



## **On Culture**

### *Unofficial translation*

The Law of the Republic of Kazakhstan dated 15 December 2006 No. 207.

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This Law regulates public relations in the scope of creation, renewal, reservation, development, distribution and use of culture in the Republic of Kazakhstan and determines legal, economic, social and organizations basis of the state policy in the field of culture.

## **Chapter 1. GENERAL PROVISIONS**

### **Article 1. Basic definitions used in this Law**

The following basic definitions are used in this Law:

1) printed products - periodicals, books, brochures, albums, posters, booklets and other poly-graphic products;

1-1) a compulsory free copy of the publication - a copy of the publication (text, printed music, electronic, cartographic, art editions), which has passed editorial and publishing processing, which has output data and is subject to transfer on a gratuitous basis to the culture organizations defined by this Law;

1-2) is excluded by Law of the Republic of Kazakhstan № 213-VI as of 03.01.2019 (shall be enforced ten calendar days after its first official publication);

1-3) film-recordings - shooting of documentary plots reflecting the characteristic (mostly outgoing) features of time, place, circumstances and planned in the long term for production of a film;

1-4) artistic values - works of culture, literature and art created as a result of creative activity;

2) branch incentive scheme – form of moral stimulation of employees of culture, literature and art for contribution in branch development;

2-1) press archive of the Republic of Kazakhstan (hereinafter - the press archive) – is a complex of the printed products in the fund of the National state book chamber of the Republic of Kazakhstan;

2-2) intangible cultural heritage of the Republic of Kazakhstan - customs, forms of presentation and expression, knowledge and skills, as well as the related tools, items handed down from generation to generation and being intangible cultural value;

2-3) the State catalog of the museum fund of the Republic of Kazakhstan - is an electronic information resource containing information about all museum items and museum collections included in the museum fund of the Republic of Kazakhstan;

3) cultural heritage of the people of the Republic of Kazakhstan – set of cultural values having state significance belonging exclusively to the Republic of Kazakhstan without the right of their transfer to other states;

3-1) the Kazakhstan national electronic library - is a state information system designed to preserve the funds of Kazakhstan libraries, museums and archives, as well as to provide free access of users to the historical, scientific and cultural heritage of Kazakhstan through information and communication technologies;

3-2) public interest literature - relevant works aimed at enhancing the spiritual, educational, intellectual and cultural potential of the society;

3-3) a director (filmmaker, choreographer, art director) (hereinafter referred to as the director) - is an individual who, on the basis of an independent artistic decision, performs the production of works of theatrical, circus or other art;

3-4) protection of intangible cultural heritage - taking measures to ensure viability of the intangible cultural heritage, including its identification, documentation, research, preservation, protection, promotion, enhancement, and revival;

3-5) the National list of elements of intangible cultural heritage –list of cultural values of intangible cultural heritage of the people of Kazakhstan;

4) culture - a set of cultural values aimed at harmonious development of personality, the upbringing of patriotism and satisfaction of aesthetic needs and interests of the citizens of the Republic of Kazakhstan;

5) cultural worker – an individual, professional activity of whom is linked with reservation, development, distribution, use of cultural values and exposure of citizens to them ;

6) socially significant events in the field of culture – measures on conduct of memorable and anniversary date, culture days, festivals, parades, competitions, exhibitions and immortalization of a memory of national figures of the state at international, republican and local levels;

7) activities in the field of culture - activities of cultural entities in creation, revival, preservation, protection, development, promotion and use of cultural values, as well as involving citizens of the Republic of Kazakhstan;

8) state policy in the field of culture - a set of measures taken by state bodies aimed at creating, reviving, preserving, protecting, developing, promoting and using cultural and spiritual values;

- 9) authorized body in the field of culture (hereinafter – the authorized body) – central executive body carrying out management and cross-sector coordination in the field of culture;
- 10) cultural organizations – legal entities created in accordance with the legislation of the Republic of Kazakhstan the main subject of activity of which is carrying out of activity in the field of culture;
- 11) attestation of employees of the state cultural organizations – a procedure conducted for the purpose of determining conformity of the qualification level of employees of the state cultural organizations to qualification requirements;
- 12) cultural values - tangible and intangible values of secular and religious nature that have historical, artistic, scientific or other cultural significance;
- 12-1) subjects of cultural activity - state bodies, local executive bodies, individuals and legal entities participating in cultural activities;
- 13) cultural event - an event related to the creation, revival, preservation, protection, development, dissemination and use of cultural and spiritual values, aimed at harmonious development of personality, cultivation of patriotism and satisfaction of aesthetic needs and interests of each person;
- 13-1) the State museum fund (hereinafter referred to as the museum fund) - is a complex of cultural values located in the collections of state museums, museums-reserves and other state organizations and belonging to the Republic of Kazakhstan;
- 13-2) museum database – is a complex of information about each museum item and museum collection included in the museum's collection and in the museum fund of the Republic of Kazakhstan, providing state records of museum items and museum collections;
- 13-3) entertainment cultural and mass events - events aimed at musical and aesthetic development of the population, satisfaction of its spiritual and aesthetic demands, held in

places for entertainment cultural and mass events, supposing the simultaneous presence at these events of two hundred or more spectators;

13-4) places for conduct of entertainment cultural and mass events - objects and facilities adapted for the conduct of entertainment cultural and mass events, as well as other places not specifically intended for this purpose (stadiums, sports palaces, racecourses, recreation areas, parks, public gardens, squares, streets);

13-5) time for conduct of entertainment cultural and mass events - the time from the moment of entry (arrival) of the first spectator to the places for entertainment cultural and mass events until the end of the events and the exit (departure) of the last spectator from these places;

13-6) organizer of entertainment cultural and mass event – an individual or legal entity, at the initiative of which entertainment cultural and mass event is held;

13-7) third-party creative workers - creative workers who are not in labor relations with the inviting culture organization;

13-8) theatrical production - is a work of theatrical art created on the basis of dramatic, musical-dramatic or literary works, which has an artistic conception and a specific name;

14) national cultural heritage – tangible cultural values that are of particular importance for the history and culture of the country and included in the State register of objects of the national cultural heritage;

15) special regime of objects of the national cultural asset – measures taken by the state on reservation, maintenance, restoration, protection and use of objects of historical cultural heritage;

16) State register of objects of the national cultural asset – the list of national cultural asset having special importance for history and culture of the country (hereinafter – State Register);

16-1) is excluded by Law of the Republic of Kazakhstan № 213-VI as of 03.01.2019 ( shall be enforced ten calendar days after its first official publication);

16-2) is excluded by Law of the Republic of Kazakhstan № 213-VI as of 03.01.2019 ( shall be enforced ten calendar days after its first official publication);

16-3) is excluded by Law of the Republic of Kazakhstan № 213-VI as of 03.01.2019 ( shall be enforced ten calendar days after its first official publication);

16-4) is excluded by Law of the Republic of Kazakhstan № 213-VI as of 03.01.2019 ( shall be enforced ten calendar days after its first official publication);

16-5) is excluded by Law of the Republic of Kazakhstan № 213-VI as of 03.01.2019 ( shall be enforced ten calendar days after its first official publication);

16-6) is excluded by Law of the Republic of Kazakhstan № 213-VI as of 03.01.2019 ( shall be enforced ten calendar days after its first official publication);

16-7) is excluded by Law of the Republic of Kazakhstan № 213-VI as of 03.01.2019 ( shall be enforced ten calendar days after its first official publication);

17) creative employee – an individual whose professional or amateur creative activity is oriented to creation of artistic values, reproduction or interpretation (translation) of work of literature and art;

18) creative activity – the activity oriented to creation of artistic values or interpretation ( translation) of works of literature and art in any form and by any method;

19) creative union – public association of professional creative employees of one or several cultural genres created on the basis of their individual membership.

Footnote. Article 1 as amended by the Laws of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010); dated 18.01.2012 No. 546-IV ( shall be enforced upon expiry of thirty calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.10.2015 № 368-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 16.11.2015 № 403-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 22.01.2016 № 446-V (shall be enforced upon expiry of ten calendar days after the day its first

official publication); dated 05.05.2017 № 60-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); № 213-VI as of 03.01.2019 (shall be enforced ten calendar days after its first official publication); № 215-VI as of 08.01.2019 (shall be enforced three months after its first official publication).

