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President: Jörg Hofmann
General Secretary: Valter Sanches

Geneva, 23 January 2017

Nursultan Nazarbayev
President
Republic of Kazakhstan

Sent by email to akorda.press@gmail.com; kanc@adilet.gov.kz;
minzdravsoc@mzsr.gov.kz; mission@kazakhstan-geneva.ch

IndustriALL's call to restore the registration of the Confederation of Independent Trade Unions (CNTUK) and protect the right of workers to freely establish trade unions in Kazakhstan

Dear Mr. President,

I address to this letter to you as the General Secretary of [IndustriALL Global Union](http://www.industrial-all-union.org), representing more than fifty million workers in the mining, energy and manufacturing industries, including garment, in some 140 countries worldwide, including Kazakhstan, in order to express serious concerns over the failure of your government to protect the right to freely establish trade unions in Kazakhstan.

On 4 January 2017, less than one year after a burdensome and delayed registration in February 2016, the courts revoked the registration of the Confederation of Independent Trade Unions (CNTUK) and two of its sectoral unions. During the registration procedures, some unions received more than 25 rejections, none justified by law, before their request for registration was granted. At the 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 the 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.

It is also known that the CNTUK chairperson Larisa Kharkova was accused of embezzlement of union funds, which certainly cannot be the reason for closure of the independent trade union center she was chairing.

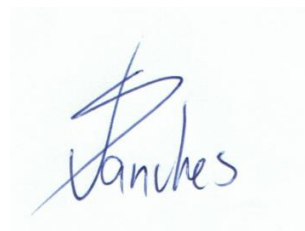
The revocation of the registration would make any trade union activity illegal for the organizations concerned, leaving their members without representation.

Kazakhstan 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 organizations “without previous authorization”. Your government is therefore obliged to refrain from imposing formalities in a 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. Therefore, 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 authorization.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read "Valter Sanches", is centered on a light blue rectangular background.

Valter Sanches
General Secretary
IndustriALL Global Union