



理 事 会

第 349 届会议，2023 年 10 月 30 日至 11 月 9 日，日内瓦

机构部分

INS

日期：2023 年 10 月 31 日

原文：英文

第十三项议程

《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. 根据劳工大会第 111 届会议(2023 年 6 月)通过的《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》，总干事于 2023 年 6 月 23 日发出通函，提请所有成员国注意该决议第 2 段(a)、(b)和(c)分段，并请它们不迟于 2023 年 10 月 1 日提供有关已采取或计划采取的任何行动的信息。总干事还要求提请各国雇主组织和工人组织注意该决议所载的建议，以便它们酌情采取措施，并向他通报有关情况。
2. 总干事还致函有关国际组织，¹ 提请它们注意该决议第 3 段(a)、(b)和(e)分段，并请这些组织不迟于 2023 年 10 月 1 日向他通报在这方面已采取或计划采取的任何行动，以便他能够编写一份报告，供理事会本届会议审议。

¹ 已致函下列组织：联合国粮农组织、国际原子能机构、国际民航组织、国际农业发展基金、国际海事组织、国际货币基金组织、国际移民组织、国际电信联盟、联合国、联合国儿童基金会、联合国开发计划署、联合国教科文组织、联合国环境规划署、联合国人居署、联合国工发组织、联合国人口基金、世界银行集团、世界粮食计划署、世界卫生组织、世界知识产权组织、世界气象组织、世界旅游组织、万国邮联、世界贸易组织、阿拉伯劳工组织及经济合作与发展组织。

3. 此外，通过分别致函联合国白俄罗斯人权状况特别报告员、联合国增进和保护见解和言论自由权问题特别报告员、联合国和平集会自由权和结社自由权问题特别报告员以及联合国法官和律师独立性问题特别报告员，总干事提请他们注意该决议第 3 段(c)和(e)分段，并请他们运用其权威和专业知识和专业知识，考虑推进落实调查委员会建议的可能途径。
4. 此外，总干事还致函联合国难民事务高级专员，提请他注意该决议第 3(d)段，并请他运用其权威和专业知识和专业知识，欢迎他就确保协调一致应对这一问题的可能途径提出想法。
5. 总干事的上述所有信函均载于附录 1 至附录 4。截至 2023 年 10 月 13 日，劳工局已收到 18 封复函。²

► 最新情况

6. 白俄罗斯民主工会大会(BKDP)在 2023 年 8 月 24 日的信函中，提交了一份目前被监禁的 47 名工会领导人和活动分子的名单。该信函载于附录 5。
7. 白俄罗斯民主工会大会和国际工会联合会于 2023 年 9 月 6 日分别致函劳工局，通报了 Aliaksandr Yarashuk 先生的监禁条件不断恶化的情况。在 2022 年 12 月被判处在一个普通监管惩教所服刑四年后，白俄罗斯民主工会大会主席兼劳工组织理事会成员 Yarashuk 先生被转移到了一个严管监狱，在那里他几乎一直被关在牢房里，只有在院子里散散步的权利，而其他正常的监狱特权，如打电话和亲属探视，都被减少了。总干事在 2023 年 9 月 12 日的信函中表达了他最深切的关注，并要求白俄罗斯劳动和社会保障部部长进行斡旋，使白俄罗斯主管当局认识到，必须避免采取任何可能使 Yarashuk 先生的处境恶化的行动，包括对其健康造成影响的行动。
8. 国际工会联合会在 2023 年 10 月 11 日的信函中称，尽管国际社会屡次呼吁，但白俄罗斯政府持续违反其在相关公约下的义务而未受惩罚，且由于政府无情地迫害工会和工会领导人，该国独立工会的状况持续恶化，而变得难以为继，因而对此深表关切。国际工会联合会提及因其活动而被判刑的工会会员名单，该名单此前曾提请理事会注意，并被列入了白俄罗斯民主工会大会近期转交的名单中。国际工会联合会还提及白俄罗斯无线电和电子工人工会活动分子 Polina Sharenda-Panasiuk 女士被拘留一事，以说明工会会员被拘留的状况，目前她被临时羁押在一个惩教所里。2023 年 10 月 2 日，Sharenda-Panasiuk 女士出庭继续接受审判。她当庭谴责了不人道的拘留条件，包括所遭受的殴打。国际工会联合会指出，虽然 2022 年 4 月被捕的几名工会领导人已被释放，但他们仍面临指控。国际工会联合会还称，在过去的几个月中，警方在全国各地大规模逮捕和拘留被视为“对政权不忠”的雇员，包括拘留 Azot 企业、Navapolatsk 的 Naftan 工厂“Palimir”以及 Lida 住房和公用事业公司道路和养护生产部门的工人。国际工会联合会对白俄罗斯当局的大规模镇压方式以及完全无视公民自由和基本自由(包括和平集会自由)的做法深表关切。国际工会联合会要求放弃所有指控，撤销所有定罪，并释放所有因参加罢工、

² 忆及涉缅甸的情况，当时劳工局收到了 45 个成员国和 25 个国际组织的答复；见理事会文件 GB.280/6，第 13、32 段和理事会文件 GB.280/6(Add.1)，第 2-12 段。

和平集会或根据合法工会活动行使公民自由权利而被捕的工会领导人和会员。国际工会联合会敦促政府根据 2023 年劳工大会决议第 4 段，允许包括劳工组织官员在内的访客进入，以查明逮捕和拘留条件及其福祉。国际工会联合会还极为关切地提到，白俄罗斯当局向其大使馆发出指示，不得为国外白俄罗斯公民续签护照，以迫使他们回国并面临迫害，³ 在此情况下，国际工会联合会强调了 2023 年劳工大会决议第 2(b)段，以及鉴于工会权和人权维护者在白俄罗斯面临被迫害的风险，确保根据国际法，不驱回原则得到尊重的重要性。