## **Article 2. Legislation of the Republic of Kazakhstan on culture**

1. The legislation of the Republic of Kazakhstan on culture is based on the Constitution of the Republic of Kazakhstan, consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

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

## **Article 3. Principles of the state policy in the field of culture**

Main principles of the state policy of the Republic of Kazakhstan in the field of culture are:

1) state support of culture, reservation and development of cultural heritage of the people of Kazakhstan;

2) ensuring of rights and freedoms of citizens of the Republic of Kazakhstan in the field of culture;

3) *is excluded by the Law of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010);*

4) protection of historical and cultural heritage and ensuring of succession in their development;

5) development of cultural relations with nationals residing abroad, as one of the factors of reserving the integrity and mutual enrichment of Kazakh national culture;

6) creation of legal guarantees for reservation of historical heritage of Kazakh people and ethnic diasporas, development and reproduction of creative potential of society;

7) *is excluded by the Law of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010);*

8) *is excluded by the Law of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010);*

9) formation of competitive environment between subjects of cultural activity;

10) ensuring of integration of culture of the people of Kazakhstan into the world cultural space.

11) introduction of modern innovative and information technologies for preservation, protection and development of cultural values.

**Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010); dated 05.05.2017 № 60-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 4. Main tasks of the state in the field of culture**

Main tasks of the state in the field of culture are:

1) implementation of the state policy in the field of culture;

2) taking measures oriented to renewal, reservation, development and distribution of culture of people of the Republic of Kazakhstan;

3) creation of conditions for patriotic and aesthetic education of citizens by exposure to values of the national and world culture;



- 4) ensuring of free access to cultural values;
- 5) establishment of minimal state standards of cultural service of population;
- 6) ensuring of development of infrastructure and strengthening of material technical basis of the state cultural organizations;
- 7) ensuring of support of talented persons;
- 8) taking measures on inadmissibility in the field of culture of a propaganda or agitation of forcible change of the constitutional order, violation of integrity of the Republic of Kazakhstan, derogation of the state security, war, social, racial, national, religious, class and genetic superiority, as well as cult of cruelty and violence;
- 9) preclusion to illegal coming out and coming in, illegal transfer of powers of an owner for cultural values, taking measures for their return from any illegal possession;
- 10) creation of conditions for international cooperation in the field of culture;
- 11) ensuring of realizing the rights of citizens for protection and development of national and cultural identity including freedom of participation in the national and cultural associations, creation of cultural organizations, participation in expansion of cultural relations abroad with nationals in accordance with the Laws of the Republic of Kazakhstan.
- 12) support of organizations engaged in scientific and educational activities in the field of culture;
- 13) organization and conduct of events, as well as support for activities aimed at protecting and developing the national cultural heritage and cultural heritage of the people of Kazakhstan, strengthening the common cultural space of the Republic of Kazakhstan.

Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010); dated 05.05.2017 № 60-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication).

## **Chapter 2. STATE MANAGEMENT IN THE FIELD OF CULTURE**

### **Article 5. State management of activity in the field of culture**

1. State management in the field of culture shall be carried out by the President of the Republic of Kazakhstan, Government of the Republic of Kazakhstan, authorized body and local executive bodies.

2. State bodies shall participate in implementation of the state policy in the field of culture within the competence.

Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011).

### **Article 6. Competence of the Government of the Republic of Kazakhstan**

The Government of the Republic of Kazakhstan shall:

1) develop main directions and ensure implementation of the state policy in the field of culture, as well as international cultural relations;

2) *is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V ( shall be enforced upon expiry of ten calendar days after its first official publication);*

3) issue regulatory legal acts regulating activity in the field of culture;

4) *is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V ( shall be enforced upon expiry of ten calendar days after the date of its first official publication );*

5) *is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V ( shall be enforced upon expiry of ten calendar days after the date of its first official publication );*

6) *is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V ( shall be enforced upon expiry of ten calendar days after the date of its first official publication );*

7) *is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V ( shall be enforced upon expiry of ten calendar days after the date of its first official publication );*

8) make decision on creation of reorganization and liquidation of the state cultural organizations;

9) *is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V ( shall be enforced upon expiry of ten calendar days after the date of its first official publication );*

10) establishes the procedure and rules for awarding the state scholarship of the First President of the Republic of Kazakhstan - Elbasy in the field of culture;

11) represent order and conditions of awarding a status “National” to the state cultural organizations, separate professional artistic, creative teams for approval of the President of the Republic of Kazakhstan;

12) *is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V ( shall be enforced upon expiry of ten calendar days after its first official publication);*

13) *is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V ( shall be enforced upon expiry of ten calendar days after its first official publication);*

14) *is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

15) perform other functions imposed on it by the Constitution, Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

**Footnote.** Article 6 as amended by the Laws of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 05.05.2017 № 60-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

## **Article 7. Competence of the authorized body**

Authorized body shall:

1) create conditions for development of culture of the people of the Republic of Kazakhstan;

1-1) carry out coordination and methodological guideline of local executive bodies in the field of culture;

2) develop, approve and realize scientific programs in the field of culture;

3) develop, approve regulatory legal acts on the issues of culture within the competence;

4) *is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication );*

5) *is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V ( shall be enforced upon expiry of ten calendar days after the date of its first official publication )*;

6) organizes activities in the territory of the Republic of Kazakhstan to record, protect, conserve, restore and use cultural values, as well as to perpetuate the memory of prominent workers of culture of the country;

6-1) maintains the State register of objects of the national cultural heritage and the National list of elements of intangible cultural heritage;

7) support and coordinate the activity of state cultural organizations of republican significance on the development of theatrical, musical art, library and museum affairs, ensures the activities of republican state institutions in the field of culture;

8) make proposals on creation, reorganization and liquidation of the state cultural organizations;

9) carry out conduct of socially important measures in the field of culture;

9-1) organizes work on acquisition, publication and promotion of public interest literature, as well as the production of national films at the republican level;

9-2) develops and approves the rules for acquisition, publication and promotion of public interest literature;

9-3) establishes an expert commission for acquisition of public interest literature and approves its status and composition;

10) make proposals on awarding honorary titles and state awards of the Republic of Kazakhstan to workers of culture and arts, on awarding of creative teams in the manner established by the legislation of the Republic of Kazakhstan;

*10-1) is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

11) develop and approve branch incentive scheme;

11-1) develop and approve order and conditions of awarding a status “Academic” to the state cultural organizations, separate professional artistic and creative teams;

12) constitute national (republican) and international competitions and festivals, premiums and prizes in different scopes of creative activity;

12-1) develop and approve standard rules of holding republican competitions and festivals ;

*13) is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V ( shall be enforced upon expiry of ten calendar days after its first official publication);*

14) develop and approve standard qualification requirements to the categories of employees of the state cultural organizations;

15) approves the rules for attestation and early attestation of workers of culture of state culture organizations;

15-1) develops and approves the rules for provision of paid types of activities for the sale of goods, works, services by state libraries, state museums and museums-reserves and their spending money from the sale of goods, works, services;

16) conduct attestation of republican cultural organizations;

17) organize retraining system and raising of qualification of all the categories of employees of culture;

17-1) organizes scientific research in the field of culture;

18) carry out and coordinate the activity in the scope of international cultural cooperation;

18-1) upon the proposal of state bodies, local executive bodies, individuals and legal entities, sends applications for inclusion in the Representative list of intangible cultural heritage of humanity and a list of intangible cultural heritage, which needs an urgent protection from UNESCO, elements of the intangible cultural heritage of the people of Kazakhstan;

19) *is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V ( shall be enforced upon expiry of ten calendar days after the date of its first official publication );*

20) approve the order of formation and maintenance of museum fund of the Republic of Kazakhstan;

20-1) develops and approves the rules for maintaining the State catalog of the museum fund of the Republic of Kazakhstan and the rules for maintaining the museum database;

20-2) develops and approves the rules for formation of the Kazakhstan national electronic library;

21) establishes sectoral arts councils and approves regulations on them;

