

THE PROTECTION OF HUMAN RIGHTS LABOUR IN KAZAKHSTAN

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Man, as a social being, lives and develops within society (from a small group of humanity as a whole), extracting knowledge of the world, which allows an individual to create the most acceptable conditions of coexistence for himself and his family. Thus, an economic environment is created. Throughout the history of the development of mankind, economic relations have been of tremendous importance, both in the development of a separate people and in the development of great civilizations. The most important feature of human labor was manifested in primitive society. The ability to delegate responsibilities to members of the community, depending on their individual abilities, gave a distinct advantage over nature.

The development of economic relations led to the development of such problems as unregulated labor, low wages, "harmful" work, the use of child labor and much more - caused a deterioration in the health of the nation, as a result, a drop in labor productivity. That is why, after economic relations, the development of labor economics as a science, studying economic laws in the field of labor relations, including various manifestations of the essence of labor, for example, organization, efficiency, employment, payment, etc., followed.

Over a long period of time, society was divided into company owners and workers. In the 1960s, an understanding of the place of man and the influence of the accumulated results of his intellectual work on the pace of development of society and the economy began. For the first time there is a need to invest in a person as a factor in the development of economic relations. However, we should not forget that the human rights to work can be violated. The reason for this phenomenon may be the human factor, the economy, or globalization. As a result, there is an organization dedicated to the protection of labor human rights.

The International Labor Organization is a specialized UN agency that aims to promote the principles of social justice, internationally recognized human rights and labor rights. It was created in 1919 and is the only surviving major result of the Treaty of Versailles, under which the League of Nations was created. The ILO became the first specialized UN agency in 1946. Three directions in the ILO's activities are currently priorities: the promotion of democracy and tripartite interaction (tripartism), the fight against poverty and the protection of workers.

The main objectives of the ILO are the promotion of social and economic progress, improvement of welfare and improvement of working conditions of people, protection of human rights. In its work, the ILO uses various methods. Four main ones can be singled out: 1. Development of social partnership of governments, organizations of workers and entrepreneurs (tripartism) 2. Development and adoption of international labor standards: conventions and recommendations and control over their use (standard-setting activities) 3. Assisting countries in solving social problems - labor problems. In the ILO, this is called technical cooperation 4. Conducting research and making publications on social and labor issues. Tripartism - the main method of work of the ILO, its distinguishing feature from all international organizations. The solution of all social and labor problems can be successful only as a result of concerted actions of governments, workers and entrepreneurs.

The Decent Work Technical Support Group and the ILO Office for Eastern Europe and Central Asia has been working in Moscow since 1959 and coordinates ILO activities in ten countries, including Kazakhstan.

Kazakhstan became a member of the International Labor Organization in 1993. In 2011, he was elected to the ILO Governing Body.

Kazakhstan participates in the annual meetings of the ILO General Conference at a high level - in 2009, 2012, 2013 and 2014. Kazakhstan delegations were headed at the level of ministers of labor and social protection of the population.

In Kazakhstan, the ILO provides support through the National Decent Work Agenda (NTAP), developed in collaboration with the government, employers 'and workers' organizations. It identifies priorities within national development programs and aims to address the decent work deficit through policy advice and capacity building. The NPAP covers the following ILO strategic objectives: Promoting norms and fundamental principles and rights at work; Creating more favorable opportunities for women and men for decent employment and income; Expansion of the scope and effectiveness of social protection for all; Strengthen tripartism and social dialogue.

The ILO has made a significant contribution to the modernization of the country's social security system by analyzing the methodology for determining the subsistence minimum. The Employment 2020 program was developed with ILO assistance in terms of strategy and research in the transition from informal to formal employment. Ongoing ILO employment support is provided through a youth employment project aimed at developing an Action Plan in this area. The ILO's contribution to changes and additions to the labor code made it possible to include clauses in the code on occupational safety committees at the enterprise level.

The next Decent Work Program in Kazakhstan is in the development stage. Its possible priorities are: Strengthening social dialogue; Employment opportunities for women and men; Improving the system of safety and labor protection.

The international human rights organization Human Rights Watch (HRW) published on November 23 its new report entitled "We are not enemies: violation of workers' rights in Kazakhstan". HRW conducted interviews with more than 50 trade union leaders, labor activists and workers in key industries across Kazakhstan, and also contacted the Ministry of Health and Social Protection and representatives of some companies to prepare the report.

In Western Kazakhstan, where many strategically important enterprises are located, in particular the oil and gas sector, complaints of trade union leaders and workers about being watched by the authorities, and even questioning by the KNB employees, were registered. Several cases of criminal prosecution or threats of its use against known trade union leaders are mentioned.

The new labor code violates the workers' right to collective bargaining and limits the right to strike, as guaranteed in international human rights treaties. In September 2015, the International Labor Organization (ILO) made specific recommendations for specifying certain terms in the labor code, some of which were not taken into account. The new law on trade unions, adopted in June 2014, introduced significant restrictions on the rights of workers to freedom of assembly and association. In particular, there is a complex two-step registration, which led to the fact that some trade unions could not pass it.

The legal framework in Kazakhstan "effectively prohibits some workers from exercising the right to strike," with the exception of special circumstances. HRW registered cases in which the authorities charged the workers or dismissed them for participating in strikes that were deemed illegal.

International human rights standards state that any punishment for participating in an unauthorized strike must be commensurate with the offense committed. HRW considers dismissal for exercising its right to strike as a disproportionate disciplinary sanction. The ILO considers sanctions for participation in strikes acceptable only if the national legislation complies with international standards on freedom of assembly. Kazakhstan's law on trade unions and the labor code, as HRW writes, "do not meet international standards governing freedom of association, collective bargaining and the right to strike."

These violations do not benefit the public. Kazakhstan is considered a democratic and independent state, and citizens of Kazakhstan are free and peace-loving people. Such violations only drag the

states down, honest labor should be well encouraged, laws must be respected, and rights not violated.

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