



Governing Body

352nd Session, Geneva, 28 October–7 November 2024

Institutional Section

INS

Date: 29 October 2024

Original: English

Tenth item on the agenda

Follow-up to the resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus – Addendum

The following information relating to this item on the agenda was received from the Government of Belarus on 23 October 2024.

Taking into account that the document GB/352/INS/10, prepared under the 10th item of the agenda of the Institutional Section “Follow-up to the resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus”, which was initially posted on the ILO website, **did not fully and correctly reflect the factual information and position of the Government of the Republic of Belarus**, previously sent to the International Labour Office (ILO) by letter dated 16.09.2024 No. 11-1-2/5343, **we consider it necessary to additionally provide the following information regarding the actual state of affairs on the most fundamental issues.**

1. In response to the ILO request (letter from Ms. Corinne Vargha, Director of the International Labour Standards Department, dated 5 July 2024, ILC 112-500-7/ACD 8-1-166), the Government of Belarus sent **detailed information on the implementation of the recommendations of the Commission of Inquiry, confirming the groundlessness of the anti-Belarusian campaign launched within the ILO and the application of Article 33 of the ILO Constitution to the country.**

This information was also submitted to the Committee on the Application of Standards in advance of the consideration of the issue on Belarus during the 112th Session of the International Labour Conference (June 2024), but **was ignored.**

From the information provided, it is clear that **the vast majority of the recommendations of the Commission of Inquiry, namely ten out of twelve recommendations – Nos. 1, 2, 3, 4, 5, 6, 7, 8, 11 and 12 – have been implemented.**

Any statements and conclusions that the Government of Belarus has not taken measures to implement the majority of the recommendations of the Commission of Inquiry, as well as regarding the complete lack of progress in their implementation, are not true.

With regard to recommendation No. 9, we note that **the procedure established in the country for receiving foreign gratuitous aid is unlawfully linked to Articles 5 and 6 of Convention No. 87.** These articles do not contain provisions on the right of trade unions and/or employers' associations to freely receive financial or other types of assistance for conducting political and propaganda work (organizing mass events, strikes, producing and distributing propaganda materials, etc.).

The existing ban in Belarus on receiving and using foreign gratuitous aid for purposes involving political and propaganda work is due to **the interests of national security.**

As for recommendation No. 10, in Belarus freedom of mass events that do not violate law and order and the rights of other citizens is guaranteed by the state. **The current procedure for organizing and holding mass events does not contradict the principles of freedom of association and is fully consistent with the provisions of the International Covenant on Civil and Political Rights.**

The punishment provided by law for organizers of mass events **for causing significant damage and harm** to the rights and interests of citizens, organizations, state or public interests **is not an obstacle to the exercise of the right to freedom of truly legal and peaceful assembly.**

The Government of Belarus understands perfectly well that **the demands, transmitted through the ILO bodies,** to provide external forces with the opportunity to sponsor politically oriented events and processes in Belarus, as well as to weaken responsibility for violating the procedure for holding mass events, **are aimed at creating conditions for strengthening external influence and are conditioned by ongoing attempts to destabilize the socio-political and socio-economic situation in the country.**

It is absolutely obvious that all of this **is aimed at undermining the foundations of stability of the Belarusian State,** does not meet national interests, does not serve the purpose of ensuring the well-being of citizens, represents **interference in the internal affairs of a sovereign country** and **contradicts the principles, goals and objectives of the ILO** as an organization focused on maintaining peace, cooperation and socio-economic development.

We condemn and are categorically against the policy and practice of pressuring states that are undesirable to Western countries through the mechanisms of UN system organizations.

We call on the tripartite participants and the ILO supervisory bodies to refuse to participate in the politically motivated anti-Belarusian campaign, not to take measures to develop the resolution on Belarus, which was unjustifiably adopted in June 2023 and which creates a dangerous precedent of illegal pressure on the country based on false accusations, and to return to constructive dialogue and cooperation.