21-1) develops and approves the rules for formation and maintenance of the State register of objects of the national cultural heritage and the National list of elements of intangible cultural heritage;

*22) is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V ( shall be enforced upon expiry of ten calendar days after the date of its first official publication );*

23) approve standard provision on expert commission on a temporary coming out of cultural values;

23-1) develop and approve the rules of issuance of a certificate for the right of temporary coming out of cultural values;

23-2) approve minimal state regulations of cultural organizations networks and model personnel establishment of the state cultural organizations of oblast, city of republican significance, the capital, district, cities of oblast significance, rural levels;

*23-3) is excluded by Law of the Republic of Kazakhstan № 213-VI as of 03.01.2019 ( shall be enforced ten calendar days after its first official publication);*

23-4) in consultation with the authorized body in the field of education, develops and approves the rules for activity of educational organizations in the field of culture;

23-5) coordinates standard curricula and educational programs of all levels of education in the field of culture with the authorized body in the field of education;

23-6) participates in formation of the state educational order for training of specialists with higher and postgraduate education, as well as with technical and vocational, post-secondary education in educational organizations in the field of cultural financed from the republican budget;



23-7) approves distribution and placement of the state educational order for training of specialists with higher and postgraduate education, as well as technical and vocational, post-secondary education in educational organizations in the field of cultural financed from the republican budget;

23-8) approves the rules for organization and implementation of educational, methodological and scientific-methodological work in educational organizations in the field of cultural in consultation with the authorized body in the field of education;

23-9) coordinates activities of educational organizations in the field of culture within its competence;

23-10) form and approve the list of international, republican contests and festivals, the winners of which are allowed to study externally at educational institutions with curricula of technical and vocational, post-secondary education in the field of culture and art;

23-11) give permission to study externally at state-funded educational institutions with curricula of technical and vocational, post-secondary education in the field of culture and art;

24) *is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V ( shall be enforced upon expiry of ten calendar days after the date of its first official publication )*;

25) coordinate the activity of cultural organizations of the republican (rural, settlement, district, city, oblast, republican) within the competence, carry out interaction with creative unions and other organizations independently from the forms of ownership on the issues of culture;

26) carry out a set of measures oriented to search and support of talented youth and promising creative teams;

27) coordinate repertory policy in the scope of music and theater arts;

28) develop and approve a provision and order of awarding a title “People’s” (exemplary) to collectives of amateur art activities;

29) create expert commission on a special regime of objects of the national cultural asset;

30) promote development of cultural relations with nationals;

31) is excluded by Law of the Republic of Kazakhstan № 213-VI as of 03.01.2019 (shall be enforced ten calendar days after its first official publication);

32) is excluded by Law of the Republic of Kazakhstan № 213-VI as of 03.01.2019 (shall be enforced ten calendar days after its first official publication);

33) considers the proposals of the heads of the republican state culture organizations, as well as the heads of the local executive bodies of the regions, cities of republican significance, the capital on awarding the status "Academic" to state culture organizations and individual professional artistic and creative collectives and submits proposals to the Government of the Republic of Kazakhstan on designation of the status "Academic" to the state culture organizations and individual professional artistic, creative collectives;

34) make proposals to the Government of the Republic of Kazakhstan on awarding a status “National” to the state cultural organizations and separate professional artistic, creative teams;

35) is excluded by Law of the Republic of Kazakhstan № 170-VI as of 02.07.2018 (shall be enforced six months after its first official publication);

35-1) coordinates or refuses to agree on denotations that are the heritage of the history and culture of the Republic of Kazakhstan for use as a trademark, service mark, appellations of origin of goods in accordance with the request of the authorized state body in the field of protection of trademarks, service marks, appellations of origin;

35-2) develops and approves the rules for establishing a stock-purchasing (stock-selecting) commission in state museums;

35-3) develops and approves instructions for recording, transferring and writing off of the stage-production items of state theaters and concert-entertainment organizations;

35-4) develops and approves the instruction on recording, storage, use and writing-off of museum items of the museum fund of the Republic of Kazakhstan;

35-5) develops and approves the instruction on recording and writing-off of the library fund of state libraries;

35-6) develops and approves the rules for formation, preservation and use of the library fund of state libraries;

35-7) develops rules for payment of subsidies to state theaters, concert organizations, cultural and recreation organizations, museums and circuses and approves them in coordination with the central authorized state planning body and the central authorized body on budget planning;

36) carry out other functions provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President and the Government of the Republic of Kazakhstan.

Footnote. Article 7 as amended by the Laws of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010); dated 12.01.2012 No. 537-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 28.10.2015 № 368-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 05.05.2017 № 60-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); № 170-VI as of 02.07.2018 (shall be enforced six months after its first official publication); № 213-VI as of 03.01.2019 (shall be enforced ten calendar days after its first official publication); №

240-VI as of 01.04.2019 (shall be enforced ten calendar days after its first official publication ).

## **Article 8. Competence of local executive body of oblast, city of republican significance and the capital**

Footnote. Title of Article 8 as amended by the Law of the Republic of Kazakhstan dated 27.05.2010 NO. 280-IV (shall be enforced from 03.12.2010).

Local executive body of oblast, city of republican significance and the capital shall:

1) *is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V ( shall be enforced upon expiry of ten calendar days after the date of its first official publication );*

1-1) implement the state policy in the field of culture;

2) establish, reorganize, liquidate the state culture organizations of the region, city of republican significance and the capital in the field of theatrical, circus, musical art and cinema , cultural and recreational activities and folk art, library and museum affairs in accordance with the legislation of the Republic of Kazakhstan, in agreement with the authorized body;

3) support and coordinate activities of state culture organizations of the region, city of republican significance, the capital for development of theatrical, circus, musical art and cinema, cultural and recreational activities and folk art, library and museum affairs, and provide the activities of institutions of the region, city of republican significance and the capital in the field of culture;

4) organize conduct of oblast (regional) parades, festivals and competitions in various scopes of creative activity;

4-1) have the right to organize conduct of republican competitions and festivals in various scopes of creative activity in concurrence with the authorized body;

5) organize work on recording, protection, conservation and restoration, as well as the use of cultural values of the region, city of republican significance, the capital, perpetuating the memory of prominent workers of culture of the country;

6) create expert commission on a temporary coming out of cultural values and approve the provision on it;

7) carry out monitoring of activity of cultural organizations located in the relevant territory, and provide information, as well as statistical reports of established form to the authorized body;

8) carry out conduct of entertainment cultural events at the level of oblast, city of republican significance and the capital;

9) conduct attestation of the state cultural organizations of oblast, city of republican significance and the capital;

10) carry out management of community property in the field of culture within the competence;

10-1) appoint a head of culture department of oblast, city of republican significance and the capital in concurrence with the authorized body;

11) act as a customer of construction, reconstruction and repair of objects of cultural designation of oblast, city of republican significance and the capital;

12) organize work on reservation of historical cultural heritage, promote to development of historical, national and cultural traditions and customs;

13) *is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

13-1) issue a certificate for the right of temporary coming out of cultural values;

14) award a status “Central” to one of the state libraries of oblast, city of republican significance, the capital;

14-1) carry out a set of measures oriented to search and support of talented youth and promising creative teams;

14-2) carry out conduct of socially significant measures in the field of culture;

14-3) ensure compliance with special regime of objects of the national cultural asset;

15) exercise the other powers in favor of local state management imposed on local executive bodies by the legislation of the Republic of Kazakhstan.

Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan dated 19.03.2010 No. 258-IV; dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 28.10.2015 № 368-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 05.05.2017 № 60-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

## **Article 9. Competence of local executive body of a district, city of oblast significance**

Footnote. Title of Article 9 as amended by the Law of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010).

