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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT LAW**  
**ON POLITICAL PARTIES**  
**OF THE REPUBLIC OF KYRGYZSTAN\***

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\* The present Draft Law is the agreed version, elaborated jointly with the Government of the Kyrgyz Republic according to the Objection of the President of the Kyrgyz Republic.

## **LAW OF THE KYRGYZ REPUBLIC “ON POLITICAL PARTIES”**

The present Law identifies legal basis for creation of political parties, their rights and responsibilities, guarantees for activity. It regulates the relations of political parties with State bodies and other organisations.

### **CHAPTER 1. GENERAL PROVISIONS**

#### **Article 1. Definition of political party**

Political party is a voluntary union of the Kyrgyz Republic citizens, having common political goals and tasks, participating in political life of society and – through their representatives – in managing the State affairs for carrying out the political will of a specific part of the society.

#### **Article 2. Kyrgyz Republic legislation on political parties**

The legislation of the Kyrgyz Republic on political parties consists of the Constitution, the present Law and other normative-legal acts of the Kyrgyz Republic.

### **CHAPTER 2. GOALS AND PRINCIPLES OF ESTABLISHING AND ACTIVITIES OF POLITICAL PARTIES**

#### **Article 3. Goals of establishing political parties and limitations for their establishment**

Political parties are established with the purposes of forming and implementing political will of society or its specific part and put as their main task the elaboration of society development programs and participation in the decision-making process of the State and local authorities, through promotion [nomination - translator] of their representatives into elected bodies, as well as through other means, not prohibited by law.

The establishment and activity of political parties, having as their goal the overthrow, violent change of constitutional order, undermining the sovereignty and violating territorial integrity of the Kyrgyz Republic, propagation of war, violence, atrocity, instigation of social, racial, national, regional and religious hatred, committing other activities not complying with commonly accepted principles and norms of international law is not permitted.

The following is not permitted in the Kyrgyz Republic:

merger of State and partisan institutions, as well as subjecting the state activity to partisan programs and decisions;

establishment and activity of partisan organisations in the State bodies and organisations;

establishment of political parties along the features of professional, racial, national, ethnic belonging of citizens;

establishment of political parties on religious basis;

activity of international political parties and their representative offices.

Political parties cannot be located on the territory of State and municipal organisations and enterprises.

#### **Article 4. Basic principles of establishment and activity of political party**

Activity of political parties is based on the principles of voluntary participation, freedom of actions, equality of the party members, self-administration, democratism, collegiality, legality, publicity [*glasnosf*] and humanism.

Political parties are free in determination of their internal structure, goals, forms and methods of activity except for limitations provided in the present Law.

The activity of political parties shall not violate rights and freedoms of a person and citizen, provided by the Kyrgyz Republic Constitution. Citizen's membership in a political party shall not serve as a basis for limitation of his/her rights and freedoms or for preventing him/her from performing official duties, prescribed by law, except in cases, stipulated in the article 6 of the present Law.

Political parties shall provide equal possibilities to their members regardless of their gender, to representation in the leading bodies of the political party, to nomination of deputy-candidates and other elected positions in the State authorities and local self-administration.

Organisational structure of political parties is established on the basis of territorial principle.

#### **Article 5. Conditions of establishing political parties**

Political parties are established on the initiative of at least 10 (ten) citizens of the Kyrgyz Republic.

The initiators of political party establishment call for a constitutive congress, where the charter and program are adopted and the leading bodies are formed. The constitutive congress should have at least 100 (one hundred) constitutors, who should include representatives from each oblast and city of republican significance.

There should be at least 1800 (one thousand eight hundred) members in the party within one year from the day of State registration. Also, the political party shall have regional subdivisions (at the level of branches and representative offices) in all oblasts and cities of Bishkek and Osh, which should consist of at least 200 (two hundred) members of political party.

Political parties shall manage the register of political party members, which shall contain the following data: surname, name, patronymic, birth-year, date of acceptance into membership of political party.

