



理 事 会

第 353 届会议，2025 年 3 月 10-20 日，日内瓦

机构部分

INS

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第七项议程

《关于理事会根据<国际劳工组织章程> 第 33 条就涉白俄罗斯事项提出的 建议措施的决议》的后续措施

► 导 言

1. 在第 352 届会议(2024 年 10 月至 11 月)上，理事会愈发关切地注意到 [GB.352/INS/10\(Rev.1\)](#)号文件中提供的信息。理事会尤其深感遗憾地注意到，白俄罗斯政府再次没有就为落实调查委员会建议以及结社自由委员会、实施公约与建议书专家委员会(专家委员会)和标准实施委员会随后提出的建议而采取的措施提供任何新的信息，并敦促白俄罗斯政府就为落实调查委员会的建议以及劳工组织监督机构随后在结社自由方面的建议而采取的任何具体步骤提供信息。理事会要求白俄罗斯政府紧急接待：(1) 一个国际人道主义特派团，确保独立医生能够探访所有被监禁的工会工作者，评估他们的健康状况，并在必要时提供医疗援助；(2) 一个劳工组织三方特派团，以评估该国局势并探访被监禁或被拘留的工会工作者。理事会注意到劳工局为落实大会决议和标准实施委员会结论而采取的步骤，并要求总干事就以下事项向理事会第 353 届会议(2025 年 3 月)提交报告：(1) 任命一名特使，其职责如上文所述；以及(2) 与联合国人权机构和其他国际实体合作的成果，以期建立一个由劳工组织与其他联合国机构组成的工作组，确保采取协调一致的联合行动，落实调查委员会和监督机构的建议。还提请劳工组织三方成员——政府、雇主和工人——继续采取措施，确保有效落实大会《关于理事会根据<国际劳工组织章程>第 33 条就涉白

俄罗斯事项提出的建议措施的决议》，包括通过召开国家三方高级别会议，以评估和加强相关工作，并就此向总干事提交报告，以转交理事会。

► 最新进展情况

国际劳工组织

2. 专家委员会在第 95 次会议(2024 年 11 月至 12 月)上审议了第 87 号和第 98 号公约在白俄罗斯的实施情况，并在此背景下跟进调查委员会建议的落实情况。在此次会议上，专家委员会对白俄罗斯在落实 2004 年调查委员会的建议和处理尚未落实的劳工组织监督机构建议方面完全缺乏进展及其结社自由形势持续恶化深表遗憾。专家委员会再次敦促该国政府与劳工组织合作，立即全面落实尚未落实的劳工组织监督机构的所有建议。
3. 结社自由委员会受调查委员会委托，负责跟进其建议的落实情况，预计将在其 2025 年 3 月的会议上审查白俄罗斯政府为此采取的措施。其结论和建议将在提交理事会本届会议的第 410 次报告中予以公布。

特别报告员和任意拘留问题工作组

4. 2025 年 1 月 22 日，一群独立人权专家¹对白俄罗斯日益泛滥的缺席审判和缺乏基本公正审判保障的审判之做法表示关切，这种做法可能导致长期监禁、剥夺财产和住房，甚至死刑。在一份新闻通稿中，²他们提到“有大量个人报告称，他们偶然得知自己在白俄罗斯受到缺席起诉，但不知晓对他们的指控和定罪理由，完全被剥夺了法律辩护的权利”，并指出其中一些人曾试图“要求远程参加对自己的审判或获取判决书副本，但都未能成功”。此外，“那些被缺席起诉的人未获得诉讼通知，不被允许选择辩护律师或远程参加庭审，也不被允许获取其案件卷宗、相关程序文件或判决书副本。这些材料仅与国家指定的辩护律师分享，而法律并不要求这些辩护律师与当事人沟通，他们通常也拒绝这样做。判决书不公开，只在国外无法访问的政府网站上发布有关判决的简要信息”。

欧洲议会

5. 欧洲议会在 2025 年 1 月 22 日通过的决议³中提及国际劳工组织大会 2023 年 6 月 12 日《关于理事会根据<国际劳工组织章程>第 33 条就涉白俄罗斯事项提出的建议措施的决议》，认为“白