Local executive body of a district, city of oblast significance shall:

1) establishes, reorganizes, liquidates the state culture organizations of the district, town of regional significance in the field of theatrical, musical art and cinema, library and museum affairs, cultural and recreational activities in accordance with the legislation of the Republic of Kazakhstan in agreement with the authorized body;

1-1) supports and coordinates activities of state culture organizations of the district, town of regional significance in the field of theatrical, musical art and cinema, library and museum affairs, cultural and recreational activities;

2) organizes work on recording, protection and use of cultural values;

3) carry out conduct of entertainment cultural events of a district, city of oblast significance, as well as parades, festivals and competitions among amateur creative associations;

4) *is excluded by the Law of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010);*

5) conduct attestation of the state cultural organizations of a district, city of oblast significance;

6) carry out management of community property in the field of culture within the competence;

7) act as a customer of construction, reconstruction and repair of objects of cultural designation of a district, city of oblast significance;

8) support and render assistance in material technical support of the state cultural organizations;

9) award a status “Central” to one of the state libraries of a district, city of oblast significance;

10) exercise other powers in favor of local state management imposed on local executive bodies by the legislation of the Republic of Kazakhstan.

Footnote. Article 9 as amended by the Laws of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010); dated 05.07.2011 No. 452-IV ( shall be enforced from 13.10.2011); dated 28.10.2015 № 368-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 05.05.2017 № 60-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

### **Article 9-1. Order of organization of conduct of entertainment cultural and mass events**

1. Places for conduct of entertainment cultural and mass events should meet sanitary and epidemiological requirements and fire safety requirements.

2. Instructions for ensuring safety of sports and mass sports events, entertainment cultural and mass events are approved by a joint order of the internal affairs bodies and the authorized body in the field of culture, physical culture and sports.

3. Organizing committees are established by local executive bodies to organize and conduct entertainment cultural and mass events, and coordinate the activities of organizations involved in preparation and conduct of these events.

4. In case of violations of the requirements of the rules for operation of structures, places for conduct of entertainment cultural and mass events and fire safety, complicating the security of individuals and participants, including deterioration of the bearing structures of the stands, placement of flammable substances and materials in premises under the stands, absence of emergency lighting and evacuation routes, absence or malfunction of fire protection equipment, as well as violations of the rules for installation and operation of electrical equipment which may lead to fire, sanitary and epidemiological requirements, security conditions for participants and spectators in places of conduct of entertainment cultural and mass events, the local executive bodies, upon recommendation, made by the



bodies of internal affairs or by the state body in the field of sanitary and epidemiological welfare of the population, prohibit such events until elimination of identified violations of security conditions.

5. Organizers of entertainment cultural and mass events are obliged:

1) to create conditions for the safety of individuals, preservation of places for conduct of entertainment cultural and mass events, including property in them, and to assist the bodies of internal affairs in ensuring public order;

2) ensure restoration of improvements of the territory bordering with places of conduct of entertainment cultural and mass events, in case of its violation;

3) inform local executive bodies about the expected number of viewers not later than ten calendar days prior to the day of the event, one calendar day before - about the number of tickets sold, passes issued, including for vehicles, as well as parking spaces for special equipment of law enforcement bodies and health care, vehicles of disabled people;

4) to place the rules of behavior of spectators in places of conduct of entertainment cultural and mass events.

6. Damage caused to individuals and legal entities during the conduct of entertainment cultural and mass events is compensated in accordance with the civil legislation of the Republic of Kazakhstan.

**Footnote.** The Law is supplemented by Article 9-1 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication); in the new wording of the Law of the Republic of Kazakhstan dated 22.01.2016 № 446-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

### **Chapter 3. RIGHTS AND OBLIGATIONS OF CITIZENS IN THE FIELD OF CULTURE**

#### **Article 10. Rights of citizens for creative activity in the field of culture**

1. Citizens shall have the right to creative activity in accordance with own abilities by independent choice of a scope of their application, forms of realization and obtainment of professional education.

Engagement in creative activity may be carried out as on professional, so on non-professional (amateur) basis.

2. Citizens shall be secured by the right to exposure to cultural values. Restriction of this right may be determined only by special regime of objects of the national cultural asset.

3. Professional and (non-professional (amateur) creative employees are equal in the field of the rights to intellectual property, freedom of disposing results of own labour, support of the state.

Professional and non-professional (amateur) creative activity of citizens shall be carried out on collective or individual basis.

4. Each citizen shall have the right to be owner of cultural values. Acquisition, use and dispose of private property shall be regulated by the Laws of the Republic of Kazakhstan.

5. Each citizen shall have the right to carry abroad and organize exhibitions or otherwise represent and realize own creative activity in accordance with the legislation of the Republic of Kazakhstan.

**Footnote. Article 10 as amended by the Law of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010).**

## **Article 11. Rights and duties of individuals in the field of culture**

1. Individuals have the right to use various symbols and other means of public expression of individual opinion during the conduct of entertainment cultural and mass events, not prohibited by the legislation of the Republic of Kazakhstan.

## 2. Individuals are obliged to:

1) comply with the requirements of the legislation of the Republic of Kazakhstan in the field of culture;

2) care for preservation of cultural values;

3) respect the national culture, customs, traditions of the Kazakh people and ethnic groups, the state language and other languages;

4) observe public order in places of conduct of entertainment cultural and mass events and other cultural events;

5) not to allow actions that breach public order, not to take unlawful actions that create a danger to those around them in places of conduct of entertainment cultural and mass events.

## 3. Individuals are prohibited to:

1) bring alcoholic beverages, products in metal, glass containers, pyrotechnic products and other items to the places of conduct of entertainment cultural and mass events, the use of which may pose a threat to the life and health of people or cause material damage to individuals and legal entities;

2) throw out any items that pose a threat to the life and health of people, to the scenes, arenas, scaffolding, to orchestral pits, as well as to the spectators' places during entertainment cultural and mass events;

3) the unauthorized going beyond the fences and cordons, turnstiles during entertainment cultural and mass events;

4) use posters, emblems, banners and other visual objects aimed at inciting social, racial, national, religious, class and clan hatred, as well as infringing upon the rights of individuals during entertainment cultural and mass events.

**Footnote. Article 11 in the new wording of the Law of the Republic of Kazakhstan dated 22.01.2016 № 446-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

## **Article 12. Obligations of the state on ensuring of rights of citizens for activity in the field of culture**

1. State shall guarantee the right for activity in the field of culture to citizens by ensuring of the right to participate in a cultural life, access to cultural values, obtainment of education on specialties of culture and arts.

2. State bodies shall promote propaganda of cultural heritage of the people of the Republic of Kazakhstan in mass media and cultural organizations.

### **Article 12-1. Minimal social standards in the scope of culture**

Minimal social standard of ensuring an availability of services of the state cultural organizations and the minimal social standard of ensuring an access of disabled persons to cultural and entertainment events conducted by the state cultural organizations are minimal social standards in the scope of culture in accordance with the Law of the Republic of Kazakhstan “On minimal social standards and their guarantees”.

**Footnote. Chapter 3 is supplemented by Article 12-1 in accordance with the Law of the Republic of Kazakhstan dated 19.05.2015 No. 315-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

## **Chapter 4. LEGAL STATUS OF CREATIVE EMPLOYEES AND EMPLOYEES OF CULTURE, CREATIVE UNIONS AND NON-PROFESSIONAL (AMATEUR) CREATIVE ASSOCIATIONS**

### **Article 13. Status of creative employee**

Footnote. Article 13 is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 14. Rights and obligations of creative employee and cultural worker**

1. Creative employee shall have the right to:

1) protection of information, divulgence or loss of which inflicts or may inflict a harm to his (her) interests linked with carrying out of creative activity;

2) involvement to own activity of third parties;

3) participation in formation of the state policy in the field of culture;

4) entering into public associations, associations and unions on creative and professional interests;

5) access to archives, libraries, museums and other cultural organizations for carrying out of creative activity.

6) encouragement for success in the field of culture in accordance with the legislation of the Republic of Kazakhstan.

2. Employees of culture shall have the right to:

1) entering in professional creative unions and other public associations;

2) provision of conditions for professional activities, including through attraction of charity assistance;

3) raising of qualification level on account of the state budget or employer, if he (she) is an employee of non-state cultural organization;

4) retraining on account of means of the state budget or employer;

5) supplemental payments and bonuses in the manner established by the legislation of the Republic of Kazakhstan.

6) participation in formation of state policy in the field of culture, as well as in solving the state's tasks in the field of culture;

7) encouragement for success in the field of culture in accordance with the legislation of the Republic of Kazakhstan.

A worker of culture of a culture organization has the right to pass early attestation in order to improve the category of the position held.

