



Consejo de Administración

353.ª reunión, Ginebra, 10-20 de marzo de 2025

Sección Institucional

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Seguimiento de la Resolución sobre las medidas recomendadas por el Consejo de Administración en virtud del artículo 33 de la Constitución de la OIT sobre la cuestión de Belarús

► Introducción

1. En su 352.ª reunión (octubre-noviembre de 2024), el Consejo de Administración tomó nota con creciente preocupación de la información presentada en el documento [GB.352/INS/10 \(Rev. 1\)](#). En particular, lamentó profundamente que, una vez más, el Gobierno de Belarús no hubiera proporcionado información nueva sobre las medidas adoptadas para aplicar las recomendaciones de la comisión de encuesta y las subsiguientes recomendaciones del Comité de Libertad Sindical, la Comisión de Expertos en Aplicación de Convenios y Recomendaciones (CEACR) y la Comisión de Aplicación de Normas, y urgió al Gobierno de Belarús a que presentara información sobre toda nueva medida práctica que hubiera adoptado para aplicar las recomendaciones de la comisión de encuesta y las subsiguientes recomendaciones de los órganos de control de la OIT en relación con la libertad sindical. El Consejo de Administración solicitó al Gobierno de Belarús que, con la mayor urgencia, aceptara: i) una misión humanitaria internacional para que médicos independientes pudieran visitar a todos los sindicalistas encarcelados a fin de evaluar su estado de salud y ofrecerles asistencia médica, de ser necesario y ii) una misión tripartita de la OIT para que evaluara la situación y visitara a los sindicalistas que estuvieran en prisión o detención. El Consejo de Administración tomó nota de las medidas adoptadas por la Oficina para aplicar la Resolución de la Conferencia y las

conclusiones de la Comisión de Aplicación de Normas, y solicitó al Director General que informara al Consejo de Administración en su 353.^a reunión (marzo de 2025) acerca de las siguientes cuestiones: i) el nombramiento de un enviado especial con el mandato descrito y ii) el resultado de la colaboración con los organismos de derechos humanos de las Naciones Unidas y otras entidades internacionales con miras a establecer un grupo de trabajo de la OIT y otras instituciones de las Naciones Unidas encargado de propiciar una acción coordinada y conjunta para la aplicación de las recomendaciones de la comisión de encuesta y de los órganos de control. Además, invitó a los mandantes de la Organización —Gobiernos, empleadores y trabajadores— a que siguieran adoptando medidas para garantizar un seguimiento efectivo de la Resolución de la Conferencia sobre las medidas recomendadas por el Consejo de Administración en virtud del artículo 33 de la Constitución de la OIT sobre la cuestión de Belarús, incluida la celebración de reuniones nacionales tripartitas de alto nivel para evaluar e intensificar los esfuerzos, y a que presentaran al Director General información al respecto con miras a su transmisión al Consejo de Administración.

► Últimas novedades

Organización Internacional del Trabajo

2. En su 95.^a reunión (noviembre-diciembre de 2024), la CEACR examinó la aplicación de los Convenios núms. 87 y 98 en Belarús y, en ese contexto, hizo un seguimiento de la aplicación de las recomendaciones de la comisión de encuesta. En dicha ocasión, la CEACR lamentó la total falta de progresos en la aplicación de las recomendaciones de la comisión de encuesta de 2004 y en la consideración de las recomendaciones pendientes de los órganos de control de la OIT, así como el continuo deterioro de la libertad sindical en el país. La CEACR urgió una vez más al Gobierno a que colaborara con la OIT con miras a cumplir plenamente y sin más demora todas las recomendaciones pendientes de los órganos de control de la OIT.
3. El Comité de Libertad Sindical, encargado por la comisión de encuesta de dar seguimiento a la aplicación de sus recomendaciones, tiene previsto examinar las medidas adoptadas por el Gobierno de Belarús a tal efecto en su reunión de marzo de 2025. Sus conclusiones y recomendaciones se publicarán en su 410.^o informe, que se someterá al Consejo de Administración en la presente reunión.

Relatores Especiales y Grupo de Trabajo sobre la Detención Arbitraria

4. El 22 de enero de 2025, un grupo de expertos independientes en derechos humanos¹ expresó su preocupación por la creciente práctica en Belarús de celebrar juicios en rebeldía y sin las garantías procesales básicas, lo que puede dar lugar a largas condenas de prisión, a la confiscación de la vivienda u otros bienes e incluso a la pena de muerte. En un comunicado de

¹ Dichos expertos son: Nils Muižnieks, [Relator Especial sobre la situación de los derechos humanos en Belarús](#); Matthew Gillett (Presidente), Priya Gopalan (Vicepresidenta encargada del seguimiento), Miriam Estrada Castillo y Mumba Malila, [Grupo de Trabajo sobre la Detención Arbitraria](#); Irene Khan, [Relatora Especial sobre la libertad de opinión y de expresión](#); Mary Lawlor, [Relatora Especial sobre la situación de los defensores de los derechos humanos](#); Balakrishnan Rajagopal, [Relator Especial sobre la vivienda adecuada como elemento integrante del derecho a un nivel de vida adecuado y sobre el derecho de no discriminación a este respecto](#); Margaret Satterthwaite, [Relatora Especial sobre la independencia de los magistrados y abogados](#); Ben Saul, [Relator Especial sobre la promoción y la protección de los derechos humanos y las libertades fundamentales en la lucha contra el terrorismo](#), y Morris Tidball-Binz, [Relator Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias](#).

prensa², el grupo hizo referencia a numerosas informaciones sobre personas enjuiciadas en rebeldía en Belarús que se enteran de su enjuiciamiento por casualidad, desconocen los cargos que se le imputan y los motivos de su condena y se ven totalmente privadas de asistencia letrada. Dicho grupo también observó que algunas de ellas han intentado sin éxito solicitar la participación a distancia en sus juicios u obtener copias de las sentencias. Además, las personas enjuiciadas en rebeldía no reciben notificación de los procedimientos, no pueden elegir a sus abogados defensores o participar en los juicios a distancia y tampoco pueden obtener copias de sus expedientes, de los documentos procesales pertinentes ni de las sentencias. Esos documentos solo se facilitan a los abogados defensores nombrados por el Estado, que no están obligados por ley a comunicarse con sus clientes y que se niegan a hacerlo sistemáticamente. Las sentencias no se hacen públicas y solo se difunde una breve información sobre la condena en sitios web del Gobierno a los cuales no se puede acceder desde el extranjero.

Parlamento Europeo

5. En su Resolución adoptada el 22 de enero de 2025³, el Parlamento Europeo hizo referencia a la Resolución de la Conferencia General de la Organización Internacional del Trabajo, de 12 de junio de 2023, sobre las medidas recomendadas por el Consejo de Administración en virtud del artículo 33 de la Constitución de la OIT sobre la cuestión de Belarús; consideró que «la Federación de Sindicatos de Bielorrusia se ha integrado desde hace tiempo en la estructura gubernamental del régimen de Lukashenka»; «destac[ó] la importancia de proteger a los bielorrusos exiliados de la persecución [...] y de concederles oportunidades para residir y trabajar legalmente en la Unión; [...] inst[ó] a los países afectados a que no extraditen a ciudadanos bielorrusos que hayan huido del régimen y que podrían enfrentarse a persecuciones al regresar a Bielorrusia», y «pid[ió] a la Unión y a sus Estados miembros que sigan planteando la situación en Bielorrusia en todas las organizaciones internacionales pertinentes, en particular [...] las Naciones Unidas y sus órganos especializados y la Organización Internacional del Trabajo, con el fin de reforzar el control internacional de las violaciones de los derechos humanos y la acción internacional sobre la situación en Bielorrusia».

Información proporcionada por el Gobierno

6. Mediante una comunicación de fecha 16 de enero de 2025, el Gobierno transmitió sus comentarios e información con respecto a las observaciones y recomendaciones formuladas por los órganos de control de la OIT sobre las cuestiones relativas a la libertad sindical, así como información sobre la aplicación de las recomendaciones de la comisión de encuesta. Ambos documentos contienen información que el Gobierno había facilitado anteriormente al Consejo de Administración y a la Comisión de Aplicación de Normas para su examen en la sesión especial, así como sus memorias sobre la aplicación de los Convenios núms. 87 y 98 presentadas a la CEACR. El Gobierno lamentó que los órganos de control de la OIT no hubieran tenido en cuenta sus argumentos, y que se basaran, en cambio, en la información facilitada por estructuras ilegítimas que no tienen relación alguna con la República de Belarús. Asimismo señaló que, en estas circunstancias, se veía obligado a reiterar, una vez más, los argumentos

² Para consultar el texto completo del comunicado de prensa, véase: <https://www.ohchr.org/en/press-releases/2025/01/belarus-un-experts-alarmed-about-widespread-absentia-trials>.

