



**INTERNATIONAL TRADE UNION CONFEDERATION
EUROPEAN TRADE UNION CONFEDERATION**

Ms Federica Mogherini
High Representative of the Union for
Foreign Affairs and Security Policy
European Commission
Brussels, Belgium

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PERC/AL/pw

Brussels, 21 February 2018

Dear High Representative Mogherini,

The EU-Kazakhstan Cooperation Council will take place on 26 February. As you are aware, Kazakhstan has an extremely poor workers' rights record, and, in particular, serious limitations to freedom of association. The International Trade Union Confederation (ITUC) Global Rights Index has rated the country as one of top ten violators in the world.

The implementation of the application of ILO Convention 87 on Freedom of Association was discussed at three consecutive International Labour Conference meetings. Yet, despite clear recommendations of the Committee on the Application of Standards (CAS) of the Conference, the situation has not changed and the government has not addressed the situation. Moreover, further violations have been recorded since the last CAS discussion, including the sentencing of Larisa Kharkova, president of de-registered Confederation of Independent Trade Unions of Kazakhstan (CITUK), an affiliate of the ITUC and its Pan-European Regional Council (PERC). Ms Kharkova was sentenced to a limitation of freedom, to compulsory public work and also to confiscation of her property – all on false charges – while provocations and attacks against individual trade unionists and their families have continued. The proposed changes by the government to the trade union law are cosmetic and do not address the core problem: limitation of freedom to establish trade unions of one's own choice, compulsory registration of unions by the government and the risk of forced union dissolution for non-compliance with the government-set criteria.

The Cooperation Council meeting agenda includes human rights and the rule of law. We urge you to raise serious concerns about freedom of association in the country and to demand that the government, in particular,

- Comply fully with the conclusions adopted in 2015, 2016 and 2017 by the ILO Committee on the Application of Standards;
- Revise the 2014 Trade Union Law to allow trade unions to register and to function in line with international labour standards ratified by Kazakhstan;

- Revise the 2015 Labour Code by lifting broad restrictions and prohibitions on the right to strike and clearly define provisions for collective bargaining;
- Revoke deregistration procedures in relation to the Confederation of Independent Trade Unions of Kazakhstan and its affiliates: the social and domestic workers sectoral union; the metallurgy and mining sectoral union; the healthcare and social development sectoral union; the mass-media and communication workers sectoral union; and the energy and fuel sector union;
- End the harassment of independent trade union activists, including by revoking the sentence of Larisa Kharkova, and releasing trade union activists Amin Yeleusinov and Nurbek Kushakbaev from prison; and
- Amend Criminal Code Articles 174 “inciting social, national, clan, racial, class, or religious discord” and 402 “calling on workers to participate in a strike that has been found illegal by a court,” as they are incompatible with freedom of association, the right to organise, and the right to strike.

We hope to receive your feedback after the meeting. We will continue to closely monitor the situation, and remain at your disposal for further follow-up and information.

Sincerely yours,



Sharan Burrow
General Secretary
ITUC



Luca Visentini
General Secretary
ETUC and PERC

cc: DG Employment

The ITUC represents 202 million workers in 163 countries and territories and has 331 national affiliates.

The ETUC is the voice of workers and represents 45 million members from 89 trade union organisations in 39 European countries, plus 10 European Trade Union Federations.

The ITUC-PERC is the regional structure of the ITUC for Europe, covering trade unions from both EU Member States and other European countries.