



Governing Body

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Institutional Section

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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

► Introduction

1. At its 349th Session (October–November 2023), the Governing Body “took note with continuing concern of the information provided in document [GB.349/INS/13\(Rev.1\)](#)” outlining the follow-up to the resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus¹ with a view to secure compliance with the recommendations of the Commission of Inquiry established to examine the observance by the Government of Belarus of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). On that occasion, it also:
 - (a) ...
 - (b) once again urged the Government of Belarus to receive as a matter of urgency an ILO tripartite mission with a view to gathering information on the implementation of the recommendations of the Commission of Inquiry and subsequent recommendations of the supervisory bodies of the ILO, including a visit to the independent trade union leaders and activists in prison or detention;

¹ ILC.111/Resolution I.

- (c) invited Member States to continue taking steps to ensure an effective follow-up to the Conference resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus;
- (d) requested the Director-General to develop an action plan to implement the Conference resolution and prepare an updated report for the 350th Session (March 2024) of the Governing Body.

► Latest developments

2. At its 94th Session (November–December 2023), the Committee of Experts on the Application of Conventions and Recommendations (CEACR) examined the application of Conventions Nos 87 and 98 in Belarus and in this context, followed up on the implementation of the recommendations of the Commission of Inquiry. On that occasion, the CEACR deplored, *inter alia*, the total lack of progress in implementing the recommendations of the 2004 Commission of Inquiry and in addressing the outstanding recommendations of the ILO supervisory bodies, as well as the continuing deterioration of freedom of association in the country. The Committee once again urged the Government to engage with the ILO with a view to fully implementing all outstanding recommendations of the ILO supervisory bodies without further delay.
3. The Committee on Freedom of Association, tasked by the Commission of Inquiry to follow-up on the implementation of its recommendations, is expected to examine the measures taken by the Government of Belarus to that effect at its meeting in March 2024. Its conclusions and recommendations will be published in its 406th Report to be presented to the Governing Body at its current session.
4. In its communication dated 30 January 2024,² the Belarusian Congress of Democratic Trade Unions (BKDP) indicated that the Government has not implemented the recommendations of the Commission of Inquiry and that the repression against worker leaders and activists, and independent trade unions continued in 2023 and 2024. The BKDP indicated, in particular, that in March–August 2023, the Supreme Court of Belarus rejected three supervisory complaints filed by the Free Trade Union of Metalworkers (SPM), the Free Belarusian Trade Union (SPB) and the Belarusian Independent Trade Union (BNP) in relation to their liquidation by the Supreme Court in July 2022. In the case of the BNP, the Supreme Court considered that there was no violation of the law by the court of the first instance. In the case of the SPM and the SPB, the Supreme Court considered that the representatives of both organizations lacked the authority to file a complaint. The BKDP explained that, according to the national legislation, the liquidation of a legal entity terminates the power of attorney issued by that legal entity. Thus, the forced termination of the trade union’s activities excludes the possibility for the trade union representative to appeal against it. In June 2023, the Supreme Court rejected the appeal by the “Rabochy Ruch” [workers’ movement] in the criminal case of nine worker activists and members of independent trade unions (Ms Hanna Ablab, and Messrs Siarhei Dziuba, Aliaksandr Hashnikau (BNP), Aliaksandr Kapshul (BNP), Ihar Mints, Andrei Paheryla (BNP), Siarhei Shelest (BNP), Valiantsin Tseranevich (BNP) and Uladzimir Zhurauka (BNP)) who were sentenced to more than ten years’ imprisonment for exercising their rights to freedom of

² The BKDP allegations will be outlined and examined in detail in the 406th Report of the Committee on Freedom of Association.

association and expression. The lawyer for Mr Kapshul was forced to flee Belarus following threats of retaliation.

5. The BKDP indicated that, as of 30 January 2024, more than 50 leaders and worker activists have been persecuted by the State. Of these, some were imprisoned, some were subject to restriction of freedom, while others had been released but not exonerated (17 people). The legislation in force provides for a system of restriction of the rights of those who have served their sentences. All persons released after serving their sentence on the so-called extremist or terrorist charges are subject to the following additional restrictions: prohibition from leaving the country or the city without police permission; regular checks at their place of residence; reporting to the police station once a week; ban on specific professional activities, including public service positions, educational activities, etc. until the criminal record is expunged (on average two to five years after serving the sentence); ban on organizing mass events until the criminal record is expunged (two to five years after serving the sentence); and control of their bank accounts by special services, including possible freezing of accounts. The BKDP indicated that the Government, by a decision of the Ministry of Internal Affairs and the State Security Committee (KGB), approved a list of names of alleged extremists and terrorists that includes all released trade unionists; the procedure for being removed from these lists is not yet determined. The BKDP alleged that administrative detention is another form of reprisal and provided a list of instances where leaders and activists of labour movements were detained under administrative charges in the period between February and December 2023.³
6. The BKDP provided further details on the conditions of imprisonment of Mr Aliaksandr Yarashuk, the BKDP Chairperson who was sentenced on 26 December 2022 to four years' imprisonment on charges of "organizing and preparing of actions that grossly violate public order, or active participation in them" and of "calls for restrictive measures (sanctions) and other actions aimed at harming the national security of Belarus". The BKDP recalled that his conditions of imprisonment were changed from "ordinary" to "strict" and he was transferred to Mogilev Prison No. 4 in November 2023. The change of prison regime is a sanction against a person found to be maliciously violating the established procedures for serving a sentence. The BKDP alleged that the application of such sanctions to leaders and activists of the workers' movement was a general practice. The legal grounds therefore are established by the prison administration. Under this regime, inmates can only spend one basic unit per month on food and basic necessities (as of 22 January 2024, one basic unit is 40 Belarusian rubles);⁴ have one visit a year (visits last four hours in the presence of an employee of the prison administration); receive one parcel or one small package per year; and have one daily walk of one hour.
7. The BKDP further referred to the case of Ms Palina Sharenda-Panasiuk, an activist of the Belarusian Union of Radio and Electronic Workers (REP Union), who was found guilty of "malicious disobedience to the requirements of the administration of a correctional institution executing a sentence of imprisonment" and sentenced to one year of imprisonment on 10 September 2023. The BKDP recalled that on 9 June 2021, Ms Sharenda-Panasiuk was sentenced to two years' imprisonment under section 364 of the Criminal Code ("Violence or threat of violence against an internal affairs officer"), section 369 of the Criminal Code ("Insulting a representative of authority") and section 368 of the Criminal Code ("Insulting the President of the Republic of Belarus"). The BKDP alleged that Ms Sharenda-Panasiuk was persecuted during the whole period of her imprisonment. According to the latest available