³ Resolución del Parlamento Europeo, de 22 de enero de 2025, sobre la necesidad de acciones ante la opresión continua y el fraude electoral en Bielorrusia (2024/3014(RSP)).

e información facilitados anteriormente y a solicitar que estos se pusieran una vez más a disposición del Consejo de Administración en extenso⁴.

Información proporcionada por el Congreso de Sindicatos Democráticos de Belarús

7. En su comunicación de fecha 16 de enero de 2025, el Congreso de Sindicatos Democráticos de Belarús (BKDP) alegó que el Gobierno de Belarús seguía sin aplicar las recomendaciones de la comisión de encuesta y del Comité de Libertad Sindical. De hecho, no solo persistían las vulneraciones, sino que la situación se había agravado con la campaña estatal de persecución de dirigentes y activistas del movimiento sindical en la fase previa a las elecciones presidenciales de enero de 2025. Los sindicatos independientes y sus afiliados ya no podían llevar a cabo sus actividades en Belarús. El BKDP destacaba que los recientes indultos de algunos presos políticos (de julio a diciembre de 2024) no podían considerarse medidas de restablecimiento de sus derechos, ya que los indultos requerían una admisión de culpabilidad; el Gobierno no había reconocido la ilegalidad de las vulneraciones de derechos o de las condenas penales y no se había establecido ningún mecanismo de reparación adecuado; el Gobierno utilizaba los indultos para ejercer una fuerte presión psicológica sobre los familiares de los presos políticos y los funcionarios estatales a fin de inducirles a persuadir a sus familiares condenados a declararse culpables con objeto de obtener el indulto prometido.
8. El BKDP proporcionó una lista de 30 dirigentes y activistas sindicales y laborales encarcelados o cuya libertad de circulación estaba restringida de algún modo, y una lista de 30 dirigentes y activistas sindicales y laborales que habían sido puestos en libertad, pero no absueltos (a fecha 16 de enero de 2025). El BKDP destacó que había tenido que excluir la información relativa, como mínimo, a siete casos de persecución para evitar riesgos excesivos de intensificación de la persecución estatal, incluidas amenazas a la vida y la salud de las personas afectadas. El BKDP facilitó información adicional sobre la situación de los siguientes sindicalistas enjuiciados:
 - Sr. Maksim Pazniakou (presidente en funciones del BKDP): se ha abierto una causa penal contra el Sr. Pazniakou por cargos tipificados de «extremismo» en el Código Penal. El BKDP entiende que esos cargos se refieren a lo dispuesto en el artículo 361-4 («facilitación de actividades extremistas») o en el artículo 361 («llamamiento a la adopción de medidas restrictivas (sanciones) u otras acciones que atenten contra la seguridad nacional de la República de Belarús»). Desde la apertura de la causa, varios funcionarios estatales han visitado, en cinco ocasiones distintas, el apartamento de la madre del Sr. Pazniakou, de 75 años de edad, donde este reside oficialmente. Estas visitas incluyeron: i) un registro del apartamento; ii) tres interrogatorios, y iii) un intento de localizar al Sr. Pazniakou. En esas visitas, los funcionarios informaron a la madre del Sr. Pazniakou que este figura en la lista de «personas buscadas». Sin embargo, no le mostraron o entregaron ningún documento procesal ni copia de este, por lo que carece de información oficial alguna. La anciana madre del Sr. Pazniakou ha sufrido una importante ansiedad emocional como consecuencia de estas repetidas visitas e interacciones. Su avanzada edad y el estrés provocado por esos encuentros han dañado su memoria, por lo que le resulta difícil recordar detalles de esos sucesos.

⁴ Véanse OIT, *Información escrita proporcionada por el Gobierno de Belarús sobre la aplicación de las recomendaciones de la comisión de encuesta*, CAN/D/Sesión especial Belarús-C.87-C.98, 2024, y el anexo del presente documento (en inglés).

- Sr. Leonid Soudalenko (activista del Sindicato de Trabajadores de la Radio y la Electrónica de Belarús (REP) y abogado laboralista): el BKDP recordó que, en septiembre de 2024, el Tribunal Supremo celebró un juicio en rebeldía, en el que examinó y desestimó el recurso de apelación interpuesto por el Sr. Soudalenko contra la sentencia de fecha 18 de junio de 2024. Por consiguiente, entró en vigor la sentencia, dictada en rebeldía, por la que fue condenado a cinco años de cárcel en régimen de reclusión estricta y al pago de una multa de 26 000 rublos bielorrusos (aproximadamente 7 700 euros) por «facilitación de actividades extremistas» en virtud de los artículos 361-4, 1) y 361-4, 2) del Código Penal. El derecho a un juicio justo y el derecho de defensa del Sr. Soudalenko fueron nuevamente vulnerados, ya que el abogado defensor designado por el Estado no solo se negó a hablar con él durante el procedimiento penal, sino que omitió comunicarle el veredicto y rehusó entregar una copia de este a su cliente. En octubre de 2024, el Sr. Soudalenko presentó una reclamación de revisión al Presidente del Tribunal Supremo. Sin embargo, el Tribunal se negó a examinarla debido a los requisitos jurídicos vigentes para presentar una reclamación de revisión, los cuales impiden que una persona en el exilio pueda interponer un recurso de apelación. En noviembre de 2024, el Sr. Soudalenko presentó una segunda reclamación de revisión. A pesar de que la legislación establece un plazo de diez días para su examen, hasta la fecha no se ha recibido ninguna respuesta.
 - Sra. Volha Brytsikava (dirigente del Sindicato Independiente de Belarús (BNP)): con respecto a la información facilitada en el documento GB.352/INS/10 (Rev. 1), el BKDP informó de que, el 24 de diciembre de 2024, el Tribunal Supremo examinó la apelación de la Sra. Brytsikava y redujo un año su pena de prisión. Por consiguiente, teniendo en cuenta su anterior condena, fue encarcelada por un periodo de cinco años.
 - Sra. Palina Sharenda-Panasiuk (activista del REP): con respecto a la información facilitada en el documento GB.352/INS/10 (Rev. 1), el BKDP indicó que, a principios de septiembre de 2024, el estado de salud de la Sra. Sharenda-Panasiuk se deterioró (sufre el síndrome de Gilbert y sus indicadores de bilirrubina son tres veces superiores), se quejó de dolores abdominales, pero no recibió medicación alguna. Tras su reclusión en una celda de castigo en septiembre de 2024, la Sra. Sharenda-Panasiuk fue trasladada a un centro de detención temporal en la ciudad de Rechitsa. En la celda, no había retrete y no se le proporcionaron sábanas ni colchón. El 14 de octubre de 2024, se celebró una audiencia en el Tribunal de Distrito de Rechitsa para examinar los cargos de «desobediencia maliciosa a las exigencias de la administración de una institución penitenciaria durante la ejecución de una pena de prisión». No se permitió asistir a la audiencia a ningún representante europeo. La Sra. Palina Sharenda-Panasiuk sufrió un ataque de nervios y, ese mismo día, fue trasladada por la fuerza a un hospital psiquiátrico para ser examinada. El 15 de octubre de 2024, fue condenada a un año y un día de prisión en la colonia penal de régimen general núm. 24. El 13 de diciembre de 2024, se interpuso un recurso de apelación, pero fue desestimado y su abogado defensor fue despojado de su licencia tras la apelación.
 - Sr. Artsiom Zharnak (presidente del Sindicato Libre de Trabajadores Metalúrgicos (SPM) de la fábrica de automóviles de Minsk): el 9 de diciembre de 2024 fue recluido en una celda de castigo por un periodo de diez días.
9. El BKDP también señaló que se pretendía establecer una nueva forma de restricción de los derechos de las personas liberadas, pero no exoneradas, mediante un proyecto de ley de enmienda a la legislación sobre la protección de los derechos del niño. En dicho proyecto de ley, publicado en el Portal Nacional de Información Jurídica en internet, se establece la prohibición de que las personas condenadas por delitos de extremismo emprendan cualquier

tipo de «actividad pedagógica, actividad pedagógica en el ámbito de la educación física y el deporte, u ocupen puestos de empleados asociados al desempeño de funciones educativas, así como otros puestos de empleados o profesiones asociadas a un trabajo permanente con niños». Esta restricción se aplicaría independientemente de que se hubiera anulado la condena, se hubieran borrado los antecedentes penales o se hubiera sobrepasado el procedimiento penal por prescripción o amnistía. El 20 de diciembre de 2024, el Consejo de Ministros sometió dicho proyecto de ley a la Cámara de Representantes. Además, el 30 de diciembre de 2024, se adoptó un nuevo reglamento sobre el procedimiento de reconocimiento de los niños en situación de riesgo y que necesiten la protección del Estado, mediante la Resolución del Consejo de Ministros de la República de Belarús núm. 1055, por la que se añadió un nuevo motivo para la retirada forzosa de la custodia de un niño a una familia si los progenitores (u otras personas que participan en la crianza de este) son declaradas culpables de cometer un delito de «distribución, producción, almacenamiento o transporte de productos informativos que instigan a cometer actividades extremistas o las promueven», en virtud de lo dispuesto en el Código de Infracciones Administrativas. Por tanto, según el BKDP, dado que diversos activistas y dirigentes de sindicatos independientes y del movimiento obrero han sido condenados por delitos de «extremismo», en virtud de dichas disposiciones legislativas la retirada forzosa de la custodia de sus hijos se ha convertido en una nueva forma de represión estatal contra ellos.