► 有关白俄罗斯政府的最新情况

9. 2023 年 7 月 14 日，总干事致函白俄罗斯政府，提请其注意大会决议第 4 段，敦促白俄罗斯政府紧急接待一个劳工组织三方特派团，特派团旨在就调查委员会的建议以及劳工组织监督机构随后提出的建议的落实情况收集信息。总干事鼓励该国政府在其职权范围内采取行动，接受劳工组织三方特派团前来实地考察形势，在理事会评估为实施《1948 年结社自由和保护组织权利公约》(第 87 号)和《1949 年组织权利和集体谈判权利公约》(第 98 号)所采取的措施时，向理事会报告。总干事还请该国政府不迟于 2023 年 10 月 1 日提交信息，说明为落实调查委员会的建议而采取的所有行动，以便能够编写一份劳工局报告，供理事会本届会议审议。该信函载于附录 6。
10. 白俄罗斯政府在其 2023 年 9 月 25 日的信函中重申其立场，即工会权利和第 87 号和第 98 号公约得到了充分尊重，向白俄罗斯提出的一些建议已得到充分落实，其余建议的落实工作也取得了重大进展。政府提供了详细资料，劳工组织监督机构已多次审查这些资料。政府深表遗憾地注意到，劳工组织监督机构对政府就落实向该国提出的建议与社会伙伴和劳工局进行建设性合作的努力给予了负面评价。白俄罗斯政府表示愿意就调查委员会的建议开展工作，但这种合作必须考虑当前的现实和国家利益，其核心是白俄罗斯社会经济稳定发展、人民的福祉和高质量的生活、社会和谐、法治以及国家独立、领土完整和主权。
11. 白俄罗斯政府介绍了 2022 年 12 月 12 日通过的有关雇主组织的法律，该法将于 2023 年 12 月 16 日生效。白俄罗斯政府称，该法考虑到了劳工组织的标准和原则。白俄罗斯政府还通报称，因新冠肺炎疫情而暂停的完善社会和劳动领域立法三方委员会(三方委员会)的工作已经恢复。三方委员会在 2023 年 5 月 26 日的会上，审议了落实结社自由委员会关于建立非司法性劳动争议解决机制的建议的方法，并决定成立一个由三方委员会成员组成的专家组，审议工会和雇主组织提出的有关解决劳动争议的申请。会议决定，委员会收到工会和雇主组织的申诉时，专家组将进行初审，并向三方委员会通报审查结果。在 2023 年 9 月 22 日的会议上，三方委员会讨论了其工作计划，以及与行使罢工权有关的第 87 号公约条款的解释问题和《1976 年(国际劳工标准)三方协商公约》(第 144 号)的实施问题。各方得出的结论是，三方委员会应继续讨论各层面的集体谈判问题。白俄罗斯政府进一步指出，全国劳动和社会问题委员会作为该国主要的三方社会对话机构举行了两次会议(2023 年 4 月和 7 月)，讨论了《2022-2024 年三方总协议》和旨

³ 2023 年 9 月 2 日关于签发文件和执行行动程序的第 278 号总统令。

在减少人员短缺的《一揽子措施(2022-2023 年)》的实施情况，还讨论了白俄罗斯消费市场的状况，以及改进对反危机管理机制的规范性监管帮助破产组织实现财务复苏的必要性。白俄罗斯政府表示，尽管劳工组织监督机构对上述三方机构的地位和合法性提出质疑，但它们的工作将继续下去。白俄罗斯政府向劳工局发出了参加这些机构会议的邀请，但遭到了拒绝，对此表示遗憾，但仍希望劳工局代表今后能够参会，以便劳工组织及其监督机构能对白俄罗斯社会伙伴关系体系的运作情况形成客观的意见，从而解决其地位和合法性问题。

12. 白俄罗斯政府重申，2020 年的抗议活动与行使工会权利和国内的社会对话进程无关，是出于政治动机，并受到外部势力人为怂恿。白俄罗斯政府认为，控诉人蓄意将政治问题提交劳工组织，目的是为了在国际上抹黑白俄罗斯，为针对该国采取的前所未有的单方面限制措施寻找理由，对合法当局施加更大的政治压力，并根据劳工组织的决定发起另一波制裁。白俄罗斯政府重申，劳工组织监督机构的控诉和评论意见中提到的所有公民和工会都是因与合法、和平行使工会权利和自由无关的特定非法行为而受到起诉的。因此，所有要求撤销对他们的所有指控并立即释放他们的呼吁都没有客观的法律依据。刑期复核、与被定罪者往来以及将其释放属于执法机构和法院的专属职权，不得干涉其活动，否则须依法承担责任。
13. 在这方面，关于白俄罗斯民主工会大会现任主席 Maksim Paznyakou 先生转交的被拘留工会会员名单，白俄罗斯政府表示，这是又一次企图说服劳工组织相信所谓迫害“独立”工会的说法，以加大对白俄罗斯施压。白俄罗斯政府还忆及，白俄罗斯民主工会大会及其会员组织的活动已被最高法院的裁决所终止，这是因为这些活动违反了国家宪法和其他法律，损害了国家或公共利益。因此，目前未在白俄罗斯境内登记就代表白俄罗斯民主工会大会行事的组织是非法的。该国政府声称，所提供的为虚假信息，仅证实了提交此信息的人企图通过歪曲事实蓄意误导劳工组织。该国政府表示，在被列为囚犯的 47 人中，有 6 人已经服满各自的刑期，其中 4 人甚至未被送往惩教机构。至于 Mikhniuk 女士、Britikova 女士以及 Yarashuk 先生、Antusevich 先生、Mishuk 先生、Khanevitch 先生、Zhernak 先生、Berasneu 先生、Fiadynich 先生、Areshka 先生、Gromov 先生、Chichmarev 先生和 Sliazhou 先生，该国政府表示，这些公民已被认定犯有特定严重罪行。该国政府进一步表示，名单上有 10 人是极端组织团体“工人运动”(“Rabochy Rukh”)的成员，⁴ 其活动受到禁止。这些公民所犯罪行严重(成立和/或参与极端主义组织、叛国、诽谤、使用枪支、弹药和爆炸物等非法行为)，因此被判处更长时间的剥夺自由。名单上的其他公民也因与合法和平地行使工会活动、公民权利或其他权利和自由无关的特定非法行为而受到起诉，如严重破坏公共秩序，导致交通和企业运营中断；暴力侵害内政官员；呼吁采取危害国家安全的行动；以民族或社会归属为由煽动民族或社会敌意和不和；以及以民族或社会出身为由煽动民族或社会仇恨和不和。在绝大多数案件中，他们被判处的刑期不超过三年。四人在其居住地服刑(限制自由)，两人在开放式惩教机构服刑。

