

João Antonio Felicio

President
Président
Präsident
Presidente

Sharan Burrow

General Secretary
Secrétaire générale
Generalsekretärin
Secretaria General

Mr Nursultan Nazarbayev
President of the Republic of Kazakhstan

cc: - Mr Marat Beketayev
Minister of Justice

- Ms Abylkassymova Madine
Yerassylovna
Minister of Labour and Social Protection

***Via Embassy of the Republic of
Kazakhstan to the Kingdom of Belgium***

PERC/AL/pw

Brussels, 3 October 2018

Situation with ITUC-affiliate CITUK and its leadership

Dear Mr President,

The International Trade Union Confederation (ITUC) represents 207 million members of 331 affiliates in 163 countries and territories, including the Confederation of Independent Trade Unions of Kazakhstan (CITUK) and its affiliates on whose behalf we write.

We are deeply concerned about new repressive and arbitrary measures adopted by your government that continue to block registration by the CITUK and its affiliates. As a result, thousands of workers remain deprived of occupational representation.

According to our information, following its deregistration on 28 March 2017, CITUK undertook several attempts to register under a new name, or to re-register, but all of these attempts were blocked by the authorities. On 6 August 2018 and on 27 August 2018, the Ministry of Justice declined registration of the organisation under the new name of *Congress of Free Trade Unions of Kazakhstan*. On 04 September 2018, the authorities approved another proposed name of the organisation – *Confederation of Free Trade Unions* – but declined registration based on a not previously contested fact that one of the founding members was subject to court proceedings concerning an unpaid utility bill.

This new objection was based on provisions of the Law of 17 April 1995 on State Registration of Legal Entities and Record Registration of Branches and Representations No. 2198, as amended on 30 August 2018. According to Article 11.6, registration can be denied in case of “existence of court acts and regulations (prohibitions, arrests) of officers of justice and law enforcement bodies”.¹ We are deeply concerned about the new practice of using the 1995 Law to create additional obstacles to the registration of a trade union organisation.

¹ http://adilet.zan.kz/eng/docs/Z950002198_

Furthermore, other trade union organisations such as the Sectoral Union of Domestic Workers and Mangistau Local Independent Union “Edildik Joli” were dissolved or faced denial of registration.

Moreover, we were informed that a new lawsuit was initiated against CITUK leader Larisa Kharkova accusing Larisa of abusing her position and causing damage to the ambulance workers’ union. This new suit continues the legal prosecution of Larisa, who was sentenced to four years of restriction on her freedom of movement, 100 hours of forced labour and a five-year ban on holding any position in a public or non-governmental organisation – a sentence that the ITUC considers a travesty of justice.

Furthermore, a lawsuit was launched against Yerlan Blatabay, the leader of the sectoral union of fuel and energy workers, one of the founding unions of the CITUK and its successor CFTUK, and union offices were searched and union documentation was confiscated. Psychological pressure is growing on the leaders and their families. These moves can only be seen as continuous pressure on the activists of independent unions aimed at stopping them from pursuing legalisation of the national-level association that would succeed the forcefully dissolved CFTUK.

These developments demonstrate your government’s persistent lack of progress in taking measures to ensure that the CITUK and its affiliates are able to fully exercise their trade union rights and are given the autonomy and independence needed to fulfil their mandate to represent their constituents, and are contrary to conclusions adopted in 2017 by the International Labour Conference Committee of Application of Standards and by CEACR² and contrary to assurances given by your government to the ILO Direct Contacts Mission in 2016 and to the ILO High Level Mission in 2018.

Therefore, we call upon you to immediately bring your actions into conformity with the international obligations undertaken by the government of Kazakhstan by virtue of its membership in the ILO and ratification of Conventions No. 87 and No. 98. We call upon you to amend the provisions of the Trade Union Law of 2014 so that they are consistent with ILO standards; register CITUK and its member organisations without any further delay; simplify the registration process and clarify the criteria for the registration of trade unions; exempt trade union organisations from the scope of the 1995 law; and stop repressive or intimidating measures directed against union activists and members of their families, including Larisa Kharkova, and Yerlan Baltabay. We encourage implementation in full and without delay of the roadmap agreed upon during the ILO High Level Mission in May 2018.

We thank you for your urgent attention to this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. B.', written over a horizontal line.

General Secretary

² https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3344292