¹ 专家包括：白俄罗斯人权状况特别报告员尼尔斯·穆兹尼耶克斯先生；任意拘留问题工作组马修·吉勒特先生(主席)、普里亚·高普兰女士(负责后续行动的副主席)、米丽娅姆·埃斯特拉达-卡斯蒂略女士和穆巴·马立拉先生；意见和表达自由权特别报告员艾琳·汗女士；人权维护者处境特别报告员玛丽·劳勒女士；适当住房权问题特别报告员巴拉克里希南·拉贾格帕尔先生；法官和律师独立性特别报告员玛格丽特·萨特思韦特女士；反恐中注意促进与保护人权和基本自由特别报告员本·索尔先生；法外处决、即决处决或任意处决问题特别报告员莫里斯·蒂德博尔-宾兹先生。

² 新闻通稿全文参见：<https://www.ohchr.org/en/press-releases/2025/01/belarus-un-experts-alarmed-about-widespread-absentia-trials>。

³ 欧洲议会 2025 年 1 月 22 日关于采取行动解决白俄罗斯持续镇压和选举作假问题的决议(2024/3014(RSP))。

俄罗斯工会联合会长期根植于卢卡申科政权的政府结构中”，“强调必须保护流亡的白俄罗斯人免受迫害……，并给予他们在欧盟合法居留和工作的机会……呼吁有关国家不要遣返逃离该政权且在返回后将面临迫害的白俄罗斯公民……”，并进一步“呼吁欧盟及其成员国继续在所有相关国际组织，特别是……联合国及其专门机构和劳工组织中提出白俄罗斯局势的问题，以加强对白俄罗斯侵犯人权行为的国际监督和对白俄罗斯局势采取的国际行动”。

白俄罗斯政府提供的信息

6. 在 2025 年 1 月 16 日的来函中，白俄罗斯政府转达了其劳工组织监督机构就结社自由问题提出的观察和建议的评论和信息，以及关于调查委员会建议落实情况的信息。这两份文件载有该国政府先前提交理事会和标准实施委员会特别会议审查的材料，以及该国政府就第 87 号和第 98 号公约的实施情况向专家委员会提交的报告。该国政府感到遗憾的是，劳工组织监督机构没有考虑其论点，而是依赖于与白俄罗斯共和国毫无关系的非法机构提供的信息。白俄罗斯政府表示，在这种情况下，它不得不再次重复其论点和此前提供的信息，并要求再次向理事会提供这些论点和信息的全文。⁴

白俄罗斯民主工会大会(BKDP)提供的信息

7. 白俄罗斯民主工会大会(白俄民主工大)在 2025 年 1 月 16 日的来函中指控，白俄罗斯政府仍未落实调查委员会和结社自由委员会的建议。在 2025 年 1 月总统选举之前，国家主导了一场针对工人运动领导人和活动分子的运动，不但没有解决侵犯权利问题，反而使侵权形势更加恶化。现在，独立工会及其会员无法在白俄罗斯开展活动。白俄民主工大强调，近期(2024 年 7 月至 12 月)对一些政治犯的赦免不能被视为恢复政治犯权利的行动，因为赦免要求认罪；政府不承认侵犯权利或刑事定罪的非合法性，也没有适当的补救措施；政府利用赦免作为对政治犯亲属和国家官员施加强大心理压力的手段，迫使他们说服被定罪的亲属认罪以换取赦免承诺。
8. 白俄民主工大提供了一份 30 名被监禁或行动自由受到限制的工会和劳工领导人及活动分子名单，以及一份 30 名已获释但未被免罪(截至 2025 年 1 月 16 日)的工会和劳工领导人及活动分子的名单。白俄民主工大强调，它不得不排除至少七起迫害案件的信息，以避免带来国家进一步迫害的不合理风险，包括对生命和健康的威胁。白俄民主工大提供了下列被起诉工会工作者情况的补充信息：
 - Maksim Pazniakou 先生(白俄民主工大代理主席)。依据《刑法》以“极端主义”指控对 Pazniakou 先生进行刑事立案。据白俄民主工大理解，这些指控或依据第 361-4 条“为极端主义活动提供便利”或依据第 361 条“呼吁采取旨在损害白俄罗斯共和国国家安全的限制性措施(制裁)和其他行动”。自立案以来，多名国家官员曾先后五次造访他 75 岁母亲的公寓，因为他把住址正式登记在那里。这些造访包括：(1) 搜查住所 1 次；(2) 审问 3 次；(3) 试图搜寻 Pazniakou 先生 1 次。在这几次造访期间，这些官员告诉他的母亲他在“通缉”名单上。然而，他们并未出示或留下任何程序性文件或副本，她未获得任何正式信息。Pazniakou 先