2. The Government of Belarus once again draws attention to **the groundlessness and absurdity of statements that trade unions and citizens of the country are allegedly being persecuted for carrying out trade union activities and the legal and peaceful exercise of civil rights and freedoms.**

The principle of the rule of law is in force in Belarus. The State guarantees the rights and freedoms of citizens, enshrined in the Constitution, laws, and provided for by international obligations.

The country has done everything necessary to ensure that trade unions can freely establish themselves and carry out their legal activities without outside interference. **The guarantees of trade union rights are enshrined in legislation and are implemented in practice.**

Employers (their associations), state bodies, business entities, public associations and officials **are obliged to observe the rights of trade unions.** For violation of the rights of trade unions or obstruction of their lawful activities, the said bodies and persons **are liable** in accordance with legislative acts.

Trade unions, in order to implement their statutory tasks, have **the right to organize and conduct**, in accordance with the law, **rallies, street marches, demonstrations and other collective actions** to protect the interests of their members.

Trade unions have **the right to organize and conduct strikes** in accordance with the law (when conducting strikes at the initiative of trade unions, the presentation of political demands is prohibited).

Unlawful **restriction of the rights of trade unions** and **creation of obstacles** to the exercise of their powers **are not permitted**.

Unfortunately, guided by information from politically engaged individuals and structures acting in the interests of unfriendly countries, with the aim of discrediting Belarus and escalating pressure on the country, **the ILO bodies continue to erroneously base their position, conclusions and recommendations on unreliable information** that the protest activity of 2020 was allegedly caused by economic and social reasons, was of a legitimate peaceful nature and was aimed at protecting civil and trade union rights and freedoms.

At the same time, the protest activity, artificially stimulated by destructive external forces, **was illegal in nature and aimed at seizing power in the country through unconstitutional means**.

Strikes as a legal way to resolve collective labour disputes **were not declared or held**. The protest sentiments did not have an economic or social subtext. No demands were made to employers and government bodies regarding the regulation of labour and socio-economic relations

The goal of the failed attempts to involve the country's workers in illegal political strikes was to stop the work of enterprises that form the basis of the Belarusian economy, i.e. to implement political objectives through pressure on the legitimate Government by undermining the economic potential and social well-being of the country.

The citizens mentioned in the complaints received by the ILO and in the comments of its supervisory bodies **have been lawfully held accountable for specific criminal offences** directed against the interests of national security, society and the State, and **are serving absolutely legal sentences**.

The offences committed by these citizens **are in no way connected with the legal and peaceful exercise of trade union rights and freedoms**.

For reference.

The government has already commented on the reasons for bringing the citizens mentioned in the complaints to legal responsibility.

*In most cases, these individuals are held accountable for:
gross violation of public order, resulting in disruption of the operation of transport and enterprises;*

violence against representatives of internal affairs agencies;

calls for actions aimed at causing harm to national security;

incitement of national or social hatred and discord on the basis of national and social affiliation;

assistance to extremist activity;

damage to property in public places;

slander, etc.

At the same time, some citizens were members of the extremist group "Rabochy Rukh" financed from abroad, whose focus of interests is aimed at involving workers of state industrial enterprises of the country in radical politicized activities in order to obtain official information about their business activities, stop the production process and increase sanctions pressure on Belarus. The members of this group, in addition to committing crimes of an extremist nature, carried out illegal activities to collect and subsequently transfer to a foreign state, a foreign organization and their representatives restricted service information regarding economic entities of the country.

In this regard, any calls for the removal of all charges against these citizens, their immediate release and restoration of their rights have no objective legal basis.

We regard these calls as interference in the internal affairs of the country, open support for illegal and extremist activities aimed at undermining the foundations of the stability of the State.