10. Con respecto a ejemplos concretos, el BKDP alegó que, en el último trimestre de 2024, se prosiguieron las detenciones masivas de trabajadores durante su jornada laboral en cooperación con la dirección de ciertas empresas. El BKDP también alegó que los sindicatos afiliados a la Federación de Sindicatos de Belarús (FPB) no brindaron ninguna protección a los trabajadores afectados y que, ante esos sucesos, la FPB se alineó con la dirección de las empresas (enumeradas en la comunicación del BKDP) y el Gobierno. Con respecto a la FPB y a sus afiliados, el BKDP alegó asimismo que los dirigentes de la Federación habían visitado empresas y exhortado a los trabajadores a votar al Sr. Lukashenko en las elecciones previstas. El BKDP proporcionó ejemplos de esas visitas que, a su juicio, probaban el estrecho vínculo con el Gobierno y la falta de independencia de la FPB.
11. El BKDP también alegó que muchas empresas estatales estaban recurriendo masivamente a no renovar contratos y a despedir a los trabajadores que habían participado en reuniones y huelgas pacíficas en 2020, así como a quienes habían expresado su opinión sobre el fraude de los resultados en las elecciones presidenciales y las violaciones masivas de derechos humanos, y aportó ejemplos concretos de tales casos.
12. Mediante una comunicación de fecha 4 de febrero de 2025, el BKDP informó de que la Sra. Sharenda-Panasiuk fue puesta en libertad el 1 de febrero de 2025. Al igual que los demás sindicalistas liberados, no ha sido absuelta, sigue figurando en la lista de «extremistas» y está sometida a medidas de supervisión cautelares, con las correspondientes restricciones de sus derechos.

► Medidas adoptadas por los mandantes de la OIT

Medidas adoptadas por los Estados Miembros

13. En una comunicación de fecha 11 de noviembre de 2024, el Gobierno de Tailandia reafirmó su compromiso de respetar el principio de no devolución de personas a lugares donde corran peligro y de proporcionar protección humanitaria a quienes huyan de la persecución, aun cuando Tailandia no es parte en la Convención sobre el Estatuto de los Refugiados, de 1951. Si bien existe un mecanismo para identificar y ofrecer asistencia a los extranjeros que precisan protección, hasta la fecha ningún nacional bielorruso ha solicitado la condición de «persona protegida».

Comunicaciones de organizaciones nacionales de empleadores y de trabajadores

14. En una comunicación de fecha 13 de enero de 2025, la FPB facilitó información sobre su composición, su función en el diálogo social nacional y su labor a nivel nacional como organización pública más grande del país, en particular con respecto a la concertación del acuerdo tripartito general nacional, diversas iniciativas legislativas, el seguimiento de la situación del mercado de consumo y el control del cumplimiento de la legislación laboral.

► Seguimiento del plan de acción para aplicar la Resolución de la Conferencia y las conclusiones de la Comisión de Aplicación de Normas

15. La Oficina seguirá aplicando el plan de acción adoptado por el Consejo de Administración en su 350.^a reunión (marzo de 2024) y tomará medidas para dar curso a la decisión más reciente de la Comisión de Aplicación de Normas, especialmente en relación con los procesos que se citan a continuación.
16. En la actualidad, el Director General está examinando todas las opciones y modalidades posibles para asegurar el nombramiento de un enviado especial lo antes posible. Una vez nombrado, el enviado especial de la OIT en Belarús desempeñará las siguientes funciones, en representación de la Organización, durante 2025: 1) colaborar con el Gobierno de Belarús y todos los interlocutores sociales, en particular los mencionados en las recomendaciones de la comisión de encuesta de la OIT con vistas a: *a*) efectuar visitas a los sindicalistas detenidos, *b*) facilitar su puesta en libertad y *c*) estudiar formas de lograr nuevamente el reconocimiento del BKDP, de modo que pueda retomar su colaboración con el Consejo Nacional de Asuntos Laborales y Sociales, de carácter tripartito, y con el Consejo tripartito para la mejora de la legislación en el ámbito social y laboral; 2) colaborar con los organismos de las Naciones Unidas y todas las partes interesadas pertinentes, en el marco de su mandato, con miras a propiciar una acción coordinada para la aplicación de las recomendaciones de la comisión de encuesta de la OIT y, en particular, la recomendación núm. 8 relativa a la necesidad de garantizar la imparcialidad e independencia del poder judicial y la administración de justicia, y 3) informar al respecto en la 355.^a reunión del Consejo de Administración (noviembre de 2025). Para ello, se está elaborando un presupuesto provisional, que también incluiría la asistencia

administrativa y jurídica necesaria para el desarrollo eficaz de la labor del enviado especial, y que se someterá al Consejo de Administración en la presente reunión.

17. En cuanto a la petición de colaborar con los organismos de derechos humanos de las Naciones Unidas y otras entidades internacionales pertinentes, la Oficina seguirá trabajando con todos ellos a fin de propiciar una acción coordinada y conjunta para la aplicación de las recomendaciones de la comisión de encuesta y de los órganos de control. En particular, y con arreglo a la solicitud de la Comisión de Aplicación de Normas, la Oficina ha entablado conversaciones al más alto nivel con la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos, con objeto de establecer un grupo de trabajo de la OIT y otras instituciones de las Naciones Unidas a este respecto. Asimismo, habida cuenta del nombramiento del Sr. Nils Muižnieks como Relator Especial sobre la situación de los derechos humanos en Belarús el 1 de noviembre de 2024, la Oficina le ha contactado para tratar asuntos relacionados con su mandato y el de la OIT con respecto a la situación de la libertad sindical en el país. Además, se seguirá colaborando con otros relatores especiales a través de reuniones periódicas a fin de estudiar conjuntamente posibles vías para avanzar de manera concreta en la aplicación de las recomendaciones de la comisión de encuesta, responder a las reiteradas solicitudes de llevar a cabo una misión para visitar a los sindicalistas detenidos, e intercambiar información sobre las cuestiones relativas al creciente deterioro de los derechos sindicales en el país.
18. La Oficina seguirá solicitando información a los mandantes de la Organización —Gobiernos, empleadores y trabajadores— sobre las medidas adoptadas para garantizar un seguimiento efectivo de la Resolución de la Conferencia sobre la cuestión de Belarús, con miras a su transmisión al Consejo de Administración.

► Proyecto de decisión

19. El Consejo de Administración:

- a) **toma nota con creciente preocupación de la información presentada en el documento GB.353/INS/7 (Rev. 1);**
- b) **lamenta profundamente que, una vez más, el Gobierno de Belarús no haya proporcionado información nueva sobre las medidas adoptadas para aplicar las recomendaciones de la comisión de encuesta y las subsiguientes recomendaciones del Comité de Libertad Sindical, la Comisión de Expertos en Aplicación de Convenios y Recomendaciones y la Comisión de Aplicación de Normas;**
- c) **urge al Gobierno de Belarús a que presente al Director General, a más tardar el 26 de septiembre de 2025, toda la información relativa a las medidas prácticas adoptadas a este respecto tras la 353.ª reunión del Consejo de Administración, para su transmisión al Consejo de Administración en su 355.ª reunión (noviembre de 2025);**
- d) **solicita nuevamente al Gobierno de Belarús que, con la mayor urgencia, acepte:**
 - i) **una misión humanitaria internacional para que médicos independientes puedan visitar a todos los sindicalistas encarcelados a fin de evaluar su estado de salud y ofrecerles asistencia médica, de ser necesario;**

- ii) una misión tripartita de la OIT para que evalúe la situación en el país, que incluya una visita a los sindicalistas que estén actualmente en prisión o detención;
- e) señala a la atención de la Comisión de Verificación de Poderes de la Conferencia Internacional del Trabajo, en su 113.^a reunión, la información proporcionada en los documentos GB.352/INS/10 (Rev. 1) y GB.353/INS/7 (Rev. 1);
- f) toma nota de las medidas adoptadas por la Oficina para aplicar la Resolución de la Conferencia y la conclusión de la Comisión de Aplicación de Normas, y espera que el Director General:
 - i) nombre sin demora a un enviado especial para Belarús con el mandato descrito en el documento GB.353/INS/7 (Rev. 1);
 - ii) informe al Consejo de Administración, en su 355.^a reunión, sobre el resultado de la colaboración en curso con los organismos de derechos humanos de las Naciones Unidas y otras entidades internacionales en relación con el establecimiento de un grupo de trabajo de la OIT y otras instituciones de las Naciones Unidas y sobre las medidas adoptadas para coordinar y reforzar la labor conjunta con miras a la aplicación de las recomendaciones de la comisión de encuesta y de los órganos de control;
- g) invita a los mandantes de la Organización —Gobiernos, empleadores y trabajadores— a que sigan adoptando medidas para garantizar un seguimiento efectivo de la Resolución de la Conferencia sobre las medidas recomendadas por el Consejo de Administración en virtud del artículo 33 de la Constitución de la OIT sobre la cuestión de Belarús, incluida la celebración de reuniones nacionales tripartitas de alto nivel para evaluar e intensificar los esfuerzos, y a que presenten al Director General información al respecto para su transmisión al Consejo de Administración;
- h) pide al Director General que prepare un informe actualizado para la 355.^a reunión del Consejo de Administración.

