

On Countering to Extremism

Unofficial translation

The Law of the Republic of Kazakhstan dated 18 February, 2005 № 31.

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This Law determines the legal and organizational bases of countering to extremism for the purposes of protection of rights and freedoms of person and citizen, foundations of the constitutional system, ensuring of sovereignty of the Republic of Kazakhstan, integrity, inviolability and inalienability of its territory, national security.

Article 1. Basic concepts used in this Law

The following basic concepts shall be used in this Law:

1) extremism – organization and (or) commission by:

individual and (or) legal entity, consolidation of actions of individuals and (or) legal entities on behalf of organizations, recognized as extremist in the established procedure;

individual and (or) legal entity, consolidation of actions of individuals and (or) legal entities, pursuing the following extremist purposes:

forcible change of the constitutional system, violation of the sovereignty of the Republic of Kazakhstan, integrity, inviolability and inalienability of its territory, disruption of national security and defense capacity of the state, forcible seizure of power or forcible retention of power, creation, management and participation in the illegal paramilitary forces, organization of armed rebellion and participation in it, incitement of social, estate strife (political extremism);

incitement of racial, ethnic and generic strife, as well as related with violence or incitement to violence (national extremism);

incitement of religious discord of strife, as well as related with violence or incitement to violence, as well as use of any religious practice, causing a threat to security, life, health, morality or rights and freedoms of citizens (religious extremism);

countering to extremism – an activity of the state bodies, directed to protection of rights and freedoms of person and citizen, foundations of the constitutional system, ensuring integrity and national security of the Republic of Kazakhstan from the extremism, prevention, revelation, suppression of extremism and relief of its consequences, as well as revelation and elimination of reasons and conditions, contributing to the implementation of extremism;

3) financing of extremism is provision or collection of money and (or) other property, rights to property or benefits of property nature, as well as donation, exchange, charitable assistance, provision of information and other services or provision of financial services to an

individual or group of individuals, or to a legal entity committed by a person who is aware of the extremist nature of their activities or that the provided property, information, financial and other services will be used for implementation of extremism or provision of an extremist group, an extremist organization, an illegal paramilitary group;

4) prevention of extremism – a system of legal, organization, educational, promotional and other measures, directed to the prevention of extremism;

5) extremist actions – immediate implementation of actions for the extremist purposes, including public calls for commission of such actions, promotion, agitation and public demonstration of symbols of extremist organizations;

6) organization of extremist actions – management of extremist actions, financing of extremism, recruitment of persons, production and acquisition of means and weapons for the extremist purposes, as well as other actions of individuals and (or) legal entities, association of actions of individuals and (or) legal entities, directed to creation of conditions for implementation of extremism;

7) extremist materials – any of information materials, containing the signs and (or) calls for implementation of extremist actions or substantiating or justifying the need of their commission;

8) extremist group – organized group, pursuing the objective of commission of one or several extremist crimes;

9) extremist organization – a legal entity, association of individuals and (or) legal entities, implementing extremism and recognized by the court as extremist.

Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 03.11.2014 № 244-V (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 16.11.2015 № 403-V (ndar days after the day its first official publication).

Article 2. The legislation of the Republic of Kazakhstan on countering to the extremism

1. The legislation of the Republic of Kazakhstan on countering to the extremism shall be based on the Constitution of the Republic of Kazakhstan and consist of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If by the international treaty, ratified by the Republic of Kazakhstan, made other rules than those that contained in this Law, the rules of the international treaty shall be applied.

Article 3. Prohibition of creation of extremist organizations in the Republic of Kazakhstan

Creation and activity of organizations (branches and representatives), purposes or actions of which are directed to the commission of extremism shall be prohibited in the territory of the Republic of Kazakhstan.

Use of the names of organizations, recognized as extremist in the names of created organizations in the manner established by the legislation of the Republic of Kazakhstan shall not be allowed.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 03.11.2014 № 244-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 4. Goals, objectives and principles of countering extremism

1. The goals of countering extremism in the Republic of Kazakhstan shall be protection of human and civil rights and freedoms, the constitutional order, ensuring the sovereignty of the Republic of Kazakhstan, integrity, inviolability and inalienability of its territory, and the national security of the Republic of Kazakhstan.