⁴ 参见劳工组织，《白俄罗斯政府提供的关于调查委员会建议执行情况的书面资料》，CAN/D/Special sitting Belarus-C.87-C.98，2024 年以及本报告附录(英文)。

生年迈的母亲因为这些反复的来访和沟通而遭受了严重的精神折磨。她年事已高，再加上这些接触给她造成的压力，影响了她的记忆力，使她很难回忆起这些事件的细节。

- Leonid Soudalenko 先生(白俄罗斯无线电和电子工人工会活动分子、劳工律师)。白俄民主工大回顾，2024 年 9 月，最高法院缺席审理并驳回了 Soudalenko 先生对 2024 年 6 月 18 日判决提出的刑事上诉。因此，根据《刑法》第 361-4(1)条和第 361-4(2)条“为极端主义活动提供便利”，缺席判处他五年监禁并处 26,000 白俄罗斯卢布(约合 7,700 欧元)罚款的判决生效。Soudalenko 先生的公平审判权和辩护权继续受到侵犯，因为国家指定的辩护律师不仅拒绝与他就该刑事诉讼进行沟通，还扣留了判决书，拒绝将其交给当事人。2024 年 10 月，Soudalenko 先生向最高法院院长提出监督申诉。然而，由于申请监督申诉的现行法律规定不允许流亡者提出上诉，最高法院拒绝受理此案。2024 年 11 月，Soudalenko 先生第二次提交监督申诉。尽管法律规定了 10 日之内审查的期限，但迄今尚未收到任何答复。
- Volha Brytsikava 女士(白俄罗斯独立工会领导人)。参见 [GB.352/INS/10\(Rev.1\)](#) 号文件中概述的信息，白俄民主工大通报说，2024 年 12 月 24 日，最高法院受理了 Brytsikava 女士的上诉，并将刑期减少了一年。因此，考虑到她此前的判决，她被判处五年监禁。
- Palina Sharenda-Panasiuk 女士(白俄罗斯无线电和电子工人工会活动分子)。参见 [GB.352/INS/10\(Rev.1\)](#) 号文件中概述的信息，白俄民主工大指出，2024 年 9 月初，Sharenda-Panasiuk 女士的健康状况恶化(她患有吉尔伯特综合症，胆红素指标高出三倍)，她抱怨腹痛，但没有得到任何药物治疗。2024 年 9 月，Sharenda-Panasiuk 女士被关进惩戒室后，又被转移到雷奇察市的临时拘留所。在牢房里，她没有床单和床垫，也没有洗脸盆。2024 年 10 月 14 日，雷奇察地区法院就“恶意不服从执行剥夺自由判决的惩戒机构的管理要求”的指控进行庭审。欧洲代表未获准出席庭审。Sharenda-Panasiuk Palina 女士精神崩溃，同日被强行送往精神病院进行检查。2024 年 10 月 15 日，她被判处在第 24 号普通监狱服刑一年零一天。2024 年 12 月 13 日，她提出上诉，但被驳回，上诉后她的辩护律师被吊销执照。
- Artsiom Zharnak 先生(明斯克汽车厂五金工人自由工会主席)。2024 年 12 月 9 日，他被关进惩戒室 10 天。