⁴ 英语为“工人运动”。

► 劳工组织三方成员采取的措施

成员国采取的措施

14. 澳大利亚政府在 2023 年 9 月 29 日的信函中指出，它仍对白俄罗斯政府无视调查委员会，包括持续拒绝落实调查委员会的建议表示关切。根据《1951 年关于难民地位的公约》及其《1967 年议定书》以及澳大利亚加入的其他国际人权公约，澳大利亚未将个人遣返至会面临迫害或面临酷刑、残忍、不人道或有辱人格的待遇或处罚、任意剥夺生命或适用死刑的实际风险的地方。因此，在澳大利亚的白俄罗斯工会会员和人权维护者只要满足相关的签证条件，就可能获得永久保护。澳大利亚就业和工作场所关系部已将大会通过的有关决议信息传达给澳大利亚其他政府机构，包括在其他国际机构中代表澳大利亚的机构。与社会伙伴进行了协商。
15. 奥地利政府在 2023 年 10 月 2 日的信函中表示，已将根据第 33 条采取的措施通知各部委、雇主组织和工人组织以及相关利益团体。它还强调，其欧洲和国际事务部已启动关于迫害独立工会和拘留其会员的具体行动的讨论，而内政部已将该决议传达给地区警察局，以提高认识。此外，奥地利政府强调，它确保移民当局严格审查不驱回原则。
16. 2023 年 9 月 29 日收到了加拿大政府的来函，加拿大政府在函中指出，劳工组织为落实调查委员会的建议，近二十年来持续努力与白俄罗斯当局合作，但劳工组织监督机制的报告表明，情况并未改善，甚至恶化了。加拿大支持激活《劳工组织章程》第 33 条，强调其相信这是确保白俄罗斯落实调查委员会建议的唯一可行手段。来函还概述了加拿大对白俄罗斯实施的经济制裁。这些制裁要么是英国、欧盟和美国协调一致采取的，要么是单独采取的。对白俄罗斯实施的制裁措施是根据《特别经济措施法》和《特别经济措施(白俄罗斯)条例》颁布的，包括对因严重侵犯人权而被列名的个人实施制裁，并禁止加拿大境内的任何人或加拿大境外的任何加拿大人进行任何交易和活动。加拿大政府鼓励继续进行监测和开展国际合作，同时重申其支持劳工组织促进所有人的基本劳工权利和社会正义的承诺。
17. 欧盟及其成员国(奥地利、比利时、保加利亚、克罗地亚、塞浦路斯、捷克、丹麦、爱沙尼亚、芬兰、法国、德国、希腊、匈牙利、爱尔兰、意大利、拉脱维亚、立陶宛、卢森堡、马耳他、荷兰、波兰、葡萄牙、罗马尼亚、斯洛伐克、斯洛文尼亚、西班牙和瑞典)在 2023 年 9 月 29 日的信函中称，白俄罗斯当局始终未能遵守其在第 87 号和第 98 号公约下的义务，也未能在落实调查委员会 2004 年的建议方面取得有意义的进展，对此深表遗憾。欧盟根据 2020 年欧盟理事会结论，减少了与白俄罗斯当局的合作，同时加大了对白俄罗斯人民和民间社会的支持。自 2020 年 8 月以来，欧盟连续实施了多轮制裁，制裁尤其针对白俄罗斯国内镇压和侵犯人权行为的责任人。2023 年 8 月 3 日通过的最新一揽子制裁措施，针对的是持续侵犯人权的行为，包括侵犯劳工权利的行为，以及国内不断恶化的镇压形势。制裁还针对国有企业，这些企业对参加和平抗议和罢工的雇员采取了措施或将其解雇。最后，欧盟指出，“欧洲共同庇护制度”完全符合《1951 年关于难民地位的公约》及其不驱回原则。
18. 卢森堡政府在 2023 年 9 月 12 日的信函中忆及，针对白俄罗斯的两项国际制裁清单适用于该国：欧盟金融制裁和联合国制裁合并清单。这些限制性措施(或制裁)针对的是政府、实体或个人，与

