



6th Conference of the International Labour Rights Monitoring Mission in Central Asia.

The 6th Conference of the International Labour Rights Monitoring Mission in Central Asia was held in Bishkek, Kyrgyzstan, on November 15-16, 2022. The Conference was held with the support of the FES Kyrgyzstan office and the Mission partners during the dates of the XVI International Human Rights Documentary Film Festival “Bir Duino Kyrgyzstan”. This year, the Festival was dedicated to “Climate and Crises: Fundamental human rights and alternatives for the SDGs” and ran from November 14 to 18, 2022.

The Conference addressed labour rights issues in Eastern Europe and Central Asia, assessing the impact of the COVID-19 pandemic, military conflicts in Central Asia, and migration crises. The Conference participants – representatives of trade union and human rights organisations from Kazakhstan, Kyrgyzstan, Uzbekistan, and Russia – had an opportunity to take stock of this year’s developments, new challenges in the area of labour rights in the context of the aggravating geopolitical situation in the region, and identify the areas of activity and priorities for the coming year.

The International Labour Rights Monitoring Mission in Central Asia launched by the decision of the Conference of trade union and human rights organisations held in Bishkek in December 2016 has been carrying out an annual review of labour rights observance in Central Asian countries for the past six years.

FINAL DOCUMENT

Labour Rights in Eastern Europe and Central Asia: assessing the impact of the COVID-19 pandemic, military conflicts in Central Asia, and migration crises.

The COVID-19 pandemic, military conflicts in the region, financial and migration crises adversely affect the world of work. In the recent years, we have been observing a steady growth in poverty which entails a growth of socially vulnerable population. Equally noticeable are the growing totalitarian and authoritarian trends not only in Kazakhstan but also in Kyrgyzstan which was traditionally seen as “an island of freedom and democracy in Central Asia”.

In the course of a short period, **Kyrgyzstan** has seen the blocking of a dozen information resources that the authorities saw as undesirable. Civil activists, journalists, and human rights defenders face arrests or are already behind bars and under investigation.

One example of a demonstrable attack on civil rights and freedoms in Kyrgyzstan is a legislative proposal to amend the law on non-governmental organisations with the view of introducing the concept of foreign agents. The Presidential administration in Kyrgyzstan has

announced public consultations regarding the new draft Law on Non-Commercial Non-Governmental Organisations. The relevant document has been published on the [web-site](#) of the Cabinet of Ministers.

The bill's background document points out that the implementation of citizens' right to form and join non-governmental organisations is considered to be beneficial as it makes the authorities to take into account the sentiments and ideology of the various population groups they represent. However, today the legal set-up and operations requirements the NGOs are obliged to meet grow in number dramatically.

Kyrgyzstan and Kazakhstan have seen several protest actions by platform workers: couriers and drivers employed in delivery and taxi services which boomed during the pandemic.

Another big issue is women employment, particularly, for women with disabilities, as a survey showed; the survey only covered a small percentage of working women with disabilities but exposed numerous and profound challenges they faced. The research was focused on main issues and challenges at work faced by women with disabilities during the pandemic (starting from March 2020) and the crisis that followed. While employment could be a tool of women's empowerment, it can also put them in situations where their rights are subject to a particular risk of intersectionality when working disabled women suffer from double discrimination as women and as people with disabilities.

Difficulties faced by working women with disabilities include traveling to and from work as the public transport and general environment are not equipped to accommodate their special needs; the lack of consideration for workers with disabilities when distributing work tasks; limited employment opportunities as employers consider hiring workers with disabilities for specific jobs only; physical or sexual violence or threat of violence; intimidation and threats (withheld wages, worse working conditions, etc.); wage stealing including non-payment or incomplete payment of wages, arbitrary deductions, forced overtime work without pay.

The research has shown that in the current situation women are at their most vulnerable; this also applies to migrant female workers a vast majority of whom have no access to the rights and opportunities provided by employment contracts, decent wages, and safe working conditions.

A number of research initiatives have established that in **Uzbekistan** labour migrants are one of the groups that was hit hardest by the pandemic. In particular, the number of citizens who returned to the country increased in 43 per cent of neighbourhoods, with the biggest growth recorded in the Namangan, Jizzakh, and Kashakdarya Regions. The research established that the returning migrant workers largely needed employment (54%), financial support (27%), and food. According to the External Labour Migration Agency, around 3 million Uzbeks find employment abroad. The majority of them fill low qualification jobs in Russia and Kazakhstan.