9. 白俄民主工大还通报说，《儿童权利保障法修正案》法律草案计划对已获释但未被免罪的人的权利作出另一种形式的限制。在国家法律网门户网站上公布的该草案规定，被判犯有极端主义罪行的人不得从事任何“教育活动、体育和运动领域的教育活动、担任与履行教育职能有关的雇员职务、从事与长期儿童工作有关的其他雇员职务、工人职业”。无论罪名是否被撤销或取消，也无论刑事诉讼是否因时效到期或大赦而终止，这一限制都将适用。2024 年 12 月 20 日，部长会议向众议院提交了该法律草案。此外，2024 年 12 月 30 日，白俄罗斯共和国部长会议第 1055 号决议通过了关于确认处境危险和需要国家保护的儿童的程序的新条例，其中增加了一条新规定，即若依据《行政犯罪法》，父母(及其他参与抚养儿童的人)被判决犯有“传播、制造、储存、运输含有呼吁从事极端主义活动或宣传此类活动的信息产品”的罪行，则可从其家中强制带走儿童。因此，据白俄民主工大所称，对于根据这类关于“极端主义”的法律规定被定罪的独立工会和劳工运动的积极分子和领导人来说，强制带走儿童已成为国家镇压他们的一种新形式。

10. 关于具体事例，白俄民主工大指控，在 2024 年最后一个季度，在某些企业管理层的合作下，在工作时间大规模拘留工人的事件仍在持续发生。白俄民主工大还指控，白俄罗斯工会联合会(白俄工联)的下属工会没有为相关工人提供任何保护，并且在这些事件之后，白俄工联与企业管理层(如白俄民主工大来函中所述)和政府保持统一立场。关于白俄工联及其下属工会，白俄民主工大还声称，这些工会领导人访问了企业，敦促工人在即将举行的选举中给卢卡申科先生投票，并举例说明了这些访问的情况，白俄民主工大认为，这证明白俄工联紧密附属于政府，缺乏独立性。
11. 白俄民主工大还声称，许多国有企业大规模不续签合同，并解雇了 2020 年参加和平集会和罢工的工人，以及那些就总统选举作假和大规模侵犯人权行为发表意见的工人，并列举了此类事件的实例。
12. 白俄民主工大在 2025 年 2 月 4 日的来函中通报，Sharenda-Panasiuk 女士已于 2025 年 2 月 1 日获释。与所有其他获释的工会工作者一样，她未被免罪，仍被列在“极端分子”名单上，接受预防性监督，其权利也受到相应的限制。

► 劳工组织三方成员采取的措施

成员国采取的措施

13. 在 2024 年 11 月 11 日的来函中，泰国政府重申，尽管泰国不是《1951 年关于难民地位的公约》的缔约国，但承诺遵守不驱回原则，不将人员送回危险境地，并向逃离迫害的人提供人道主义保护。虽然有识别寻求保护的外国人并向其提供援助的机制，但迄今为止，还没有白俄罗斯国民提出成为“被保护人”的请求。

国家雇主组织和工人组织的来函

14. 在 2025 年 1 月 13 日的来函中，白俄工联介绍了其构成、在全国社会对话中的作用以及作为全国最大的公共组织在国家一级开展的工作，特别是在签订全国三方总协议、各种立法倡议、监测消费者市场和监督劳动立法遵守情况方面的工作。

► 落实劳工大会决议的行动计划和标准实施委员会结论的后续措施

15. 劳工局将继续实施理事会第 350 届会议(2024 年 3 月)通过的行动计划，并将采取步骤跟进落实标准实施委员会的最新决定，特别是在下列进程中。
16. 总干事目前正在研究所有可选方案和模式，以确保尽快任命一位特使。一经任命，劳工组织驻白俄罗斯特使将在 2025 年期间代表劳工组织执行以下任务：(1) 与白俄罗斯政府和所有社会伙伴开展合作，其中包括劳工组织调查委员会建议中提到的社会伙伴，以期：(a) 探视被拘留的工会工作者，(b) 促使他们获释，以及(c) 探索重新承认白俄民主工大的途径，使他们能够重新参与三方全国劳动和社会问题理事会以及完善社会和劳动领域立法的三方理事会；(2) 在其职权范