3. Creative employee and cultural worker shall be obliged to comply with requirements of the legislation of the Republic of Kazakhstan upon carrying out of own activity.

**Footnote. Article 14 as amended by the Laws of the Republic of Kazakhstan dated 16.11.2015 № 403-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 05.05.2017 № 60-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

## **Article 15. Social protection of creative employees and employees of culture**

1. Social protection and insurance of creative employees and employees of culture the activity of whom is linked with hazardous (especially hazardous) labour conditions, increased risk and threat of professional diseases, as well as their pension benefits shall be carried out in the manner and on conditions provided by the Laws of the Republic of Kazakhstan.

2. For the purposes of state support of creative workers and workers of culture, awarded with honorary titles and state awards of the Republic of Kazakhstan, as well as especially

gifted young creative workers, a state scholarship of the First President of the Republic of Kazakhstan - Elbasy in the field of culture is established in the order established by the Government of the Republic of Kazakhstan.

3. Bodies of local government and self-government in order to support especially gifted young creative workers and workers of culture may establish grants from the funds of corresponding budgets and (or) other means not prohibited by the legislation of the Republic of Kazakhstan.

4. Bodies of local government and self-government facilitate the provision of creative workers, collectives of creative workers with premises for studios, workshops, laboratories and other workplaces necessary for creative activity.

**Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 05.05.2017 № 60-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

## **Article 16. Creative unions**

1. Creative unions may be created on a voluntary basis for carrying out of creative activity in the field of culture requiring joint efforts.

2. Republican, regional and local creative unions may be created and operate in the Republic of Kazakhstan.

3. Republican creative union shall be recognized as creative union having structural subdivisions (branches and representatives) in the territory of more than a half of oblasts of the Republic of Kazakhstan.

4. Regional creative unions shall be recognized as creative unions having structural subdivisions (branches and representatives) in the territory of less than a half of oblasts of the Republic of Kazakhstan.

5. Local creative unions shall be recognized as creative unions the activity of which is carried out in the territory of one oblast, city of republican significance and the capital.

*5-1. Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).*

6. Relations of creative unions with international creative organizations shall be regulated by the Laws, as well as by international treaties of the Republic of Kazakhstan.

7. Creation, reorganization and liquidation of creative unions shall be carried out in the manner established by the civil legislation of the Republic of Kazakhstan.

*Footnote. Article 16 as amended by the Laws of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).*

## **Article 17. Membership in a creative union**

1. Creative employee satisfying requirements established by the charter of the creative union shall have the right to enter in a creative union.

2. Requirements submitted by the charter of a creative union to candidates and members shall not impair property and non-property rights of citizens, shall assist to association of the most qualitative representatives of the relevant creative professions in its composition, increase of their professional and creative advancement.

## **Article 18. Non-professional (amateur) creative associations and collectives**

Non-professional (amateur) creative associations and collectives are established at the initiative of citizens, culture organizations and other legal entities, local representative and executive bodies, as well as local self-government bodies and function in accordance with the legislation of the Republic of Kazakhstan.

*Footnote. Article 18 in the new wording of the Law of the Republic of Kazakhstan dated 05.05.2017 № 60-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).*



## **Article 18-1. Copyright and related rights in the field of culture**

Legal relations in the field of culture related to the use of the rights of the author and performer are carried out in accordance with the legislation of the Republic of Kazakhstan on copyright and related rights.

**Footnote. Chapter 4 is supplemented by Article 18-1 in accordance with the Law of the Republic of Kazakhstan dated 05.05.2017 № 60-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

## **Chapter 5. ACTIVITY IN THE FIELD OF CULTURE**

### **Article 19. Culture organizations**

1. Culture organizations carry out their activities in the field of culture in accordance with the legislation of the Republic of Kazakhstan.

2. Establishment, reorganization and liquidation of culture organizations are carried out in accordance with the procedure established by the civil legislation of the Republic of Kazakhstan.

3. Types of activity of culture organizations are determined by their founders and reflected in their charters.

4. Culture organizations may be state and non-state.

Activities in the field of culture may be carried out by international culture organizations.

5. Culture organizations include:

theaters;

concert organizations (philharmonic);

circuses;

cinematographic organizations;

libraries;

museums;

cultural and recreation organizations;

art galleries (salons);

studio;

workshops;

cultural and historical centers;

research centers (research institutes) in the field of culture;

centers of restoration;

museums-reserves;

National state book chamber of the Republic of Kazakhstan;

other culture organizations that carry out activities in the field of culture.

6. Culture development funds may be established for development of culture, carrying out their activities in accordance with the legislation of the Republic of Kazakhstan.

7. Culture organizations create conditions for placing information on electronic information resources about cultural values in their funds, as well as audiovisual records of theater productions and (or) creative programs taken from the current repertoire.

**Footnote. Article 19 in the new wording of the Law of the Republic of Kazakhstan dated 05.05.2017 № 60-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

### **Article 19-1. Sectoral arts councils**

1. In order to improve the state policy in the field of culture, the authorized body shall set up consultative and advisory bodies - sectoral arts councils for theatrical, musical and concert activity, circus art, museology and archeology, fine arts, architecture and design, literature and book publishing.

Sectoral arts councils include prominent workers of culture, scientists, specialists, representatives of creative associations in the field of culture.

2. The main function of the sectoral arts councils is to work out proposals for coordinating the activities of state cultural organizations with a view to creating a competitive domestic product - highly artistic works of art and culture.

**Footnote. Chapter 5 is supplemented by Article 19-1 in accordance with the Law of the Republic of Kazakhstan dated 28.10.2015 № 368-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by Law of the Republic of Kazakhstan № 213-VI as of 03.01.2019 (shall be enforced ten calendar days after its first official publication);**

### **Article 19-2. Interdepartmental commission on acquisition of public interest literature**

1. The Interdepartmental commission on acquisition of public interest literature is a consultative and advisory body under the Government of the Republic of Kazakhstan, established and abolished by the Prime Minister of the Republic of Kazakhstan.

2. The working body of the Interdepartmental commission on acquisition of public interest literature is the authorized body.

Footnote. Chapter 5 is supplemented by Article 19-2 in accordance with the Law of the Republic of Kazakhstan dated 05.05.2017 № 60-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

## **Article 20. Cultural organizations**

Footnote. Article 20 is excluded by the Law of the Republic of Kazakhstan dated 05.05.2017 № 60-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

### **Article 20-1. Attestation of the state cultural organizations**

1. Attestation of the state cultural organizations shall be performed for assessment of efficiency of their basic activity and rational use of material, labour and financial sources, adjustment of their network and structure on this basis.

2. All the state cultural organizations shall be subject to attestation once every five years.

3. Authorized body and local executive bodies of oblast, city of republican significance, the capital, district, city of oblast significance shall conduct the attestation of the state cultural organizations in the manner established by the Government of the Republic of Kazakhstan.

Footnote. The Law is supplemented by Article 20-1 in accordance with the Law of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010).

## **Article 21. Status of cultural organizations**

1. Status “National” may be awarded to the state cultural organizations, separate professional artistic, creative collectives, the activity of which has special state and public significance in the field of culture.

Status “National” shall be awarded by the President of the Republic of Kazakhstan upon recommendation of the Government of the Republic of Kazakhstan in the manner approved by the President of the Republic of Kazakhstan.

2. Status “Academic” shall be awarded to the state cultural organizations, separate professional artistic and creative collectives, being leading in own scope for significant contribution in formation, development and propaganda of the national cultures and arts by the Government of the Republic of Kazakhstan.

2-1. Status “Central” is given to libraries of regions, cities of republican significance, the capital, towns and districts, town of regional significance, which form, store and provide to library users universal collections of documents, organize mutual use of library resources and render methodological assistance to other libraries, by local executive bodies of a corresponding administrative-territorial unit in the manner approved by the authorized body.

3. State cultural organizations shall not be subject to alienation.

**Footnote. Article 21 as amended by the Laws of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010); dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication); № 210-VI as of 28.12.2018 (shall be enforced ten calendar days after its first official publication).**

## **Article 22. Theaters**

1. Theaters are the entertainment organizations (drama, musical-dramatic, musical, choreographic, puppet, pantomime, satire and humor, for children and youth, youth, experimental and others) that create, publicly perform and (or) publicly show theater productions.

