

João Antonio Felicio

President
Président
Präsident
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Sharan Burrow

General Secretary
Secrétaire générale
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Mr Nursultan Nazarbayev
President
Republic of Kazakhstan

cc: Prime Minister Sayintayev

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PERC/AL/pw

Brussels, 1st December 2016

Dear President,

I write to you on behalf of the International Trade Union Confederation, which has 180 million members in 162 countries, including Kazakhstan, in order to express serious concern over the failure of your government to protect the right to freely establish trade unions.

After an extremely lengthy delay, the Confederation of Independent Trade Unions (CNTUK) was registered in February 2016. Trade unions at sectoral level faced similarly lengthy and burdensome registration procedures. Some unions received more than 25 rejections, none justified by law, before their request for registration was granted. At branch level, unions in various cities, such as Almaty, Aktau, Aqtobe, Uralsk, Kokshetau, and Taldykorgan were refused registration often due to simple grammatical errors in application documents. These examples demonstrate that the formalities prescribed in the legislation are applied to delay and discourage the formation and establishment of trade unions.

Most recently, the Ministry of Justice brought a legal challenge before the Economic Court calling for the revocation of the registration of not only the CNTUK but also its affiliated unions representing health and domestic workers. The revocation of their registration would make any trade union activity illegal for the organisations concerned leaving their members without representation.

Kazakhstan has ratified ILO Convention No. 87 on Freedom of Association in December 2000. Article 2 of this Convention clearly lays out that workers shall have the right to establish organisations “without previous authorisation”. Your

government is therefore obliged to refrain from imposing formalities in manner that could impair and undermine the free establishment of trade unions.

The failure of Kazakhstan to guarantee the right to freedom of association has been examined by the ILO Committee of Experts and by the Committee on the Application of Standards at the International Labour Conference in 2015 and 2016. Both committees have urged the government to amend sections 10 through 15 of the Act on Trade Unions regarding the registration of trade unions. The government has yet to act on this or any other observations or conclusions. Technical support by the ILO was offered and accepted by your government.

We are extremely disappointed to see the obstacles trade unions encounter in practice when exercising their rights under international law. We call on you to withdraw immediately the pending complaint before the Economic Court and to ensure that workers have the right to establish trade unions without previous authorisation.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. B.', written in a cursive style.

General Secretary