

Committee on the Application of Standards

Date: 28 May 2026

Governments appearing on the list of individual cases have the opportunity, if they so wish, to supply written information to the Committee.

▶ Information on the application of ratified Conventions supplied by governments on the list of individual cases

Russian Federation (ratification: 1956)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Government has provided the following written information.

International Transport Workers' Federation allegations

According to article 3.1 of Federal Law No. 272-FZ of 28 December 2012, "On enforcement actions on persons involved in violations of fundamental human rights and freedoms and the rights and freedoms of Russian Federation citizens", the activities of a foreign or international non-governmental organization that pose a threat to the foundations of the constitutional order of the Russian Federation, the country's defence capability, or state security, may be deemed undesirable in the Russian Federation.

The activities of a foreign or international non-governmental organization may also be deemed undesirable in the Russian Federation if such an organization provides intermediary services in transactions involving funds and/or other property belonging to a foreign or international non-governmental organization whose activities have been deemed undesirable in the Russian Federation for the purpose of carrying out activities that pose a threat to the foundations of the constitutional order of the Russian Federation, the country's defence capability or state security.

The decision to designate the activities of a foreign or international organization as undesirable in the Russian Federation is made by the Prosecutor General or his deputies in consultation with the Ministry of Foreign Affairs.

The decision to designate the activities of a foreign or international organization as undesirable in the Russian Federation can be overturned by the Prosecutor General or his deputies in consultation with the Ministry of Foreign Affairs.

Pursuant to a decision to designate an organization as undesirable in the Russian Federation or to overturn such a designation, the Prosecutor General's Office informs the Ministry of Justice accordingly. Upon receipt of this notification, the Ministry of Justice either includes the foreign or international organization in the List of foreign and international organizations whose activities have been deemed undesirable in the Russian Federation (hereinafter referred to as the List of undesirable organizations), or removes the foreign or international organization from the said List.

According to the Prosecutor General's Office of the Russian Federation, since 2022 the International Transport Workers' Federation (ITF), has engaged in promoting a ban on the entry of vessels registered in the Russian Federation, leased by Russian companies, or flying the Russian flag, into the maritime routes of as many countries as possible (following the example of the United Kingdom of Great Britain and Northern Ireland).

At the initiative of the Dockers' Section (a part of the structure of the ITF), the ITF-affiliated trade unions in foreign ports disrupted the unloading of Russian vessels, thereby violating the rights of Russian seafarers, including members of the ITF. Under the guise of solidarity with Ukrainian transport workers, the ITF is conducting a fundraising campaign to collect donations for Ukraine. Since the beginning of the special military operation and until the designation of ITF as an undesirable organization, over US\$500,000 has been transferred to various Kiev-controlled entities. Using media resources, the ITF systematically posts politicized publications in the information space, fostering a negative image of the Russian Federation abroad.

Thus, by its activities, the ITF poses a threat to the constitutional order of the Russian Federation.

By decision of the First Deputy Prosecutor General of 1 September 2023, the activities of the international non-governmental organization "International Transport Workers Federation," in consultation with the Russian Ministry of Foreign Affairs, were designated undesirable in the Russian Federation. On 18 September 2023, by Order No. 1262-p of the Ministry of Justice, the ITF was included in the List of undesirable organizations.

It should be noted that the ITF itself did not appeal the aforementioned decision of the Office of the Prosecutor-General in the prescribed manner. It is also noteworthy that the ITF has not provided effective assistance in any of the situations involving Russian seafarers over the past two years. This includes a wide range of violations of the rights of Russian seafarers including: unlawful arrests of seafarers, detention of ships, failure to receive fuel and food, non-payment of wages, refusal to carry out rescue operations and evacuate seafarers from Russian ships in distress, and so on.

Thus, fundamental international norms are violated with respect to Russian seafarers, including the provisions of the International Convention for the Safety of Life at Sea, 1974 (SOLAS).

The Government treats the international trade union movement with respect. This includes respect for the rights of trade unions to cooperate with the trade unions of other countries, to join international trade unions and other associations and organizations, and to conclude contracts and agreements with them, as stipulated in article 2, clause 5, of Federal Law No. 10-FZ of 12 January 1996, "On Trade Unions, Their Rights and Guarantees of Activity".

Furthermore, the Government deems it highly inappropriate to interpret actions to ensure the economic and state security of the Russian Federation as a violation of international norms regarding the activities of trade unions.