1-1. The main tasks of the theatrical activity are the preservation and development of the identity of the theatrical culture, national consciousness and the languages of the people of Kazakhstan, as well as the creation, public performance and (or) public show of theatrical productions, implementation of innovative projects in theatrical activities.

2. Theaters are free to choose artistic directions, repertoire, to decide on creation, public performance and (or) public show of theatrical productions, as well as to carry out other activities necessary for effective creative and production development that does not contradict the laws of the Republic of Kazakhstan.

3. In order to involve citizens in cultural life, the budgetary subsidies are allocated from budgetary funds to the state theaters to cover losses associated with ensuring availability of theater activities for the population, in accordance with the procedure established by the budget legislation of the Republic of Kazakhstan.

4. Direct management of all activities of the theater is carried out by the head of the theater.

5. For creation, public performance and (or) public show of a theatrical production, the third-party creative workers may be attracted on a contractual basis in accordance with the legislation of the Republic of Kazakhstan.

6. Based on the recommendations of the director of each theatrical production, the head of the state theater establishes a production group.

The production group of each theatrical production consists of the creative workers of the state theater and (or) third-party creative workers.

7. In state theaters, the decision on the readiness of each theatrical production for public performance and (or) public show is taken by the head of the theater on the recommendation of the arts council of the theater.

The composition of the arts council of the state theater and the regulations on it are approved by the head of the theater.

**Footnote. Article 22 as amended by the Law of the Republic of Kazakhstan dated 05.05.2017 № 60-VI (the order of enforcement see Art. 2).**

## **Article 22-1. Circuses**

1. Circuses are theatrical and entertainment organizations, performing stage works of variety and circus genre.

2. Circuses are free in choice of artistic directions, repertoire, making decisions about production and stage presentation of works of variety and circus genre, as well as carrying out other activities necessary for effective creative and production development that does not contradict the laws of the Republic of Kazakhstan.

2-1. For creation and stage presentation of works of variety and circus genre, third-party creative workers may be attracted on a contractual basis in accordance with the legislation of the Republic of Kazakhstan.

3. In order to involve citizens in cultural life, the budget subsidies are allocated from budgetary funds to the state circuses to cover losses associated with providing services to ensure the availability of circus activities for the population.

**Footnote. Chapter 5 is supplemented by Article 22-1 in accordance with the Law of the Republic of Kazakhstan dated 28.10.2015 № 368-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the Law of the Republic of Kazakhstan dated 05.05.2017 № 60-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

## **Article 23. Concert organizations**

1. Concert organizations – entertainment organizations realizing a set of measures for creation of conditions of public execution of works of literature and arts and popularization of artistic collectives and separate performers.

2. The main tasks of the concert organizations are musical and aesthetic development, provision of conditions for creating highly artistic programs and shows, organization of concerts of professional art groups and individual performers, and performance of musical and educational activities.

3. Concert organizations are independent in carrying out creative programs and shows, choosing a repertoire.

3-1. To produce creative programs and shows, third-party creative workers may be attracted on a contractual basis in accordance with the legislation of the Republic of Kazakhstan.

4. State concert organizations shall be allocated by subsidies for the purpose of involvement of citizens of the republic to the scope of cultural life from the budget for coverage of expenses linked with rendering of services on ensuring of availability of concert events for all the groups of population of the republic, propaganda of classic, folk, music and choreographic arts in the manner established by the budget legislation of the Republic of Kazakhstan.

**Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010); dated 05.05.2017 № 60-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication).**

## **Article 24. Library service**

1. Library service – a branch of culture, the tasks of which includes creation and development of library networks, formation and processing of their funds, organization of library, informational and informational bibliographic service of users of libraries, preparation and raising of qualification of library personnel, scientific and methodological support of development of libraries.

2. Library – cultural organization performing informational, cultural, educational functions, possessing organizational fund of printed and hand written documents, as well as graphic, audio visual materials, documents on electric carriers and providing them in temporary use to individuals and legal entities.

Library, the fund of which consists only of the documents on electronic carriers ( electronic library) shall carry out service with application of informational and telecommunication means upon mediate (distantly) or incompletely mediate interaction with users.



The library fund of libraries is formed by purchasing, book exchange, donation and gratuitous receipt of books published under the state order.

Library fund of the national libraries shall be formed also by receipt of compulsory free copy of a publication.

2-2. Is excluded by the Law of the Republic of Kazakhstan dated 05.05.2017 № 60-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication).

3. Universal, branch, inter-branch, youth, children libraries, as well as special libraries for blind and visually impaired citizens may be created in the territory of the Republic of Kazakhstan.

4. State libraries shall have the right to sale goods (works, services) not related to their main activity, the payment of which does not have compulsory character and is determined under agreement with an individual or legal entity. Money from sale of such goods (works, services) shall be used in accordance with the budget legislation of the Republic of Kazakhstan.

State libraries shall have the right to:

- 1) copying all the types of carriers, formats, standards and their processing;
- 2) production of materials for citizen with disabilities;
- 3) performance of analytical synthetic processing of documents and additional bibliography;
- 4) restoration of manuscripts, valuable books and documents;
- 5) organization of outdoor informational exhibition events;

- 6) educational and translation services;
- 7) examination of manuscripts and valuable books;
- 8) rendering of Internet services on the basis of a contract with communications provider;
- 9) electronic delivery of documents, search and drawing up of thematic information;
- 10) conduct of sightseeing services, photo and video shooting;
- 11) sale of educational methodic literature and other manuals published by a library.

Libraries shall have the right to determine a sum of a pledge upon provision of rare and valuable publications, types and amounts of compensation for harm inflicted by users to a library fund. Sums of received compensation for infliction of harm to the library fund by the state libraries shall be transferred to the relevant budget.

5. Library service, as well as questions linked with formation, reservation, use of library funds as a part of the national cultural heritage shall be regulated in the manner established by the authorized body.

6. Users of libraries that may not visit the libraries in virtue of disability or advanced age shall have the right of access to the funds of libraries through correspondence or non-stationary forms of service in the manner determined by the authorized body.

**Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010); dated 28.10.2015 № 368-V ( shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 05.05.2017 № 60-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

**Article 24-1. National state book chamber of the Republic of Kazakhstan**

1. The National state book chamber of the Republic of Kazakhstan is a culture organization established in accordance with the legislation of the Republic of Kazakhstan, in the form of a state institution.

2. The National state book chamber of the Republic of Kazakhstan shall:

1) ensure statistical recording and preservation of the press archive;

2) ensure the indefinite storage of printed products in the press archive;

3) provide a bibliographic processing of printed products;

4) organize translation of printed products stored in the press archive, on electronic media;

5) conduct other activities in accordance with the charter.

3. The press archive is completed by obtaining a compulsory free copy of the publication, as well as donations, gratuitous receipt of other printed products.

4. The press archive is the state property and is not subject to alienation.

**Footnote. Chapter 5 is supplemented by Article 24-1 in accordance with the Law of the Republic of Kazakhstan dated 05.05.2017 № 60-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 24-2. Compulsory free copies of publication**

In order to preserve the cultural heritage of the people of Kazakhstan, compulsory free copies of the publication are sent by the manufacturer or on his behalf by the third party to the national libraries and the National state book chamber of the Republic of Kazakhstan within thirty calendar days from the date of manufacture.

Footnote. Chapter 5 is supplemented by Article 24-2 in accordance with the Law of the Republic of Kazakhstan dated 05.05.2017 № 60-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

## **Article 25. Museums**

1. Museums are cultural organizations created for the storage, study and public presentation of museum items and museum collections designed to carry out cultural, educational, scientific and research functions and popularize the historical and cultural heritage of the Republic of Kazakhstan.

2. On the territory of the Republic of Kazakhstan, museums of different profiles may be established, including museums-reserves and museums of private collections.

### **Note of the RCLI!**

Paragraph 3 is meant to be supplemented with part three in accordance with Law of the Republic of Kazakhstan № 60-VI as of 05.05.2017 (shall be enforced from 01.01.2020).

3. Museum items and museum collections are included in the museum fund and are an integral part of the cultural heritage of the people of the Republic of Kazakhstan.