其实施相关的所有事项均属于财政部的职权范围。信函中包括一份欧盟理事会就针对白俄罗斯的限制性措施所作决定的非详尽清单。

19. 墨西哥政府在 2023 年 10 月 2 日的信函中指出，它未在劳工问题上与白俄罗斯政府合作，并已将该决议传达给该国相关的雇主组织和工人组织。
20. 荷兰政府在 2023 年 9 月 29 日的信函中表示，它不断评估与白俄罗斯当局的双边关系，并与欧盟和其他伙伴一起，为落实调查委员会的建议做出了贡献。此外，荷兰政府对白俄罗斯国民实施了国别庇护政策。荷兰移民归化局逐案确定申请人(包括工会维护者)是否可能属于“风险群体”，评估返回白俄罗斯后的风险，并确保不驱回原则得到尊重。
21. 尼日尔政府在 2023 年 10 月 6 日的信函中指出，它与白俄罗斯政府的关系不涉及具有战略重要性的行业，应给予白俄罗斯政府更多的时间，使其能够在劳工局的合作下解决其内部困难。
22. 挪威政府在 2023 年 9 月 20 日的信函中通报了挪威国际劳工组织委员会通过的三方声明。该声明指出，与白俄罗斯政府的双边关系非常有限。挪威已跟随欧盟采取制裁措施，并支持国际论坛和国际组织关于白俄罗斯民主和人权状况的多项决议。对白俄罗斯民间社会的支持和对白俄罗斯国际问责平台(IAPB)的资助将继续下去。来函还指出，挪威的工会组织一直在努力争取释放被监禁的工会领导人，并向流亡工会运动合法代表提供帮助。
23. 俄罗斯联邦政府在 2023 年 9 月 25 日的信函中重申了其立场，即仅在最严重违反劳工组织章程和公约的情况下，方能诉诸《劳工组织章程》第 33 条。白俄罗斯政府没有此类违反行为，它一直在提高工人的劳动保障和社会保护水平，并为落实调查委员会的 12 项建议采取了一系列实际步骤。这些行动包括放宽工会登记、通过法律渠道处理对排斥工会的歧视行为的控诉、建立工会权利额外保护机制、防止干涉工会活动、以及让白俄罗斯民主工会大会参与全国劳动和社会问题委员会等措施。俄罗斯联邦政府认为，根据第 33 条采取措施将对白俄罗斯公民的社会和经济权利造成负面影响，并导致白俄罗斯在劳工组织中事实上被孤立，这有悖于三方机制的原则。俄罗斯联邦政府对该决议对劳工组织的权责产生的负面影响深表关切，并要求根据该决议第 2(c)段编写的报告全面反映各方的观点和立场。
24. 瑞典政府在 2023 年 9 月 29 日的来函中表示，其限制与白俄罗斯政府开展双边关系，瑞典国际开发合作署不与白俄罗斯的国家行为体合作。向那些促进民主发展、扩大开放和高度尊重人权的行动体提供了财政支持。
25. 英国政府在 2023 年 9 月 29 日的信函中表示，其评估了与白俄罗斯的双边关系，以确保这些关系不会使白俄罗斯有机会侵犯工人的权利。除劳工组织外，该国政府还经常在欧安组织和联合国人权理事会等多边论坛上讨论白俄罗斯的人权状况。它共同主办了一些活动，重点关注对侵犯人权行为的问责，声援包括工会活动分子在内的白俄罗斯人权维护者。此外，在英国境内提出并被庇护制度接纳的庇护申请，包括来自白俄罗斯国民的庇护申请，都得到了充分和认真的考虑，以便英国不将任何在返回原籍国后面临迫害或严重伤害的人驱逐出境。
26. 美国政府在 2023 年 9 月 27 日的信函中重申其承诺，将利用一切可用手段，追究白俄罗斯侵犯工人结社自由和集体谈判权利者的责任。美国政府采用了多种手段，包括：于 2000 年取消给予

白俄罗斯的普遍优惠制(普惠制)优惠待遇；于 2021 年 8 月 9 日签署第 14038 号行政命令，扩大了第 13405 号行政命令的范围，并授权实施额外制裁，以促使白俄罗斯政府改善人权和法治(根据这两项命令，自 2020 年 8 月以来，美国已对 100 多名个人和 70 多个实体实施制裁)；对 437 名白俄罗斯政权官员及其隶属机构，包括参与镇压结社自由的个人实施签证限制，理由是他们破坏了白俄罗斯的民主。此外，美国政府继续利用其外交接触，公开支持白俄罗斯工会领导人，例如通过参与“组织、工人赋权和权利多边伙伴关系”(M-POWER)和“紧急行动倡议”，力求查明并消除针对工会会员、劳工领袖和活动分子不断升级的威胁。2023 年 3 月，美国国务院宣布将于 2023 年底与白俄罗斯民主运动和民间社会展开战略对话。此外，美国政府遵守《1967 年关于难民地位的议定书》和《1984 年禁止酷刑和其他残忍、不人道或有辱人格的待遇或处罚公约》规定的不驱回原则及其不驱回义务。此外，它主张在双边和多边交往中尊重不驱回原则。美国政府表示，它随时准备与劳工组织、其他成员国和社会伙伴合作，充分落实大会决议。

国家雇主组织和工人组织采取的措施

27. 荷兰工会联合会在 2023 年 9 月 28 日的信函中提出了数项请求，这是与 Solidarnast 协调后提出的。Solidarnast 是白俄罗斯流亡独立工会会员发起的一项倡议，旨在支持被监禁的工会会员及其家人。荷兰工会联合会特别要求欧盟成员国政府确保，只有白俄罗斯政府遵守劳工组织的要求，欧盟的制裁才会解除。它还要求扩大制裁范围，将对镇压工会负有责任的个人包括在内，并要求将白俄罗斯国有企业排除在国际商界之外，削弱与白俄罗斯的外交关系，并取消白俄罗斯工会联合会(FPB)的合法性。
28. 奥地利联邦劳工委员会(AK)在 2023 年 9 月 24 日的信函中对该决议表示欢迎，并强烈支持对白俄罗斯政府持续违反第 87 号和第 98 号公约的行为实施有效制裁。奥地利联邦劳工委员会特别支持呼吁劳工组织总干事与联合国难民署合作，并表示奥地利联邦劳工委员会与白俄罗斯政府或政府相关组织没有联系。
29. 瑞典企业联合会在 2023 年 9 月 26 日的信函中指出，它已与会员组织和会员企业分享了大会通过的决议信息。它还表示自己没有与白俄罗斯的伙伴组织合作。
30. 瑞典工会总联合会(瑞典总工会、瑞典专业雇员工会联合会和瑞典专业协会联合会)在 2023 年 9 月 26 日的信函中表示，它们未与代表白俄罗斯政府的组织进行接触。工会总联合会提及最近发生的一起涉及驱逐一名在瑞典寻求庇护的工会会员和白俄罗斯国民的案件。该案件由瑞典移民局处理，并向瑞典移民法院提出了上诉。工会总联合会表示，瑞典政府未尊重不驱回原则，违反了大会决议第 2(b)段的规定。

