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Law of the Tajik Soviet Socialist Republic

ON PUBLIC ASSOCIATIONS IN THE TAJIK SSR

Chapter 1. General Provisions

Article 1. In accordance with the Constitution of the Tajik SSR citizens of the Tajik SSR possess a right to unite into public associations. The Republic takes an interest in developing its citizens' creative initiative, social and political activity, their participation in ruling the state and society, and guarantees freedom for citizens to set up public associations.

Article 2. The Notion of the Public Association

Public association shall be a voluntary formation resulting from free will of citizens uniting on the basis of community of interests.

Political parties, mass movements, trade unions, women's, veterans' invalids', children's and youth organizations; scientific, technical, cultural and educational, physical training and sports and other voluntary associations; creative unions, friendly associations of the people from the same area, funds, and other associations shall be considered public associations.

This Law shall not be effective in regards of co-operative and other organizations pursuing commercial targets or otherwise promoting revenue extraction by other enterprises and organizations; religion organizations; public self-managing territorial bodies (microdistricts', mahhala, house, street, neighborhood and other Councils and committees); public self-initiative bodies (volunteer public order squads, comrades' courts), setting up and functioning order of which shall be determined by other than this legislation.

Article 3. Legislation on Public Associations

Legislation on public associations shall comprise the Constitution of the Tajik SSR, this Law, defining the legal status of public associations and other laws and acts of the Tajik legislation.

Article 4. Objectives of setting up public associations and their functioning.

Public associations shall be set up to exercise and protect civil, political, economic, social, and cultural rights and freedoms; to develop citizens' activity and self-initiative, their participation in managing the State and public affairs; to satisfy professional and amateur interests; to develop scientific, technical and artistic creativity; to protect population's health, participate in charitable activities; to practice cultural and educational, physical training, health-improvement, sportive work; to protect environment, historic and cultural memorials; to carry out patriotic and humanistic training; to expand international links, strengthen peace and friendship among nations; to realize any other activity not prohibited by law.

It shall be banned to form public associations having as their objective or method of acting an overthrow, forceful change of the constitutional system or violent disruption of the territorial unity of the USSR and the Tajik SSR, war propaganda, violation and inhumanity propaganda, inflaming social, including class, as well as racial, national, and religious discord, making other criminally punishable acts. Setting up <sup>public</sup> para-military and armed formations shall be banned.

In accordance with laws setting up ~~and functioning~~ public associations encroaching on health and morals of the population, citizens' rights and interests protected by law, and the activities of these organizations shall be prosecuted.

Article 5. Principles of setting up public associations and their activities.

Public associations shall be set up and function on the basis of their members' (participants') own free will, equality, self-administration, legality, and publicity.

All the public associations carrying out functions stipulated by their Constitutions, other acts shall be bound by the Constitution of the Tajik SSR and other laws.

*Restrictions  
including  
encroaching on "morals"*

Participation or non-participation of a citizen in the public association's activities cannot serve as grounds for limitation of his rights and freedoms, including cases of ~~enlist~~ holding positions in the State organizations, or as grounds for non-committing duties stipulated by law.

It shall be forbidden to require mentioning participation in any public association in official documentation.

Officers employed with public associations shall be bound by labour legislation as well as by social insurance and social security acts for working people.

#### Article 6. State and the public associations

The state shall ensure observation of rights and legal interests of public associations and according to the Constitution the state shall guarantee conditions for executing the constitutional goals of the public associations.

The state shall provide youth and children's organizations with material and financial support, ensure the concessional tax policy in respect of them, accord a right to use premises of schools, out-of-school institutions, clubs, Palaces and Houses of Culture, sport and other buildings for children's organizations free of charge or on the concessional terms. */beneficiary terms.*

National bodies' and officials' interference in the activities of public associations, as well as public associations' interference in the activities of the national bodies and officials shall be forbidden except the cases when it is stipulated by law.

Organizations, political parties, other public associations shall hold their events during their members' (participants') non-working hours, using the funds of those associations.

It shall be banned ~~envisage~~ for the state to subsidize the activities of political parties and mass movements pursuing political purposes, except the cases of subsidizing election campaigns in full conformity with the legislation on People Deputies elections.

Issues, concerning the interests of public associations in the cases stipulated by legislation shall be tackled by the national bodies and economic organizations with the participation or in concordance with the public associations in question.

## Article 7. Republican and other Public Associations

Republican branches of the All-Union public associations, inter-republican, republican and local public associations, and also international associations shall be established and work in the Tajik SSR.

Republican branches of the All-Union public associations shall include such associations, activities of which according to their constitutional purposes shall extend all over the territory of the Republic and in case they have their organizations within the same territory.

