



INTERNATIONAL TRADE UNION CONFEDERATION

EUROPEAN TRADE UNION CONFEDERATION

To Vice-President Mogherini

High Representative of the
Union for Foreign Affairs and
Security Policy

[Letter sent by e-mail]

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cc:

Toivo.KLAAR@eeas.europa.eu

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Brussels, 24 March 2017

Dear High Commissioner Mogherini,

We write to you again about trade union rights violations in Kazakhstan in view of the upcoming EU-Kazakhstan Cooperation Committee meeting in Astana on 28 March.

As you are well aware, we are extremely concerned about the deregistration of trade unions and the arrest of their leaders. The Ministry of Justice is currently seeking the deregistration of the Confederation of Independent Trade Unions (CNTUK) and its affiliated unions representing health care and domestic workers. This is due to their alleged failure to set up branches in 50 per cent of all regions pursuant to sections 11 (3), 12 (3), 13 (3) and 14 (4) of the Act on Trade Unions. Accordingly, national centres are required, under the threat of de-registration under section 10 (3), to affiliate sector-based, territorial and local trade unions within six months of their registration. These provisions have repeatedly been criticised by the ILO Committee of Experts and the ILO Committee of Application of Standards, which have urged the government to amend the legislation and to ensure that no excessive limitations on the structure of trade unions are imposed in practice. Contrary to the commitments made by the government to the ILO, it seems that there are no legislative initiatives to amend the legislation. Instead, Kazakhstan continues to apply this legislation in practice.

Furthermore, we deplore the harassment, intimidation and persecution of trade unionists in the country. Trade unionists are being targeted for police interrogation, surveillance and arrest in retaliation for their trade union activity. Amin Eleusinov, shop steward at the Oil Construction Company, was arrested in January 2017. CNTUK President Larisa Kharkova has been subjected to daily police interrogations and surveillance on the basis of trumped up charges. Nurbek Kushakbaev, CNTUK Vice-President, is under arrest for having mentioned the possibility of a strike action in a speech. Other trade union activists have been fined or reprimanded for having supported CNTUK. The ILO Committee on Freedom of Association has warned that the systematic or arbitrary interrogation by the police of trade union leaders could constitute a serious attack on trade union rights. The detention of trade unionists on the grounds of trade union activities constitutes a serious obstacle to the exercise of trade union rights and are a serious infringement of freedom of association.

We urge you once again to raise these issues at the EU-Kazakhstan Cooperation Committee meeting and to demand the Kazakh government ensure the full respect for the right to freedom of association by immediately undertaking the following actions:

- Submit the Law on Trade Unions to the Constitutional Council for review of its compatibility with the Constitution and Kazakhstan's international obligations and suspend its application in practice.
- To revoke deregistration and suspend any deregistration procedures in relation to the Confederation of Independent Trade Unions of Kazakhstan and its affiliates: Social and domestic workers sectoral union, Metallurgy and mining sectoral union, healthcare and social development sectoral union, Mass-media and communication workers sectoral union, Energy and fuel sector union.
- Immediate and unconditional release of trade unionists facing criminal charges and arrest for trade union activism.

We hope to receive your feedback after the meeting. We will continue to closely monitor the situation and remain at your disposal to inform you about any further follow-up.

We thank you in advance,

Yours Sincerely,



Sharan Burrow
General Secretary
ITUC



Luca Visentini
General Secretary
ETUC and PERC