► Anexo

Comentarios e información del Gobierno de la República de Belarús con respecto a las observaciones y recomendaciones formuladas por los órganos de control de la OIT en relación con la libertad sindical (en inglés)

(Información facilitada de conformidad con lo dispuesto en el apartado c) de la decisión relativa al seguimiento de la Resolución sobre las medidas recomendadas por el Consejo de Administración en virtud del artículo 33 de la Constitución de la OIT sobre la cuestión de Belarús (GB.352/INS/10 (Rev. 1)/Decisión)

Taking into account paragraph (c) of the Decision concerning 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 Belarus adopted at the 352nd session of the Governing Body (GB.352/INS/10(Rev.1)/Decision), the Government of the Republic of Belarus (hereafter – the Government) notes that **detailed objective information and the justified position** of the Belarusian side with regard to the implementation of the recommendations of the Commission of Inquiry and the subsequent recommendations of the ILO's bodies **has already previously been provided on several occasions** under the consideration of matters relating to the application by the Republic 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), which the Government had ratified.

The Government, with great regret, notes once again that **information and explanations provided by the Government** regarding the nature of the processes that are being followed, as well as the extraordinary political motivation and bias of the unfounded and unlawful claims made against Belarus **are not being taken into account and are being openly ignored**.

In the light of these above-mentioned circumstances, the Government, in addition to the information previously provided to the Governing Body, is once again submitting its position and providing a comment on the actual situation with regard to the questions raised by the ILO's governing bodies.

1. With the Government's deep regret, the ILO's governing bodies continue to form their opinion of the situation solely on the basis of unsubstantiated statements and information from unconstructive and politically engaged biased actors and structures, acting in the interests of unfriendly countries in order to discredit Belarus and increase pressure on the Belarusian state.

Such a one-sided approach leads to the fact that ILO bodies' understanding of the situation in the country, and consequently, the conclusions and recommendations submitted to the Government are based on **unlawful allegations** against the Belarusian authorities **that have no factual basis**.

In forming their position, **the ILO's bodies are incorrectly working on the basis of unreliable information** that the protest activity in 2020 was allegedly a result of economic and/or social motives, was solely peaceful in nature, and was aimed at protecting civil and trade union rights and freedoms.

At the same time, the events of 2020 which were purely political in nature and which were in no way related to the processes of social dialogue concerning labour and the realization of trade union rights and freedoms, objectively **cannot serve as a basis for the evaluation of the situation with respect to the application of Conventions Nos 87 and 98** and, in principle, **should not be considered by the ILO's bodies as part of the monitoring of their implementation.**

The protest activity of 2020, which was artificially stimulated by destructive external forces, was **illegal**, far from **peaceful**, and aimed to **secure regime change** in the country **by unconstitutional means.**

The demands put forward by the protesters (resignation of the Head of State, holding new presidential elections and the acquittal of citizens who have violated the law) **had nothing objectively to do with the realization of trade union rights and freedoms** for the protection of citizens' labour, social and economic interests and **are not related in any way to the objectives of trade unions.**

Strikes, as a legal way of solving collective labour disputes between employers and representative workers' organizations, **were not held or notice given of the intention to hold a strike**, and the protests, which were purely politically motivated, affected only a small proportion of workers and **did not** have any **economic or social connotation** at all. No demands concerning the regulation of labour and socio-economic relations were made to employers or authorities.

The purpose of the unsuccessful attempts to involve the country's workers in **illegal political actions**, which the country's opponents present as allegedly "lawful strikes", was to stop the work of enterprises that form the basis of the Belarusian economy, that is, **the realization of political objectives by putting pressure on the legitimate authorities by undermining the potential and social well-being of the country.**

In that way, the authors of the complaints **deliberately "dragged" political issues into the ILO's work** without an objective basis for doing so.

By linking **unlawful protest actions**, which had nothing to do with the realization of trade union rights and freedoms, as well as the frankly **destructive and unlawful activities of individual citizens**, with matters that are regulated by the ILO's Conventions, the **complainants** as part of their ongoing attempts to "rock" the situation in the country **are seeking to place undue pressure on the Republic of Belarus through the ILO.**

2. Taking into account the fact that the conclusions and recommendations of the ILO's bodies to the Government are based on the assessment of situations presented by **the Belarusian Congress of Democratic Trade Unions (BKDP), which is positioning itself as a trade union association**, we draw the attention of the Governing Body to the **illegitimate status of that organization and its lack of links with the Republic of Belarus.**

The activity of the BKDP and its member trade unions – the Belarusian Union of Radio and Electronics Workers (REP), the Belarus Independent Trade Union for miners, chemists, oil refiners, power engineers, transport workers, builders and other workers (BNP), the Free Trade Union of metalworkers (SPM), the Free Belarusian Trade Union (SPB) – **were terminated** on the basis of decisions of the Supreme Court of the Republic of Belarus in accordance with Article 5-2 of the Trade Union Act, which provides for the termination of the activity of trade unions (or their associations) when they **violate the Constitution or any legislative act, causing harm to state or public interests.**

During public court sessions on 12, 14 and 18 July 2022, it was confirmed that the leaders and members of these trade unions, **in violation of the legislation and statutes of their organizations, took an active part in destructive activities, the aim of which was unconstitutional regime change in the country.**

These citizens participated in the organization and preparation of unauthorized mass events, aimed at harming state and public interests, made unlawful attempts to stop the work of enterprises in order to advance political demands, systematically committed grave violations of the law, including violating the established procedure for receiving and using foreign gratuitous aid, carried out extremist activities, distributed extremist material, and committed other illegal acts that do not correspond to the aims and objectives of trade unions to protect the labour, social and economic interests of citizens.

The national competent authorities **had full legal grounds to prosecute those persons who had violated the law and committed specific criminal offences.**

In view of the fact that the International Labour Office (ILO) and its bodies continue to cooperate with an **illegitimate and extremist body allegedly acting on behalf of the BKDP** and they take into consideration the comments provided by that body on the situation in the country, **we consider that it is necessary to once again draw your attention to the following facts.**

The body allegedly operating at the current time on behalf of the BKDP:

- has no links with the Republic of Belarus or with the national trade union movement, and has no objective information about the situation in the country;
- does not operate within the territory of the country – its office and management are based abroad on a permanent basis;
- **does not represent the interests of the workers of Belarus – the trade unions that are members of the BKDP have de facto and de jure terminated their work, do not have members and primary organizations in enterprises in the country**, and consequently do not carry out trade union activities to protect labour and socio-economic rights and interests;
- is not registered in accordance with the established procedure and is illegal – the activity of unregistered associations in the territory of the country is prohibited;
- **is financed using funds from organizations and bodies that are acting in the interests of foreign governments**, which are pursuing unfriendly and discriminatory policies against Belarus.

Thus, that body **is acting outside the legal framework of Belarus and does not represent the country's workers either in practice or legally** and, as a result, **cannot and should not be considered to be a national trade union association.**

Today, **under the banner of the BKDP, a destructive cell is operational**, which was established in one of the countries of the European Union, which receives from that country **support and funding for promoting** (under the appearance of trade union activity) an **anti-Belarusian agenda**, and which **uses ILO instruments and procedures for that purpose.**

In this connection, the Government insists that the **ILO's bodies should take a critical approach to the fabricated accusations against Belarus provided by that body and should not agree to consider information from illegitimate bodies that were unconnected to the country.**

There is no objective legal basis for the cooperation between the so-called BKDP and its representatives and the ILO and its bodies.

In turn, the Government cannot be obligated to provide comments on any petitions from illegitimate bodies or organizations that are not linked in any way to the country.

The Government notes with deep regret and serious concern the systematic disregard by the ILO and its bodies of factual information and positions stated by the Belarusian side, standards set out in national legislation, and the illegitimate status of the body allegedly acting on behalf of the BKDP, as well as the seriously biased and one-sided approaches to the assessment of the situation in Belarus.

The Government insists that its arguments should be given full attention in order to restore constructive dialogue and cooperation.

