



Governing Body

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Institutional Section

INS

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Follow-up to the resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus

▶ Introduction

1. In accordance with 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 111th Session (June 2023) of the Conference, the Director-General by circular letter dated 23 June 2023 brought subparagraphs (a), (b) and (c) of paragraph 2 of the resolution to the attention of all Member States and invited them to provide information on any action taken or envisaged not later than 1 October 2023. The Director-General also requested that the recommendations contained in the resolution be brought to the attention of national employers' and workers' organizations so that they may take measures, as appropriate, and inform him accordingly.
2. The Director-General also addressed a letter to relevant international organizations ¹ bringing to their attention subparagraphs (a), (b) and (e) of paragraph 3 of the resolution and inviting

¹ Letters were sent to the following organizations: Food and Agriculture Organization, International Atomic Energy Agency, International Civil Aviation Organization, International Fund for Agricultural Development, International Maritime Organization, International Monetary Fund, International Organization for Migration, International Telecommunication Union, United Nations, United Nations Children's Fund, United Nations Development Programme, United Nations

these organizations to inform him of any action taken or envisaged in this regard, not later than 1 October 2023 to enable him to prepare a report for the consideration of the Governing Body at its current session.

3. In addition, by separate letters to the UN Special Rapporteur on the situation of human rights in Belarus, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the UN Special Rapporteur on the independence of judges and lawyers, the Director-General brought subparagraphs (c) and (e) of paragraph 3 of the resolution to their attention and called upon their authority and expertise to consider possible ways for making progress in the implementation of the recommendations of the Commission of Inquiry.
4. Moreover, by letter addressed to the UN High Commissioner for Refugees the Director-General brought subparagraph (d) of paragraph 3 of the resolution to his attention and called upon his authority and expertise welcoming his thoughts on possible ways to ensure a coordinated response in this matter.
5. All above-mentioned letters of the Director-General are in Appendices 1 to 4. As of 13 October 2023, the Office had received 18 communications in response to those letters.²

▶ Latest developments

6. By a communication dated 24 August 2023, the Belarusian Congress of Democratic Trade Unions (BKDP) submitted a list of 47 currently detained trade union leaders and activists. The letter is in Appendix 5.
7. By separate communications dated 6 September 2023, the BKDP and the International Trade Union Confederation (ITUC) informed the Office of the deteriorating conditions of imprisonment of Mr Aliaksandr Yarashuk. Following his sentencing to four years' imprisonment in a general regime colony in December 2022, Mr Yarashuk, the BKDP Chairperson and member of the ILO Governing Body, has been transferred to a strict regime prison where he is kept in a cell nearly all the time, with only the right to take short walks in the yard, while other normal prison privileges, such as telephone calls and visits from relatives, were reduced. By communication dated 12 September 2023, the Director-General expressed his deepest concern and called on the Minister of Labour and Social Protection of Belarus to use her good offices to impress upon the responsible Belarusian authorities the importance of refraining from any action which would deteriorate the situation of Mr Yarashuk, including consequences on his health.
8. In a communication dated 11 October 2023, the ITUC expressed its deepest concern that despite repeated calls by the international community, the Government of Belarus continued to violate its obligations under the Conventions with impunity and that the situation of

Educational, Scientific and Cultural Organization, United Nations Environment Programme, United Nations Human Settlements Programme, United Nations Industrial Development Organization, United Nations Population Fund, World Bank Group, World Food Programme, World Health Organization, World Intellectual Property Organization, World Meteorological Organization, World Tourism Organization, Universal Postal Union, World Trade Organization, Arab Labour Organization and the Organization for Economic Co-operation and Development.

² It is recalled that in the case of Myanmar, the Office had received responses from 45 Member States and 25 international organizations; see [GB.280/6](#), paras 13 and 32 and [GB.280/6\(Add.1\)](#), paras 2–12.

independent trade unions in the country continued to deteriorate and had become untenable as the Government relentlessly persecuted trade unions and their leaders. The ITUC referred to the list of trade unionists sentenced for their activities, previously brought to the attention of the Governing Body and included in the list recently transmitted by the BKDP. The ITUC further referred to the detention of Ms Polina Sharenda-Panasiuk, an activist of the Belarusian Union of Radio and Electronic Workers (REP union) currently in temporary detention in a colony, to illustrate the conditions in which trade unionists were detained. Ms Sharenda-Panasiuk appeared in court on 2 October 2023 for the continuation of her trial. There, she denounced her inhumane conditions of detention, including beatings she had suffered. The ITUC indicated that while several trade union leaders arrested in April 2022 had been released, they still faced charges. The ITUC further alleged that over the past months, throughout the country, police had proceeded with mass arrests and the detention of employees, deemed “disloyal to the regime”, including the detention of workers at the Azot undertaking, “Naftan” factory “Palimir” in Navapolatsk, and the Road and Maintenance Production of the Lida Housing and Utility Company. The ITUC expressed its deepest concern at the pattern of mass repression by the Belarusian authorities and complete disregard for civil liberties and fundamental freedoms, including that of peaceful assembly. The ITUC demanded that all charges be dropped, all convictions quashed and that all trade union leaders and members arrested for participating in strikes and peaceful assemblies or for exercising their civil liberties pursuant to their legitimate trade union activities be released. The ITUC urged the Government to give access to visitors, including ILO officials to ascertain the conditions of arrest and detention and their welfare, in line with paragraph 4 of the 2023 International Labour Conference resolution. The ITUC also referred with extreme concern to an instruction issued by the Belarus authorities to its embassies not to renew passports of Belarusian citizens abroad, in order to force them to go back to the country and face persecution³ and emphasized in this context paragraph 2(b) of the 2023 Conference resolution and the importance of respecting the principle of non-refoulement in line with international law, given that trade union and human rights defenders were at risk of persecution in Belarus.