The COVID-19 pandemic has had an adverse effect on women-dominated sectors. The majority of women do seasonal work or are day labourers in informal economy which was

gravely affected by the crisis. Women are active in the food and hospitality sectors (52%), the retail sector (51%), as well as in arts, entertainment, and leisure (45%). During the pandemic these sectors showed the highest rates of job cutting. There are over 17 million women in Uzbekistan, which is more than a half of its population. Women can make a huge contribution to the recovery of the national economy after the pandemic. This would require the elimination of the existing barriers to their participation in the economic, social, and political life in the country.

Despite the positive trends manifested in the recognition of the union independently created by workers of a textile factory and the expected adoption of the new Labour Code that would bring a significant improvement to the situation of hired labour, cases of forced labour has yet again been recorded in the country this year. Also, any positive steps made by the Government have been negated by the unjustifiably harsh suppression of protests in Karakalpakstan and the ensuing prosecution of the regime's opponents.

In **Tajikistan** we observe insufficient activity of trade unions as organisations that are independent of the authorities and employers and can freely unite workers, represent them, and protect their interests.

The political regime in **Turkmenistan** characterized by extreme authoritarianism makes sure there is no opportunity for independent unions, human rights organisations, and mass media to emerge. The use of forced labour involving workers of different sectors remains ubiquitous and systemic during cotton harvesting.

The State-controlled unions which are used by the authorities as a tool of control and repression against workers play a special role in maintaining the archaic system of labour relations in Central Asia.

Developments in the area of labour rights in **Kazakhstan** have been unfavourable for workers; according to the official data from the Ministry of Labour of Kazakhstan, in 2021, labour disputes were started at 363 enterprises with 333 of them settled in favour of workers (fully or partially). However, only 31 protest actions were recognized as strikes. According to Tokayev's statement, the Mangistau Region alone saw 150 labour conflicts. Over 130 of those took place in the oil and gas sector. Oil-producing areas account for 80% of all strike actions. The situation of the State Labour Inspectorate remains lamentable with 1 State Inspector per 50 thousand workers. The number of complaints and applications received was as follows: 2,747 in 2022 (as of July 1), 5,065 in 2021, 16,330 in 2020, and 9,522 in 2019.

In 2019, at least 20 social and labour disputes concerned the Kazakhs' frustration over the pay gap between them and foreign workers as well as wage arrears. In 2020, more than 24 strikes had to do with workers' protests against wage arrears and violations in the area of OSH. In 2021, the participants of 67 strike actions demanded higher wages and better working conditions. The period between 2019 and 2022 has seen at least 197 strikes. Only one of them was recognized as compliant with the effective legislation. The rest were declared to be illegal. The oil and gas sector accounted for almost 95-98% of all strikes in 2018-2020 and around 60% in 2020-2022.

Statement on Kazakhstan.

The Labour Rights Monitoring Mission in Central Asia demands the release of Erzhan Elshibayev, a convicted civil and worker activist who has spent over two years behind bars who was one of the organizers of the 2019 rallies in the town of Zhanaozen demanding higher wages for Zhanaozen workers and jobs for unemployed. Zhanaozen is a town located in the center of the richest oil region in the country with the unemployment level remaining among the highest in the country for of many years.

In October 2019 Erzhan Elshibayev was sentenced to five years in prison on trumped-up charges – allegedly, the activist inflicted injuries on an unknown person several years before. Human rights defenders and Elshibayev himself see charges as retaliation for his public and civil activities.

Persecution of Elshibayev continued even behind bars. The activist has made numerous complaints as he was put under pressure by the prison wardens. As a sign of protest against the illegitimate actions of the prison administration he was forced to maim himself in order to attract public attention to his case and his story. The administration of the ZK-169/5 penitentiary of the town of Kyzylorda chose to see his actions as “disobedience to legitimate demands of the penitentiary officers” and, rather than eliminate any violations of the convicts’ rights, filed a complaint against Elshibayev in September 2022 which entailed new criminal charges brought against him under Article 428, Part 3 “Disobedience to legitimate demands of a penitentiary officers and the incitement of other convicts to disobedience” which led to a new sentence – 7 years of high-security prison. Taking in account the remaining 18 months of the original sentence, the overall term of imprisonment for Erzhan Elshibayev is now eight years. In November 2022, the Aktau Municipal Court examined an appeal and left the sentence unchanged.

Kazakh human rights defenders have included Erzhan Elshibayev inn the list of the country’s political prisoners. The UN Working Group on Arbitrary Detention, the European Parliament, and the international human rights organisations Human Rights Watch (HRW) and Democracy Now (USA) have called upon the Government of Kazakhstan to immediately release Erzhan Elshibayev.

