

Kazakhstan-case

109th ILC, 2021, Intervention on Kazakhstan, Violation of Convention No. 87, 12 June 2021

Country: Germany

Speaker: Claudia Hofmann Case:

Kazakhstan C87

Check against delivery

Madame Chair, distinguished delegates,

I speak on behalf of DGB, FNV and the Nordic Trade Unions.

Over the last days, some delegates said that demanding respect for civil liberties falls outside the scope of Convention 87. The ILO supervisory bodies have, however, on numerous occasions emphasized that the rights under Convention 87 can only be exercised within a system that respects fundamental rights.

In Kazakhstan, workers, independent unions and their members face repression and systematic state obstruction in exercising their civil liberties in general and the right to organize in particular.

The right to strike forms part of right to organize – as the ILO supervisory bodies have rightly pointed out over decades. Trust, cooperation and solidarity are essential, but being able to use industrial action as a means of last resort is a crucial prerequisite for the negotiating power of a united workforce.

The Kazakh Labour and Criminal Code still provide broad gateways for the infringement of the right to strike and the freedom of assembly.

In its statement to the CAS, the government indicates that the amended article 402 of the Criminal Code complies with article 21 ICCPR and, hence, the rights protected by Convention 87. According to the UN Human Rights Committee “any restrictions [of article 21] must be [...] necessary and proportionate in [...] a society based on democracy, the rule of law, political pluralism and human rights [...].” In 2016, the Committee has called on the government to “refrain from criminalizing public associations [...] for their legitimate activities under criminal law provisions that are broadly defined and not compliant with the principle of legal certainty.”

An assessment of article 402 of the Criminal Code shows that nothing has changed since. As is the case with article 174 of the Criminal Code under which the incitement of “social discord” can be punished with imprisonment for two to seven years.

We therefore call on the government to immediately bring its law not only in line with Convention 87 but also the international human rights conventions Kazakhstan has ratified and hence pledged to “respect, promote and fulfil”.

Thank you.

