

# AMNESTY INTERNATIONAL

## Public Statement

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### **Kazakhstan fails to register the LBQ initiative “Feminita”**

Feminita, a lesbian, bisexual and queer women’s initiative has been continuously denied registration by the Ministry of Justice on absurd and arbitrary grounds. In a decision published on 31 May the Medeusky District Court in Almaty backed the Ministry of Justice in its repeated discontinuation of the registration of Feminita. The court decision confirms that Kazakhstan is failing in its obligation to guarantee its citizens the right to Freedom of Association.

The members of Feminita, which defends the rights of lesbian, bisexual and queer women, sex-workers, and women with mental and physical disabilities have been trying to register their organisation with the Ministry of Justice since its foundation in December 2017. They have applied for registration three times and each time the application has been returned with a request to correct the statute of the organisation, and the process of registration has been discontinued. In an attempt to end this game of cat and mouse the organisation applied to a court to ask for an acknowledgement that the Ministry of Justice was arbitrarily denying registration and violating their right to Freedom of Association.

Feminita first applied for registration on 27 December 2017 and received an answer on 9 January 2018 telling them that the statute of the organisation was not in line with the Law on Public Associations. The answer did not make it clear which articles of the statute were allegedly at fault, but the organization none-the-less made some changes and submitted a second application on 13 February 2018. Again, they were told on 20 February that the necessary changes had not been made without specifying exactly what those changes might be. Undeterred, the organisation’s founders applied for a third time on 20 December 2018 and they were told on 3 January that the mistakes had not yet been rectified - again without specifying which mistakes had been made.

In their statement to the court, the Ministry of Justice were forced to explain in more detail the reasons for the continuous postponement to registration. The Ministry claimed that the goals of the organization were not in line with the Law “On Charities”. It quoted one particularly discriminatory paragraph from the law which states that the aims of charities is “to contribute to building peace, friendship, social agreement, unity of the population, spiritual culture, prestige and role of the family in society as well as defence of motherhood, and patriotic education of children and youth”. Feminita have pointed out that this is spurious because the registration of NGOs is governed by the Law “On Public Associations” and not the Law “On Charities”.

The Ministry also claimed that the goal of defending the rights of sex workers must be removed since sex work was not listed as a profession in two internal documents of the Ministry of Labour and Social Welfare.

Finally, the Ministry claimed that Feminita aimed to “advocate for change in the political sphere” which was not in line with the law on Public Associations. The first draft of the organisation’s statute had contained the aim of “defending political rights”, but this had been removed subsequently. Even if it had still been included, ‘defending public rights’ is not the same as “advocating for change in the political sphere”.

Feminita is appealing against the court decision. The Ministry of Justice’s failure to register Feminita is discriminatory and is a violation of the right to Freedom of Association. The members of Feminita believe that it is because they represent lesbian, bisexual and queer women.

“We think that they don’t want to register us because we are defending the rights of particular groups”, Aigerim Kamidola, a Feminita lawyer told Amnesty International.

Amnesty International calls on the Kazakhstani authorities to live up to their obligations under the International Convention on Civil and Political Rights by guaranteeing the right to Freedom of Assembly and ensuring that Feminita is able to register and carry out their activities in Kazakhstan.

## **Background**

Feminita publicly advocates for the rights of lesbian, bisexual and queer women. The group also speaks out on important feminist debates and its members have been arbitrarily detained in 2018 for participating in a photo shoot about menstruation.<sup>1</sup>

Any NGO or association wishing to function in Kazakhstan must register with the authorities and leading or participating in an unregistered organization is an offence punishable under the Administrative. Legislative changes introduced at the end of 2015 mandated the creation of a central state database of NGOs, and all NGOs are required to regularly supply accurate information for the database or face fines or a temporary ban on activities.

In its Concluding Observations to the Second Periodic Report of Kazakhstan in 2016, the UN Committee on Human Rights expressed concern that regulations on the registration of public associations, including political parties, impose undue restriction on the exercise of freedom of assembly and political participation.

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<sup>1</sup> See *Kazakhstan: Feminist LGBTI activist standing trial for photoshoot*, 16 August 2018  
<https://www.amnesty.org/en/latest/news/2018/08/kazakhstan-feminist-lgbti-activist-standing-trial-for-photoshoot/>

*Let’s talk menstruation – and the women breaking the taboos around it*, 28 May 2019  
<https://www.amnesty.org/en/latest/campaigns/2019/05/five-activists-breaking-taboos-around-menstruation/>