2. The objectives of countering extremism in the Republic of Kazakhstan shall be:

- 1) inadmissibility of the realization of extremism in the Republic of Kazakhstan regardless of its manifestation forms;
- 2) prevention of creation of conditions and opportunities for realization of extremism;
- 3) formation of political and legal culture of citizens;
- 4) ensuring the national security of the Republic of Kazakhstan.

3. Countering extremism in the Republic of Kazakhstan is based on the following principles:

- 1) the rule of law;
- 2) equality of human and civil rights and freedoms regardless of race, nationality, language, attitude to religion or any other circumstances;
- 3) public, including inter-ethnic and inter-confessional concord;
- 4) interaction between the State and public institutions;
- 5) publicity.

Footnote. Article 4 - as amended by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (effective ten calendar days after the date of its first official publication).

Article 5. Basic direction of countering to extremism

Countering to extremism shall be carried out on the following basic directions:

adoption of preventive measures, directed to prevention of extremism, as well as revelation and subsequent elimination of reasons and conditions, contributing to their implementation;

revelation and suppression of extremism;

international cooperation in the field of countering to the extremism.

Article 6. The competence of the state bodies in the field of prevention of extremism

The state bodies shall implement the following preventive measures, directed to prevention of extremism within its competence:

1) the state body, carrying out the state regulation in the scope of religious activity, conduct a study and analysis of activity of created religious associations and missionaries in the Republic of Kazakhstan, carry out information and promotional measures on issues, relating to its competence, consider the issues, concerning the violations of the legislation of the Republic of Kazakhstan on religious activity and religious associations, make suggestions on prohibition of activity of religious associations, violating the legislation of the Republic of Kazakhstan on countering to the extremism;

2) the authorized body in the field of mass media monitors the products of the media to prevent propaganda and justification of extremism, their compliance with the legislation of the Republic of Kazakhstan, ensures coverage of issues of strengthening interethnic and interfaith harmony in the media that carry out state orders;

3) the central executive body in the field of education shall provide approval and implementation of educational programs, directed to the formation of students' non-perception of extremist ideas in the educational organizations, respect of generally recognized principles of international right and humanism, carry out control of observance of international treaties on issues of exchange of educational institutions by the students;

4) the national security bodies of the Republic of Kazakhstan conduct operational search and counterintelligence activities and, in accordance with the legislation of the Republic of Kazakhstan, on reasoned conclusions of state bodies, take measures to prevent foreigners and stateless persons from entering the Republic of Kazakhstan, who create a threat or damage to the security of the society and state by their actions;

5) internal affairs bodies of the Republic of Kazakhstan shall carry out an investigative activity, executive and regulatory functions on protection of public order and ensuring of public security, as well as carry out exclusion of foreigners and persons without citizenship, who by their actions create a threat or cause damage to the security of society and the state, from the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan;

6) local executive bodies of regions (cities of republican significance, the capital), districts (cities of regional significance) shall carry out interaction with public associations, study of activity of created religious associations and missionaries in the relevant territories, create the data bank on them, carry out information and promotion measures at the regional level on issues, relating to their competence, conduct a study and analysis of religious situation in the region;

7) the subjects of external intelligence shall carry out informing the state bodies of the Republic of Kazakhstan in relation of organizations of the foreign states, foreigners and persons without citizenship, who by their actions create a threat or cause damage to the security of society and the state.

Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 08.07.2005 № 67 (the order of enforcement see Article 2); dated 27.05.2010 № 279-IV (the order of enforcement see Article 2); dated 11.10.2011 № 484-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2016 № 36-VI (shall be enforced upon expiry of two months after the day its first official publication); dated 19.06.2024 № 94-VIII (comes into force sixty calendar days after the date of its first official publication).

Article 7. The competence of the state bodies of revelation and suppression of extremism

1. Bodies of national security, internal affairs and service of economic investigations shall reveal, suppress, detect and investigate the criminal infractions, referred to the maintenance of these bodies by the legislation of the Republic of Kazakhstan, as well as exercise other powers, provided by the Laws of the Republic of Kazakhstan.

1-1. Service of economic investigations shall carry out prevention, revelation, suppression of sources, channels and methods of financing of extremism.