► 有关国际组织的信息

31. 联合国白俄罗斯人权状况特别报告员在 2023 年 7 月 12 日的信函中表示，她愿意与劳工组织和其他特别程序任务负责人接触，以确保就调查委员会的第 8 号建议采取协同行动。在这方面，特别报告员分享了她在提交给联合国大会的第二份专题报告中向白俄罗斯政府提出的建议。⁵
32. 联合国单方面强制性措施对享受人权的不良影响问题特别报告员在向人权理事会第 54 届会议提交的一份报告中，就单方面制裁对各国履行劳工组织公约规定的国际义务的能力的影响问题，向劳工组织提出了建议。⁶ 在同一届人权理事会会议上，联合国秘书长在其关于与联合国及其人权领域的代表和机制合作的年度报告中，提及白俄罗斯的例子和据称 Yarashuk 先生因向劳工组织提交信息而遭到报复，以及白俄罗斯政府对此的答复。⁷
33. 劳工局已与联合国白俄罗斯人权状况特别报告员、联合国和平集会自由权和结社自由权问题特别报告员以及联合国法官和律师独立性问题特别报告员讨论了这一问题。将继续通过定期会议与特别报告员进行接触，共同寻求可能的途径以便在落实调查委员会的建议方面取得进展，并就与白俄罗斯工会权利进一步恶化有关的事项交流信息。
34. 欧洲议会于 2023 年 9 月 13 日通过了一项关于与白俄罗斯关系的决议，⁸ 明确提及理事会 2023 年 3 月的决定和大会决议。

► 下一步行动

35. 理事会无疑希望随时了解白俄罗斯政府在遵守调查委员会的建议方面所取得的任何进展，或成员国和国际组织迄今为止所实施措施的结果的任何其他进展情况。
36. 劳工局将继续收集三方成员提供的关于根据第 33 条通过的措施落实情况的信息，同时总干事将继续与大会决议中明确的国际组织和联合国机构进行接触。
37. 必须定期更新有关落实大会决议后续行动的信息，以便根据要求为理事会今后的讨论提供依据，同时只要白俄罗斯政府尚未履行其义务，也应为大会标准实施委员会根据大会决议第 1 段的要求举行的特别会议提供依据。

⁵ 联合国，联合国大会，第 77 届会议，大会文件 [A/77/195](#)。

⁶ 人权理事会，第五十四届会议，单方面强制性措施对健康权的影响，单方面强制性措施对享受人权的不良影响问题特别报告员的报告，2023 年 7 月 19 日，大会文件 [A/HRC/54/23](#)，第 102 段。总干事收到了特别报告员 2023 年 4 月 25 日和 6 月 5 日的两封来函，并于 2023 年 5 月 9 日和 6 月 7 日复函。信函可在劳工大会第 111 届会议的[网页](#)上查阅。

⁷ 人权理事会，第五十四届会议，与联合国及其人权领域代表和机制的合作，秘书长的报告，2023 年 8 月 21 日，大会文件 [A/HRC/54/61](#)。

⁸ 欧洲议会 2023 年 9 月 13 日关于与白俄罗斯关系的决议(欧洲议会文件 [2023/2041\(INI\)](#))。

► 决定草案

38. 理事会：

- (a) 持续关切地注意到了理事会 GB.349/INS/13(Rev.1)号文件提供的信息；
- (b) 再次敦促白俄罗斯政府紧急接待一个劳工组织三方特派团，特派团旨在就调查委员会的建议以及劳工组织监督机构随后提出的建议的落实情况收集信息，其中包括探访被监禁或被羁押的独立工会领导人和活动分子；
- (c) 请各成员国继续采取步骤，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；
- (d) 要求总干事为理事会第 350 届会议(2024 年 3 月)编写一份最新报告。

► 附录 1

致劳工组织全体成员国

2023 年 6 月 23 日

尊敬的部长，

今致函通知您，劳工大会第 111 届会议(2023 年 6 月)根据《国际劳工组织章程》第 33 条，在一项特别列入其议程的议题下通过了一项决议，预见到需采取措施以确保白俄罗斯落实为审查《1948 年结社自由和保护组织权利公约》(第 87 号)和《1949 年组织权利和集体谈判权利公约》(第 98 号)的遵守情况而成立的调查委员会的建议。决议全文见大会网站。

我谨特别提请您注意该决议执行部分第 2 段(a)、(b)和(c)分段，其中建议本组织的三方成员(政府、雇主和工人)作为一个整体：“(a) 根据调查委员会的结论，评估他们与白俄罗斯政府之间可能存在的关系，采取适当措施，确保白俄罗斯政府不能利用此类关系来延续或扩大侵犯工人结社自由权利的行为，并尽可能推动落实调查委员会的建议，包括营造促进结社自由的环境；(b) 鉴于工会权和人权维护者在白俄罗斯面临被迫害的风险，确保根据国际法，不驱回原则得到尊重；(c) 向总干事报告，以便向理事会转达。”

为了便于我准备一份报告，供理事会第 349 届会议(2023 年 11 月)审议使用，我希望在 2023 年 10 月 1 日之前收到贵国政府已采取或计划采取的任何行动的信息。

还请您将这些建议转达给贵国雇主组织和工人组织，以便他们采取相关措施，并直接或通过您通知我。

此外，尽管该决议第 3 段(a)和(b)分段是直接面向国际组织及其主管机构的，但由于贵国可能在其中派有代表，因此也需要您留意。请酌情将有关本决议的信息传达给贵国政府派驻这些机构的代表。