³ 406th Report of the Committee on Freedom of Association, forthcoming.

⁴ About €11.

information, her lawyer has not been allowed to see her since late December 2022. Since then, she has been placed in isolation and in tighter security cells on numerous occasions, sent for a psychiatric examination, and transferred between various prisons and detention centres several times since June 2023. Parcels with food, clothing and medicine were not admitted. Ms Sharenda-Panasiuk spoke about the harsh conditions of detention and the beatings by other inmates, allegedly with the involvement of members of the prison administration, but testimonies were ignored by the authorities and no investigation was carried out.

8. Furthermore, according to the BKDP, workers and trade union activists who participated in peaceful assemblies in and after 2020 continued to be interrogated by the KGB. State-owned enterprises continued the practice of non-renewal or early termination of short-term labour contracts with activists and members of worker movements and trade unions, who were brought to administrative responsibility for exercising their rights to freedom of association, of peaceful assembly and of expression. The BKDP alleged that lists of such employees were provided to the management of enterprises by the KGB.
9. The BKDP also alleged that the law and practice continued to significantly limit the possibility for workers to hold peaceful assemblies and indicated in this respect that following the amendment, on 6 September 2023, of the Regulation “on the procedure for payment for public order protection services provided by internal affairs bodies, expenses associated with medical care, cleaning the territory after a mass event is held”, the financial burden on the organizers (including workers’ organizations) of mass events has further increased. The BKDP pointed out that in the absence of independent trade unions, there was no possibility of financing of mass events by such organizations. The BKDP further explained that while mass events with the participation of less than 1,000 people can be organized by individuals, since it is prohibited to disseminate information about a mass event before obtaining permission to hold it, individuals, as potential organizers, cannot announce the collection of funds to pay for it. Furthermore, the legislation prohibits the organization of mass events by persons who had previously violated the procedure for organizing or holding a mass event, within one year after the imposition of an administrative penalty for such a violation; or by persons whose criminal record was not expunged and those convicted of a crime against peace and security, a crime against public safety, public order and public morality or a crime against the State. In practice, this means that during the two to five years after serving their sentence, such persons have no right to organize mass events and that no mass event with a number of participants of less than 1,000 people can be organized by activists of the liquidated independent trade unions. The BKDP further indicated that on 23 October 2023, the list of places where a mass event can take place was further amended, and thus further restricted the right to hold peaceful assemblies. The BKDP recalled that the Law on Mass Events still provides for the possibility of liquidating a trade union even for a single violation of its provisions.
10. The BKDP alleged that it was impossible for independent trade unions and their members to carry out their activities legally. Anyone who associated himself or herself with independent trade unions and carried out their legitimate activities was subject to criminal prosecution under section 193-1 of the Criminal Code (“Unlawful organization of activities of a public association, religious organization or foundation or participation in their activities”), which is punishable by restriction of freedom or imprisonment for up to two years; or section 361-1 of the Criminal Code (“Establishment of or participation in an extremist group”), which is punishable by restriction of freedom or imprisonment for up to six years; or section 361-4 of the Criminal Code (“Facilitating extremist activities”), which is punishable by restriction of freedom or imprisonment for up to seven years. According to the BKDP, due to the widespread

repression against leaders and activists of labour movements, workers in Belarus are afraid to initiate the establishment of new trade unions.