3. Taking into account the fact that the ILO's claims against Belarus are based on assessments of the situation coming from a structure identifying itself as the Association of Trade Unions "Belarusian Congress of Democratic Trade Unions" (BKDP), we draw the attention of the ILO bodies to **the illegitimate status of this entity and its lack of any connections with the Republic of Belarus.**

The activities of the BKDP and its member trade unions were terminated on the basis of decisions of the Supreme Court of the Republic of Belarus in accordance with Part 2 of Article 5 of the Law "On Trade Unions", which provides for the termination of the activities of trade unions (their associations) in cases where they contradict the Constitution and other legislative acts, or cause harm to state or public interests.

During the open court hearings held on July 12, 14 and 18, 2022, the facts were confirmed that **the leaders and members of the said trade unions**, in violation of the law and the charters of their organizations, **took an active part in destructive activities, the purpose of which was an unconstitutional change of power in the country.**

These citizens participated in the organization and preparation of unauthorized mass events aimed at causing harm to state and public interests, made illegal attempts to stop the work of enterprises in order to put forward political demands, systematically committed gross violations of the law, including violating the established procedure for receiving and using foreign gratuitous aid, carried out extremist activities, distributed materials of extremist content, committed other illegal actions that do not meet the goals and objectives of trade unions to protect the labour, social and economic interests of citizens.

The national competent authorities **had every legal basis to bring to justice those who broke the law and committed specific criminal offences.**

In view of the fact that **the ILO bodies, including the Governing Body, continue to interact with an illegitimate structure of an extremist nature, allegedly acting on behalf of the BKDP**, and accept for consideration comments received from it on the situation in the country, **we believe it is necessary to once again draw attention to the following facts.**

The structure currently operating allegedly on behalf of the BKDP:

- has no connection with either the Republic of Belarus or the national trade union movement;
- does not operate within the country – its office and leaders are permanently based abroad;
- does not represent the interests of workers in Belarus – the trade unions that were part of the BKDP have *de facto* and *de jure* ceased their activities and have no members or primary organizations at the country's enterprises;
- is not registered in accordance with the established procedure and is illegal – the activities of unregistered associations on the territory of the country are prohibited;
- is financed by organizations and structures **acting in the interests of foreign states** that pursue unfriendly, discriminatory policies towards Belarus.

Thus, this structure operates outside the legal framework of Belarus, does not represent the country's workers either in fact or in law, and should not be considered a national association of trade unions.

Today, a destructive cell operates under the signboard of BKDP. It has settled in one of the countries of the European Union and receives all kinds of support and funding there to promote an anti-Belarusian agenda and use ILO instruments for these purposes.

In this regard, the ILO bodies and its constituents should critically approach the fabricated accusations made against Belarus by this structure and not accept for consideration information from illegitimate structures that have no connection to Belarus.

The International Labour Office and the ILO supervisory bodies objectively lack any legal basis for interaction with the so-called BKDP and its representatives.

The Government of Belarus notes with deep regret and extreme concern **the systematic disregard by the International Labour Office and the ILO supervisory bodies of the Belarusian side's position and the norms of national legislation**, as well as **the extremely biased and one-sided approaches** in assessing the situation in the country.

The Government of Belarus insists that its arguments and submissions should be given due consideration by the International Labour Office and the ILO supervisory bodies in order to restore constructive dialogue and cooperation.

4. The government of Belarus is extremely concerned about unfounded attempts to discredit the country's national trade union centre, the Federation of Trade Unions of Belarus (FPB), which unites about 4 million citizens.

We condemn and strongly oppose the statements calling for limiting the legitimate participation of this national trade union association in the work of the International Labour Conference.

We regard such statements as attacks on the legal right of Belarusian workers to freedom of association.

The Government of Belarus **has repeatedly had to refute false information** disseminated within the framework of the ILO with the aim of discrediting legitimate authorities and social partners, in particular, **the most representative organization of workers in the country – the FPB.**

We understand the motives for such actions on the part of our opponents and regret that within the ILO there is room for **unprincipled political games that have nothing to do with the sphere of labour and the implementation of trade union rights.**

In view of the above, and also taking into account the references contained in document GB/352/INS/10 to the opinion of the UN Special Rapporteur on the situation of human rights in Belarus¹, who, “[a]cknowledging the lack of independence of the Federation of Trade Unions of Belarus [FPB], recommend[ed] suspending its participation in the International Labour Conference”, **we consider it necessary to draw attention to the following facts, which clearly confirm the legitimate status of the FPB as an independent and representative association of trade unions in Belarus.**

At present, the FPB is the only active trade union association that extends its activities throughout the entire territory of the country.