The collection of museum funds is carried out on the basis of decisions of stock-purchasing (stock-selecting) commissions established in state museums, in the manner determined by the authorized body.

It is prohibited to transfer museum items and museum collections from state museums to private property.

### **Note of the RCLI!**

Article 25 is meant to be supplemented with paragraph 3-1 in accordance with Law of the Republic of Kazakhstan № 60-VI as of 05.05.2017 (shall be enforced from 01.01.2020).

4. State museums and museums-reserves have the right to sell goods, works, services that are not related to their main activity, the payment for which is not mandatory and is determined by agreement with individuals and legal entities.

Money from the sale of such goods, works, and services is used in accordance with the budget legislation of the Republic of Kazakhstan.

5. State museums and museums-reserves have the right to:

1) make copies of all types of media, formats, standards and their processing;

2) provide Internet services on the basis of a contract with a telecommunications operator;

3) conduct photo and video shooting;

4) sell souvenir and poly-graphic products;

5) sell educational and methodical publications and other literature published by museums and museums-reserves;

6) process materials of the museum fund and (or) compile information and data about museum items and museum collections, as well as objects and collections in private ownership.

5-1. The right of the first publication about museum items and museum collections, included in the museum fund, belongs to the museum, these museum items and museum collections are assigned to.

6. The procedure and conditions for access to museum items and museum collections located in the museum's storage and other relations in the field of museum affairs are regulated in the manner determined by the authorized body.

7. In order to ensure the storage of cultural values, subsidies are allocated from the state budget to the state museums to cover losses associated with ensuring preservation, recording,

acquisition and restoration of cultural values in accordance with the procedure established by the budget legislation of the Republic of Kazakhstan.

**Footnote. Article 25 in the new wording of the Law of the Republic of Kazakhstan dated 28.10.2015 № 368-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the Law of the Republic of Kazakhstan dated 05.05.2017 № 60-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

## **Article 26. Culture of village**

1. Priority in development of culture in a rural district, formation of network of the state cultural organizations, creation of conditions for aesthetic education and cultural service of population shall be ensured in the Republic of Kazakhstan at the level determined by requirements of a standard of ensuring rural inhabited localities by objects of culture.

2. State cultural organizations in a rural district shall enjoy the priority right of material technical support.

3. Employees of cultural organizations residing in rural inhabited localities shall be provided by measures of social assistance provided by the legislation of the Republic of Kazakhstan.

**Footnote. Article 26 as amended by the Law of the Republic of Kazakhstan dated 24.12.2008 No. 111-IV (shall be enforced from 01.01.2009).**

## **Article 27. Cultural leisure organizations**

1. Cultural leisure organizations – centres of daily communication (clubs, cultural and recreational parks, houses and palaces of culture, centres (houses) of folk arts and other), development of persons, independent artistic folk art, the activity of which is regulated in the manner established by the authorized body.

2. Main task of cultural leisure organizations is satisfaction of spiritual and aesthetic requests of the population.

3. Activity of cultural leisure organizations shall be oriented to:

1) reservation, propaganda of folk art, ethnocultural traditions and customs, their adaptation to modern historical and social economic conditions;

2) organization of holidays celebrated in the Republic of Kazakhstan, concerts, song and dance festivals, presentations, festivals, competitions, aytys, exhibitions of folk applied and visual art;

3) organization of scientific practice, informational methodic work;

4) study, generalization, popularization of advanced experience in cultural leisure activity and folk art, its introduction and distribution;

5) propaganda of the best group of folk art by participation in oblast, regional, republican, international holidays, competitions, festivals;

6) support of ethnocultural associations;

7) support of innovative projects in the field of cultural leisure activity, various cultural offers, initiatives oriented to reservation and development of the national cultures.

4. Liquidation of the cultural leisure organizations financed on account of budget means shall not be allowed, if such liquidation makes impossible the ensuring of minimal volume of cultural services for the population.

5. Cultural leisure organizations shall be allocated by budget subsidies for the purpose of involvement of the citizens in the scope of cultural life from budget means for coverage of losses linked with rendering of services on ensuring of availability of the cultural leisure events for the population in the manner established by the budget legislation of the Republic of Kazakhstan.

Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 28. Cinematography**

Footnote. Article 28 is excluded by Law of the Republic of Kazakhstan № 213-VI as of 03.01.2019 (shall be enforced ten calendar days after its first official publication).

### **Article 28-1. National film**

Footnote. Article 28-1 is excluded by Law of the Republic of Kazakhstan № 213-VI as of 03.01.2019 (shall be enforced ten calendar days after its first official publication).

### **Article 28-2. Issuance of a distribution certificate for a film**

Footnote. Article 28-2 is excluded by Law of the Republic of Kazakhstan № 213-VI as of 03.01.2019 (shall be enforced ten calendar days after its first official publication).

### **Article 28-3. Film indices**

Footnote. Article 28-3 is excluded by Law of the Republic of Kazakhstan № 213-VI as of 03.01.2019 (shall be enforced ten calendar days after its first official publication).

### **Article 28-4. Language of a film distribution**

Footnote. Article 28-4 is excluded by Law of the Republic of Kazakhstan № 213-VI as of 03.01.2019 (shall be enforced ten calendar days after its first official publication).

### **Article 28-5. Types of films**

Footnote. Article 28-5 is excluded by Law of the Republic of Kazakhstan № 213-VI as of 03.01.2019 (shall be enforced ten calendar days after its first official publication).

### **Article 28-6. Storage of source materials of films and a cine chronicle**



Footnote. Article 28-6 is excluded by Law of the Republic of Kazakhstan № 213-VI as of 03.01.2019 (shall be enforced ten calendar days after its first official publication).

## **Article 29. Touring activity of creative collectives and performers**

1. Touring activity of creative collectives and performers in the territory of the Republic of Kazakhstan shall be carried out on a contractual basis.

2. Foreign tours shall be conducted by creative collectives and separate performers on the basis of contracts ensuring compliance with the copyright law and allied rights.

## **Article 30. Folk artistic creation**

1. Folk artistic creation – one of the forms of the folk creation, the activity on creation of artistic goods of decorative designation carried out on the basis of collective learning and successive development of a tradition of folk art in particular location in the process of creative of hand and (or) mechanical work of the masters of folk artistic creation.

2. Reference of goods to the goods of the folk artistic creation shall be carried out on the basis of conclusions of artistic expert councils on the folk artistic creation.

3. Rights of individuals and legal entities carrying out the activity in the field of the folk artistic creation shall be protected in the manner provided by the legislative acts of the Republic of Kazakhstan.

## **Article 31. Financing of activity in the field of culture**

1. State cultural institutions are financed with budgetary funds and funds from philanthropic and (or) sponsorship activities, and (or) patrons of art, and (or) activities aiming to support a small motherland, and other funds used in accordance with the procedure established by the budget legislation of the Republic of Kazakhstan.

2. Financing of the cultural organizations shall be carried out on account of realization of services, means of founders and other sources not prohibited by the legislation of the Republic of Kazakhstan, with the exception of the state cultural institutions.

3. Cultural development funds may involve non-state means in the manner provided by the legislation of the Republic of Kazakhstan.

Footnote. Article 31 as amended by the Law of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010); dated 16.11.2015 № 403-V ( shall be enforced upon expiry of ten calendar days after the day its first official publication); № 165-VI as of 02.07.2018 (shall be enforced from 01.07.2018).