11. In its communication dated 12 February 2024, the Government once again reiterated its position that national legislation and practice were fully in line with Conventions Nos 87 and 98, that trade union rights were fully respected and all necessary conditions for their establishment and functioning existed. The Government contends that, in the context of unprecedented political and economic pressure exerted on Belarus, the implementation of the demands of the ILO supervisory bodies would create conditions for the strengthening of external destructive influences on the situation in the country and would not be in the national interests of the country, nor serve the purpose of ensuring the well-being of Belarusian citizens. The Government noted with deep regret the negative assessment by the ILO supervisory bodies of its efforts to build constructive cooperation with the social partners and the Office in respect of the implementation of the recommendations of the Commission of Inquiry. The Government reiterated that some of the recommendations addressed to Belarus had been fully implemented while significant progress had been made in implementing others. The Government indicated that it was ready to work on the recommendations of the Commission of Inquiry, provided that national realities and interests were considered.
12. The Government further reiterated that the complaints addressed to the ILO did not reflect, but rather deliberately distorted the situation in the country and that the allegations that trade unions and citizens of the country were persecuted for carrying out trade union activities and for lawful and peaceful exercise of civil rights and freedoms were groundless. According to the Government, the 2020 protests and the so-called strike movement were organized to undermine the economic potential and social well-being of the country. Thus, in the Government's view, the authors of the complaints had deliberately "dragged" political issues into the ILO's sphere of competence without objective grounds. The purpose of such actions was to discredit Belarus, justify unprecedented unilateral restrictive measures against it, escalate political pressure on the legitimate authorities, and launch another wave of sanctions based on the ILO decisions.
13. The Government stated that the above-mentioned communication dated 30 January 2024, signed by Mr Maksim Pazniakou, who identifies himself as the acting Chairperson of the defunct Belarusian Congress of Democratic Trade Unions (BCDT), was nothing but yet another attempt to misrepresent the situation in the country, to convince the ILO bodies of the alleged persecution of trade union leaders and activists by the authorities and to further escalate unlawful pressure on Belarus. The Government had previously commented on the reasons the citizens mentioned in Mr Pazniakou's communication had been brought to justice and held legally liable for specific serious offences. The Government added that some of the named persons were members of "Rabochy Rukh"/"Extended Round Table", an extremist formation financed from abroad, the interests of which were aimed at involving employees of state-owned industrial enterprises in radical politicized activities in order to obtain official information about economic activities of such enterprises, to stop the production process and to increase the pressure of sanctions on Belarus. In addition to committing extremist offences, members of this extremist group were engaged in illegal activities aimed at collecting and subsequently transferring to a foreign State, a foreign organization and its representatives, official information of a restricted nature concerning the country's economic entities.
14. The Government recalled that the activities of the BKDP and its member organizations were terminated in the summer of 2022 by decisions of the Supreme Court as contradicting the Constitution and other legislative acts, causing harm to the State and public interests. The structure that was allegedly acting on behalf of the BKDP was not registered in Belarus and

thus illegitimate. Therefore, according to the Government, there were no legal grounds for the interaction of the ILO with the above-mentioned structure as a national association allegedly representing the interests of Belarusian workers. Currently, the Federation of Trade Unions of Belarus is the national trade union centre. In this respect, the Government underlined that this was the result of the workers' will and own initiative and not imposed by the national legislation.

15. The Government emphasized that the resolution on Belarus calling, in practice, for the isolation of the Belarusian State had absolutely no objective grounds for its adoption and was a serious obstacle to any further effective and productive cooperation between the Government and the Office. In the Government's view, the promotion of unfair and unjustified decisions against Belarus by the ILO was initiated by Western countries. Many ILO Member States did not agree with the accusations made against Belarus and were fully aware of their politicized nature. The Government considered that any steps to implement the resolution on Belarus set a dangerous precedent of unlawful pressure on the country on the basis of false, politically motivated accusations. The policy of isolation, blocking opportunities for cooperation, restrictions and sanctions was a dead-end path that undermined the ILO's authority and eroded the ideology and principles of the Organization and the Government made an appeal for such decisions to be revoked.
16. The Office has once again met with the UN Special Rapporteur on the situation of human rights in Belarus. On that occasion it provided information on the follow-up to the resolution under article 33 of the ILO Constitution concerning Belarus and discussed matters relevant to the mandate of the UN Special Rapporteur and the ILO regarding the situation of freedom of association in the country.
17. No other information has been provided by Member States on the steps taken to ensure an effective follow-up to the Conference resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus.

► Proposed action plan to implement the Conference resolution

18. To implement the measures under its responsibility pursuant to the resolution, the Office initiated and will continue to take the following steps:
 - (a) with a view to ensuring coordinated action aimed at making progress in the implementation of the recommendations of the Commission of Inquiry, and exchanging information on matters relevant to the situation of trade union rights in the country:
 - (i) engage with:
 1. the international organizations mentioned in the resolution ⁵ to identify the areas where action can be taken within the terms of reference of their respective bodies;

⁵ Letters were sent to the following institutions: Food and Agriculture Organization of the United Nations (FAO), International Atomic Energy Agency (IAEA), International Civil Aviation Organization (ICAO), International Fund for Agricultural Development (IFAD), International Maritime Organization (IMO), International Monetary Fund (IMF), International Organization for Migration (IOM), International Telecommunication Union (ITU), United Nations (UN), United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Environment Programme (UNEP), United Nations Human Settlements Programme (UN-Habitat), United Nations Industrial Development Organization (UNIDO), United Nations Population Fund

2. the UN Special Rapporteur on the situation of human rights in Belarus, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the UN Special Rapporteur on the independence of judges and lawyers; and
 3. the Office of the United Nations High Commissioner for Refugees (UNHCR);
- (b) organize, before the 112th Session (2024) of the International Labour Conference, a high-level round table with the participation, among others, of representatives of the above-mentioned organizations, Special Rapporteurs and representatives of the BKDP;
 - (c) engage with the Government of Belarus with a view to appointing a special representative of the Director-General to oversee all activities relevant to ensuring the prompt and effective implementation of the recommendations of the Commission of Inquiry. In cooperation with the authorities, the special representative will help to establish strategies and a road map to that end; and
 - (d) continue to collect information provided by tripartite constituents on the implementation of the measures adopted under article 33 of the ILO Constitution.

► Draft decision

19. The Governing Body:

- (a) **took note with growing concern of the information provided in document GB.350/INS/10(Rev.1);**
- (b) **once again, urged the Government of Belarus to receive as a matter of urgency an ILO tripartite mission with a view to gather information on the implementation of the recommendations of the Commission of Inquiry and subsequent recommendations of the supervisory bodies of the ILO, including a visit to the independent trade union leaders and activists in prison or detention;**
- (c) **urged the Government of Belarus to submit to the Director-General all information on the measures taken to implement the recommendations of the Commission of Inquiry by 15 April 2024 for transmission to the Committee on the Application of Standards and information on further developments by 15 September 2024 for transmission to the Governing Body at its 352nd Session (October–November 2024);**
- (d) **took note of the action plan to implement the Conference resolution;**
- (e) **invited the Organization's constituents – governments, employers and workers – to continue to take steps to ensure an effective follow-up to the Conference resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus, and in particular, on measures taken to ensure that the principle of non-refoulement is respected (paragraph 2(b) of the**

resolution) and to report back thereon to the Director-General for transmission to the Governing Body;

- (f) requested the Director-General to prepare an updated report to inform the Committee on the Application of Standards at the 112th Session (2024) of the Conference of the latest developments;
- (g) requested the Director-General to prepare an updated report for the 352nd Session (October–November 2024) of the Governing Body.