2. The prosecutors shall introduce the acts of procuracy supervision on elimination of any development of extremism, reasons and conditions, contributing to its implementation, on restoration of violated rights, file an application to the court on prohibition of activity of organizations in the case of implementation by them the extremism, as well as carry out criminal prosecution in the manner and limits established by the Laws of the Republic of Kazakhstan upon revelation of the facts of violations of the legislation of the Republic of Kazakhstan in the field of countering to the extremism by the individuals and legal entities, their structural subdivisions (branches and representatives) or in the existence of details on prepared illegal actions, as well as in the case of distribution of extremist materials, which may inflict damage to the rights and freedoms of person and citizen, as well as interests of legal entities, society and the state, through the mass media.

3. Other state bodies shall participate in revelation and suppression of extremism within their competence, established by the Laws of the Republic of Kazakhstan.

Footnote. Article 7 as amended by the Laws of the Republic of Kazakhstan dated 03.11.2014 № 244-V (the order of enforcement see Article 2); dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 8. Procedure of recognition of organization as extremist

1. Recognition of organization as extremist shall be carried out in a judicial procedure. Organization shall be recognized as extremist, if at least one of its structural subdivisions (branches and representatives) shall implement extremism with the knowledge of one of the governing bodies of this organization.

2. Organization, carrying out its activity in the territory of the Republic of Kazakhstan and (or) other state shall be recognized by court as extremist upon the application of prosecutor in the manner provided by the legislation of the Republic of Kazakhstan.

3. The state bodies of the Republic of Kazakhstan shall be obliged to provide materials for formation of evidence base, necessary for recognition of organization as extremist, to the procuracy bodies within its competence.

Footnote. Article 8 is in the wording of the Law of the Republic of Kazakhstan dated 03.11.2014 № 244-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 9. Accounting of extremist organizations, informatio materials, recognized as extremist, and persons, brought to responsibility for commission of extremism

1. The state body, carrying out the statistical activity in the field of legal statistics and special accounts within its competence shall maintain accounts of extremist organizations, information materials, recognized as extremist and persons, brought to responsibility for commission of extremism on the basis of court decisions for the purposes of prevention, revelation and suppression of extremism.

2. The court shall be obliged to immediately direct information accounting documents to the state body, carrying out the statistical activity in the field of legal statistics and special accounts within its competence upon recognition organization as extremist by court and prohibition of activity by its liquidation for implementation of extremism, as well as recognition of information materials as extremist or bringing of persons to responsibility for commission of extremism.

3. The state body carrying out the statistical activity in the field of legal statistics and special accounts within its competence shall maintain the unified lists of organizations and information materials, recognized as extremist by court.

The specified lists shall subject to post on the web-site of the state body, carrying out the statistical activity in the field of legal statistics and special accounts within its competence.

Footnote. Article 9 is in the wording of the Law of the Republic of Kazakhstan dated 03.11.2014 № 244-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 9-1. Interaction of the state bodies of the Republic of Kazakhstan, carrying out countering to extremism

The state bodies of the Republic of Kazakhstan, carrying out the countering to extremism, within its competence shall:

1) interact with each other, taking the opportunities of the state bodies and organizations, as well as contribution of citizens;

2) inform on facts and features of preparation and commission of actions, contained the features of extremism and relating to the competence of these state bodies and render of mutual necessary assistance.

Footnote. The Law is supplemented by Article 9-1 in accordance with the Law of the Republic of Kazakhstan dated 03.11.2014 № 244-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 10. Interaction of the state bodies of the Republic of Kazakhstan with bodies of foreign states and international organizations in the field of prevention, revelation and suppression of extremism

1. The state bodies of the Republic of Kazakhstan shall cooperate with the foreign states and international organizations for the purposes of prevention, revelation and suppression of extremism.

2. The state bodies of the Republic of Kazakhstan, which counteract extremism, cooperate with the competent bodies of foreign states, international law enforcement organizations, conduct operational search and counterintelligence activities on the territory of the Republic of Kazakhstan or other states in accordance with the legislation of the Republic of Kazakhstan and (or) international treaties.

The state bodies, specified in paragraphs 1 and 2 of Article 7 of this Law shall persecute the persons, involved in extremism, irrespective of the place of commission by them the extremism, in the territory of the Republic of Kazakhstan on application of the component bodies of other states, international law-enforcement organizations.

Footnote. Article 10 as amended by the Law of the Republic of Kazakhstan dated 28.12.2016 № 36-VI (shall be enforced upon expiry of two months after the day its first official publication).

