

III Universal Periodic Review

Joint Alternative Submission on the Situation of Lesbian, Bisexual, Queer (LBQ) Women and Transgender Persons in Kazakhstan

Second cycle UPR outcomes

- **2 SOGI** (sexual orientation and gender identity) specific UPR recommendations
 - **Roadmaps** developed and presented by the local civil society in 2018
 - National UPR consultations
- **NO** recommendation on SOGI accepted by Kazakhstan during the previous UPR has been effectively **implemented**
- Discrimination, hate crimes and police misconduct have **continued** throughout the reporting period.

Current outline of issues

1. Discrimination of LBQ women and transgender people

There is no explicit prohibition of discrimination on the basis of SOGI under national law.

Needs Assessment Research findings (2016-2017): 57% of respondents face **abuse**, **45%** face **violence** on the basis of **SOGI**.

2. Legal gender recognition of transgender persons

Article 257, Subsection 13 of the Family Code

requires transgender people to undergo **invasive genital surgeries** and **coerced sterilisation** to change *the gender marker, surname, name and patronymic*.

3. Freedom of association of LGBTQ+ advocacy groups. Persecution of LGBTQ+ HRDs

In **“Feminita”’s case**, it has been denied registration 3 times since 2017.

On 3 September 2019 the Appeals Court dismissed the claim on grounds that its Charter objectives **“do not provide for strengthening of well-established spiritual and moral values, spiritual culture, prestige and role of the family in society.”**

In 2018 “Feminita”’s co-founder was arbitrarily detained and faced bogus charges in a show trial.

RECOMMENDATIONS:

1. Adopt **comprehensive anti-discrimination legislation** that addresses direct and indirect discrimination, **including sexual orientation and gender identity (SOGI)** *in line with the UN HRC (2016) and CESCR (2019) recommendations and implement them in accordance with the roadmaps developed and presented by the local civil society in 2018.*
2. Repeal all provisions **from Article 257, Subsection 13 of the Family Code** on **sex reassignment (invasive genital surgeries)** and **coerced sterilisation** from the list of requirements for **legal gender recognition**, *i.e. changing the last, first and patronymic names and the gender marker by transgender people.*
3. **Stop persecution of LGBTQ+ activists and HRDs**. Reverse the course of arbitrary and discriminatory decisions by the Ministry of Justice and national courts, which deny registration of feminist and LGBTQ+ advocacy groups, and **allow them to register and operate lawfully** within the country **without fear of reprisals and free of all restrictions**.



Thank you

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