Freedom of expression. Foreign agents

According to article 29, Chapter 2, “Human and Civil Rights and Freedoms” of the Constitution of the Russian Federation:

- (1) Everyone shall be guaranteed the freedom of ideas and speech.
- (2) The propaganda or agitation instigating social, racial, national or religious hatred and strife shall not be allowed. The propaganda of social, racial, national, religious or linguistic supremacy shall be banned.
- (3) No one may be forced to express his views and convictions or to reject them.
- (4) Everyone shall have the right to freely look for, receive, transmit, produce and distribute information by any legal way. The list of data comprising state secrets shall be determined by a federal law.
- (5) The freedom of mass communication shall be guaranteed. Censorship shall be banned.

The fundamental rights of trade unions are established by Chapter II of Federal Law No. 10-FZ “On Trade Unions, Their Rights and Guarantees of Activity”.

Legal relations related to the concept of “foreign agent” and the activities of foreign agents are regulated by Federal Law No. 255-FZ of 14 July 2022, “On Control over the Activities of Persons Under Foreign Influence” (hereinafter referred to as Law No. 255-FZ); these legal relations were previously regulated by the aforementioned Federal Law No. 272-FZ “On enforcement actions on persons involved in violations of fundamental human rights and freedoms and the rights and freedoms of the Russian Federation citizens”).

Federal Law No. 255-FZ establishes two criteria for the designation as a foreign agent:

- receiving support and/or being under foreign influence in other forms;
- engaging in political activity, purposefully collecting information on the military and military technical activities of the Russian Federation, disseminating messages and materials intended for the general public, and/or participating in the creation of such messages and materials.

Political activity includes, in particular, activities in the sphere of state-building; protecting the foundations of the constitutional order of the Russian Federation; the socio-economic and national development of the Russian Federation; the activities of public authorities; and the legislative regulation of human and civil rights and freedoms for the purpose of influencing the development and implementation of state policy, the formation of public authorities, their decisions, and the actions of these bodies.

Political activity is carried out in the following forms:

- (1) participation in the organization and holding of public events such as meetings, rallies, demonstrations, marches or pickets, or various combinations of these forms, as well as the organization and holding of public debates, discussions and speeches;
- (2) participation in activities aimed at achieving a specific result in elections or referendums; in monitoring the conduct of elections or referendums; in the formation of electoral commissions and referendum commissions; and in the activities of political parties;
- (3) public appeals to public authorities and their officials, as well as other actions influencing the activities of these authorities and individuals, including those aimed at adopting, amending, or repealing laws or other regulatory legal acts;
- (4) dissemination, including through the use of modern information technologies, of opinions on the decisions made by public authorities and the policies they pursue;

- (5) the formation of socio-political views and beliefs, including through conducting public opinion polls and publishing their results or conducting other sociological research;
- (6) the involvement of citizens, including minors, in the activities specified in paragraphs 1–5;
- (7) the financing of the activities specified in paragraphs 1–6.

Thus, a trade union may be designated as a foreign agent if it does not limit itself to interacting with the employer (or employer association) to protect the labour rights and legitimate interests of employees, but instead uses foreign funding to engage in the activities listed above.

By a decision of the Saint Petersburg City Court on 10 January 2018, following a claim filed by the Prosecutor for Saint Petersburg, the Interregional Trade Union “Workers’ Association” was dissolved and removed from the Unified State Register of Legal Entities. The reasons cited for the court’s decision included the fact that the union had acted as a foreign agent without notifying the competent authority.

Less than six months later, by appellate ruling No. 78-APG18-8 of the Judicial Collegium for Administrative Cases of the Supreme Court of the Russian Federation on 22 May 2018, the aforementioned decision was overturned, and a new ruling was issued denying the administrative claim filed by the Prosecutor for Saint Petersburg for the dissolution of the “Workers’ Association” and its removal from the Unified State Register of Legal Entities.

Attention is also drawn to the fact, that more than 30 years ago, the Russian Tripartite Commission for the Regulation of Social and Labor Relations was established, operating on the basis of Federal Law No. 92-FZ of 1 May 1999, “On the Russian Tripartite Commission for the Regulation of Social and Labor Relations.” The Commission is formed on a parity basis by 30 representatives each from the Government of the Russian Federation, all-Russian employers’ associations, and all-Russian trade unions. The Commission’s primary goals are to regulate social and labour relations and harmonize the socio-economic interests of the parties. Regional tripartite commissions for the regulation of social and labour relations have been established in virtually all constituent entities of the Russian Federation for the same purposes.