The FPB includes 15 sectoral trade unions at the republican level, with a total membership of about 4 million people.

The structures of the sectoral trade unions that are part of the FPB include:

- 89 regional (Minsk city) organizations;
- 501 district, city organizations;
- 6 united sectoral trade union organizations;
- 86 united, single trade union organizations;
- 24,067 primary trade union organizations.

For reference.

The following trade unions that are not members of the FPB are also registered in the Republic of Belarus:

- 1 (one) territorial trade union – a trade union of entrepreneurs and persons employed;*
- 3 (three) trade unions of organizations that carry out their activities only within a specific organization:*
 - Trade Union of Employees of the National Olympic Committee;*
 - Trade Union of Employees of the Joint-Stock Company "United Directorate of Construction Projects" (Minsk);*

¹ The Republic of Belarus does not recognize the mandate of the UN Special Rapporteur on the situation of human rights in Belarus.

- *Trade Union of Employees of the Unitary Production Enterprise “Zapad-Transnefteprodukt” (Gomel Region).*

Thus, **the FPB is the only most representative organization of workers in light of paragraph 5 of Article 3 of the ILO Constitution.** There are no other trade union organizations in the republic that meet the criteria of the most representative organization of workers.

In accordance with the Law “On Trade Unions”, a trade union is a voluntary public organization. Trade unions are independent in their activities from employers and government bodies. According to the norms of the Law, trade unions independently develop and approve their charters, determine their structure, elect governing bodies, organize their activities, hold meetings, conferences, plenary sessions, congresses.

The FPB carries out its activities in accordance with national legislation and the Charter, registered by the Ministry of Justice of the Republic of Belarus on April 16, 1991.

In accordance with the Charter, the FPB was created to coordinate activities to defend and protect the rights and legitimate interests of trade union members who are part of this association.

The FPB is **independent in its activities** from state, economic, administrative bodies, political parties, and other public associations. It **independently** develops and approves its Charter, determines its structure, elects governing and control bodies, organizes its activities, and conducts its own personnel policy.

The governing bodies of the FPB are the FPB Congress (the highest body), the FPB Council, and the Presidium of the FPB Council.

The Chairman of the FPB is elected at the FPB Congress.

The current Chairman Mr. Yuri Senko was elected at the extraordinary IX FPB Congress on April 5, 2024.

The objectives of the FPB include:

- improving the standard of living and material well-being of trade union members and their families;

- coordination of the member organizations’ activities to protect the labour and socio-economic rights and legitimate interests of members of trade unions that are part of the FPB;

- strengthening solidarity and unity of action of the trade union movement of the republic;

- improvement and development of the system of social partnership, forms and methods of interaction between trade unions (their associations), employers (their associations) and government bodies.

In accordance with the Charter, the property of the FPB is formed from entrance fees, contributions from member organizations and other receipts.

The activities of the FPB are not financed or controlled by the Government.

The FPB participates in social dialogue with employers’ associations and the Government, protecting workers’ rights when considering draft legislation on social and labour issues, preparing and implementing the General Agreement between the Government of the Republic of Belarus, republican-level employers’ associations and trade unions.

The FPB, its member organizations and organizational structures actively participate in collective bargaining processes.

As one of the three co-chairs of the National Council on Labour and Social Issues, the Chairman of the FPB signs the General Agreement on behalf of the workers.

As of January 1, 2024, with the participation of the FPB, its member organizations and organizational structures, **611 agreements** (1 general, 36 sectoral and 574 local) and **20,924 collective agreements (at the enterprise level)** were concluded, on the basis of which employees are provided with additional social and labour guarantees in comparison with the legislation.