围内与联合国各机构和所有利益攸关方进行协作，以确保就劳工组织调查委员会的建议采取协调一致的行动，特别是关于需要保证司法系统和司法机关的公正性和独立性的第 8 号建议；以及(3) 向劳工局理事会第 355 届会议(2025 年 11 月)提交反馈报告。为此正在编制一份初步预算，其中还将包括特使有效开展工作所需的行政和法律援助，并将在理事会本届会议上分享。

17. 针对与联合国人权机构和其他相关国际机构协作的要求，劳工局将继续与所有相关国际实体协作，以确保采取协调一致的联合行动，落实调查委员会和监督机构的建议。特别是，应标准实施委员会的要求，劳工局与联合国人权事务高级专员办事处(人权高专办)进行了最高级别合作，寻求在这方面建立一个由劳工组织和其他联合国机构组成的工作组。此外，注意到 2024 年 11 月 1 日尼尔斯·穆兹尼耶克斯(Nils Muižnieks)先生被任命为白俄罗斯人权状况特别报告员，劳工局与他进行了接触，讨论与他和劳工组织关于白俄罗斯结社自由状况的职权相关的事项。此外，将通过定期会议继续与其他特别报告员接触，共同探讨在落实调查委员会的建议以及派遣特派团探视被拘留的工会工作者的反复请求方面取得切实进展的可能途径，并就白俄罗斯工会权利进一步恶化的有关事项交换信息。
18. 劳工局将继续向劳工组织的三方成员——政府、雇主和工人——征求有关为确保有效落实大会就涉白俄罗斯事项的决议而采取措施的信息，以便转交理事会。

► 决定草案

19. 理事会：

- (a) 愈发关切地注意到理事会文件 GB.353/INS/7(Rev.1)中提供的信息；
- (b) 深感遗憾地注意到，白俄罗斯政府再次没有就为落实调查委员会的建议以及结社自由委员会、实施公约与建议书专家委员会和标准实施委员会随后提出的建议而采取的措施提供任何新信息；
- (c) 敦促白俄罗斯政府在 2025 年 9 月 26 日之前向总干事提交关于理事会第 353 届会议之后在此方面采取的具体步骤的所有信息，以转交理事会第 355 届会议(2025 年 11 月)；
- (d) 再次要求白俄罗斯政府最为紧急地接待：
 - (i) 一个国际人道主义特派团，确保独立医生能够探访所有被监禁的工会工作者，评估他们的健康状况，并在必要时提供医疗援助；
 - (ii) 一个劳工组织三方特派团，评估该国情况，包括对被监禁或被拘留的工会工作者探访一次；
- (e) 提请国际劳工大会第 113 届会议证书委员会注意理事会文件 GB.352/INS/10(Rev.1)和 GB.353/INS/7(Rev.1)中所载信息；
- (f) 注意到劳工局为执行劳工大会决议和标准实施委员会结论而采取的步骤，并要求总干事：
 - (i) 即刻任命一名白俄罗斯问题特使，其职责如理事会文件 GB.353/INS/7(Rev.1)中所述；

- (ii) 就为建立一个由劳工组织与其他联合国机构组成的工作组而正在进行的与联合国人权机构和其他国际实体接触的成果，以及为落实调查委员会和监督机构建议而协调和推进联合行动的步骤向理事会第 355 届会议提交报告；
- (g) 提请劳工组织三方成员——政府、雇主和工人——继续采取措施，确保有效落实劳工大会《关于理事会根据<国际劳工组织章程>第 33 条就涉白俄罗斯事项提出的建议措施的决议》，包括通过召开国家三方高级别会议，以评估并加强在这方面的工作，并就此向总干事提交报告，以转交理事会；
- (h) 要求总干事为理事会第 355 届会议编写一份最新情况报告。

► 附 录

白俄罗斯共和国政府就劳工组织理事会关于结社自由的意见和建议提供的评论和信息(英文)

(应《关于理事会根据<国际劳工组织章程>第 33 条就涉白俄罗斯事项提出的建议措施的决议》的后续措施的决定(GB.352/INS/10(Rev.1)/Decision)分段(c)要求提供的信息)

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 dissension 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 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.