



MISSION PERMANENTE
DE LA RÉPUBLIQUE DU KAZAKHSTAN
AUPRÈS DE L'OFFICE DES NATIONS UNIES
ET DES AUTRES ORGANISATIONS
INTERNATIONALES AYANT LEUR
SIÈGE A GENÈVE

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Enclosure: as stated, 2 page

The Permanent Mission of the Republic of Kazakhstan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and kindly asks to transmit the following information to the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on Economic, Social and Cultural Rights (CESCR), the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, the Special Rapporteur on violence against women, its causes and consequences and the Working Group on discrimination against women and girls .

The Permanent Mission avails itself of this opportunity to renew to the OHCHR the assurances of its highest consideration.

Geneva, May «22», 2020



**Office of the High Commissioner
for Human Rights
Geneva**

00978

Open letter from the Department of Justice of Almaty

to: The Kazakhstan Feminist Initiative “Feminita”.

The Feminita Association was founded by Serzhan Gulzada Uralakyzy and Sekerbayeva Zhanar Sansyzbayevna in 2017. On December 27, 2017, Feminita submitted an application for registration as a public foundation to the Department of Justice of Almaty (hereinafter referred to as the “Department”).

On January 9, 2018, the Department rejected Feminita’s request because the application lacked sufficient information to determine whether the purpose of the organization is consistent with the laws of the Republic of Kazakhstan.

As a goal in the Feminita’s Charter was indicated: “to promote the protection of the rights [...] of sex workers” The Department refused to register Feminita with the right to re-apply as soon as the deficiencies in the application were eliminated.

Confirmation that the refusal was caused solely by legal flaws in the Charter of Feminita, and not any discrimination based on the themes that Feminita supported, is evidenced by the successful registration of other associations with goals and actions similar to those that Feminita had (Alliance Gay and Lesbian, BIN 011040008019, registered on October 16, 2001; PF Community, BIN 100540005544, registered on May 12, 2010; PO Zhemchuzhina, BIN 971140002687, registered on March 11, 1997; and Amulet, BIN 081240011049, registered on December 18 2008 year).

Feminita initiated legal proceedings on this issue in May 2019. The Medeu District Court of Almaty upheld the refusal to register Feminita. Subsequently, Feminita appealed the decision of the District Court, which was upheld by the Court of Appeal. Feminita then appealed to the Supreme Court.

Despite the lawsuits, Feminita has the opportunity to re-apply for registration, and we are ready to approve the application of Feminita. There are several ways to do this.

The first option, as originally proposed by the Department, could be to amend the Charter by removing from it provisions that directly or indirectly encourage and promote prostitution.

An alternative is a correct redrafting of the provisions of the Charter, which will allow Feminita to protect the interests of victims or persons forcibly involved in the field of prostitution.

Regardless of how the founders of Feminita prefer to act, the Department is ready to meet and provide assistance and help in the preparation of constituent documents to ensure their compliance with the laws of the Republic of Kazakhstan.