

**President**

*John Hendy QC*  
Lawyer, UK

**Vice Presidents**

*Kurshid Ahmed*  
General Secretary, All Pakistan  
Workers Confederation

*Professor Jan Buelens*  
Advocaat, Progress Lawyers'  
Network, Belgium

*Dr. Anita Chan*  
Academic, Australia

*Dr. Ericson Crivelli*  
Advogado, Crivelli Advogados  
Associados, Brazil

*Professor Keith Ewing*  
Academic lawyer, UK

*Fathi El-Fadl*  
Director, Trade Union Rights  
Centre (independent NGO), Sudan

*Esther Lynch*  
Confederal Secretary,  
European Trade Union  
Confederation

*Lornts Nagelhus,*  
Advokat, LO Norway

*Yoshikazu Odagawa,*  
Secretary General,  
Zenroren, Japan

*Jeffrey Sack QC*  
Lawyer, Canada

*Jitendra Sharma*  
Senior Advocate,  
Supreme Court of India

*Jeff Sissons,*  
General Counsel,  
New Zealand Council  
of Trade Unions

*Surya Tjandra,*  
Lawyer and Director of the  
Trade Union Rights Centre,  
Indonesia

*Ozlem Yildirim,*  
Policy Officer,  
International Department  
CGT France

**Director**

*Daniel Blackburn, MA,*  
barrister

**Researcher**

*Ciaran Cross, LL.M.*



**International Centre for Trade Union Rights**

*Centro Internacional para los Derechos Sindicales*  
*Centre International pour les Droits Syndicaux*

Address: 177 Abbeville Road, London SW4 9RL , UK  
Tel: +44 (0) 20 7498 4700  
Fax: +44 (0) 20 7498 0611  
E-mail: [ictur@ictur.org](mailto:ictur@ictur.org)  
Web: [www.ictur.org](http://www.ictur.org)

ICTUR was founded to  
defend and extend trade union rights and  
to raise awareness of these rights and their violations  
around the world

**By e-mail:**

[Ikorda.press@gmail.com](mailto:Ikorda.press@gmail.com)  
[kanc@adilet.gov.kz](mailto:kanc@adilet.gov.kz)  
[mintrud@enbek.kz](mailto:mintrud@enbek.kz)  
[minzdravsoc@mzs.gov.kz](mailto:minzdravsoc@mzs.gov.kz)

**December 2016**

**Attn:**

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

**CC:**

Tamara Duissenova, Minister of Health and Social Development  
Larisa Kharkova, President, Confederation of Independent Trade  
Unions of the Republic of Kazakhstan (KNPRK)  
Mamadou Diallo, Director - Human and Trade Union Rights,  
International Trade Union Confederation (ITUC)  
Hugh Williamson, Director - Europe & Central Asia division, Human  
Rights Watch

Dear President Nazarbayev,

The International Centre for Trade Union Rights is writing to express  
its concern about workers' freedom of association in Kazakhstan.

ICTUR understands that the authorities are attempting to legally  
dissolve the Confederation of Independent Trade Unions of  
Kazakhstan, which was registered in February 2016. As reported by  
Human Rights Watch, it is understood that the Justice Ministry has  
brought a case against the union which began its hearing at an  
economic court in Shymkent in southern Kazakhstan on 5 December  
2016. It is understood that the Confederation faces dissolution along  
with three affiliated industrial trade unions representing medical  
workers, domestic workers, and mine workers.

ICTUR understands that these unions attempted repeatedly to register  
under the Trade Union Law of 2014, which has been criticised by the  
International Labour Organization (ILO) for imposing burdensome  
registration requirements on unions. In 2015 and 2016, the ILO

Committee on the Application of Standards called for Kazakhstan to amend the provisions of the 2014 law. ICTUR understands that Kazakhstan's Justice Ministry has accused the Confederation of failing to satisfy the requirement for a national level union to document that it has member organisations in over half the territories of Kazakhstan, in Almaty and in Astana, within six months of registration.

However, Human Rights Watch reports that the Confederation and its affiliated industrial and local unions faced registration and processing delays at the Justice Ministry or had their applications returned - even for minor grammatical errors. The unions were therefore prevented from complying with registration requirements.

ICTUR calls on the government to withdraw the complaint before the Economic Court, to comply with the ILO's request for amendments to the Trade Union Law of 2014 and to bring the law into compliance with the ILO Convention No. 87 on Freedom of Association, which Kazakhstan has ratified and which clearly states that workers shall have the right to establish organisations "without previous authorisation" (Article 2). The ILO's Committee on Freedom of Association has further declared that dissolution of unions "should only occur in extremely serious cases" and only "following a judicial decision so that the rights of defence are fully guaranteed" (*Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, Fifth Edition, 2006, para. 699). 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" (*ILO Digest*, paras. 683-4).

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 horizontal line extending to the right.

Daniel Blackburn, Director