## **Chapter 6. CULTURAL VALUES AND NATIONAL CULTURAL ASSET**

### **Article 32. Cultural values**

1. Cultural values are tangible and intangible values.
2. Tangible cultural values include:
  - 1) archaeological finds;
  - 2) rare collections and samples of flora and fauna, mineralogy, anatomy and subjects representing an interest for a palaeontology;
  - 3) values concerning the history including the history of science and technology, history of wars and society, history of the national culture, as well as linked with life of the national figures of science, culture, literature and arts, poets and artists and big national events;
  - 4) rare manuscripts, old and rare books, documents and publications of special interest ( historical, artistic, scientific, literary), separately or in collections;

5) postage stamps, tax and analogous marks separately or in collections, issued fifty years ago or more;

6) coins with the exception of the coins of the national currency of the Republic of Kazakhstan independently from an alloy or metal of their production, as well as coins of other states manufactured no more than one hundred years ago, medals, seals and other collective materials;

7) ancient and unique musical instruments;

8) archives, archive funds and collections including phono-, photo-, video-, film archives, as well as scientific technical documentation;

9) work of art having historical and cultural significance;

10) ethnographic, anthropological, ethnologic and palaeontological materials;

11) ancient subjects of more than centenary antiquity having special historical and cultural value;

12) objects linked with historical events in life of the people of the Republic of Kazakhstan, development of society and the state, history of science and technology, as well as with lives of outstanding leaders of science, state, culture, as well as museum subjects and museum collections;

13) artistic values in the form of linens, pictures and images of hand work on any basis and from any materials (with the exception of drawings and industrial goods, ornamentals by hand);

14) original works of the sculptural arts from any materials;

15) original gravures, plates and lithography;

16) constituent parts of the monuments of history and culture.

3. Intangible cultural values include:

1) oral traditions and forms of expression, including language as a carrier of the intangible cultural heritage;

2) performing arts;

3) customs;

4) rites;

5) festivities;

6) knowledge and customs related to nature and the universe;

7) knowledge and skills related to traditional crafts.

Footnote. Article 32 as amended by the Law of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010); dated 28.10.2015 № 368-V ( shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 05.05.2017 № 60-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

### **Article 33. Recording and systematization of objects of the national cultural heritage**

1. In order to preserve the cultural heritage:

1) the objects specified in paragraph 2 of Article 32 of this Law and having special significance for the history and culture of the country are entered in the State register of objects of the national cultural heritage;

2) the objects specified in paragraph 3 of Article 32 of this Law and having special significance for the history and culture of the country are entered in the National list of elements of the intangible cultural heritage.

2. Individual and legal entities engaged in the study of cultural values are required to submit information to the authorized body on the objects to be entered in the State register of objects of the national cultural heritage and the National list of elements of the intangible cultural heritage. As new objects and items are discovered, information is provided with the necessary data.

**Footnote. Article 33 in the new wording of the Law of the Republic of Kazakhstan dated 28.10.2015 № 368-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 34. Special regime of objects of the national cultural asset**

1. Collections or gathering of subjects representing artistic or historical interest in a set may not be divided.

Destruction, displacement, change, reproduction or restoration of objects of the national cultural asset entered into the State register shall not be allowed without the special permission of the authorized body issued on the basis of recommendations of an expert commission created by it for each particular object.

2. Use of objects of the national cultural asset by any methods inconsistent with their historical, artistic and religious purpose shall not be allowed. Subjects belonged to religious and cultural organizations and that are the objects of the national cultural asset may be used in consideration of their cultural purpose.

3. Special regime of objects of the national cultural asset shall not be applied to the objects of copyright law and allied rights.

4. Priority right of use of architectural monuments shall belong to the cultural organizations.

5. Obligations on proper maintenance of a condition and reservation of the objects of the national cultural asset shall be imposed on their users or owners. Non-compliance with the mentioned obligation shall entail withdrawal of provided right in a judicial proceeding on a remuneration basis. In the absence of material or other possibilities of owners or users for maintenance of the object of the national cultural asset, the expenses shall be incurred by the state.

Realization of the rights of an owner of the object of the national cultural asset shall be carried out under control and in the manner established by the Law of the Republic of Kazakhstan with a priority right of acquisition of the objects of the national cultural property of the Republic of Kazakhstan by the state in case of their selling.

6. Objects of the national cultural asset being in the state ownership shall not be subject to alienation.

7. For intended destruction, damage or waste of the objects and subjects of the national cultural asset, the individuals and legal entities shall bear liability in the manner established by the Laws of the Republic of Kazakhstan.

**Footnote. Article 34 as amended by the Law of the Republic of Kazakhstan dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication).**

### **Article 35. Coming in and coming out of cultural values**

1. Export of cultural values specified in paragraph 2 of Article 32 of this Law from the territory of the Republic of Kazakhstan shall be prohibited, except for cases of temporary exposition, tour activities, restoration works and scientific research, presentations, exhibitions and international cultural events, and other cases, specified by this Law.

2. Cultural values specified in paragraph 2 of Article 32 of this Law, illegally exported outside the Republic of Kazakhstan, are subject to mandatory return. The cultural values specified in paragraph 2 of Article 32 of this Law, illegally exported and returned to Kazakhstan, and also confiscated by a court decision, are subject to surrender to the state museums of the republican significance of the corresponding profile.

3. The author shall have the right to remove the cultural values created by him (her) independently from if he (she) leaves the Republic of Kazakhstan on a temporary basis or for a permanent residence.

4. The rules of temporary removal of cultural values shall also apply to the objects created in the territory of the Republic of Kazakhstan by foreign persons and stateless persons.

5. Transfer of the legal powers by owners of the cultural values on possession, use and disposal of the mentioned values shall not be allowed, if these actions may promote illegal coming out and coming in of the cultural values.

6. Cultural values, which are the property of foreign states, foreign individuals and legal entities temporarily imported into the territory of the Republic of Kazakhstan for cultural cooperation, are under the protection of the Republic of Kazakhstan.

They are subject to the legislation of the Republic of Kazakhstan on culture.

**Footnote. Article 35 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.10.2015 № 368-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

## **Article 36. Order and conditions of temporary coming out of cultural values**

1. Temporary export of cultural values specified in paragraph 2 of Article 32 of this Law may be carried out by the owner of the objects or by a person authorized by the owner on the basis of a certificate for the right of temporary export of cultural values, issued by local executive bodies of regions, cities of republican significance, the capital.

The grounds for refusal to issue a certificate for the right to temporary export of cultural values are:

1) unsatisfactory physical condition of exported cultural values, except for cases of temporary exportation for restoration purposes;

2) finding of cultural values in international and (or) state search list;

3) non-compliance with the objectives of temporary export of cultural values specified in paragraph 1 of Article 35 of this Law.

2. Upon temporary coming out of cultural values by legal entities, the documentary confirmation of their right of ownership for removed subjects shall be required.

3. Temporary coming out of cultural values, as well as their return shall be carried out on the basis of an examination made by an expert commission on a temporary coming out of the cultural values.

4. *Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).*

5. Term of stay of cultural values beyond the boundaries of the country may not exceed six months.

6. *Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).*

**Footnote. Article 36 as amended by the Laws of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 01.07.2010); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.10.2015 № 368-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**



## **Chapter 7. INTERNATIONAL COOPERATION IN THE FIELD OF CULTURE**

### **Article 37. International cooperation in the field of culture**

The Republic of Kazakhstan shall assist to development of the international cooperation in the field of culture including exchange of creative collectives, specialists, cultural values and results of the activity in the field of culture, as well as experience of organizational activity in various files of the culture.

### **Article 38. Participation in international organizations in the field of culture**

1. Branches, representatives of international non-profit cultural associations may be created in the territory of the Republic of Kazakhstan in accordance with civil legislation of the Republic of Kazakhstan.

2. Cultural organizations in accordance with the legislative acts of the Republic of Kazakhstan and in the manner determined by their constituent documents have the right to join associations specified in paragraph 1 of this article, as well as dispose the charity assistance received.

**Footnote. Article 38 as amended by the Law of the Republic of Kazakhstan dated 27.05.2010 No. 280-IV (shall be enforced from 03.12.2010); dated 16.11.2015 № 403-V ( shall be enforced upon expiry of ten calendar days after the day its first official publication).**

## **Chapter 8. FINAL PROVISIONS**

### **Article 39. Liability for breach of the legislation in the field of culture**

Breach of the legislation of the Republic of Kazakhstan on culture shall entail liability established by the Laws of the Republic of Kazakhstan.

### **Article 40. Order of entering of this Law into force**

1. This Law enters into force from the date of its official publication.

2. The Law of the Republic of Kazakhstan dated 24 December 1996 “On culture” (The Bulletin of the Parliament of the Republic of Kazakhstan, 1996, No. 22, Article 406) shall be deemed to have lost force.

T h e  
of the Republic of Kazakhstan

P r e s i d e n t

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