3. The Government of Belarus once again draws the Governing Body's attention to the **unfounded and absurd nature of the statements that trade unions and citizens are allegedly persecuted for carrying out trade union activities and the lawful and peaceful realization of civil rights and freedoms** (participation in peaceful protests, lawful strikes, trade union work, etc.).

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

In the country, everything necessary has been done so that trade unions can freely be established and can carry out their lawful activities without any interference or discrimination. Guarantees of trade union rights are enshrined in legislation and are implemented in practice.

Employers (associations thereof), state bodies, economic entities, public associations and officials **are obliged to respect trade union rights**. Such bodies and entities shall be held **liable** for violating trade union rights or obstructing their lawful activities in accordance with the law.

In order to carry out their work, trade unions **have the right to organize and conduct, in accordance with legislation, meetings, street marches, demonstrations and other collective action to protect the interests of their members.**

Trade unions have the **right to organize and hold strikes** in accordance with the law (when a trade union decides to conduct a strike, no political demands can be made).

The unlawful curtailment of rights of trade unions and the creation of obstacles to the full exercise of their powers are not permitted.

It should be noted that **citizens** living in Belarus **freely and actively exercise their right to organize in trade unions** which is guaranteed by legislation.

Background.

An analysis of the dynamics of the number of trade union organizations in Belarus shows an increase in their number.

Thus, as of 1 October 2020, 26,424 trade union organizations were registered in the country, and as of 1 October 2024, that number was 28,157 (an increase of more than 1,700 organizations). That means that, over the four years, there was a growth of 6.5% in the number of trade union organizations in the Republic of Belarus.

In turn, **trade unions, their leaders, members and activists are able to freely carry out their legitimate activities**, aimed at upholding and protecting workers' labour and

socio-economic rights and interests, improving the living standards and social security of citizens, including in the process of cooperating with the authorities within the framework of the country's existing social partnership system.

In addition, the competent authorities **had full legal grounds for the prosecution of various citizens**, whose actions were **unlawful in nature**.

The Government has repeatedly drawn attention to the fact that **mass events** held in the country with the support of external destructive forces **were not authorized by government authorities**, were held **in blatant violation of the requirements set out in legislation**, were **not peaceful** in nature, and in some places were openly **extremist**, posed a **real threat** to public order and the safety of citizens, and sought to **destabilize** the country in order to **secure regime change by unconstitutional means**.

Unlawful attempts to block the work of certain enterprises were unrelated to workers exercising their right to hold legitimate strikes with a view to resolving collective labour disputes and/or to satisfying economic or social demands.

The Government must once again draw the Governing Body's attention to the fact that citizens who appear in the information provided by organizations allegedly acting on behalf of the BKDP have been **lawfully prosecuted for specific illegal acts (or crimes), which were in no way related to the lawful and peaceful realization of trade union, civil or other rights and freedoms**.

The essence of the unlawful acts committed by these citizens confirms that they are unrelated to the guaranteed right to exercise lawful trade union activities.

The Government has already **repeatedly commented on the reasons for prosecuting** the above-mentioned citizens.

Once again, we draw attention to the fact that these people have been **prosecuted for crimes related to extremism and terrorism** – including gross violation of public order, resulting in the disruption of transport and the work of enterprises; violence against workers in departments related to internal affairs; calls for action that would harm national security; incitement to national or social hostility and dissention on the grounds of national and social affiliation; promotion of extremist activities; slander; and damage to property in public places.

A number of citizens were members of the **extremist group known as Rabochy Rukh/Extended round table, funded from abroad**, which sought to involve employees from state-owned industrial enterprises in the country in radical politicized activities in order to obtain official information about their economic activities, stop manufacturing processes and increase the sanctions pressure on Belarus. Those participating in this group, in addition to committing crimes relating to extremism, carried out illegal activities to collect and subsequently transfer to a foreign government, a foreign organization and their representatives official restricted information concerning economic entities in the country.

As the **prosecution of these individuals is not related to the legal performance of trade union activities or the lawful realization of other civil rights and freedoms**, the ongoing **attempts to manipulate the situation** made by opponents to the Republic of Belarus **are of serious concern**.

These citizens have committed serious crimes against the interests of national security, society and the State, and they are serving lawful sentences.

In this regard, any calls for the dismissal of the charges against them, their immediate release, the full restoration of their rights, the provision of any compensation and/or the reinstatement of their employment have no objective legal basis.

Background.

The reinstatement of a worker to their employment position (return of the worker to their previous position they held legally prior to their dismissal) is possible only in the case of the termination of an employment contract without legal basis.

Disputes on reinstatement to an employment position, regardless of the grounds for the dismissal, are considered in the general courts. When considering individual labour disputes, workers are exempt from paying court costs.

On the basis of the result of the consideration of the dispute, the court is entitled to make a decision on the reinstatement of the worker to their previous position of employment, which is the basis on which the employer is to reinstate the worker.

Thus, matters of reinstatement may be resolved solely on the basis of a worker's appeal to the court.

Such appeals may be considered to be interference in the country's internal affairs, or the open support of unlawful and extremist activities aimed at disrupting the stability of the Belarusian state.

It should also be noted that matters relating to the revision of sentences, interaction with convicted individuals and release from custody are the **exclusive responsibility of law enforcement agencies and the courts, interference in the activity of which is not permitted, and which is subject to liability** in accordance with the law.

4. The Government has previously already provided comments on requests submitted by ILO bodies for copies of court decisions.

We reiterate that national legislation **does not provide for the provision of copies of court and other documents to persons who are not related to the process in question.**

Such approaches are related, inter alia, to the provisions set out in legislation, which aim to **protect citizens' personal data**, and their rights and freedoms when processing their personal information.

In addition, as the prosecution of the citizens mentioned in the reports of the ILO's supervisory bodies is completely unrelated to their trade union activity and their realization of other legal rights and freedoms guaranteed by, inter alia, Conventions Nos 87 and 98, we consider that the requests to provide the ILO's supervisory bodies with copies of court decisions **go beyond the obligations assumed by the Belarusian side** under the aforementioned ILO Conventions and **are redundant.**

5. Taking into account the calls of the ILO's bodies to guarantee the right of citizens to a fair trial and, in general, to ensure the impartiality, independence and transparency of the judicial system, the Government considers it necessary to once again underline that **the principle of the rule of law is applied in the Republic of Belarus** and that the **State guarantees the rights and freedoms of citizens** as enshrined in the Constitution and laws and as provided for under its international obligations.

Everyone is equal before the law and **is entitled**, without any discrimination, **to the equal protection of their rights and legal interests.**

In Belarus, there is an **independent, autonomous and unified system of general courts for the whole country** with clear distinctions between courts and with simple and understandable procedures for the consideration of cases and the review of court decisions.

In accordance with article 110 of the Constitution of the Republic of Belarus, the most important principles of the judicial system in the country are **the independence of judges in the administration of justice, their subordination solely to the law**, and the fact that **interference in the work of judges is not permitted**.

According to the provisions of article 60 of the Constitution, **every person is guaranteed the protection of their rights and freedoms by a competent, independent and impartial court** in accordance with the procedures and time frames set out in law. Decisions and actions (or lack of actions) of state bodies and officials that infringe rights and freedoms **may be appealed in court**.

The principle of the independence of judges and their subordination solely to the law in the administration of justice is also established in article 11 of the Civil Procedure Code of the Republic of Belarus, article 12 of the Economic Procedure Code of the Republic of Belarus, article 22 of the Criminal Procedure Code of the Republic of Belarus, article 2.13 of the Administrative Offences Code of the Republic of Belarus, and article 11 of the code of civil legal proceedings of the Republic of Belarus (which will enter into legal force on 1 January 2026).

In addition, the **principle of independence of judges and people's assessors** is developed in article 67 of the Code of the Republic of Belarus on the Judicial System and the Status of Judges (hereafter, the Judicial System Code), particularly: that a judge and a people's assessor are independent and subordinate only to the law in the exercise of justice (article 67-1 of the Judicial System Code).

The independence of judges and people's assessors is ensured by the procedure set out in legislation for their appointment (election, confirmation), suspension and termination of their authority, their immunity, the procedure for the consideration of cases and other matters, the confidential nature of their deliberations when issuing judicial rulings and the fact that it is not permitted to require their disclosure, their liability for contempt of court or interference in its activities, other guarantees relating to the status of judges and people's assessors, as well as the creation of appropriate organizational and technical conditions for the activity of the courts (article 67-2 of the Judicial System Code).

Any form of influence on a judge or people's assessor with a view to preventing the full, comprehensive and objective consideration of a specific case or to obtain an unlawful court ruling **is liable** under chapter 25 of the Administrative Offences Code and chapter 34 of the Criminal Code of the Republic of Belarus (article 67-3 of the Judicial System Code).

The **legal institution that regulates the appointment of judges and the termination or extension of their authority** is separate in order to ensure the independence of the judicial system as a whole.