#### **Article 6. Membership in a political party**

Members of political parties could be citizens of the Kyrgyz Republic, capable of functioning, who voluntarily entered the party and acknowledge its charter and program.

Political parties have fixed retention.

A citizen of the Kyrgyz Republic can be a member only of one political party.

State officials can be members of political party and conduct their partisan activity out of connection with their official activity.

Membership of military personnel, law enforcement bodies and judicial bodies personnel in political parties, and their actions in support of some political party is not permitted in the Kyrgyz Republic.

Any member of a political party can freely exit the party on the basis of his own will through submitting the written statement.

#### **Article 7. Rights of political party members**

The rights of political party members are determined by its charter and can not contradict to Constitution and laws of the Kyrgyz Republic, international agreements, which entered into force in prescribed procedure, in which the Kyrgyz Republic participates.

Members of political parties have right to elect and be elected into the party leading bodies according to the rules and conditions set forth in its charter.

Every member of a political party or a group of its members has right to free will in accordance with the charter of political party.

#### **Article 8. Charter of political party**

Political party shall have charter, open for public information.

The charter reflects:

- full name of the political party and its abbreviation in State and official languages;
- goals and tasks of the political party;
- location of the political party central leading body;
- political party structure, procedure of its establishment, competence and time frames of its leading bodies powers;
- dates of congress convocation;
- conditions and procedure of accepting new members of political party and exiting it;
- basis for taking disciplinary measures towards the party members and exclusion of the members from the party;
- rights and duties of political party members;
- procedure of participation in elections and other political events;
- decision-making procedure;
- sources of assets and other property formation of political party;
- procedure of introducing amendments and additions into the political party charter;
- procedure of stopping the activity of political party;
- procedure of property distribution in the case of liquidation.

The charter can include other provisions, related to the activity of political party, which do not contradict to the Constitution and laws of the Kyrgyz Republic.

#### **Article 9. Program of political party**

Political party shall have program, determining principles of political party activities, its goals and tasks, as well as methods of achieving goals and implementing tasks.

The political party program shall be open for general awareness.

The amendments and additions entered into the political party program shall be presented to the Ministry of Justice for information within a month after their introduction.

#### **Article 10. Name and symbols of political party**

The official name of a political party, its abbreviated name and symbols shall be different to the name and symbols of other political parties, registered in the Kyrgyz Republic.

Upon change of its official name, political party shall apply according to a legally specified procedure to the Ministry of Justice with an application to reregister.

Parties can have logos, flags, anthems, pennants, pins and other means of recognition, agitation and propaganda as their symbols. The symbols should not pursue goals, indicated in the part 2 of article 3 of the present Law.

#### **Article 11. State registration (re-registration) of a political party.**

Political party is considered as being established from the day of its State registration.

The State registration is carried out by the Ministry of Justice of the Kyrgyz Republic.

The documents are presented for consideration in the Ministry of Justice of the Kyrgyz Republic not later than 2 months from the day of constitutive congress conduct.

The list of and requirements to the documents, presented for the State registration, is determined by the Kyrgyz Republic Law "On State registration of legal entities" and the present Law.

Kyrgyz Republic Ministry of Justice reviews the presented documents within 2 months, and based on the results conducts State registration or presents a reasoned refusal.

The Ministry of Justice decision can be appealed against in court in the legally specified procedure.

The political party shall conduct registration of its regional subdivisions in territorial bodies of justice and present the Ministry of Justice of the Kyrgyz Republic copies of registration certificates of the branches and/or representative offices within one year after the day of State registration.

A copy of a periodical printed outlet which contains information on the venue and date of political party constitutive congress conduct shall be presented to the Ministry of Justice of the Kyrgyz Republic along with other documents, required by legislation, for the State registration of a political party.

During the State re-registration, the political parties shall additionally present a list of political party members, indicating their surnames, names, patronymics, birth-years, address and date of acceptance into political party membership.