► Appendix

Communication for the Government of Belarus (12 February 2024)

Information from the Government of Belarus regarding the situation in the country in respect of trade union rights and the implementation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the implementation of the recommendations of the Commission of Inquiry, the activities of tripartite social partnership bodies, the prosecution of particular individuals and the adoption during the 111th session of the International Labour Conference of a resolution on Belarus and its implementation

350th Session of the Governing Body of the International Labour Office (4–14 March 2024)

Respect for trade union rights and implementation of Conventions Nos 87 and 98

The Government of Belarus has repeatedly drawn ILO bodies' attention to the **lack of contradiction between national law and practice and the provisions of ILO Conventions on freedom of association**.

The principle of the rule of law applies in Belarus. The State guarantees citizens' rights and liberties as enshrined in the Constitution and laws and as provided for by international obligations.

Belarus has **done everything necessary to ensure that trade unions and their organizational structures can be freely established, successfully go through the registration** (or recording) **procedure and carry out their lawful activities** without outside interference.

Guarantees of trade union rights are enshrined in law (the Law on Trade Unions) and implemented in practice

Employers (and their associations), state bodies, economic entities, public associations and officials must observe trade union rights. Violations of the rights of trade unions or obstruction of their lawful activity by these entities and individuals are punishable by law.

In order to fulfil the objectives set out in their charters, trade unions are entitled to organize and hold, in accordance with the law, meetings, street processions, demonstrations and other collective actions to defend their members' interests.

Trade unions are entitled to organize and hold strikes in accordance with the law (political demands may not be made in strikes called by trade unions).

Unlawful restrictions on the rights of trade unions and obstructions to the exercise of their powers are not permitted.

Any decisions affecting the right to associate in trade unions are taken in strict compliance with the law, based on the principle of maximum consideration of citizens' rights and interests.

Trade unions have been granted the right to be located not only at their employer's address but also at any other location in order to broaden their scope to obtain the legal address necessary for registration.

As practice shows, to date the need to confirm the existence of a legal address has not impeded trade union registration.

Refusals to register trade union organizational structures are isolated cases based on objective reasons (as a rule, non-compliance with legislative provisions concerning the procedure for establishing a trade union and submitting all the necessary information and documents to the registration body).

Provided the procedure for forming a trade union has been complied with, the documents for State registration of the trade union or organizational structure can be resubmitted to the registration authorities once their shortcomings have been remedied; a refusal to register (or place on record) does not amount to a ban on the establishment of a trade union or an organizational structure thereof and does not constitute an insurmountable obstacle to registration.

Citizens' membership or non-membership of trade unions does not entail any restrictions on their labour, socio-economic, political or personal rights and liberties.

Citizens of Belarus freely and actively exercise the right to associate in trade unions.

The national trade union centre is currently the Federation of Trade Unions of Belarus (FPB), which brings together 15 sectoral trade unions, six regional and Minsk city trade union associations, and 137 district and town/city trade union associations, and represents the interests of about 4 million people.

However, it should be emphasized that Belarusian legislation does not oblige trade unions to establish a single national trade union centre. Trade unions operating in Belarus have come together in the FPB *solely at their own initiative*. This practice is fully consonant with *ILO principles* and is seen in many countries around the world.

Trade unions and their leaders, members and activists may *freely* carry out their *lawful* activities to assert and protect workers' labour, social and economic rights and interests and improve citizens' living standards and social security, including by means of engaging with the authorities within the country's social partnership system.

Trade unions and employers in Belarus are the Government's fully fledged partners in developing and implementing national social and economic policy, thanks to which high labour, employment and social protection standards have been introduced into the country.

The social partners participate in drafting social and labour legislation.

Tripartite consultative bodies – councils on labour and social issues – have been set up and function at all levels (national, sectoral, regional, town/city and district) (as of 1 January 2024, 352 councils were in operation).

The *practice of regulating social and labour relations through collective agreements and contracts* has been widely consolidated (as of 1 January 2024, 611 collective agreements and 20,924 organization-level collective contracts had been signed).

The Government and national associations of employers and trade unions systematically *conclude general agreements* reflecting the parties' agreed positions and commitments on issues surrounding economic policy, income and living standards, social protection, labour

market development and employment promotion, occupational safety and health, and social partnership.

The current General Agreement (the 16th, extended to cover 2022–2024) applies to all employers, all trade unions and all workers and students and pupils in educational institutions.

Trade unions, in compliance with the aims and objectives set out in their charters, have the right to cooperate with trade unions in other countries and to join international and other trade union associations and organizations of their choice.

In these circumstances, **the procedure for receiving foreign financial aid is unjustifiably linked** in the ILO framework to **Articles 5 and 6 of Convention No. 87**. These articles *do not contain provisions* on trade unions' right to unimpeded receipt of financial or other forms of assistance for political and campaigning work among the population.

The law of Belarus *does not prohibit* trade unions from receiving foreign financial aid, and the registration procedure is quick and easy. *There have been no instances* of trade unions being *denied* such aid.