As a result of the Constitutional referendum of 2022, which resulted in amendments to the Constitution that entered into force on 15 March 2022, in connection with granting the constitutional and legal status of the supreme representative body of the people's power in the Republic of Belarus to the All-Belarusian People's Assembly, **powers in the area of staffing of the judicial system were redistributed** between the All-Belarusian People's Assembly and the Head of State.

In order to strengthen the guaranteed independence of judges in accordance with part 2 of article 112-1 of the Constitution, the President, Vice-Presidents and judges of the Supreme Court of the Republic of Belarus are currently elected and dismissed by the All-Belarusian People's Assembly. This not only strengthens the status of the judges of the Supreme Court of the Republic of Belarus, but also imposes on them even greater responsibility for the results of their work.

In accordance with article 81-1 of the Judicial System Code, judges for district (or city) or specialized courts or courts in economic regions (or the city of Minsk) are appointed by the President of the Republic of Belarus.

Guarantees relating to the terms of office of judges are provided for in articles 68 and 81 of the Judicial System Code. A judge may not be transferred to another position or to another court without their personal consent. The powers of a judge may not be suspended or terminated, except in accordance with the procedure and on the grounds set out in the Judicial System Code (article 68 of the Judicial System Code).

The **bodies of the judicial community** play a particular role in strengthening the judicial system and ensuring the independence of judges. These bodies carry out, inter alia, procedures relating to the appointment of judges, the extension of their terms of office, and the imposition of any disciplinary sanctions.

The bodies of the judicial community carry out their activities collectively through collegial bodies of judges and in a transparent manner, in strict compliance with the principle of independence of judges (article 129-1 of the Judicial System Code).

The powers granted to these bodies and, above all, to qualified collegial bodies of judges, allow them to actively influence the processes that are carried out within the judicial community.

Thus, in accordance with article 159-1 of the Judicial System Code **qualified collegial bodies of judges** shall be formed in order to maintain the highest professional and moral standards of judges as enshrined in the Judge's Code of Honour of the Republic of Belarus, to strengthen guarantees of judges' independence, to increase responsibility and discipline in the work of courts and judges, and to maintain the prestige of judicial work.

Thus, today, Belarus has a sustainable and independent judicial system, which complies with all international standards and which effectively ensures the judicial protection of human and civil rights and freedoms.

6. Taking into account the **references of the ILO's bodies to Recommendation 8 of the Commission of Inquiry**, according to which, adequate protection or even immunity from administrative arrest should be guaranteed to trade unionists in the performance of their duties or the exercise of their civil freedoms, the Government notes that **this recommendation bears no relation to the exemption of trade unionists from prosecution in cases where they had committed unlawful acts.**

Moreover, the **need for** workers and employers and their organizations to **respect the law** when exercising the rights provided for in Convention No. 87 **is enshrined in paragraph 1 of article 8 of that Convention.**

In view of the above and taking into account the **principle of inevitability of responsibility for unlawful acts**, the **calls** addressed to the Government to release and dismiss all charges against trade union activists who, it should be highlighted, have been

prosecuted for **specific violations of legislation, appear**, as it has been repeatedly noted previously, **to be completely unfounded**.

In view of the most important constitutional principle (article 22 of the Constitution), according to which all people are equal before the law and have the right without any form of discrimination to the equal protection of their rights and legal interests, it is absolutely unacceptable to grant representatives of trade unions “immunity from administrative arrest and from being subject to various types of liability” or to exempt them from legal liability on the grounds of their membership or leadership of a trade union.

Information on the results of inspections carried out in connection with illegal actions alleged to have been committed by members of law enforcement agencies (arbitrary detention, arrests, physical violence and harassment) was provided as part of the Government’s sixth periodic report on the implementation by the Republic of Belarus of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (August 2022).

In this regard, we note that citizens and organizations, whose rights and legal interests, in their opinion, have been infringed by the actions (or lack of action) of workers in internal affairs agencies have the right to submit a complaint against those actions (or lack of action) in accordance with the procedure established in law.

A system of restricting the rights of persons who have served a sentence is provided for in national legislation and is applied depending on the criminal or legal status of the citizen in order to prevent their commission of new crimes.

As the consideration by the ILO’s bodies of alleged instances in which law enforcement personnel exceeded their powers does not arise from the Government’s obligations under the provisions of Conventions Nos 87 and 98, which it has ratified, and is in general **not related to the mandate of the ILO**, the calls for the Government to provide information on the results of inspections (or investigations) in connection with the alleged illegal acts of internal affairs personnel are **unnecessary and unfounded**.

7. The Government’s detailed comments relating to the allegations of the discriminatory use of the contractual form of employment have been previously submitted on several occasions.

In light of the repeated recommendations of the ILO’s bodies regarding the adoption of legislative measures to guarantee the protection of workers from the failure to renew contracts as a form of anti-union discrimination, the Government finds it necessary to once again provide its position and explanations in that regard.

In the Republic of Belarus, **the equality of all citizens before the law and the right, without discrimination, of all people to equal protection of their rights and legal interests** is guaranteed under article 22 of the Constitution.

The discrimination of citizens in the area of labour relations and on the basis of their membership of a trade union **is prohibited**. The relevant standards can be found in the Labour Code of the Republic of Belarus and in the Trade Union Act of the Republic of Belarus.

Thus, in accordance with article 14 of the Labour Code, **discrimination**, that is the restriction of labour rights or the receipt of any advantage on the basis of gender, race, national and social origin, language, religious or political beliefs, **participation or non-participation in trade unions or other public associations**, property or official status, age, place of residence, physical or mental disabilities that do not prevent the performance of duties

of employment, and other circumstances unrelated to business and not determined by the particular nature of the worker's position, **is prohibited**.

Discriminatory terms of collective bargaining and collective agreements are **invalid**.

Any person who believes that they have been discriminated against in the area of labour relations **has the right to take legal action** by submitting a claim requesting that the discrimination be reversed.

The prohibition of discrimination against citizens on the basis of their membership of a trade union is guaranteed in article 4 of the Trade Union Act of the Republic of Belarus. Thus, **a citizen's membership or lack of membership of a trade union shall not entail any restrictions** on their labour, socio-economic, political or personal rights and freedoms, which are guaranteed by legislation of the Republic of Belarus.

Trade unions **have the right**, at the request of their members and other citizens **to take legal action in court** in order to defend their labour and socio-economic rights and interests. To this end, trade unions may establish trade union legal services and other bodies, the responsibilities of which are established by the statutes of the trade union and legislation of the Republic of Belarus.

Complaints and statements made by citizens regarding discrimination in relation to labour relations, including discrimination on the basis of membership of a trade union, **are carefully considered by the courts**.

The social partners have the opportunity to consider and discuss any problems, including possible complaints of anti-union discrimination, within the framework of the country's social partnership bodies – the tripartite National Council on Labour and Social Issues (a body operating at the national level) and the Council for the Improvement of Legislation in the Social and Labour Sphere (which operates under the Ministry of Labour and Social Protection and whose functions include inter alia, the examination of complaints and suggestions made by social partners on improvements to legislation and law enforcement practices).

Previously, the Government has repeatedly provided information to the ILO's bodies about the basis for legislative regulation of the regulation of matters relating to contractual forms of employment in the Republic of Belarus.

By accepting the terms of the contractual form of employment, and signing a **contract** as a form of **fixed-term employment contract**, **the employee confirms their consent and intention** to be in labour relations with the employer for the period of time **stipulated in the contract** as well as their **consent and readiness to terminate the labour relations upon expiry of the contract**.

As in other legal systems, in the Republic of Belarus, **termination of employment at the end of a fixed-term labour contract is not considered as dismissal at the employer's initiative**. In this respect, the legislation does not oblige the employer to justify their unwillingness to extend the employment relationship upon expiry of the contract. Expiry of the contract is in itself sufficient grounds for its termination.

Thus, if the employer has decided not to re-enter into labour relations with the employee after expiry of the contract, there is no need for additional justification on this issue.

The **issue of forcing an employer** to enter into a new contract with an employee **cannot be resolved**, including in court (except for categories of employees for whom special protective measures have been established by law).

At the same time, it is important to note that **legislation** governing the conclusion of contracts with employees **is being improved**.

For example, Act of the Republic of Belarus No. 219-Z of 18 July 2019, **amended the Labour Code** of the Republic of Belarus (effective as of 28 January 2020) **to increase the duration of concluded (extended) contracts**.

In particular, article 261-3 of the Labour Code sets out the approach, according to which:

the conclusion of a contract with an employee (except for an employee entering into their first contract) who does not commit any violations of production, technological, performance or labour discipline, shall be for a period of at least three years (or for a shorter period, only with the employee's consent);

extension of the contract within its five-year period of validity with an employee who does not commit violations of production, technological, performance or labour discipline, shall be carried out for the period up to the expiry of the maximum term of the contract (or for a shorter period, only with the employee's written consent).

8. The Government has repeatedly drawn the attention of the ILO's bodies to the fact that national **legislation and practice do not contradict the provisions of ILO Conventions on matters related to the freedom of association**.