感谢您对本函内容的紧急关注。

此致，

吉尔伯特·洪博

► 附录 2

致有关国际组织

2023 年 6 月 23 日

尊敬的先生/女士，

今致函通知您，劳工大会第 111 届会议(2023 年 6 月)根据《国际劳工组织章程》第 33 条，在一项特别列入其议程的议题下通过了一项决议，预见到需采取措施以确保白俄罗斯落实为审查《1948 年结社自由和保护组织权利公约》(第 87 号)和《1949 年组织权利和集体谈判权利公约》(第 98 号)的遵守情况而成立的调查委员会的建议。决议全文见大会网站。

我谨特别提请您注意该决议执行部分第 3 段(a)、(b)和(e)分段，我应邀据此：“(a) 向《国际劳工组织章程》第 12 条第(1)款所指的国际组织通报白俄罗斯政府未遵从调查委员会建议方面的情况；(b) 呼吁这些组织的相关机构在其职权范围内，根据调查委员会的结论，重新考虑它们可能与白俄罗斯政府开展的任何合作，并酌情尽快停止任何可能直接或间接成为没有采取行动纠正该国不尊重工会权利状况的理由的活动；……(e) 就上文第 3(a)、(b)段所述措施的结果向理事会提交一份定期报告。”

贵组织无疑希望考虑国际劳工大会的建议，并随时向我通报为落实这些建议而采取或计划采取的任何行动。2023 年 10 月 1 日之前提交的任何相关信息都将纳入我的报告，并提交理事会第 349 届会议(2023 年 11 月)审议。

感谢您对本函内容的紧急关注，并感谢您为在这一问题上做出协调一致的应对而给予的合作。

此致，

吉尔伯特·洪博

► 附录 3

2023 年 6 月 23 日

尊敬的特别报告员，

今致函通知您，劳工大会第 111 届会议(2023 年 6 月)根据《国际劳工组织章程》第 33 条，在一项特别列入其议程的议题下通过了一项决议，预见到需采取措施以确保白俄罗斯落实为审查《1948 年结社自由和保护组织权利公约》(第 87 号)和《1949 年组织权利和集体谈判权利公约》(第 98 号)的遵守情况而成立的调查委员会的建议。决议全文见大会网站。

我谨特别提请您注意该决议执行部分第 3 段(c)和(e)分段，我应邀据此：“……(c) 与联合国白俄罗斯人权状况特别报告员、联合国增进和保护见解和言论自由权问题特别报告员、联合国和平集会自由权和结社自由权问题特别报告员以及联合国法官和律师独立性问题特别报告员接触，以期确保根据调查委员会关于需保障司法和执法机构公正性和独立性的第 8 号建议采取协调行动；……(e) 就上文第 3……和(c)段所述措施的结果向理事会提交一份定期报告。”

根据劳工大会的建议，我谨呼吁运用您的权威和专业知识，并欢迎您对推进落实调查委员会建议的可能途径提出您的看法。任何相关进展情况都将纳入我的报告，并提交给劳工组织理事会第 349 届会议(2023 年 11 月)审议。

感谢您对本函内容的紧急关注。

此致，

吉尔伯特·洪博

► 附录 4

2023 年 6 月 23 日

尊敬的高级专员，

今致函通知您，劳工大会第 111 届会议(2023 年 6 月)根据《国际劳工组织章程》第 33 条，在一项特别列入其议程的议题下通过了一项决议，预见到需采取措施以确保白俄罗斯落实为审查《1948 年结社自由和保护组织权利公约》(第 87 号)和《1949 年组织权利和集体谈判权利公约》(第 98 号)的遵守情况而成立的调查委员会的建议。决议全文见大会网站。

我谨特别提请您注意该决议执行部分第 3 段第(d)分段，我应邀据此：“……(d) 与联合国难民事务高级专员公署(难民署)及其他相关机构和组织接触，要求它们也支持白俄罗斯独立工会活动分子及其家人，并告知难民署的各项国别准则”。

根据劳工大会的建议，我谨呼吁运用您的权威和专业知识，并欢迎您就确保协调一致应对这一问题的可能途径提出您的看法。任何相关进展情况都将纳入我的报告，并提交给劳工组织理事会第 349 届会议(2023 年 11 月)审议。

感谢您对本函内容的紧急关注。

此致，

吉尔伯特·洪博

► 附录 5

Асацыяцыя прафсаюзаў
«Беларускі Кангрэс
дэмакратычных прафсаюзаў»
АП БКДП



Ассоциация профсоюзов
«Белорусский Конгресс
демократических профсоюзов»
АП БКДП

Email: bkdpcongress@gmail.com; Tel: +4915125500461; www.solidarnast.info

List of imprisoned trade union leaders and activists for August.

1	Siarhei Antusevich	BKDP vice-chair
2	Aliaksandr Mishuk	BNP Vice-chair, chair BNP Belaruskali
3	Aliaksandr Yarashuk	BKDP chair
4	Hennadz Fiadynich	REP vice-chair
5	Vatslau Areshka	REP union newspaper editor
6	Zinaida Mikhniuk	REP vice-chair
7	Vasil Berasneu	REP acting chair
8	Mikhail Hromau	SPM union secretary
9	Artsiom Zharnak	SPM MAZ chair
10	Vital Chychmarou	SPM METZ chair
11	Miraslau Sabchuk	SPM activist
12	Aliaksandr Mialeshka	SPB member of branch union council
13	Andrei Khanevich	BNP chair BNP Grodno Azot
14	Ihar Povarau	BNP BMZ
15	Uladzimir Berdnikovich	BNP activist Remmontazhstroy
16	Uladzimir Zhurauka	Rabochy Rukh BNP Grodno Azot
17	Andrei Paheryla	Rabochy Rukh BNP Grodno Azot
18	Siarhei Shelest	Rabochy Rukh BNP Grodno Azot
19	Valiantsin Tseranevich	Rabochy Rukh BNP Grodno Azot
20	Aliaksandr Kapshul	Rabochy Rukh BNP Naftan
21	Aliaksandr Hashnikau	Rabochy Rukh BNP BMZ
22	Ihar Mints	Rabochy Rukh activist Naftan
23	Hanna Ablab	Rabochy Rukh Belarusian Railway