The existing ban on receiving and using foreign financial aid for purposes involving political and campaigning work is dictated by *national security interests* and is more than justified in the current situation.

It is obvious that the opportunity to sponsor mass events in the country would be used by outside forces to *destabilize the socio-political and socio-economic situation*, which would have an extremely *negative impact on society and citizens' well-being*.

The current arrangements for organizing and holding mass events in Belarus do not conflict with the principles of freedom of association and are fully consistent with the provisions of the International Covenant on Civil and Political Rights.

Legislation punishing breaches of the existing order that result in serious negative consequences aims *to prevent unlawful, socially dangerous acts* that pose a real threat to citizens' life and health. This legislation does not deter citizens and trade unions' from exercising the right to freedom of *lawful, peaceful* assembly.

The provisions of the Law on Mass Events *do not contain rules prohibiting citizens from exercising the right to lawful, peaceful assembly*. The amendments to the Law targeted the organization, preparation and commission of acts that infringe on the State's independence, territorial integrity and sovereignty, the foundations of the constitutional order, and public safety through the organization of mass unrest, acts of vandalism involving damage to or destruction of property, the seizure of buildings and structures, and other acts that grossly disrupt public order, or active participation in such acts.

The amendments made to the Criminal Code aim to *ensure fairness, even-handedness, and uniform application of the criminal law* in practice. The amendment of legislation on criminal responsibility *does not seek to infringe citizens' and trade unions' lawful rights* to organize and hold peaceful mass events *in compliance with legal requirements*, nor to impede the exercise of other rights and liberties guaranteed by the Constitution, national law and international obligations.

The amendment of the legislation was a *necessary step* in bringing its provisions into line with the current situation and the serious challenges posed in 2020 by an unprecedented, planned attack on the State by enemy forces.

The **arrangements for organizing and holding strikes** set out in the legislation **do not contradict international labour standards** but allow citizens to fully exercise their right to hold *lawful* strikes in order to resolve *collective labour disputes*.

The *prohibition on raising political demands* during strikes is a *widespread and justified international practice*, as enterprises should not be manipulated or used to apply pressure to achieve purely political goals.

In the context of the unprecedented political and economic pressure exerted on Belarus, implementing the ILO supervisory bodies' requirements in terms of weakening state control over money from abroad, exonerating trade unions and citizens from responsibility for gross violations of the law when holding mass events, and legalizing political strikes would **strengthen destructive outside influence on the situation in the country**. This development **would not be in the country's national interests and clearly would not serve the purpose of ensuring Belarusian citizens' well-being**.

Engagement with the ILO and social partners on the implementation of the Commission of Inquiry's recommendations

The Government of Belarus notes with *deep regret* the negative assessment by the ILO supervisory bodies of its efforts to build constructive engagement with the social partners and the International Labour Office ("the Office") concerning the implementation of recommendations addressed to the country.

The Government has always paid *due attention* to the ILO supervisory bodies' observations and recommendations. However, at present their assessments of the situation in Belarus are *based solely on unsubstantiated complaints and unconfirmed information* from particular trade union associations, which, guided by *purely political motives*, aim to *escalate pressure on Belarus* through the ILO

As practice shows, the **complaints** received by the Office **do not arise from an objective situation** and **utterly fail to reflect (that is, deliberately distort) the real state of affairs in Belarus**.

The Government of Belarus has made every effort to build an effective dialogue with the social partners and the ILO concerning implementation of the recommendations. For this purpose, the country specially created an additional negotiation platform – *a tripartite Council for the Improvement of Legislation in the Social and Labour Sphere*.

When working to implement the recommendations, the Government has *clearly followed the plans and arrangements jointly agreed with the ILO*. *The constructive position of Belarus has been repeatedly noted by various ILO missions and expert groups* visiting the country, including a direct contact mission to Minsk in January 2014.

As a result of steps taken, **several recommendations made to Belarus have been fully implemented, while significant progress has been made in implementing the remainder**.

Thus, the Commission of Inquiry's recommendations have been made available to the general public. Systematic steps have been taken to inform the courts and the prosecution service of the need to carefully examine complaints of anti-union discrimination. The impartiality, independence and openness of the judicial system has been ensured, and citizens are guaranteed the right to a fair trial (*Recommendations 4, 7 and 8*).

Background:

The Commission of Inquiry's recommendations were published in the Ministry of Labour and Social Protection's journal Occupational Safety and Social Protection (No. 4 of April 2005) and in the newspaper Respublika (No. 209 of 9 November 2006).

With the Office's support, seminars on respect for trade union rights and protection against anti-union discrimination were held for judges and representatives of the prosecution service (16 January 2007 and 18 June 2008). Participants were informed about the ILO's approach to freedom of association and the tasks set out in the recommendations for the courts and the prosecution service.

The principle of the rule of law applies in Belarus.

Article 60 of the Constitution guarantees everyone protection of his or her rights and freedoms by a competent, independent and impartial court.

Judges are independent and subject only to the law. Interference in the activities of judges is impermissible and punishable.

Parties and persons participating in proceedings have the right to appeal against decisions, sentences and other court rulings.

There are no obstacles to citizens taking cases to court.

Despite the fact that the law *provides all the necessary measures to protect trade union rights*, Belarus has *introduced an additional mechanism to this end* by establishing the Council for the Improvement of Legislation in the Social and Labour Sphere in 2005.

The concept of the Council, its powers and its role in implementing the Commission of Inquiry's recommendations were *jointly developed with the Office*. In 2009, the Council was *reformed as a tripartite body* consisting of an equal number of representatives from the Government, trade unions and employers' associations.

The Council has become the *central forum* for reviewing the implementation of the Commission of Inquiry's recommendations. The Council has been charged with *operating as a tripartite independent body*, trusted by all parties and mandated to address complaints (*Recommendations 5 and 7*).