Republican public associations shall include such associations, activities of which in accordance with their constitutional objectives ~~shall~~ extend all over the Republican territory or the majority of oblasts, districts (cities) under the Republican authority and in case they have their ~~organizations~~ organizations on these territories. For all that republican political parties or a trade union must have not less than 500 (five hundred) citizens as their members.

Local public associations shall be made of oblast, district (municipal), settlement and kishlak ones.

Oblast public associations shall include such associations, activities of which according to their constitutional objectives extend all over the territory of the ~~Republic~~ oblast or the majority of districts and towns of this oblast and in case they have their own organizations on these territories.

District (municipal) public associations shall include such associations whose activities according to their constitutional targets extend all over the territory of the district (city), and in the city of Dushanbe - all over the majority of its districts.

Settlement and kishlak public associations shall include such associations whose activities according to their constitutional targets extend <sup>over</sup> the territory of the settlement or the kishlak.

In cases of necessity there may be established inter-district associations.

Article 8. Public Association Unions

Public associations shall have the right to unite into Public Association Unions on a voluntary basis.

The order of setting up Public Association Unions, their functioning and ceasing their activities shall be determined by this Law.

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Footnote:

1. The title of the Chapter 2 should be changed into:

" Chapter 2. Setting up public associations, suspending and cesing their activities". The Law as of 14.03.92

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*not included in group 10 person*  
Public associations shall be set up at the initiative of not less than 10 (ten) citizens.

Public associations, excluding political parties and trade unions can be also set up by other public associations.

Initiators of setting up public associations shall convene the Constituent Assembly (Conference) or the general meeting where the Constitution (regulations, other fundamental act) of a public association is approved and executive bodies are elected.

Article 10. Membership in public associations

Members (participants) of public associations shall be citizens of the Tajik SSR. The Constitution of a public association, except of political parties, may stipulate membership of foreign citizens and persons without citizenship, as well as citizens of other republics.

Youth organizations ~~members~~ set up in political parties can have as their members citizens reached the age of 14 (fourteen).

~~In the activities of public associations, except of political parties and trade unions, in cases stipulated by their Constitutions~~  
Collective members: work collective of enterprises, institutions, organizations, associations of citizens can take part in the activities of public associations, except of political parties and trade unions, in cases stipulated by their Constitutions.

### Article 11. Constitution of a Public Association

The Constitution of a public association must stipulate:

1. title, objectives and targets of a public association;
2. structure of a public association, territory within which it carries out its activities;
3. conditions and order of affiliation with a public association, withdrawal from it when the association has a fixed ~~number~~ membership number;
4. rights and duties of members (participants) of a public association;
5. competence and the order of setting up executive bodies of a public association and its organizations, terms of their powers and their location;
6. sources of means formation and other assets of a public association and its organizations;
7. the order of introducing alterations and amendments to the Constitution of a public association;
8. the order of <sup>a</sup>ceasing a public association's activities.

The Constitution may stipulate [contain] other provisions relating the public association's work.

The Constitution of a public association must not contradict the legislation.

### Article 12. Registration of Public Associations' Constitutions

The Constitution of Republican branches of the All-Union public associations, and also the Constitutions of international, republican, inter-republican public associations shall be registered in the Ministry of Justice of the Tajik SSR.

The Constitution of a local public association in a district or city under the ~~Republican authority~~ oblast authority shall be registered in the Justice Office [Legal Department] of the Executive Committee, Oblast People Deputies' Council.

The Constitution of a public association, whose activities extend all over the territory of the city of Dushanbe, its districts, and also districts and cities under the Republican authority shall be registered in the Ministry of Justice of the Tajik SSR.

Constitution of Charter

Ministry of Justice

To register the Constitution of a public association within a month-period since the adoption of the Constitution (regulations, other fundamental act) it shall be necessary to submit an application signed by ~~xxx~~ the Executive Body members of the public association in question with the record of places of residence of each member. The application shall be accompanied with the Constitution, the Protocol of the Constituent Assembly (Conference) or general meeting, adopted the Constitution, other materials proving adherence to the Articles 7 and 9 of this Law.

An application to register the Constitution shall be under consideration within a month-period since the day of its submission.

Alterations and amendments to the Constitutions of public associations shall be subject to the registration in the same order and terms as the registration of the Constitutions.

Bodies registering Constitutions of public associations shall keep a roll of these associations.

Any public association or its organizations (bodies) shall ~~carry~~ carry out its activities only after the registration of their Constitution in the order ~~determined by this Law~~ determined by this Law.