In connection with calls for the introduction of amendments to current legislation regulating the organization and conduct of mass events, strikes, and receipt of foreign gratuitous aid, the **Government finds it necessary once again to provide clarifications on this matter**.

In the Republic of Belarus, everything necessary has been done to ensure that trade unions and their organizational structures can **freely, without interference from any external entity**, carry out their **lawful activity**, which is aimed at defending and protecting the labour and socio-economic rights and interests of workers, and improving the standard of living and social security of citizens, including in the process of collaboration with the authorities within the framework of the social partnership system in the country.

Guarantees of trade union rights are enshrined in legislation (Trade Union Act of the Republic of Belarus) and implemented in practice.

Employers (or their associations), state bodies, economic entities, public associations and officials **are obliged to respect trade union rights**. Such bodies and entities shall be **held liable** for violating trade union rights or obstructing their lawful activities in accordance with the law.

The unlawful **curtailment of rights of trade unions** and the **creation of obstacles** to their full realization of their powers **are not permitted**.

In order to carry out their statutory tasks, trade unions **have the right to organize and conduct**, in accordance with legislation, **meetings, street marches, demonstrations and other collective action to protect the interests of their members**.

Moreover, the **procedure for organizing and holding mass events** currently in force in Belarus **does not contradict the principle of the freedom of association and is fully consistent with the provisions of the International Covenant on Civil and Political Rights**.

The freedom to hold mass events that do not violate law and order, or the rights of other citizens, is guaranteed by the State.

Legislative standards set out the punishment for violating that law and order, and they aim to **prevent dangerous unlawful acts in public** that pose a real threat to the life and health of citizens. These standards do not objectively constitute a deterrent for citizens and trade unions to exercise their freedom of **lawful and peaceful** assembly.

The provisions of the Mass Events Act **do not contain any standards that prohibit citizens from exercising their right to lawful and peaceful assembly**. The updates made to the Act are aimed at preventing the organization, preparation and conduct of activities that infringe upon the independence, territorial integrity and sovereignty of the State, and upon the foundations of constitutional order and public security through the organization of mass riots, the commission of acts of vandalism involving damage to or destruction of property, the seizure of buildings and facilities, and other acts that constitute gross violations of public order, or the active participation in them.

The amendments made to the Criminal Code of the Republic of Belarus aim to ensure **fairness, even-handedness, and the uniform application of criminal law** in practice.

Updates to legislation on criminal liability **are not aimed at infringing the lawful rights of citizens and trade unions** to organize and conduct **peaceful** mass events **subject to the requirements of the law**, nor at impeding the exercise of other rights and freedoms guaranteed by the Constitution, national legislation and international obligations.

Amending legislation was **a necessary step** to ensure that its provisions were aligned to the current situation and serious challenges faced in the country in 2020 as a result of the unprecedented, planned attack on the State by unfriendly forces.

Trade unions have the **right to organize and to conduct strikes** in accordance with legislation. When trade unions decide to conduct a strike, **they are prohibited from making political demands**.

At the same time, workers are guaranteed the right to organize and to conduct **lawful** strikes in order to obtain “better working conditions” or to make “collective claims of an occupational nature” (as stated by the Committee on Freedom of Association in its 406th Report, as well as **to resolve collective labour disputes on matters relating to social and economic policy** (including matters relating to employment, social protection, standard of living, etc.) and concluding, amending, supplementing, implementing or terminating **collective bargaining agreements** (concluded with organizations) and **collective agreements** (concluded at the national, sectoral and local levels).

The **procedure** for organizing and conducting strikes, as enshrined in legislation, **does not contradict international labour standards**, and allows citizens to fully exercise their right to conduct a **lawful** strike in order to resolve a collective labour dispute without any subsequent discrimination.

The **prohibition of 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.

The law may establish limitations on the right to strike to the extent that it is necessary in the interests of national security, public order, the health of the population and of the rights and freedoms of other people.

It is prohibited to provide material assistance to people participating in strikes at the expense of political parties, movements, and other public associations, as well as foreign legal entities and individuals.

Coercion to participate in a strike or **to refuse to participate** in a strike **is prohibited**.

Trade unions, in accordance with their statutory goals and tasks have the **right to cooperate with trade unions in other countries** and to choose for themselves whether to join international and other trade union associations and organizations.

Furthermore, in Belarus, the **procedure for receiving foreign gratuitous aid is unjustifiably linked** in the ILO framework **to articles 5 and 6 of Convention No. 87**. These articles **do not contain provisions** relating to the right of trade unions to the unhindered receipt of financial or other forms of aid for political and campaigning work among the population.

The legislation in force in the country – Presidential Decree No. 3 of 25 May 2020 on foreign gratuitous aid – **does not prohibit** trade unions from receiving foreign gratuitous aid for generally useful, socially important goals, and the registration procedure is easy and quick to complete. **There have been no instances** of trade unions being denied or being unable to register for such aid.

The existing ban on receiving and using foreign gratuitous aid for purposes involving political and campaign work, which is extended **to all organizations without exception** (not solely trade unions) 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 (or strikes) in the country could be used by outside forces **in order to destabilize the socio-political and socio-economic situation** in Belarus, which, in turn, would have an extremely **negative impact on society and citizens' well-being**.

In the context of the unprecedented political and economic pressure being exerted on the Republic of Belarus, implementing the ILO bodies' requirements in terms of weakening state control over money from abroad, (in fact, to give external forces the opportunity to sponsor political events and processes in Belarus), exonerating trade unions and citizens from liability for gross violations of the law when conducting mass events (in fact, to give them the right to break the law with impunity), and legalizing political strikes aimed at achieving political goals and tasks would create favourable conditions for strengthening the external destructive influence on the situation in the country.

In this regard, the Government once again draws the attention of the Governing Body to the fact that such demands and recommendations that are based solely on unsubstantiated and unfounded accusations against the Government, are not in the national interests of the Republic of Belarus, do not serve the purpose of ensuring the well-being of its citizens, constitute interference in the internal affairs of a sovereign nation, are aimed at destroying the foundation of the stability of the Belarusian state, and, thus contravene the principles, aims and objectives of the ILO as an organization, which are focused on maintaining peace, cooperation and socio-economic development.

9. The Government is extremely concerned regarding the ongoing **unjustified and unlawful attempts to discredit** within the framework of the ILO the **national trade union centre of the country, the Federation of Trade Unions of Belarus (FPB)**, which brings together approximately four million citizens within its membership.

The Government condemns and categorically opposes unsubstantiated statements about the alleged control of the FPB by the authorities and the calls made within the ILO to limit the

lawful participation of this trade union association of Belarus in the work of the International Labour Conference.

We consider such statements to be an **assault on the lawful right of workers in Belarus to freedom of association**.

The Government has already **repeatedly had to refute inaccurate information** that was shared to discredit the legitimate authorities and social partners, in particular the **most representative workers' organization in the country, which is the FPB**.

The Government understands the motives behind such activity from opponents of Belarus and expresses regret that there is a place for **unprincipled political games** within the framework of the ILO, **which are completely unrelated to labour or to the realization of trade union rights**.

In view of the above, **we consider that it is necessary to draw the attention of the Governing Body to the following facts confirming the legitimate status of the FPB as an independent and representative trade union association in Belarus**.

Currently, the FPB is the only trade union association that is active across the whole territory of the country.

The FPB system comprises member organizations – **15 sectoral trade unions at the national level**, the total number of members of which is approximately 4 million people, and **organizational structures of the FPB** which coordinate the activity of the trade unions at the regional level – six regional and the city of Minsk trade union associations.

Within organizational structure of the member organizations of the FPB are:

- 89 regional (or city of Minsk) sectoral trade union organizations;
- 5 sectoral trade union organizations;
- 500 district or city organizations;
- 82 trade union association organizations;
- approximately 24,000 primary trade union organizations.

Background.

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

1 (one) territorial trade union – union of citizen entrepreneurs and employed persons;

3 (three) trade union organizations which operate solely within a specific organization:

- *union of workers in the National Olympic Committee;*
- *union of workers in the Open Joint-Stock Company United Directorate of Construction Sites (city of Minsk);*
- *union of workers in the unitary production enterprise Zapad-transnefteprodukt (Golmen region).*

Thus, the **FPB is the single most representative workers' organization in line with the provisions of paragraph 5 of article 3 of the ILO Constitution**. There are no other trade union organizations that meet the criteria of the most representative workers' organization in the country.

In accordance with the Trade Union Act, a trade union is a **voluntary** public organization. Trade unions are **independent in their activity** from employers and from state authorities. According to the standards set out in the Act, trade unions **independently** develop and approve their own statutes, determine their structure, elect their governing bodies, organize their own activities, and hold meetings, conferences, plenaries and congresses.

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

According to its Charter, the **FPB was created to coordinate activities** to defend and protect the rights and legal interests of members of the **trade unions belonging to this association**.