Background:

The Council is empowered to consider the full range of issues arising from the Commission of Inquiry's recommendations, from examining specific situations relating to trade union registration or collective bargaining to discussing the desirability of legislative changes.

Over the years, the Council has considered a wide variety of issues directly relating to the implementation of the recommendations and concerning interaction between the social partners, the application and improvement of legislation, the registration of trade union organizations, the exercise of trade union rights, complaints of anti-union discrimination, cases of termination of employment contracts, the conclusion of sectoral agreements and collective contracts, the ratification of ILO Conventions and engagement with the Office in the framework of international technical cooperation.

The Council has been directly involved in resolving a number of disputes that formed the basis of trade union complaints to the ILO.

Representatives of the Office have participated in the Council's work on several occasions and, together with employers' and trade unions' associations, have commended its work and emphasized its important role in resolving trade union grievances.

The Government has taken *measures to liberalize the trade union registration process*. So as to simplify and formalize the procedure for registering public associations (including trade unions), the National Registration Commission has been abolished, the requirement for at least 10 per cent of the total number of employees to form a trade union has been removed, and trade unions have been given the option of being located (that is, obtaining a legal

address) not only at the employer's address but also at any other location (*Recommendations 2 and 3*).

Background:

Presidential Edict No. 605 of 6 October 2006 abolished the National Commission for the Registration (Re-registration) of Public Associations. The Ministry of Justice is responsible for registering national-level trade unions, while the justice directorates of local executive and administrative bodies are responsible for registering territorial trade unions and trade unions established in organizations.

The Ministry of Justice closely monitors the situation concerning trade union registration and issues the necessary guidance to the registration authorities to prevent violations.

On 2 June 2015, Presidential Decree No. 4 was adopted, amending Presidential Decree No. 2 of 26 January 1999 on several measures to improve the functioning of political parties, trade unions and other public associations. Under Decree No. 4, at least 10 people are required to establish a trade union at an enterprise.

The Government continuously monitors interactions between enterprise administrations and trade unions and has made clear *its view that there should be no interference* in the activities of trade union organizations (*Recommendation 6*).

Background:

At the Government's initiative, the issue of interaction between representatives of employers and trade unions at the level of organizations was considered at a meeting of the National Council on Labour and Social Issues on 31 January 2007.

The National Council, as the main tripartite body, drew attention to the need for strict observance of the principles of social partnership enshrined in legislation and ILO Conventions, noted the inadmissibility of interference by employers in the internal affairs of trade unions, and recommended that trade unions actively use social partnership mechanisms to protect their rights and those of their members.

Following a decision of the National Council, interaction between employers' and trade unions' representatives at the level of organizations was considered at meetings of sectoral and territorial (that is, regional, town/city and district) councils on labour and social issues.

In order to ensure that all social partners can freely and equally participate in dialogue with the Government, a representative of the Belarusian Congress of Democratic Trade Unions (BKDP) was included in the main tripartite social partnership body at the national level, the National Council on Labour and Social Issues (*Recommendation 11*).

Background:

The inclusion in the National Council of Mr A. Yarashuk, BKDP chairperson, was approved at the National Council's meeting on 31 January 2007.

As the activity of the BKDP has been terminated, it is now impossible for representatives of this (defunct) trade union association to participate in the National Council's work.

Belarus ensures a *clear distinction between the roles of the Government and the social partners*, which is a prerequisite for the latter to carry out their lawful activities freely and independently (*Recommendation 12*).

Background:

The Government's activity is governed by the Law of 23 July 2008 on the Council of Ministers of the Republic of Belarus.

Trade unions operate in accordance with the Law of 22 April 1992 on Trade Unions.

Employers and employers' associations operating in Belarus are covered by the Law of 12 December 2022 on Employers' Associations.

Following a direct contact mission to the country in 2014, **the Government worked with the ILO to implement a number of international technical cooperation measures to implement specific recommendations** of the Commission of Inquiry.

Thus, activities to increase the Council's effectiveness, improve dispute resolution and develop mediation aimed to implement *Recommendations 5 and 7*.

The formulation of guidelines for enterprise-level collective bargaining and their inclusion in the General Agreement between the Government and national associations of employers and trade unions helped put into practice the principle of trade union pluralism, in line with *Recommendations 6 and 12*.

An event for judges, prosecutors and lawyers on the application of international labour standards contributed to the implementation of *Recommendations 4 and 8*.

Further impetus for the development of social dialogue and tripartism in Belarus has been provided by the *entry into force of Law No. 225-Z of 12 December 2022 on Employers' Associations* from 16 December 2023.

The Law was drafted at the initiative of business associations engaged in social dialogue with trade unions and takes full account of ILO standards and principles.

In order to discuss practical aspects of the implementation of the Law, on 19 September 2023 the Ministry of Labour and Social Protection hosted a seminar with Vladimir Churovich, Senior Specialist in Employers' Activities from the Decent Work Technical Support Team and the ILO Country Office for Eastern Europe and Central Asia, who acquainted employers' representatives with international experience of drafting legislation on employers' associations and the ILO's views on this issue.

The above information confirms that the **implementation by Belarus of the Commission of Inquiry's recommendations is steadily progressing**. Moreover, the ILO supervisory bodies have repeatedly noted *with interest* the measures taken by the Government, observing that *certain progress* has been made.

In this regard, the allegations that the Government of Belarus has not taken action to implement most of the Commission of Inquiry's recommendations and has completely failed to make progress in their implementation sound completely unfounded and do not correspond to reality.