► Developments as regards the Government of Belarus

9. On 14 July 2023, the Director-General addressed a letter to the Government of Belarus drawing its attention to paragraph 4 of the Conference resolution that urges the Government to receive as a matter of urgency an ILO tripartite mission with a view to gather information on the implementation of the recommendations of the Commission of Inquiry and subsequent recommendations of the supervisory bodies of the ILO. The Director-General encouraged the Government to take action within its authority to accept an ILO tripartite mission that can observe the situation on the ground and report back to the Governing Body as it assesses the steps taken towards the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The Director-General also invited the Government to submit information not later than 1 October 2023 on any action taken to implement the recommendations of the Commission of Inquiry in order to enable the preparation of an Office

³ Presidential Decree (Ukase) No. 278 of 2 September 2023 on the procedure for issuing documents and performing actions.

report for the consideration of the Governing Body at its current session. The letter is in Appendix 6.

- 10.** In its communication dated 25 September 2023, the Government reiterated its position that trade union rights and Conventions Nos 87 and 98 were fully respected and that some of the recommendations addressed to Belarus had been fully implemented while significant progress had been made in implementing others. The Government provided detailed information, which had been examined by the ILO supervisory bodies on several occasions. The Government noted with deep regret the negative assessment by the ILO supervisory bodies of its efforts to build constructive cooperation with the social partners and the International Labour Office in respect of the implementation of the recommendations addressed to the country. The Government stated that it was ready to work on the recommendations of the Commission of Inquiry, provided that this collaboration took into account today's realities and national interests, centred around the stable socio-economic development of Belarus, the well-being and high quality of life of its people, harmony in society, the rule of law, as well as independence, territorial integrity and the sovereignty of the country.
- 11.** The Government provided information on the adoption, on 12 December 2022, of the Law on employers' organizations, which will enter into force on 16 December 2023. According to the Government, the Law took into account ILO standards and principles. The Government further informed that the work of the tripartite Council for the Improvement of Legislation in the Social and Labour Sphere (tripartite Council), which had been suspended due to the COVID-19 pandemic, had resumed. During its meeting of 26 May 2023, the tripartite Council considered approaches to the implementation of the recommendation of the Committee on Freedom of Association concerning the establishment of a non-judicial mechanism for settlement of labour disputes and decided to establish an expert group from among the members of the tripartite Council to consider applications from trade unions and employers' organizations related to the resolution of labour disputes. It was decided that when the Council receives appeals from trade unions and employers' organizations, the expert group would conduct a preliminary examination and would inform the tripartite Council of the outcome. At its meeting on 22 September 2023, the tripartite Council discussed its work plan, as well as the question of interpretation of provisions of Convention No. 87 in relation to the exercise of the right to strike and the implementation of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The parties came to the conclusion that the tripartite Council should continue discussing collective bargaining issues at various levels. The Government further indicated that the National Council on Labour and Social Issues (NCLSI), the country's main tripartite social dialogue body, held two meetings (in April and July 2023), during which it discussed the implementation of the General Tripartite Agreement (2022–2024) and of the Package of Measures (for 2022–2023) aimed at reducing the shortage of personnel, as well as the situation of the consumer market in Belarus and the need to improve normative regulation of the mechanism of anti-crisis management for the purpose of financial recovery of insolvent organizations. The Government stated that despite the fact that the ILO supervisory bodies questioned the status and the legitimacy of the above-mentioned tripartite bodies, their work would continue. While the Government regretted that invitations extended to the Office to participate in the meetings of these bodies had been turned down, it nevertheless looked forward to the participation of the Office representatives in the future so that the ILO and its supervisory bodies could form an objective opinion about the functioning of the social partnership system in Belarus, with a view to resolving the questions of their status and legitimacy.