The FPB **is independent in its activity** from state, economic and administrative bodies, political parties and other public associations. It **independently** develops and approves its Charter, it determines its structure, it elects its governing and supervisory bodies, it organizes its own activity and it manages its own staffing policy.

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

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

The current President, Mr Y.A. Senko, **was elected** at the extraordinary IX FPB Congress on 5 April 2024.

The objectives of the FPB include:

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

coordinating the activity of its member organizations towards the protection of labour and socio-economic rights and lawful interests of trade union members belonging to the FPB;

strengthening solidarity and unity of action across the trade union movement in the country;

improving and developing the system of social partnership, the forms and methods of collaboration between trade unions (and their associations), employers (and their associations) and state administrative bodies.

In accordance with the Charter, assets of the FPB are procured from joining fees, fees paid by member organizations and other income.

The activity of the FPB is not financed or monitored by the Government.

The FPB participates in social dialogue with employers' associations and the Government, protecting the rights of workers when considering draft legislation on social and labour-related matters, developing and implementing the general agreement between the Government of the Republic of Belarus and national employers' and workers' associations.

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

As one of the three co-presidents of the National Council on Labour and Social Issues, the President of the FPB signs the general agreement on behalf of the workers.

As of 1 January 2025, **597 agreements** (1 general, 37 tariff and 559 local agreements) and **21,125 collective agreements** have been concluded with the participation of the FPB, its

member organizations and organizational structure, as a result of which workers are granted social and labour guarantees that are additional to those set out in legislation.

Thus, there are no objective grounds for ILO bodies to question the legitimacy, independence, and representative nature of the FPB.

Attempts to discredit the FPB and remove its authority to represent the interests of the workers of Belarus within the ILO are, in fact, a violation of the right of workers in the country to the freedom of association, which is guaranteed by ILO Conventions Nos 87 and 98.

10. With regard to the question of the **implementation of the recommendations of the Commission of Inquiry by the Government of the Republic of Belarus**, we believe that it is necessary to note the following.

Detailed information on the implementation of the recommendations of the Commission of Inquiry, which confirms the **groundless and unlawful nature of the anti-Belarusian campaign launched within the ILO and the application of article 33 of the ILO Constitution**, has already been **submitted to the ILO repeatedly** for the attention of the bodies of the ILO authorized to consider the matter (for example, letters from the Ministry of Labour and Social Protection of the Republic of Belarus No. 11-1-2/2045 of 9 April 2024 and No. 11-1-2/5343 of 16 September 2024).

In light of the fact that the **explanations and comments provided by the Government** on that subject are repeatedly **openly ignored** and are **not taken into account by the ILO's bodies** when preparing conclusions and recommendations on the "Belarusian matter", the Government considers that it is necessary to once again submit, for the attention of the ILO's bodies and the Governing Body, information on the implementation of the recommendations of the Commission of Inquiry by the Belarusian side (*see Appendix 2*).

From the information provided by the Government, it can be clearly seen that the **absolute majority of recommendations of the Commission of Inquiry, namely 10 of the 12 recommendations – Recommendations 1, 2, 3, 4, 5, 6, 7, 8, 11 and 12 – have been implemented.** Recommendations 9 and 10 have been partially implemented, to the extent that they do not contradict the national interests of the Republic of Belarus.

In this regard, any **statements and conclusions that the Government has not taken measures to implement the majority of the recommendations** of the Commission of Inquiry, as well as that no progress has been made in their implementation, **are not true.**

Background.

The Government has already explained above its position with regard to Recommendations 9 and 10.

With regard to recommendation 9, the country's procedure established for receiving foreign gratuitous aid is incorrectly linked to articles 5 and 6 of Convention No. 87. These articles do not contain provisions on the unlimited right of trade unions and/or employers' associations to receive financial or other forms of aid for political and campaigning work (the organization of mass events or strikes, or the preparation and distribution of campaign materials, etc.).

The existing ban on the receipt and use of foreign gratuitous aid for purposes involving political and campaigning work, is dictated by national security interests.

With regard to recommendation 10, the freedom to hold mass events in Belarus that do not violate law and order or the rights of other citizens is guaranteed by the State. The current procedure for the organization and conduct of mass events currently in force does not contradict the principle of the freedom of association and is fully consistent with the provisions of the International Covenant on Civil and Political Rights.

The punishment provided for in legislation for organizers of mass events that cause damage and harm to the rights or interests of citizens, organizations, or state or public interests is not an obstacle to the realization of the right to the freedom of lawful and peaceful assembly.

11. Taking into account all of the above information, the **Government insists that there were then, and there are now, absolutely no objective grounds for the application of article 33 of the ILO Constitution in the case of Belarus, nor for the resolution adopted at the 111th Session of the International Labour Conference in June 2023, which called, in fact, for the isolation of the Belarusian state.**

National legislation and law enforcement practices do not contradict the obligations accepted by the Republic of Belarus following its ratification of Conventions Nos 87 and 98.

The implementation of the Commission of Inquiry's recommendations by Belarus has continued to develop. At the current time, an absolute majority of recommendations (10 of 12) have been implemented by the Government.

The Government has carefully followed the agreements reached and the plans developed together with the ILO. The ILO's supervisory bodies have repeatedly noted **with interest** the measures accepted by the Government, stating that **progress has been made**.

The Government of Belarus is **categorically opposed to the ILO's politically motivated anti-Belarusian resolution** and the **plan of action for its implementation** developed by the International Labour Office, as well as the **discriminatory recommendations** made in those documents addressed to international structures and ILO Member States.

The Government insists that the **pressure on states and organizations** that do not take steps to implement unjustified decisions or review their relationship with the Republic of Belarus is **unacceptable**.

The Government draws attention to the **absurd and unacceptable nature** of the steps taken by the International Labour Office to **organize an ILO round table on the situation in Belarus** with the participation of representatives from illegitimate and non-representative workers' structures from Belarus that are carrying out unlawful activity in the interests of foreign governments under the auspices of the BKDP.

The Government **does not support and opposes the appointment of a special representative of the ILO Director-General** to monitor the situation, as well as the **establishment of a working group comprising representatives from the ILO and other United Nations agencies** to coordinate actions to place pressure on Belarus. We consider that this step reflects the wish of our opponents to include the issue on the ILO's agenda in the long term in order to further discredit Belarus and its legal government authorities.

In the context of the **extremely discriminatory and openly politicized decision on Belarus**, proposed by Western countries during the 111th Session of the International Labour Council in June 2023 with the aim of increasing the unlawful pressure on the Belarusian State, **the Government does not see any political or practical value in the organization of a visit by a tripartite ILO mission to Belarus** to visit citizens who are serving **lawful sentences** in detention facilities, as it is highly likely that these steps would also be used to escalate the unlawful pressure on Belarus.

The Government considers that it is important to note that **many ILO Member States are not in agreement with the accusations made against Belarus**, are fully aware of the politicized nature of the campaign against the country and are against the use of the United

Nations system as a lever to exert unlawful pressure on a sovereign state in order to interfere in its internal affairs.

The Government insists that it is **necessary to immediately curtail the anti-Belarusian initiatives** lobbied for by Western countries and the structures controlled by them, as they are aimed at implementing plans to destroy the country's economy and social and labour spheres.

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

The Government insists that the politically motivated, absolutely unjustified and discriminatory decisions against Belarus should be revoked.

The Government calls on the tripartite constituents and the ILO bodies, including the Governing Body, to refuse to participate in the politically motivated, anti-Belarusian campaign, not to take measures in the follow-up to the resolution on Belarus adopted without grounds in June 2023, which sets a dangerous precedent of unlawful pressure on a country on the basis of false accusations, and to return to constructive dialogue and cooperation.

12. The Government insists that the **compulsory consideration by the International Labour Office and the bodies of the ILO, including the Governing Body, of the realities of the current situation and the national interests of the Republic of Belarus is necessary**, at the centre of which is the stable socio-economic development of the country, the well-being and high quality of life of the Belarusian people, harmony in society, the unshakeable foundations of democracy and the rule of law, and its independence, territorial integrity and sovereignty.

In this regard, any recommendations and conclusions of the ILO's bodies submitted to the Government should be based on the factual situation in the country, should not go beyond the mandate of the ILO and the areas of regulation covered by its Conventions, should not constitute interference in the internal affairs of a state and should not deprive a country of its sovereign right to choose its political, economic, social and legal systems.

13. The Government reiterates the commitment of the Belarusian side to the fundamental principles and rights at work and expresses its **readiness to collaborate constructively** with the International Labour Office and the ILO's bodies, **subject to the compulsory consideration of the realities and sovereign interests of the Republic of Belarus.**

In this regard, the Government urges all members of the Governing Body to give due attention to the comments and information provided above, which reflect the real situation in relation to the questions raised by the ILO's bodies, in order to avoid the Governing Body making decisions that are unjustified and politically motivated with regard to Belarus.