



Brussels and Geneva
2 February 2021

Mr Kassym-Jomart Tokayev
President
Republic of Kazakhstan
Nur-Sultan
“Akorda” Presidential Residence
Kazakhstan

Also via Embassy of Kazakhstan in Belgium
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Dear Mr President,

On behalf of the International Trade Union Confederation (ITUC) and IndustriALL Global Union, we wish to express our serious concerns about continuous repression against independent trade unions and their activists, and particular attempts to interfere in and eventually stop the activities of the Industrial Trade Union of Fuel and Energy Workers (the union) by the authorities of Kazakhstan.

The union is one of the founding members of the Confederation of Independent Trade Unions of Kazakhstan (CITUK/KNPRK), the ITUC affiliate that was forcefully dissolved by the court under internationally criticised trade union legislation, in obvious breach of the international obligations of Kazakhstan. The process of dissolution of the CITUK and its affiliates, the condemnation of its leaders L. Kharkova, N. Kushakpaev, A. Eleusinov, and E. Baltabay, and the harassment and intimidation of its activists are in the focus of the supervisory bodies of the International Labour Organization. The Committee on Freedom of Association, the Committee of Experts, and the Committee on the Application of Standards of the International Labour Conference (ILC) have issued clear recommendations in this regard. The government of Kazakhstan regularly provides the ILO with reporting about implementation of these recommendations, including revision of the national trade union and labour legislation in May 2020. To

our regret, these seem to be no more than reports, as in practice the functioning of the independent trade unions is still questioned by the authorities while employers deny their rights for workplace representation and collective bargaining.

Following the sentencing of its leader Erlan Baltabay in a politically motivated trial, which was condemned by the international trade union movement, the union elected a new president, Kuspan Kusshegulov. It also decided to change the location of the union's headquarters from Shymkent to Atyrau. The union duly notified the authorities about these decisions, which, however, were not recorded in the respective database of the legal entities by the respective local authorities, which created obstacles for the union to fund and to implement its activities.

Furthermore, the three companies – “Oil Construction Company”, “West Oil”, and “Buzachi Trans Construction company”, where the union has primary groups, all operating in Western Kazakhstan, demanded the local executive body (akimat of Shymkent) to suspend the activities of the union in 2019, which resulted in a trial process in the Shymkent city court. These three companies are part of the Kazmunaygas state-owned enterprise, well known for its role in the tragic events following the collective labour dispute and strike in Zanaozen in 2011, while the Oil Construction Company had an obvious role in the trials that led to the condemnation of A. Eleusinov and N. Kushakpaev, union leaders from that enterprise, in 2017.

The judiciary process raises serious concerns. The union officials were not duly informed about the court trial. The Ministry of Justice refused to acknowledge the move of the union's central office from Shymkent to this city and to record other amendments to the union documentation; hence, the trial is in Shymkent court, making it difficult to have the participation of the union leadership in the process. The plaintiff – the akimat of Shymkent – is represented by the city labour inspectorate, while the union has the status of a national, and not a local, union. There are irregularities of a procedural nature.

We must conclude that despite reported efforts by the government of Kazakhstan to implement the recommendations of the ILO, the employers and local authorities continue suppressing trade union activities, seeking to exploit legal powers to suspend union activities, and to prevent workers from the oil and energy sector from implementing their right to form a union and to bargain collectively, enshrined in the Constitution of the Republic of Kazakhstan and the international conventions it has ratified.

The ITUC and the IndustriALL Global Union urge you to intervene and to make sure that freedom of association is respected in the country, that the judiciary processes against the union are stopped, and that the union can implement its activities without any interference by the state or employers, while those responsible for such interference are held responsible. We also expect Kazakhstan to implement the recommendations

of the ILO in full and without any further delay, including registration of CITUK and its unions.



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General Secretary, ITUC



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