Article 11. Coordination of activities of state bodies and local self-government bodies

1. National security bodies of the Republic of Kazakhstan shall coordinate the activities of state bodies in countering extremism within the framework of the permanent Anti-Terrorist Center of the Republic of Kazakhstan.

2. Local executive bodies of oblasts (cities of republican significance, the capital), districts (cities of oblast significance) shall coordinate the activities of territorial subdivisions of state bodies and local self-government bodies on prevention of extremism within the framework of anti-terrorist commissions.

Footnote. Article 11 - as amended by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (effective ten calendar days after the date of its first official publication).

Article 12. Non-admission of import, release, production and (or) distribution of extremist materials

Footnote. The title of Article 12 as amended by the Law of the Republic of Kazakhstan dated 03.11.2014 № 244-V (shall be enforced upon expiry of ten calendar days after its first official publication).

The use of networks and communication means for implementation of extremism, as well as import, release, production and (or) distribution of extremist materials shall be prohibited in the territory of the Republic of Kazakhstan.

Information materials, imported, released, produced and (or) distributed in the territory of the Republic of Kazakhstan and containing the features of extremism upon the application of prosecutor shall be recognized as extremist on location of prosecutor, filed such requirements, or on place of detection of such materials with prohibition of their import, release, production and (or) distribution.

Footnote. Article 12 is in the wording of the Law of the Republic of Kazakhstan dated 23.04.2014 № 200-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 03.11.2014 № 244-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 13. Prevention of extremism during peaceful assemblies

Footnote. The heading of Article 13 as amended by the Law of the Republic of Kazakhstan dated 25.05.2020 № 334-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

When holding peaceful assemblies, extremism is not allowed. Organizers of peaceful assemblies are warned about responsibility in writing by the local executive body of the city of republican significance, the capital and district (town of regional significance) before they are held.

When holding peaceful assemblies, it is not allowed to involve extremist organizations for participation in them, use their symbols, as well as distribute extremist materials.

In case of revelation of the circumstances provided for by this article, the organizers of peaceful assemblies or other persons responsible for holding them are obliged to immediately take measures to eliminate these violations. Failure to comply with this obligation entails the termination of peaceful assemblies and the responsibility of their organizers on the grounds and in the manner prescribed by the laws of the Republic of Kazakhstan.

Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 25.05.2020 № 334-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 14. Non-admission of financing of extremism

An activity of individuals and (or) legal entities, association of individuals and (or) legal entities, including foreign or international organizations, carrying out its activity in the territory of the Republic of Kazakhstan, directed to financing of extremism shall be prohibited in the territory of the Republic of Kazakhstan.

In the case of detection of circumstances, provided by this Article, individuals and (or) legal entities, association of individuals and (or) legal entities, including foreign or international organizations, carrying out its activity in the territory of the Republic of Kazakhstan shall bear responsibility in accordance with the Laws of the Republic of Kazakhstan.

Article 15. Responsibility of citizens of the Republic of Kazakhstan, foreigners and persons without citizenship for implementation of extremism

The citizens of the Republic of Kazakhstan, foreigners and persons without citizenship shall bear responsibility, established by the Laws of the Republic of Kazakhstan for implementation of extremism.

The persons recognized as participants of extremist organizations by court or committed the extremist actions may be restricted in admission to the state service, military service and service in the special state and law-enforcement bodies.

Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 16. Responsibility of organizations for implementation of extremism

1. An activity of organization, as well as its structural subdivision (branch and representative) in the case of implementation of extremism shall be prohibited by recognition it as extremist and liquidation in the manner provided by the Laws of the Republic of Kazakhstan.

2. Upon liquidation of organization, recognized as extremist, the property belonging to it (branch and representative), located in the territory of the Republic of Kazakhstan shall be confiscated and turned into the state incomes.

3. An activity of owner or distributor of mass media shall be suspended or prohibited by court in the manner established by the Law in the case of implementation of extremism with the use of this mass media.

4. An activity of association of individuals in the case of implementation of extremism shall be prohibited by court upon the application of bodies, specified in paragraphs 1 and 2 of Article 7 of this Law.

Footnote. Article 16 is in the wording of the Law of the Republic of Kazakhstan dated 03.11.2014 № 244-V (shall be enforced upon expiry of ten calendar days after its first official publication).

*The President
of the Republic of Kazakhstan*