In accordance with article 35.1, these commissions review all draft legal acts affecting employee interests in the labour sphere. In these forums, trade unions and employers’ associations have the opportunity to express their positions, including disagreements, on decisions elaborated and adopted in the area of social, labour, and related economic relations.

In view of the above, the Government notes that conditions have been created for trade unions to express their views on the state’s socio-economic policies. Trade unions that do not have foreign agent status also have the right to hold meetings, rallies, demonstrations, marches and pickets.

Regarding the concerns in respect of labelling requirements for products manufactured by foreign agents, it should be noted that this legal requirement applies to all organizations designated as foreign agents, not just trade unions, and is dictated by national security objectives, not by any desire to hinder trade union activities. The same grounds can also be applied in regard to other limitations on activities of foreign agents, in particular, with respect to the holding of meetings, rallies, demonstrations, marches and pickets.

Regarding the proposal to include trade unions in the category of organizations that cannot be recognized as foreign agents, attention should be paid to the article 2 of Federal Law No. 10-FZ “On Trade Unions, Their Rights and Guarantees of Activity”. Under this article, a trade union is a voluntary public association of citizens bound by common production and

professional interests related to their activities, created for the purpose of representing and protecting their social and labour rights and interests.

The Government strongly believes that workers have the right to information about the foreign funding of their representatives.

In response to the observation that the legislation on foreign agents with respect to trade unions should be repealed despite the fact that only one trade union is recognized as a foreign agent, the Government would like to inform the Committee that an indispensable prerequisite for the introduction of amendments to the legislation include clear demonstration of the ineffectiveness of the existing legal regulation model supported by relevant statistical data. No such data is available in the situation in question.

In light of the above, the Government proposes that the Committee take into account arguments related to the need to ensure national security, and also recognize that the legislation is not targeted at trade unions, but rather has a general focus.

Article 2 of the Convention. Right of workers to establish and join organizations of their own choosing without distinction whatsoever

The issue in the comment is raised for the first time.

The Constitution and article 2 of the Labor Code (hereinafter referred to as the Code) enshrine the fundamental principles of legal regulation of labour relations and other directly related matters, in particular, freedom of labour, including the right to work, the freedom to choose or agree on the type of work, the right to manage one's ability to work, and the right to choose a profession and type of activity.

According to article 15 of the Code, labour relations are those based on an agreement between an employee and an employer regarding the personal performance of a labour function (work in a specific specialty, qualification or position) for remuneration, the employee's subordination to internal labour regulations, and the employer providing working conditions stipulated by labour legislation, collective bargaining agreements, agreements and the employment contract.

As a general rule, labour relations arise between an employee and an employer on the basis of an employment contract concluded by them based on the voluntary expression of will of both parties. The employment of convicted persons is regulated by the Criminal Executive Code of the Russian Federation (hereinafter referred to as the CEC) and is therefore carried out within the framework of penal, rather than labour, relations.

Therefore, convicted persons cannot be considered employees, as no labour relations arise within the meaning of article 15 of the Labor Code. However, specific provisions of labour law applicable to the employment of convicted persons are contained in articles 103–108 of the CEC.

For example, according to article 104 of the CEC, the time spent by convicted persons in paid labour is counted toward their total work experience (Part 3); convicted working persons are entitled to annual paid leave: 18 working days for those serving sentences in juvenile correctional colonies; and 12 working days for those serving sentences in other correctional institutions (Part 4).

Furthermore, according to article 105 of the CEC, those sentenced to imprisonment have the right to wages in accordance with labour legislation (Part 1); the wages of convicts who

have worked the full monthly work quota and fulfilled the established quota may not be less than the established minimum wage (Part 2).

Based on the above, convicts are not assigned to work at their own discretion, but in accordance with the requirements of criminal executive legislation. Convicts sentenced to imprisonment have a special legal status, determined by the procedure for executing a prison sentence established by criminal executive legislation. Imprisonment is the most severe form of criminal punishment, typically imposed for crimes that pose a significant public danger to the individual, society or the State.

Deprivation of liberty consists of isolating a convicted person from society by sending them to a penal colony, or placing them in a correctional facility, a medical correctional facility, a general, strict, or special regime penal colony, or in prison (article 56 of the Criminal Code of the Russian Federation).

