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**International Centre for Trade Union Rights**

*Centro Internacional para los Derechos Sindicales*  
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ICTUR was founded to  
defend and extend trade union rights and  
to raise awareness of these rights and their violations  
around the world

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**April 2017**

**Attn:**

**Nursultan Nazarbayev,**  
**President of the Republic of Kazakhstan**

**CC:**

Tamara Duissenova, Minister of Health and Social Development  
Confederation of Independent Trade Unions of the Republic of  
Kazakhstan (KNPRK)  
International Trade Union Confederation (ITUC)  
General Confederation of Trade Unions (VKP)

Dear President Nazarbayev,

The International Centre for Trade Union Rights is concerned about the situation for trade union rights in Kazakhstan, in particular the recent sentencing of trade union activist Nurbek Kushakbayev.

ICTUR understands that on 7 April 2017, Nurbek Kushakbayev was sentenced to two and a half years in prison under Article 402 of the Criminal Code, for inciting workers to participate in an unauthorized strike in December at the company Techno Trading Ltd. He is ordered to pay the company 23 million tenge (approx. euro 69,000) in compensation and banned from involvement in civic activism for two years after his release. It is understood that the workers declared a partial hunger strike to demand improved working conditions and an increase in their wages.

It is further understood Kushakbayev is being targeted for his involvement in the labour dispute at the Oil Construction Company (OCC) - part of state oil and gas company KazMunaiGas - in the city of Atyrau, where workers also conducted a hunger strike to protest the dissolution in January 2017 of their trade union and the confederation to which it was affiliated, the Confederation of Independent Trades Unions of Kazakhstan (KNPRK). The dissolution came after repeated

attempts by KNPRK and its member unions to qualify for state re-registration, following the adoption of the Trade Union Law of 2014. Kushakbayev was arrested during the OCC trade union hunger strike, along with the union's chair, Amin Yeleusinov, who is charged under Article 189 of the Criminal Code for 'misappropriation or embezzlement' of property and awaits trial. It is further understood that in the period 19–24 January, sixty-three oil workers were detained, brought before the court, and fined between 489,000 and 1.22 million tenge.

ICTUR calls for Nurbek Kushakbayev's immediate release from prison and requests that the criminal charges against him and Amin Yeleusinov are dropped. ICTUR recalls the ILO's request for amendments to the Trade Union Law of 2014 to bring the law into compliance with the ILO Convention No. 87 on Freedom of Association, which Kazakhstan has ratified. The Convention clearly states that workers shall have the right to establish organisations 'without previous authorisation' (Article 2). The Committee has further stated that 'measures of suspension or dissolution by the administrative authority constitute serious infringements of the principles of freedom of association' and a 'clear violation of Article 4 of Convention No. 87' (*Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, Fifth Edition, 2006, para. 683-4). ICTUR also calls on the government to make relevant amendments to the Criminal Code, to ensure that legitimate trade union activities are not subject to criminal sanction.

ICTUR will report these incidents in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'D. Blackburn', followed by a long horizontal line extending to the right.

Daniel Blackburn, Director