For the registration of the Constitution of a public association, its further alterations and amendments the registration fees shall be ~~increased~~ charged in the order and amounts defined by the Cabinet of the Tajik SSR.

### Article 13. Refusal to register a Public Association's Constitution.

There may be refusal to register the Constitution of a public association if the public association's Constitution contradicts the Articles 4, 5 and 11 of this Law or if there have been registered the Constitution of a public association bearing the same title.

Declarants shall be informed in written about the refusal to register the Constitution, if there is the case, and provisions of the legislation shall be innumera<sup>with</sup>ted ~~to~~ which the submitted Constitution contradicts.

Any refusal to register a public association's Constitution may be appealed against in the Supreme Court of the Tajik SSR and be under consideration in the order determined by the Chapter 27<sup>1</sup> of the Civil Code of Judicial Practice of the Tajik SSR.



## Article 14<sup>1</sup>. Suspending public associations' activities.

The Law as of 14.03.92

Activities of a public association shall be suspended on the grounds <sup>and</sup> in the order stipulated by the Article 22<sup>1</sup> of this Law.

Suspending a public association's activities shall ban: to use the status of a juridical person; to spread freely information in any kind about its activities, to propagate its Programme ideas and targets; to participate in formation of state power and administration bodies ~~formation~~; to exercise the legislative initiative to authorize mass media; to hold meetings, street marches, demonstrations and gatherings, except of the association's Executive Bodies meetings stipulated by the Constitution.

## Article 15. [ The beginning is missed ]

.... Reorganization of public associations shall be done by the ~~xxx~~ resolutions of their congresses (conferences) or general meetings. Registration of the constitutions of newly established public associations shall be carried out in the order defined by the Article 12 of this Law.

The liquidation of a public association shall be done by the resolution of its congress (conference) or general meeting, or on the grounds and in the order stipulated by the Article 23 of this Law

The assets of a liquidated public association on the basis of its congress' (conference's) resolution or the general meeting decision shall be directed to satisfy the needs stipulated by its Constitution.

## Chapter 3. Rights and conditions of public associations' activities

### Article 16. Rights of public associations

Public associations are equal before ~~xxx~~ law, their rights shall be fixed in the Constitutions.

To exercise the objectives and targets, determined by the Constitutions, Programme documents, other acts, public associations shall

freely spread information on its aims and work, and in cases and in the order stipulated by legislation shall enjoy the following rights:

- to participate in the formation of the State power and administration bodies;

- to exercise the legislative initiative;

- to participate in ~~xxx~~ working out decisions of the State power and administration bodies;

- to represent and protect its members' (participants') legal interests in the State and public bodies;

- to practice other powers stipulated by this Law and other acts of the Tajik SSR legislation.

Article 12. Political Parties, Mass Movements, Trade Unions Parties expressing the political will of their members shall put forward as their principal targets participation in the formation of the State power and administration bodies and also the realization of power through their representatives who have been elected to the People Deputies Councils.

Parties shall have the Programme documents published for general information, parties shall be equal before law.

Parties shall have a right to nominate their candidates to People deputies, to conduct pre-election agitation, to put the groups of their supporters-deputies on the staff in the appropriate People Deputies Councils.

Mass public movements shall pursue political or other aims and shall not have a fixed membership number.

Military men and persons holding positions with the law-observing bodies, in their office work shall be guided by the provisions of laws and not be bound by resolutions of political parties and mass public movements pursuing political aims.

Trade Unions in their inter-actions with State bodies, economic organizations, co-operative and other public associations shall represent and protect the interests of Trade Unions' members in the production~~XX~~, socio-economic, cultural spheres. All Trade Union~~s~~ shall be equal before law.

Political parties and Trade Unions shall have only fixed individual membership.

Article 18. Production and economic activity of public associations

In the order determined by legislation public associations shall carry out their ~~productive~~ production and economic activity and establish enterprises and self-financing organizations, possessing the right of a juridical person, only in order to fulfill their Constitutional aims.

Revenues resulting from production and economic activities of public associations cannot be re-distributed among these associations members (participants) and shall be used only for carrying out the Constitutional aims; it shall be allowed for public associations to use their means for charitable purposes even if it is not mentioned in their Constitutions.

~~Enterprises established by public associations~~

Enterprises and organizations established by public associations shall contribute payments to the budget in the order and amounts defined by law.

Article 19. Public Associations' Property

Public associations, their organizations may have as their property buildings, premises, housing fund, equipment, inventory, assets of cultural and educational and health-caring nature, means, shares, other securities, and other property necessary for the material provision of activities stipulated by their Constitutions. There also may be publishing houses, other enterprises, charitable institutions set up due to public associations' own means in accordance with the objectives mentioned in their Constitutions, in the possession of the public associations.