The Government of Belarus is ready to work on the Commission of Inquiry's recommendations, **on the mandatory condition that account is taken of today's realities and national interests**, to which the country's stable socio-economic development, the Belarusian people's well-being and high standard of living, social harmony and the fundamental principles of government of the people, the rule of law and the State's independence, territorial integrity and sovereignty are central.

Activity of tripartite social partnership bodies

Tripartite consultative bodies are fundamental to the country's social partnership system. They examine current social and labour-related developments and other issues raised by the social partners.

The **tripartite Council for the Improvement of Legislation in the Social and Labour Sphere** ("the Council"), coordinated by the Ministry of Labour and Social Protection and previously suspended in connection with the Covid-19 pandemic, **resumed its work** this year.

During the Council's meeting on 26 May 2023, based on the parties' suggestions, it considered approaches to implementing the Committee on Freedom of Association's recommendation concerning the establishment of a non-judicial mechanism for settling labour disputes.

Following the discussion and considering the recommendation of the Committee on Freedom of Association that joint work with the social partners be continued to build an effective non-judicial mechanism for resolving labour disputes, it was **decided to establish an expert group from among the Council's members to examine communications from trade unions, trade union associations and employers' associations regarding the resolution of labour disputes**. It was decided that when the Council receives communications from trade unions, trade union associations and employers' associations concerning labour dispute resolution, the expert group will conduct a preliminary examination and inform the Council of its findings.

The agenda of the Council's meeting on 22 September 2023 included proposals for the work plan of the Council for the Improvement of Legislation in the Social and Labour Sphere and information from the International Labour Office on interpreting the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), concerning the right to strike. There was a discussion within the Council in the framework of the implementation of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

During the meeting, the parties came to the conclusion that the Council should continue to discuss the issues around collective bargaining at various levels of social partnership.

A discussion was held on the right to strike in Convention No. 87. It was agreed that, if necessary, each party would independently inform the Office of its views.

In 2023, **four meetings** were held (on 11 January, 14 April, 26 July and 3 November) of the main tripartite social partnership body, the **National Council on Labour and Social Issues** ("the National Council").

At these meetings, the following issues were considered among others: the concept of a "parent-friendly" company; the results of the trade unions' exercise of their powers of non-government oversight; implementation of the General Agreement in 2022 and the first half of 2023; implementation of the Set of Measures for 2022–2023 to decrease the shortage of manual workers; the improvement of the regulatory framework governing the crisis management mechanism designed to help financially failing organizations recover; the situation on the consumer market of Belarus; and the level of the monthly minimum wage from 1 January 2024.

It should be noted that, in view of the previous positive practice of Office representatives attending meetings of the Council for the Improvement of Legislation in the Social and Labour Sphere, the Government *invited Office representatives to participate in the Council's meetings* and those of the National Council (including through videoconferencing).

Unfortunately, these *invitations were not accepted*.

Despite the fact that particular ILO supervisory bodies and the Office are casting *completely unjustified* doubt on the status and legitimacy of tripartite social partnership bodies operating in Belarus, the Council for the Improvement of Legislation in the Social and Labour Sphere and the National Council on Labour and Social Issues will continue their active work.

We count on Office representatives participating in meetings of these tripartite bodies. We are convinced that this could help ILO bodies and structures to form an *objective picture* of the social partnership system in Belarus, and would also make it possible to resolve baseless questions about the status and legitimacy of the country's main tripartite bodies.

Prosecution of individuals and organizations

The Government of Belarus has repeatedly drawn attention to the **baselessness and outright absurdity of allegations that the country's trade unions and citizens are persecuted for carrying out trade union activities and legally and peacefully exercising civil rights and liberties**.

ILO bodies have been misled by the complaints of politically motivated individuals and organizations and, deeply regrettably, continue to **erroneously** assume that the 2020 protests were motivated by economic and social considerations, were lawful and peaceful, and were directed at protecting civil and trade union rights and liberties.

The Government insists that **purely political events**, unrelated to the processes of social dialogue in the workplace and the exercise of trade union rights, **should not serve as a basis for assessing compliance with Conventions Nos 87 and 98 and should not be considered when monitoring their implementation**.

The 2020 protests were artificially encouraged by outside forces, *unlawful* and intended to *seize power by unconstitutional means*.

The protestors' demands (the resignation of the Head of State, fresh elections, exoneration of law breakers) had nothing to do with the protection of citizens' labour, social and economic interests and or the tasks that trade unions have the duty of performing.

Strikes as a legal way of resolving collective labour disputes were not announced or held, the mood of protest had no economic or social basis, and no demands were made to employers and the authorities in terms of regulating labour and socio-economic relations.

The attempts to organize a strike movement at the country's enterprises aimed to stop the enterprises that form the basis of the Belarusian economy from operating, in other words to **pursue political ends by exerting pressure on the lawful authorities by undermining the country's economic potential and social well-being**.

The **authors of complaints** to the Office are therefore **deliberately "dragging" political issues into the ILO's sphere of competence without objective grounds for doing so**.

Their aim is clear – they wish to **discredit Belarus** in the international arena, **justify** unprecedented **unilateral restrictive measures** against the country, **escalate political pressure** on the lawful authorities, and **unleash another wave of sanctions** based on the ILO's decisions.

In this connection, the Government is compelled yet again to draw attention to the fact that **the individuals and trade unions mentioned in complaints made to the ILO and comments issued by its supervisory bodies have been prosecuted for specific offences that are absolutely unrelated to the lawful and peaceful exercise of trade union rights and liberties**.

The **nature** of the **offences** committed by particular organizations and citizens fully **confirms the lack of connection with the guaranteed right to carry out lawful trade union activities**.