In this regard, isolation from society clearly implies a number of objective restrictions for those sentenced to this type of punishment. This concerns the ability to join various associations, including trade unions, as this is significantly hindered by isolation from society and, furthermore, impacts the safety of convicted persons and the functioning of penal institutions. Therefore, convicted persons are unable to exercise trade union rights to hold meetings, rallies, demonstrations, marches, pickets or to call strikes.

In this regard, the proposal to extend trade union legislation to prisoners is not supported, and the current legal provisions regarding their labour activities appear sufficient.

Article 3. Right of workers' organizations to organize their administration and activities

Under article 1 of Federal Law No. 58-FZ of 27 May 2003, "On the Civil Service System of the Russian Federation", civil service in the Russian Federation is the professional service activity of citizens of the Russian Federation aimed at ensuring the execution of the powers of the Russian Federation, federal and regional government bodies, other state bodies, individual territories, persons holding government positions, and a number of other positions.

The civil service system includes the State civil service, military service and other types of civil service.

Thus, civil service is a type of activity that implements the functions of the State and its public authorities. As a result, civil servants have a special legal status, determined by the nature of the performance of these functions, distinct from the legal status of employees employed under an employment contract. The scope of rights, obligations, restrictions and prohibitions of civil servants and employees differs significantly.

Legal regulation of the activities of civil servants is carried out by legislation on the civil service of a given type. As a general rule, labour legislation does not apply to these legal relationships, with the exception of a small number of cases where certain relationships (issues) are not regulated by the legislation on the civil service of the relevant type.

One of the most important characteristics of public administration is its continuous nature, which requires the constant performance of essential functions to support the activities of the State and all its institutions. Therefore, the suspension (including short-term) of duties by a civil servant due to a strike is unacceptable.

It should also be noted that in the Russian Federation, individuals performing other socially significant functions, particularly in the fields of education, healthcare, social protection and social services, culture, sports, pension, social and medical insurance, etc., are

not considered civil servants, and their work activities are regulated by the labour legislation of the Russian Federation, taking into account industry-specific aspects.

The Government pays great attention to the quality and safety of rail transport. Considering the vast geographic area and climatic conditions, the continuous, uninterrupted functioning of rail transport is of strategic importance.

It should be noted that, in accordance with article 412 of the Labor Code, the list of minimum essential works (services) performed during a strike by employees of organizations (branches, representative offices or other separate structural divisions) and individual entrepreneurs whose activities are related to the safety of people, their health and the vital interests of society in each sector of the economy, is developed and approved by the federal executive body responsible for coordinating and regulating activities in the relevant sector of the economy, in agreement with the relevant all-Russian trade union. If several all-Russian trade unions operate in a sector, the list of minimum essential works or services is approved in agreement with all all-Russian trade unions operating in the sector.

Please note that the Confederation of Labour of Russia (KTR), which has been raising the issue of strikes by civil servants and railway workers for many years, does not include trade unions representing these categories of workers.

The Ministry of Labour has requested information on the position of the All-Russian Trade Union of Employees of State Institutions and Public Services of the Russian Federation (hereinafter referred to as the Civil Servants' Union) and the Russian Trade Union of Railway Workers and Transport Builders (ROSPROFZHEL) on strikes in these sectors.

In its response, the Civil Servants' Union reports no complaints or appeals regarding the existence of problems related to the statutory prohibition on suspending official duties to resolve an employment dispute, nor the possibility of resolving it through other procedures.

The ROSPROFZHEL notes that, in accordance with the obligations of the Industry Agreement on Railway Transport Organizations for 2026–28, as well as previously existing agreements, employee and employer representatives are obligated to take measures to prevent and resolve collective labour disputes in railway transport organizations.

The ROSPROFZHEL prioritizes the resolution of labour disputes with employers (or their representatives), if any, within the framework of the long-standing practice of social partnership at all levels established in the railway industry.

The restriction on the right to strike under Part 2 of article 413 of the Labor Code, as well as the article 26 of Federal Law No. 17-FZ of 10 January 2023, "On Railway Transport in the Russian Federation" provide for the inadmissibility and illegality of strikes by public rail transport employees whose activities involve train movement, shunting operations and the provision of services to passengers, shippers, and consignees on public rail transport.

In the assessment of the ROSPROFZHEL, there are no contradictions between the Federal Law "On Railway Transport in the Russian Federation" and the List of minimum necessary works (services) provided during strikes in organizations (branches and representative offices) of the transport complex, approved by Order No. 197 of the Ministry of Transport of 7 January 2003.