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KAZAKHSTAN: MORE THAN 700 MINERS GO ON STRIKE

On 11 December 2017, miners of four mines in the city of Shakhtinsk, Karaganda Province, refused to return to the surface and announced the beginning of a protest action. They put forward a number of demands, the main of which is a 100% increase in salaries. The company ArcelorMittal Temirtau JSC, which owns the mine, demands in court that the workers' action be considered as illegal.¹ It has been reported that, as a result of the strike, all eight of the company's mines stopped mining coal. As of December 15, 2017 all miners returned to the surface.

Different sources indicate different number of miners who stayed underground. On 12 December 2017, the Ministry of Labour of Kazakhstan reported that there are approx. 684 protesters staying underground. According to miners, as of 13 December 2017, there were 729 people in four mines ('Lenin', 'Kazakhstanskaya', 'Tentekskaya', 'Shakhtinskaya').² Hundreds of other miners on the surface joined the strike.

The ArcelorMittal Temirtau JSC company have declared that they are ready to start negotiations on the condition that all miners return to the surface.³

Initially, the interests of all the protesters were represented by the coal miners' trade union 'Korgau'. Chairman of the trade union, Marat Mirgayazov, stated that during the negotiations, the company 'ArcelorMittal Temirtau' JSC offered to raise salaries by 30% for regular workers, by 20% - for auxiliary workers and by 10% for those who work on the surface. Reportedly, the company does not agree to introduce any other changes.⁴ Miners were not satisfied with the offer, and so, they refused to return from the mines. The authorities stated that miners receive at least 208,000-326,000 tenge (620-970 dollars). However, according to some protesters, at the moment, they receive salaries which constitute the equivalent of 400-540 dollars.⁵

On 12 December 2017, miners of the mine 'Kazakhstanskaya' expressed their lack of confidence in the trade union 'Korgau' and addressed the public organisation 'Shakhterskaya Sem'ya' [The Miner's Family] with a request that it represents their interests in the labour dispute with ArcelorMittal Temirtau JSC.⁶

On 14 December 2017, police officers **detained the head of the organisation 'The Miner's Family', Natalia Tomilova.**⁷ The media reported that the chairman of the trade union 'Korgau', Marat Mirgayazov, addressed the law enforcement agencies with a request **that Natalia Tomilova and some other civil society activists be brought to criminal and administrative responsibility, as they 'destabilise**

¹ http://101tv.kz/video_news/849-zabastovki-shahterov-v-karagandinskoy-oblasti-prichina-i-sledstvie.html

² <https://rus.azattyq.org/a/protest-shakhterov-karagandinskaya-oblast/28913851.html>

³ <https://karaganda-region.gov.kz/rus/news/10335/>

⁴ <https://rus.azattyq.org/a/protest-shakhterov-karagandinskaya-oblast/28913851.html>

⁵ <http://www.fergananews.com/news/27526>

⁶ http://www.ratel.kz/scandal/shahtery_ne_doverjajut_profsojuzu_korgau

⁷ http://www.ratel.kz/scandal/tomilovu_dostavili_v_uvd_shahtinska

*the situation by persuading miners to remain underground and 'stick to guns'.*⁸ It has also been reported that miners were threatened with criminal prosecution in case of refusal to get out of the mines.⁹

On 13 December 2017, ArcelorMittal Temirtau JSC filed lawsuits demanding that the strike be recognised as illegal.¹⁰ On 14 December 2017, Shakhtinsky City Court issued a ruling to suspend the strike until the claim for recognising the strike as illegal is considered. The judicial decision reads that, by carrying out a strike, mine workers endanger their own lives and the lives of others. It also mentions that the mine workers have been underground for more than three days, in conditions unfit for a long-term stay and normal existence.¹¹

Shakhtinsk's Prosecutor office promised not to prosecute those miners, who would return to the surface, which can be evaluated as direct threat to those who will decide to continue strike underground¹². On the night of 15 December 2017 miners started to leave mines. Representatives of the ArcelorMittal Temirtau JSC promised to raise salaries by 30% for those miners who work underground.

The strike in Shakhtinsk is the second in the Karaganda Province in the last month. In late November 2017, dozens of miners of the Yuzhno-Zhezkazganskaya mine protested in the city of Satpayev. In January 2017, several hundred oilmen in the Mangistau Province went on a hunger strike demanding that the closure of the Confederation of Independent Trade Unions be cancelled. By a court decision, the protest was declared illegal. As a result, the leaders of the trade union movement, Amin Eleusinov and Nurbek Kushakbayev, were sentenced to imprisonment.

Exactly six years ago, between 16 December 2011 and 17 December 2011, in Zhanaozen and Shetpe, the police fired on oil workers who were participating in a peaceful protest action. Previously, they had demanded improvement of their working conditions for seven months. According to official data, at least 17 people were killed. More than 30 oilmen were sentenced to prison terms or received suspended sentences, having been convicted of participation in mass riots.

As a result of the recent major strike of oil workers in Mangistau Province, trade union activists Amin Eleusinov and Nurbek Kushakbaev were convicted and sentenced to imprisonment. The prosecution of Eleusinov and Kushakbayev began after the court issued a decision recognising the strike as illegal. This may indicate that the authorities have found a way to deal with strikes in large enterprises. The court's decision to suspend the strike in Temirtau can be used by the authorities as an excuse to initiate criminal prosecution of protesters. The Kazakhstani regime demonstrated that it considers force to be the only way to resolve conflict situations.

On 12 December 2017, the European Parliament adopted a resolution on the Agreement on Enhanced Partnership between Kazakhstan and the EU, in which it called for the release of trade unionists and ensuring a free activity of trade unions in Kazakhstan.¹³ Kazakhstan's violation of its obligations to the EU should entail the cessation of investments in the Kazakhstani economy by European partners.

The Open Dialog Foundation hereby calls on the Kazakhstani authorities to resolve the labour dispute in the legal field. We call on the international community to make every effort to prevent cases of

⁸ http://www.ratel.kz/scandal/profsojuz_zhaluetsja_prokuroru_na_shahterskuju_semju

⁹ <https://www.facebook.com/aydos.sadykov/videos/1049839388489208/>

¹⁰ https://tengrinews.kz/kazakhstan_news/arselormittal-temirtau-sud-pyitaetsya-priznat-zabastovku-333243/

¹¹ <https://www.facebook.com/aydos.sadykov/posts/1050345505105263>

¹² https://tengrinews.kz/kazakhstan_news/chem-dogovorilis-bastuyuschie-shahteryi-arselormittal-333319/

¹³ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2017-0485+0+DOC+PDF+V0//EN>

harassment and exerting pressure on the participants of the peaceful strike in the city of Shakhtinsk, as well as their representatives.

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