Political party shall notify the Ministry of Justice within one month about any changes in the Charter, leading bodies of the party, actual location of the leading bodies and their contact data from the day of introducing the respective amendments, as well as on decrease in the minimal threshold of the party membership number, set forth in the article 5 of the present Law.

### **CHAPTER 3. POLITICAL PARTIES AND THE STATE**

#### **Article 12. Rights and duties of political parties**

In order to conduct goals and tasks, determined in their program documents, other acts, the political parties have the rights and duties to:

- freely disseminate information about their goals and activities;
- establish their own media outlets, having right to conduct agitation during elections in favour of the establishing party using the finances of the party electoral fund;
- conduct meetings, demonstrations, sessions and other mass events in the legally determined procedures;
- unite to political blocks, unions, unifications on voluntary basis for the common parties' interests;
- participate in elections according to the electoral legislation;
- establish deputy fractions in the representative power bodies;
- affect the decision making by the representative power bodies in a democratic way;
- follow unified norms and requirements made to the procedure of processing documents, during their drafting, design, processing, movement and storage;
- provide for accumulation, registration, safety and use of archive documents according to the set requirements;
- transfer the documents of scientific-historical value to the corresponding State archives for permanent state storage within determined time frames based on agreements;
- carry out other functions foreseen by the party charter, present Law and other normative legal acts of the Kyrgyz Republic.

The political party leading bodies shall be located on the territory of the Kyrgyz Republic.

**Article 13. State guarantees for political parties in implementation of their activity**

The State guarantees observance of political parties' rights and legal interests, creation of equal legal conditions according to the Constitution and laws of the Kyrgyz Republic for implementation of their constitutive tasks.

Interference of State bodies and officials into political parties' activities is not permitted except for cases provided by law.

The Ministry of Justice is entitled to require explanations from the political parties' leading bodies on the issues, connected to violation of political party charter and legislation of the Kyrgyz Republic.

**Article 14. Liability for violation of legislation on political parties**

The liability for violation of the present Law is set in accordance with the Kyrgyz Republic legislation.

In case a political party undertakes actions, extending beyond the limits of the goals and tasks determined in the charter, or not complying with the acting legislation, the Ministry of Justice can issue a written warning to the leading bodies of this party.

The party leading bodies inform on the measures taken in order to eliminate the violations of the legislation on political parties indicated in the Ministry of Justice's warning within one month.

**Article 15. Suspension of the political party activity**

The Ministry of Justice is entitled to apply to court with a request to suspend the activity of a political party for the period of up to two months for undertaking activities violating the requirements of the present Law, Constitution, other normative-legal acts of the Kyrgyz Republic after two written warnings.

In case the political party activities are suspended, the party is forbidden to participate in elections and use bank accounts, except for obligatory payoffs and payments, provided by the Kyrgyz Republic legislation.

The activity of political party is resumed after the indicated period is finished or if the court decision was cancelled by a higher-instance court.

The activity of political parties which were admitted to distribution of deputy mandates cannot be suspended from the day of official publication of the corresponding elections results till the end of term of the corresponding representative body, except for basis, provided in the article 3 of the present Law.

**Article 16. Termination of political party activity and its liquidation**

The activity of political party can be terminated through its reorganization (unification, joining, division), or liquidation according to a decision of its congress or court.

Registration of the newly established political party after its reorganization is carried out according to the Kyrgyz Republic legislation.

Political party is liquidated according to a court decision in the following cases:

- conducting activities, listed in the part 2 of article 3 of the present Law;
- failure to eliminate the violations, serving as basis for suspension of its activities, within the time-period determined by court decision;
- failure to implement the requirements, provided in the article 5 of the present Law.

Application to court on liquidation of the political party is presented by the Ministry of Justice of the Kyrgyz Republic.

Political party, which does not participate in more than two periodical electoral campaigns, stops its activity. Political party is considered to be participating in elections in cases when it nominates candidates for electoral positions or participates in elections as observers, members of electoral commissions and other participants of electoral campaign.

Stopping activity of political party stops activities of its deputy fraction.