Thus, there is no reason to question the legitimacy, independence and representative nature of the FPB.

The inclusion of representatives of the FPB, as the most representative organization of workers in the country, in the tripartite delegation of Belarus to participate in the work of the International Labour Conference is carried out in full compliance with the ILO Constitution.

Attempts to discredit the FPB and deprive it of the authority to represent the interests of Belarusian workers at ILO venues are, in essence, a violation of the right of the country's workers to freedom of association, guaranteed by ILO Conventions No. 87 and No. 98.

5. The Government of Belarus insists that there were absolutely no objective grounds for applying Article 33 of the ILO Constitution to the country and for adopting the resolution at the 111th ILC Session in June 2023 that essentially calls for the isolation of the Belarusian State.

The national legislation and law enforcement practice do not contradict the obligations assumed by Belarus to comply with the provisions of the ratified ILO Conventions No. 87 and No. 98. The situation with the implementation of the recommendations of the Commission of Inquiry by Belarus has been developing steadily. The Government strictly followed the agreements reached and the plans developed jointly with the ILO. The ILO supervisory bodies have repeatedly noted **with interest** the measures taken by the Government, noting **the existence of certain progress**.

The Government of Belarus is **categorically against the politically motivated resolution and the action plan** developed by the International Labour Office **for its implementation**, as well as the **discriminatory recommendations set out in these documents and addressed to international structures and the ILO Member States**.

We insist on **the inadmissibility of pressure on Member States and organizations** that do not take steps to implement unfounded decisions and review relations with our country.

We draw attention to **the absurdity and inadmissibility** of the steps taken by the International Labour Office **to organize a round table on the situation in Belarus at the ILO** with the participation of representatives of an illegitimate structure that does not represent workers in Belarus and that carries out illegal activities in the interests of foreign states under the signboard of BKDP.

We do not support and are **against the appointment of a special envoy by the ILO Director-General** to monitor the situation, as well as **the creation of a working group of the ILO and other UN agencies** to coordinate actions to put pressure on Belarus. We consider this step as the intention of our opponents to include the relevant issue in the long-term agenda of the ILO in order to further discredit Belarus and its legitimate authorities.

In the context of the discriminatory and openly politicized decision on Belarus, adopted at the instigation of Western countries during the 111th Session of the International Labour Conference in June 2023 with the aim of expanding illegal pressure on the Belarusian State, **we do not see any political or practical expediency in organizing a visit to the country by a tripartite ILO mission and a humanitarian mission** to visit citizens serving legal sentences in prisons, since these steps will, with a high degree of probability, also be used to escalate illegal pressure on the country.

We note that **many ILO Member States do not agree with the accusations brought against Belarus**, are fully aware of the politicized nature of the campaign launched against the country and oppose the use of UN system platforms as levers of undue pressure on sovereign states for the purpose of interfering in their internal affairs.

We insist on **the need for an immediate curtailment of anti-Belarusian initiatives** lobbied by Western countries and structures controlled by them, aimed at implementing plans to destroy the economy and social and labour sphere of the country.

The policy of isolation, blocking opportunities for cooperation, restrictions and sanctions is **a dead-end path that undermines the authority of the ILO** and erodes the ideology and principles of the Organization.

Politically motivated, completely unfounded and discriminatory decisions regarding Belarus must be cancelled.

6. The Government of Belarus insists on the need for the International Labour Office and the ILO bodies to take into account the realities of today and the national interests of Belarus, which are primarily focused on the stable socio-economic development, the well-being and high quality of life of the Belarusian people, harmony in society, the unshakable foundations of democracy and the rule of law, independence, territorial integrity and sovereignty of the State.

Any recommendations and conclusions of the ILO bodies addressed to the Government of Belarus must be based on the actual state of affairs in the country, must not go beyond the competence of the ILO and the areas of regulation of its conventions, must not constitute interference in the internal affairs of the State and deprive the country of its sovereign right to choose political, economic, social and legal systems.