW[1]

Kazakhstan: Draft Law of the Republic of Kazakhstan "On Non-Governmental Organizations" and Related Amendments

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On October 21, 2026, the draft Law on Non-Governmental Organizations and the draft Law on Amendments and Additions to Certain Laws of the Republic of Kazakhstan on the Activities of Non-Governmental Organizations were posted for public consultation on the Open NPA online portal (the "draft laws" or "bills"). The public consultation period will run through November 16, 2026.

The International Center for Not-for-Profit Law (ICNL) prepared this overview at the request of Kazakhstani non-commercial organizations (NCOs) to assess how the draft laws could affect their activities if adopted. The request was prompted by concerns about the initial version of the draft Law on Non-Governmental Organizations (NGOs), prepared at the initiative of the Civil Alliance of Kazakhstan (CAK) and presented to a working group in May 2025, which contained several provisions that could have restricted NGOs' activities. In particular, the draft law envisaged a separate procedure for registering NGOs in addition to the existing procedure for state registration of NCOs, and contained provisions that could have given the CAK a leading role in interactions between the government and NGOs.

Draft Law on NGOs

The Ministry of Culture and Information of the Republic of Kazakhstan (MCI), which developed the draft Law on NGOs, established a working group that included civil society experts to develop the bill. In revising the bill, MCI incorporated a number of their recommendations, removing restrictive provisions, in particular the requirement

[1] This English translation was prepared using artificial intelligence.

to register as an NGO. The draft Law on NGOs will replace the Law of the Republic of Kazakhstan on State Social Contracting, State Procurement for the Implementation of Strategic Partnerships, Grants and Awards for Non-Governmental Organizations in the Republic of Kazakhstan, but does not substantially amend other laws, including the Law on Non-Commercial Organizations and the Law on Public Associations. The revised draft Law on NGOs includes provisions concerning cooperation between the state and NGOs, including state social contracting, grants, strategic partnerships, awards, NGO reporting, and consultative mechanisms, while leaving the existing regulatory framework largely unchanged. In its current version, the draft Law on NGOs does not impose new obligations on NCOs. In a press release, the MCI noted that "the adoption of the draft laws will comprehensively improve the legal regulation of the activities of non-governmental organizations and civil society institutions, enhance the effectiveness of mechanisms for cooperation between the state and civil society, develop state support, charitable and volunteer activities, introduce digital tools, and clarify the powers of government bodies in the relevant areas." It should be recalled that MCI prepared this draft law on the instructions of the President of the Republic of Kazakhstan, who stated in March 2025 that "a separate law reflecting current realities is needed to increase the effectiveness of state social contracting."

The new draft Law on NGOs differs from the 2025 draft in that it:

- does not introduce a new procedure requiring organizations that wish to be NGOs to register as "NGOs."
    - the establishment, registration, reorganization, and liquidation of NCOs will continue to be governed by existing legislation on the registration of legal entities. Existing traditional NCOs, with certain exceptions[2], will qualify as NGOs if they meet the criteria established by the Law;
- does not introduce new reporting requirements for NGOs. Existing reporting requirements for NCOs will remain unchanged;
- does not restrict dialogue between the government and civil society to NGOs and the government alone;

[2]Article 2 of the draft Law on NGOs: An NCO is not considered an NGO if it meets at least one of the following criteria:

1) the organization was established by a government body or a quasi-public-sector entity in which the state holds more than a 25% share or has more than 25% of the votes in the organization's highest governing body;
2) a government body or quasi-public-sector entity exercises control over the organization—it holds a majority of votes in its highest governing body, has the right to appoint (approve or remove) more than one-third of the members of its governing bodies, or has veto power over amendments to its charter, determination of its activities, reorganization, or liquidation (the management criterion);
3) participation (membership) in the organization is a statutory condition for engaging in professional or business activities, holding a position, or obtaining a permit, license, or authorization, or the organization has been delegated public-authority powers by law;
4) the organization's primary purpose is to serve the property interests of its participants (members) or to represent and protect their professional interests.

- does not introduce new state oversight of NGO activities, including "unscheduled inspections"[3];
- does not limit the participation of NGOs in councils for cooperation with NGOs—advisory bodies under central government authorities and local executive bodies;
- does not grant the CAK any special powers.

Draft Law "On Amendments and Additions to Certain Laws of the Republic of Kazakhstan on the Activities of Non-Governmental Organizations"

Unlike the draft Law on NGOs, the draft Law on Amendments and Additions to Certain Laws of the Republic of Kazakhstan on the Activities of Non-Governmental Organizations (the "draft amendments") creates new procedures and obligations for NCOs. The draft amendments were barely discussed by the MCI working group established to develop the Law on NGOs and related legislative amendments. Many NCOs are unaware of its existence or are unfamiliar with its provisions. Likely because of the lack of consultation with civil society, a number of its provisions are insufficiently developed and may even restrict the activities of NCOs. ICNL is currently preparing recommendations on the draft amendments, to be completed in the near future, that will present positive international experience in regulating similar matters. This overview identifies only the principal changes affecting NCOs and the potential problems.