Legislative acts of the USSR and Tajik SSR may determine the types of property which for the reasons of State or public/social security or in conformity with the international agreements may not be in possession of public associations.

Financial assets of public associations shall be formed by: entrance and membership fees, if their payment is stipulated by the Constitutions; free-will fees and donations; receipts resulting from Constitutional lectures, ~~xx~~ exhibitions, sport and other

events, lotteries; revenue from production, economic, and publishing activities; other not forbidden by law receipts.

Political parties and mass public movements pursuing political aims shall have no right to get financial and other material assistance from foreign states, organizations and citizens.

Political parties shall annually publish their budgets for general information.

Property of public associations shall be protected by law.

Powers of the Unions and their member-associations in respect to ownership, usage and disposal of their property shall be determined by the Constitutions of Public Association Unions.

#### Article 20. Mass media and Publishing Activity of public associations

Public associations shall have the right to authorize mass media and carry out publishing activities in accordance with the legislation of the USSR and Tajik SSR on press and other types of mass media.

#### Chapter 4. Control Over Public Associations' Activities.

##### Responsibility for breaching legislation

#### Chapter 21. Control and Surveillance over the Public Associations' Activities

Financial bodies shall exercise control over the sources of revenues of public associations, amounts of the receipts got and tax payments in accordance with the tax legislation.

Surveillance over the execution of laws by public associations shall be made by the Public Prosecutor's Office bodies.

The State body registered ~~the public associations~~ the Constitution of a public association shall exercise control over the adherence to the provisions of the Constitution in respect of the objectives of a public association's activities....

[ The ending of the article is missing ]

Article 22<sup>1</sup>. Grounds for and the Order of Suspending  
Public Association's activities

Upon the presentation of the prosecutor or the body having registered the Constitution of a public association, a trial may suspend the public association's activities for a period till 3 (three) months in cases of:

- a single gross breach of the Constitution of a public association;
- acknowledging that some certain provisions of the Constitution of a public association found in discrepancy with the Constitution of the Republic of Tajikistan;
- a breach of rights and legal interests of citizens by a public association;
- existence of another public association having the same title and symbols or ~~or~~ such an association that terminated its activities not later than a year before appealing to the court.

Upon the information from a public association on the removal of the breaches the trial in a month-period shall consider the possibility of remission of the suspension on the public association's activities.

The Law as of 14.03.92.

Article 23. Liquidation of a public association in cases  
when it breaches the requirements of the  
Constitution or law.

~~Prx~~ Any public association shall be liquidated upon the court's resolution in cases when the public association commits actions stipulated by the ~~Chapter~~ Chapter 2, Article 4 of this Law.

The court/trial may liquidate a public association upon the committing repeated actions ~~mentioned~~ mentioned in the Chapter 4, Article 22 of this Law.

The property of a public association liquidated by the court's resolution may be gratis converted into the State ownership.

Liquidation of public associations functioning on the territory of the Tajik SSR shall be made upon the resolution of the Supreme Court of the Tajik SSR ~~upon~~ upon the presentation of the Prosecutor

of the Tajik SSR, the body having registered the Constitution of a public association.

## Chapter 5. International Contacts of Public Associations.

### International Public Associations.

#### International Agreements

#### Article 24. International Contacts of Public Associations

Public Associations according to their Constitutions may affiliate into the international public (non-governmental) associations, keep direct international contacts and links, & conclude according agreements.

#### Article 25. International Public Associations

Any public association set up in the Tajik SSR shall ne considered international if its activity in accordance with its Constitution extend over the territory of the Tajik SSR and one or more foreign states.

If the membership of an international public association set up abroad include as a collective member a public association established in the Tajik SSR, the Constitution of the latter shall also be subject to the registration in conformity with the present La@..

Any public association spread its activity on the territory of a foreign state shall present its Constitution with necessary alterations and amend<sup>n</sup>ents to the Ministry of Justice of the Tajik SSR. Public associations whose objectives would be strengthening of peace, developing international co-operation, other kinds of humanitarian activities may enjoy benefits established by legislation.

Provisions of this Law shall also cover the activities of the branches ~~of~~ (other structural ~~and~~ subdivisions) of public associations of foreign states formed on the territory of the Tajik SSR.

#### Article 26. International Agreements

If the international agreement of the Tajik SSR or USSR set *rules* other ~~rules~~ <sup>these</sup> than ~~ones~~ set in this Law, the rules of the international agreement shall be exercised *prevail*.

President of the Tajik SSR K. MAHKALOV.

December 12, 1990, Dushanbe H-171