24	Siarhei Dziuba	Rabochy Rukh Belarusian Railway
25	Siarhei Shametska	Rabochy Rukh
26	Aliaksai Aliakseichyk	SPB activist, Republican Center for Children Oncology
27	Aliaksandr Kandratsiuk	SPB activist, National Science Academy
28	Siarhei Sliazhou	BNP activist BMZ
29	Maksim Senik	BNP secretary-treasurer Grodno Azot
30	Dzianis Puchek	SPM Minsk Tractor Plant, activist
31	Volha Belaziorava	BNP Grodno Azot
32	Aleh Kasila	BNP Krasnoselskstroimaterialy
33	Vital Siadliar	BNP Krasnoselskstroimaterialy
34	Andrei Shulhat	SPM MTZ
35	Yauhen Batura	SPM MTZ
36	Aliaksei Zabiran	BNP Grodno Azot
37	Uladzislau Martsinovich	SPB Minsk state medical university
38	Volha Barushka	SPB activist, Minsk Scientific and Practical Center
39	Hanna Karneyenka	SPM METZ
40	Halina Smirnova	REP Babrujsk, regional union coordinator
41	Dzmitry Varanovich	SPM BelAZ
42	Sviatlana Sakovich	SPM MTZ
43	Aliaksandr Varabey	SPM MTZ
44	Palina Sharenda-Panasiuk	REP activist
45	Volha Brytsikava	BNP chair, Naftan
46	Aliaksandr Kukharonak	BNP activist, Naftan
47	Aliaksandr Balonkin	BNP activist, Naftan

Acting Chairperson of the BKDP
Maksim Pazniakou



► 附录 6

2023 年 7 月 14 日

尊敬的部长，

谨就国际劳工大会第 111 届会议(2023 年)通过的《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》致函阁下。该决议预见到需采取措施以确保白俄罗斯落实为审查《1948 年结社自由和保护组织权利公约》(第 87 号)和《1949 年组织权利和集体谈判权利公约》(第 98 号)的遵守情况而成立的调查委员会的建议。

我谨提请您注意决议第 4 段，敦促贵国政府紧急接待一个劳工组织三方特派团，特派团旨在就调查委员会的建议以及劳工组织监督机构随后提出的建议的落实情况收集信息，其中包括探访被监禁或被羁押的独立工会领导人和活动分子。

在这方面，我谨提及我们正在进行的交流，即贵国政府有必要协助安排一次考察，以查明逮捕和羁押的条件以及被羁押的工会会员的福利。我鼓励您在职权范围内采取行动，接受劳工组织三方特派团前来实地考察形势，特派团在理事会评估为实施这两项基本公约所采取的措施时，向理事会报告。

我还想请您提供信息，说明自该决议通过以来，贵国政府为落实调查委员会的建议而采取的任何行动，以便能够编写一份报告，供理事会第 349 届会议(2023 年 11 月)审议。我希望不迟于 2023 年 10 月 1 日收到这一信息。

期待您在回复上述事项方面给予积极配合。

此致，

吉尔伯特·洪博

► 附录 7

Republic of Belarus

Information from the Government of the Republic of Belarus regarding the situation in the country with regard to respect for trade union rights and implementation of the recommendations of the Commission of Inquiry on 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) 349th Session of the Governing Body of the International Labour Office (30 October–9 November 2023)

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

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

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

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

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

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

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

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

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

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

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

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

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

Since, if the procedure for establishing a trade union organization is followed, the documents for the state registration of a trade union (or an organizational structure thereof) may be re-submitted to the registration authorities after any shortcomings have been rectified, a refusal to register (or put on record) does not equate to a ban on establishing that trade union or its organizational structure and is not an insurmountable obstacle to registration.

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

Citizens of Belarus freely and actively enjoy the right to associate in trade unions. This is evidenced by the number of trade unions and their organizational structures established and operating in the country.

Thus, as of 1 January 2023, 20 trade unions (15 national, one territorial and four organization-level) and 28,272 trade union organizational structures (27,368 primary; 621 district or town/city; 172 joint; and 111 regional or Minsk city) had been registered (put on record).

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

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

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

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

The social partners participate in drafting social and labour legislation.

Tripartite consultative bodies – councils on labour and social issues – have been set up and function at all levels (national, sectoral, regional, town/city and district).

The practice of regulating social and labour relations through collective agreements and contracts has been widely established.

Thus, as of 1 January 2023, 350 councils on labour and social issues were operating and 610 collective agreements and 20,852 organization-level collective contracts had been signed.

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

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

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

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

The procedure for receiving foreign grant aid is unjustifiably linked in the ILO framework to Articles 5 and 6 of Convention No. 87. These articles do not contain provisions on trade unions' right to receive unimpeded financial or other forms of assistance for political and campaign work among the population.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Additional information

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

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

The principle of the rule of law applies in Belarus.

Article 60 of the Constitution guarantees everyone that his or her rights and liberties will be protected by a competent, independent and impartial court.

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

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

There are no obstacles to citizens taking cases to court.

Despite the fact that the law provides all the necessary measures to protect trade union rights, Belarus has introduced an additional mechanism to protect their rights: in 2005, the Council for the Improvement of Legislation in the Social and Labour Sphere was established.