The draft amendments[4] would amend the following principal laws:

- Law of the Republic of Kazakhstan on Public Associations:
  - Introduces mandatory liquidation of public associations that violate the law's requirements concerning territorial status. Compulsory liquidation on these grounds is an excessive measure and is contrary to international law.
- Law of the Republic of Kazakhstan on Non-Commercial Organizations:
  - Introduces a requirement for the name of an NCO to indicate the nature of the legal entity's activities. This is problematic for several reasons, particularly because it may be impossible to satisfy where an NCO engages in different types of activities. Moreover, the names of many existing NCOs do not comply with this requirement, creating a risk that such organizations could be required to re-register.[5]

[3]The draft law retains preventive oversight, but it concerns reporting only.
[4]In addition, amendments are proposed to the laws of the Republic of Kazakhstan on Culture; State Registration of Rights to Immovable Property; State Statistics; Mediation; State and Socially Responsible Services; Compulsory Social Health Insurance; and to the Administrative Procedural and Process-Related Code of the Republic of Kazakhstan. These are not discussed in this overview because of their more limited impact on NCOs.
[5]The draft amendments do not currently contain such a requirement.

- Law of the Republic of Kazakhstan on State Property:
  - Establishes the right of local government bodies to provide municipal property to NGOs for trust management on preferential terms, without the right of subsequent purchase, which is a positive provision.
- Law of the Republic of Kazakhstan on Charity:
  - The principal innovation is a procedure for collecting cash donations using "donation boxes." Many provisions need further development to promote transparency and protect the public against fraud without creating barriers to this important form of fundraising. For example:
    - An agreement to install a donation box may be concluded only with the owner of the premises, and not with a tenant who has the right to authorize its installation.
    - The draft defines a donation box as a container for receiving and storing cash but does not specify what measures must be taken to safeguard the money until the box is opened.
    - It does not specify what is meant by "*information about the person for whose benefit funds are being collected*."
    - The draft provides that a donation box must be opened and the money removed by at least three authorized persons, but does not specify who authorizes them or how.
    - It does not specify what legal entities collecting donations must do with the cash after it has been removed from the box.
    - It does not provide special rules for portable donation boxes, to which many provisions of the draft law do not apply.
    - It does not protect personal data when agreements relating to charitable fundraising are published.
    - It does not distinguish between requirements for small, one-off collections and large, long-term fundraising campaigns.
  - The definition of a charitable organization (CO) is narrow: "*a charitable organization is a non-commercial organization established to carry out charitable activities in accordance with this Law, the laws of the Republic of Kazakhstan, and international treaties of the Republic of Kazakhstan, whose name reflects its affiliation with charitable activities*;" yet many NCOs also engage in charitable activities but may not, for example, include the word "charitable" in their names.
  - The requirement for a CO "*that has received money as targeted charitable assistance to reflect administrative expenses in the agreement…*" is unclear. What does "reflect" mean? How much detail is required?

- The general requirement for all charitable volunteers—even when a volunteer collects donations for themselves personally or is a relative of a person in need of assistance (the beneficiary)—to publish information on the collection of funds, a report on the intended use of the charitable funds collected, and civil-law agreements with the beneficiary on the unified digital charity resource may discourage many people from engaging in charity or lead to violations that cannot be monitored.

- Law of the Republic of Kazakhstan on Volunteer Activities:

The draft proposes numerous new requirements for volunteers that need further development, for example:

- The draft law does not clarify whether the unified digital platform for volunteer activities will be linked to the unified digital charity resource, or whether charitable volunteers will have to submit information through both systems.
- Entry of volunteers' data in the Register, issuance of a digital passport, and inclusion in the unified digital platform for volunteer activities are mandatory for all volunteers. This may discourage volunteering, and no exceptions to the requirement are provided. It is also unclear what information about volunteer activities will be published on the unified digital platform: only aggregate data, or also volunteers' names and information about their participation.
- The role of volunteer front offices established by local executive bodies is not entirely clear. They are described as "*a mechanism for organizational, advisory, and methodological support for volunteer activities at the local level that facilitates interaction among volunteers, volunteer groups, and volunteer organizations*." Will these offices act as an additional regulator, or as a support resource that volunteers may use at their discretion?
- It is unclear whether the *"standard for organizing volunteer activities"* will be voluntary or mandatory for volunteers. A positive approach would be for the standards to be voluntary and serve as a resource for adopting good practices.

Conclusion

The constructive consultation process between the MCI and civil society resulted in a draft law that, at a minimum, does not restrict the activities of NCOs. At the same time, a number of provisions of the accompanying bill require further work. Many of the proposed amendments in the accompanying bill are not directly related to the draft Law on NGOs. Accordingly, the draft Law on NGOs could be adopted within the established timeframe, while it would be extremely beneficial to postpone adoption of the

accompanying bill in order to organize consultations with civil society and involve NCO experts in revising it.

To assist NCOs and the drafters, ICNL is currently preparing recommendations on the accompanying bill. These will be ready in the near future and will present positive international experience in regulating similar matters.