We, representatives of various trade union and human rights organisations that are Members of the Labour Rights Monitoring Mission in Central Asia demand that the Government of the Republic of Kazakhstan immediately release Erzhan Elshibayev.

Statement of Belarus

Independent trade unions are being destroyed in the Republic of Belarus. In April 2022, the authorities waged a full-scale attack on all independent unions and arrested their leaders and activists. Currently, at least 35 union activists have been detained or their freedom restrained. In July, the Supreme Court ruled to dissolve the Belorussian Congress of Democratic Trade Unions (BKDP) and its 4 largest affiliates. On top of that a number of strike activists face long-term imprisonment for alleged “high treason”.

Members of the Labour Rights Monitoring Mission in Central Asia follow closely the developments in the Republic of Belarus. The Mission Members condemn the decision of the Supreme Court of Belarus to dissolve the Belorussian Congress of Democratic Trade Unions (BKDP) and a number of its affiliates.

The Mission Members most categorically condemn the arrest and detention of 35 leaders of independent unionc including Alexander Yaroschuk, President BKDP, and demand immediate release of the leaders of the country's independent trade union movement.

The Mission Members welcome the creation of the BKDP International Office and the recently established Association "Salidarnats" (Solidarity) engaging in the organisation of solidarity campaigns, provision of humanitarian aid to unionists and their families, and carrying out research and education activities.

The participants of the 6th Coordination Meeting of the Mission considering the labour relations situation in region of Central Asia,

support the call of human rights organisations of **Kazakhstan demanding an independent international investigation of the Zhanaozen events**. We call upon

– **The President and the Government of the Republic of Kazakhstan** to:

1. Immediately overturn all sentences against **Erlan Baltabai, Larisa Kharkova, Amin Eleusinov, Nurbek Kushakbayev** and lift all restrictions regarding engagement in trade union activities imposed on them.
2. Reverse the court decisions to dissolve the Confederation of Independent Trade Unions of the Republic of Kazakhstan (KNPRK) and its sectoral affiliates: the Oil and Energy Workers' Union, the Social and Domestic Workers' Union "Spravedlivost" (Justice), and the Health and Social Development Workers' Union.
3. Re-examine the cases and completely rehabilitate **Rosa Tuletayeva, Maksat Dosmagambetov** (posthumously) and other activists of the peaceful strike in Zhanaozen in 2011.
4. Carry out an in-depth examination of all submitted complaints concerning the use of torture against persons under investigation in the Zhanaozen case, punish all those who perpetrated torture and gave orders to use firearms against peaceful people in Zhanaozen and took part in the shootings.
5. Carry out an impartial re-examination of the criminal case against **Erzhan Elshimbayev**, a worker activist and the organizer of the movement of the unemployed who was arrested in connection with his public activities.
6. Implement the ILO recommendations concerning the amendment of the Law "On Trade Unions", introduce proper and substantive amendments into the laws regulating labour

relations, and create opportunities for independent unions to engage in free and open activities.

7. Bring the criminal and administrative legislation used to prosecute citizens for exercising their rights to freedom of expression, freedom of association, free trade union activities, and freedom of peaceful assembly in line with the international standards.

express their intent to:

1) continue with collecting and processing information on the situation of workers in Central Asia, coordinating activities to protect the rights of worker and trade union organisations' activists, and facilitating their exchange of experiences and networking;

2) promote the principle of independence for the trade union movement as a means of ensuring the involvement of workers in democratic labour relations and social and economic processes;

3) provide support to workers' organizing initiatives, in particular, in organizing labour migrants and women employed in informal economy

and call upon:

1) the Governments of all countries in Central Asia to assess, with the involvement of representative of the civil society and independent trade unions, the implementation of their commitments in terms of observing the core ILO Conventions;

2) the UN and its agencies to provide support and make sure that the Governments of the Central Asian countries implement international standards and fulfill their obligations under the ratified Conventions;

3) the European Union and its Member States to enhance international co-operation, in the area of trade and investments, among other things, with the countries of Central Asia, taking into account reports on the situation in these countries with regard to the observance of labour rights;

4) the human rights community of the Central Asian countries to support the creation of independent worker organisations with the view of collectively protecting their rights and interests, act in defense of repressed union activists, take part in the work of the Labour Rights Monitoring Mission (www.LabourCentralAsia.org) and assist it in running international solidarity campaigns.