In view of the above, we note that the **information (complaint) that we received from the Office on 30 January 2024 signed by Maksim Poznyakov**, identifying himself as the current Chair of the defunct Belarusian Congress of Democratic Trade Unions (BKDP),* is nothing but **another attempt to misrepresent the situation in Belarus and to convince ILO bodies of the alleged persecution of trade union leaders and activists by the Belarusian authorities**. The purpose of these actions is clear: to use ILO decisions to further escalate undue pressure on Belarus.

The **Government has already commented on the reasons for the prosecution of the individuals** referred to in Maksim Poznyakov's information. They were **completely legally prosecuted for specific serious offences**.

Some of these individuals were members of a group by the name of Rabochy Rukh [Workers' Movement] / Extended Round Table. This is an *extremist formation* financed from abroad. It principally aims to involve employees of state-owned industrial enterprises in *radical political activity* so as to obtain internal business information, *stop their operations* and *strengthen sanctions* against Belarus. It has been established that, in addition to committing extremist crimes, the members of this extremist organization engaged in illegally gathering and passing on confidential business information about Belarusian economic entities to foreign states, foreign organizations and their representatives.

Other individuals referred to in the information have also been prosecuted for *specific offences* that have *nothing at all to do with the lawful and peaceful exercise of trade union, civil or other rights and liberties*, such as gross violation of public order resulting in disruption to transport and enterprises; violence against internal affairs officers; calls for action to harm national security; incitement to ethnic or social enmity and discord on the grounds of ethnic and social affiliation; facilitation of extremist activities; defamation; and damage to property in public places.

Since the criminal prosecution of these individuals is *unrelated to lawful trade union activity or exercise of other civil rights and liberties*, ongoing **attempts** by opponents of Belarus **to manipulate this situation are extremely concerning**.

These citizens have committed **serious offences** against national security, society and the State. Any **calls for all charges to be dropped**, their **immediate release** and the full restoration of their rights **have no legal basis**.

Questions surrounding the review of sentences, contact with offenders and parole are solely for the law enforcement agencies and courts, **interference in the activities of which is impermissible and punishable by law**.

Moreover, we consider it necessary once again to draw the attention of ILO bodies to the fact that the **activities of the Belarusian Congress of Democratic Trade Unions (BKDP) and its member organizations were terminated** in the summer of 2022 by the Supreme Court of Belarus as contravening the Constitution and other legislation and damaging the State and the public's interests.

The **structure** that is currently **acting allegedly on the BKDP's behalf** in Belarus **is not registered and is illegitimate** (by law, unregistered associations may not operate in the country).

* The activities of the BCDP and its member organizations were terminated pursuant to decisions of the Supreme Court of Belarus as contravening the Constitution of Belarus and other legislation and harming the interests of the State and society.

There are therefore **no legal grounds for the Office and ILO bodies to engage with it as a national association** allegedly representing the interests of Belarusian workers.

Adoption of an anti-Belarus resolution during the 111th session of the International Labour Conference (ILC) and its implementation

The Government insists that **there were absolutely no grounds for article 33 of the ILO Constitution to be applied to Belarus or the adoption** at the 111th session of the ILC in June 2023 **of a resolution on Belarus** calling, in effect, for the isolation of the Belarusian State.

National law and practice do not contravene the obligations undertaken by Belarus to comply with ILO Conventions Nos 87 and 98.

Belarus is making steady progress in implementing the recommendations of the Commission of Inquiry. The Government has clearly followed the agreements reached and the plans developed jointly with the ILO. ILO supervisory bodies have repeatedly noted *with interest* the measures taken by the Government, observing that a certain amount of progress has been made.

In this regard, the allegations that the Government of Belarus has not taken action to implement most of the Commission of Inquiry's recommendations and has completely failed to make progress in their implementation sound **completely empty** and **do not correspond to reality**.

The Government has always been open to constructive collaboration with the social partners and the Office across the entire spectrum of social and labour issues, **under the mandatory condition that the realities and sovereign interests of Belarus are taken into account**.

At the same time, the **anti-Belarus resolution**, which is contrary to the ILO's spirit, fundamental principles, goals and objectives and contains unfounded calls for the implementation of restrictive measures (in effect, sanctions) against the country and the curtailment of cooperation with its Government, **is a serious obstacle** to any effective and productive **further engagement** whatsoever.

It is obvious that the adoption of unfair and unjustified decisions against the Belarusian State and society within the ILO framework is **part of the policy of pressure and confrontation initiated by Western countries**, on the pretext of unsubstantiated, untrue accusations of the Government's alleged lack of progress in the implementation of the recommendations of the Commission of Inquiry, non-compliance with the provisions of ILO Conventions Nos 87 and 98 and persecution of so-called "independent" trade unions

It should be noted that many ILO Member States do not agree with the accusations made against Belarus and are fully aware of the **politicized nature of the campaign launched against it**. They oppose the use of United Nations agencies as **levers to bring undue pressure on sovereign States in order to interfere in their internal affairs**.

For its part, the **Government of Belarus insists on the need to curtail the unconstructive anti-Belarus processes launched within the ILO framework** that seek to implement plans to destroy the country's economy and social and labour sphere

The Government of Belarus calls on the **tripartite constituents of the ILO** – governments of the Organization's Member States and employers' and workers' associations – **not to take any steps to implement the resolution on Belarus** adopted at the ILC's 111th Session, which

sets a dangerous precedent of exerting unlawful pressure on a country on the basis of fallacious, politically motivated accusations.

This policy of isolation, blocking of opportunities for cooperation, restrictions and sanctions is a dead end that undermines the ILO's authority and erodes the Organization's ideology and principles.

Politically motivated, totally unjustified, discriminatory decisions on Belarus must be withdrawn.