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

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

Additional information

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

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

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

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

The Government has taken measures to liberalize the trade union registration process. So as to simplify and formalize the procedure for registering public associations (including trade unions), the National Registration Commission has been abolished, the requirement for at least 10 per cent of the total number of employees to form a trade union has been abolished, and trade unions have been given the option of being located (that is, obtaining a legal address) not only at the employer's address but also at any other location (*Recommendations 2 and 3*).

Additional information

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

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

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

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

Additional information

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

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

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

In order to ensure that all social partners can freely and equally participate in dialogue with the Government, a representative of the Belarusian Congress of Democratic Trade Unions (BKDP) was included in the main tripartite social partnership body at the national level, the National Council on Labour and Social Issues (*Recommendation No. 11*).

Additional information

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

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

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

Additional information

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

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

Employers and employers' associations operating in Belarus are covered by the Law of 12 December 2022 on Employers' Associations (except for certain provisions, the Law enters into force on 16 December 2023).

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

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

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

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

We believe that further impetus for the development of social dialogue and tripartism in Belarus will be provided by the entry into force of Law No. 225-Z of 12 December 2022 on Employers' Associations from 16 December 2023.

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

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

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

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

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

Activity of tripartite social partnership bodies

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

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

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

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

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

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

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

In 2023, **two meetings** of the main tripartite social partnership body, the **National Council on Labour and Social Issues** ("the National Council"), have been held.

During the meeting on 14 April 2023, the National Council considered the implementation in 2022 of the General Agreement between the Government and national employers' and trade

union associations for 2019–2021 (extended to 2022–2024) and implementation of a set of measures to reduce the shortage of manual workers in 2022–2023.

The agenda of the National Council's meeting on 26 July 2023 included improved regulation of the crisis management mechanism to aid the financial recovery of insolvent organizations and the situation on the consumer market of Belarus.

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

Unfortunately, these invitations were not accepted.

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

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

Prosecution of individuals and organizations

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

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

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

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

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

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

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

The authors of complaints to the ILO are therefore deliberately “dragging” political issues into the ILO’s sphere of competence without objective grounds.

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

In this connection, the Government is compelled to draw attention once again to the fact that ***all citizens and trade unions mentioned in complaints made to the ILO and comments issued by its supervisory bodies have been prosecuted for specific offences that have absolutely no connection with the lawful and peaceful exercise of trade union rights and liberties.***

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

In view of the above, we note that the communication received by the Office on 24 August 2023 from Maksim Poznyakov, identifying himself as the current President of the defunct Belarusian Congress of Democratic Trade Unions (BKDP), ⁹ which forwards the “List of imprisoned trade union leaders and activists as at August 2023”, is nothing but another attempt to convince the ILO of the Belarusian authorities’ persecution of “independent” trade unions, in the aim of further escalating the undue pressure on Belarus through ILO decisions.

At the same time, it should be noted that **this communication contains false information that does not correspond to reality** concerning a number of people, which only confirms Mr Poznyakov’s desire to deliberately mislead ILO bodies by presenting the situation in a distorted light.

Six of the 47 people listed as prisoners have in fact already **served** the lawful sentence imposed on them by a court, and **four** were **not** even **sent** to penal institutions.

Detailed information regarding 13 people – Mr S. Antusevich, Mr A. Mishuk, Mr A. Yarashuk, Mr H. Fiadynich (Russian: Fedynich), Mr V. Areshka (Russian: Oreshko), Ms Z. Mikhniuk, Mr V. Berasnieu (Russian: Beresnev), Mr M. Hromau (Russian: Gromov), Mr A. Zharnak (Russian: Zhernak), Mr V. Chychmarou (Russian: Chichimarev), Mr A. Khanevich, Mr S. Sliazhou (Russian: Slezov) and Ms V. Brytsikava (Russian: (Olga) Britikova) – has already been submitted to the Office in letters from the Ministry of Labour and Social Protection (No.11-1-2/673 of 2 February 2023, “Re: Information to the Committee on Freedom of Association”, and No. 11-1-2/2326 of 29 April 2023, addressed to the Director-General of the Office, Mr Gilbert F. Hounbo). These citizens were punished for *specific serious offences*.

Ten people on the list are members of the group known as “Rabochy Ruch” (“Workers’ Movement”)/“Extended Round Table”. This is a recognized *extremist group* whose activities are prohibited. In view of the *gravity of the offences committed* (such as establishment and/or participation in an extremist formation, treason, defamation, and offences related firearms, ammunition and explosives), these citizens were sentenced to *longer periods* of imprisonment.

⁹ The activities of the BKDP and its member organizations were terminated by decisions of the Supreme Court of the Republic of Belarus as contradicting the Constitution and other legislative acts and damaging the State or society’s interests.

Additional information

Rabochy Rukh is an extremist group financed from abroad which principally aims to involve employees of state-owned industrial enterprises in radical political activity so as to obtain internal information about their business, stop operations and strengthen sanctions against Belarus.

It has been established that, in addition to committing extremist crimes, these members engaged in illegally gathering and passing on restricted internal information about Belarusian economic entities to foreign states, foreign organizations and their representatives.

Other citizens on the list have also been prosecuted for *specific offences that have nothing at all to do with the lawful and peaceful exercise of trade union, civil or other rights and liberties*, such as gross violation of public order resulting in disruption to transport and enterprises; violence against internal affairs officers; calls for action to harm national security; incitement to ethnic or social enmity and discord on the grounds of ethnic and social affiliation; facilitation of extremist activities; defamation; and damage to property in public places. The sentences imposed in the vast majority of cases *do not exceed three years*. Four people are serving their sentences (restriction of liberty) *at their places of residence*, and two are serving their sentences in *open* penal institutions.

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

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

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

We also believe it possible to note that the activity of the **Belarusian Congress of Democratic Trade Unions (BKDP) and its member organizations was terminated** in the summer of 2022 by the Supreme Court of Belarus as contravening the Constitution and other legislative acts and damaging the State and society's interests.

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

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