During reorganization or stoppage of political party activity its documental archive funds are transferred to the legal successor, and in case there is no one – to the corresponding State archive. Representative of the State archive service are included into the commission, established during transfer of the documents.

The court decision on liquidation of political party can be appealed against in the procedure stipulated by law.

### **Article 17. Financing activities of political party**

Activities of political parties are financed with the funds of the parties.

It is forbidden to finance activities of parties by:

- foreign States and foreign legal entities;
- foreign citizens;
- persons without citizenship;
- Kyrgyz Republic citizens, who have not attained age of 18;
- legal entities with foreign participation, if the share of foreign participation in their chartered capital exceeds 30 percent at the day of providing donation (for open joint-stock companies – for the day of creating the list of shareholders for the previous year);
- international organisations and international public movements;
- State authorities and local self-administration bodies;
- State organisations;
- legal entities, which have the share of State property in their chartered capital, exceeding 30 percent, for the day of providing donation;
- military detachments, military organisations, law enforcement bodies;
- charity organisations and religious unions, as well as by organisations established by them;
- anonymous donors;
- legal entities, registered within less than one month before the day of introducing the donation.

### **Article 18. Sources of forming financial means of political parties**

Financial means of political parties are formed through membership fees, voluntary donations, credits, revenues from property, from events, conducted by political parties, dissemination of printed materials and publications, as well as other incomes, not prohibited by law.

Donations from legal entities are conducted as bank transfers, from citizens – as bank transfers in cases, if the amount exceeds 5,000 (five thousand) soms.

**Article 19. Property of political parties**

Political parties and their organisations can possess movables and immovables, equipment, inventory, publishing and printing houses, as well as other property, necessary for conduct of their constitutive tasks.

Parties are entitled to use buildings and other property according to loan or rent agreement, concluded with legal entities or physical persons.

Parties are prohibited to possess, store and keep weapons, explosives and other materials, which constitute threat to society safety and ecology, as well as life and health of citizens.

**Article 20. Property of political parties and use of income**

Political parties use their financial and material resources for achieving goals, determined in the parties' charter.

Political parties establish enterprises and organisations, possessing rights of legal entities, in a procedure set forth by legislation, only for the purposes of implementing the charter's tasks.

The party members do not have entitlement to income and property of the enterprises and organisations established by political party, and are not responsible under their obligations.

**Article 21. Financial reporting**

Political parties, registered in the Ministry of Justice, have to publish financial report for the past year in the printed mass-media outlets until the 1<sup>st</sup> March of each year. The report shall include the total amount of funds, received and spent throughout the year, including the membership fees, voluntary donations of physical persons and legal entities, indicating names of the persons, amount of funds, donated by each of them, and other received funds, as well as total amount of funds, spent on payoffs of salaries, rent, purchase of property, services, payment of taxes. Financial report, signed by the head of political party (or other authorised person), with a copy of corresponding printed mass-media outlet shall be transferred to the Ministry of Justice until March 5 of each year.

In case political party does not conduct financial activity during the reported year, it directs the respective notification to the Ministry of Justice without publishing it in printed mass-media outlets.

Tax accounts of political parties are conducted in accordance with the Kyrgyz Republic legislation and are supervised by the State revenue service.

**Article 22. The procedure of distribution of material and financial means of a political party in case of its liquidation**

Material and financial means of a political party, which has declared its liquidation through a congress, is directed only at goals prescribed by its charter.

The property of political party, liquidated by a court decision, is directed at goals prescribed by legislation.

**Article 23. Procedure of entering of the present Law into force**

To recognise as inoperable the Law of the Kyrgyz Republic "On political parties" (published in "Erkin-Too" newspaper from 25 June 1999 #51), since the day the present Law enters into force.

The present Law enters into force since the day of its official publication.

Political parties, registered in the Ministry of Justice before the present Law enters into force, keep status of registered political parties. Within one year after the present Law enters into force, the political parties are obliged to bring their charters in compliance with its requirements.

**President of the Kyrgyz Republic**