12. The Government reiterated that the 2020 protests were unrelated to the exercise of trade union rights and social dialogue processes in the country, were politically motivated and artificially stimulated by external forces. The Government considered that the authors of the complaints deliberately brought political issues to the ILO in order to discredit Belarus internationally, justify unprecedented unilateral restrictive measures against the country, escalate political pressure on the legitimate authorities and launch another wave of sanctions based on the ILO decisions. The Government reiterated that all citizens and trade unions referred to in the complaints and comments of the ILO supervisory bodies had been prosecuted for specific unlawful acts not connected with the lawful and peaceful exercise of trade union rights and freedoms. Thus, all calls for the dismissal of all charges against them and their immediate release had no objective legal basis. The review of sentences, interaction with the convicted persons and their release from custody fell within the exclusive competence of law enforcement agencies and courts, interference in the activities of which was inadmissible and entailed liability in accordance with the law.
13. In this regard, and with reference to the list of detained trade unionists transmitted by the current chairperson of the BKDP Mr Maksim Paznyakou, the Government indicated that this was yet another attempt to convince the ILO of the alleged persecution of “independent” trade unions in order to escalate pressure on Belarus and recalled that the activities of the BKDP and its member organizations were terminated by Supreme Court decisions as contradicting the national Constitution and other legislation and causing harm to the State or public interests. Thus, the structure which was currently acting on behalf of the BKDP without being registered on the territory of Belarus was illegal. The Government asserted that the information provided was false and only confirmed the desire of the person submitting this information to deliberately mislead the ILO by misrepresenting the situation in a distorted light. The Government indicated that 6 of the 47 persons listed as prisoners had already served their respective sentences and that 4 of them had not even been sent to correctional institutions. As concerns Ms Mikhniuk, Ms Britikova and Messrs Yarashuk, Antusevich, Mishuk, Khanevitch, Zhernak, Berasneu, Fiadynich, Areshka, Gromov, Chichmarev and Sliazhou, the Government indicated that these citizens had been found guilty of committing specific serious offences. The Government further indicated that ten persons from the list were members of a group “Rabochy Rukh”⁴, an extremist formation, the activities of which were prohibited. In view of the gravity of the offences committed (creation and/or participation in an extremist formation, treason against the State, slander, unlawful acts with firearms, ammunition and explosives, etc.), these citizens were sentenced to longer periods of deprivation of liberty. Other citizens on the list had also been prosecuted for specific unlawful acts unrelated to the lawful and peaceful exercise of trade union activities, civil or other rights and freedoms, such as gross violation of public order resulting in disruption of transport and enterprise operations; violence against internal affairs officers; calls for actions aimed at harming national security; incitement to national or social enmity and discord on the grounds of national and social affiliation; and incitement to ethnic or social hatred and discord on the grounds of national or social origin. In the vast majority of cases, the sentences imposed on them did not exceed three years. Four persons were serving their sentences (restriction of liberty) at their place of residence, and two persons were serving their sentences in open-type correctional institutions.

⁴ “Workers’ movement” in English.

▶ Measures taken by ILO constituents

Measures taken by Member States

14. In a communication dated 29 September 2023, the Government of *Australia* stated that it remained concerned by the Government of Belarus' disregard for the Commission of Inquiry, including its persistent refusal to implement the Commission's recommendations. Consistent with the 1951 Convention Relating to the Status of Refugees, its 1967 Protocol, and other international human rights Conventions to which it is a party, Australia did not return individuals to situations where they faced persecution or a real risk of torture, cruel, inhuman, or degrading treatment or punishment, arbitrary deprivation of life, or the application of the death penalty. Therefore, Belarusian trade unionists and human rights defenders in Australia might be granted permanent protection, provided they were also able to fulfil relevant visa criteria. The Australian Department of Employment and Workplace Relations had communicated the information concerning the resolution adopted by the Conference to other Australian government agencies, including those representing Australia in other international institutions. Consultations were held with the social partners.
15. In a communication dated 2 October 2023, the Government of *Austria* stated that it informed ministries, employers' and workers' organizations, as well as relevant interest groups about the measures adopted under article 33. It also highlighted that the Ministry of European and International Affairs has initiated discussions on specific actions concerning the persecution of independent trade unions and the detention of their members while the Ministry of the Interior has conveyed the resolution to regional police directorates to raise awareness. Moreover, the Government highlighted that it ensured a rigorous examination of the non-refoulement principle by immigration authorities.
16. In a communication received on 29 September 2023, the Government of *Canada* noted that, after almost two decades of ILO ongoing efforts to work with the authorities of Belarus for the implementation of the recommendations of the Commission of Inquiry, the reports of the ILO supervisory mechanisms indicated that the situation had not improved and had even worsened. Canada supported the activation of article 33 of the ILO Constitution, emphasizing its belief that this was the only viable means to secure Belarus' compliance with the Commission of Inquiry's recommendations. The communication also outlined economic sanctions imposed by Canada on Belarus. These were adopted either in coordination with the United Kingdom of Great Britain and Northern Ireland, the European Union and the United States of America or in an individual capacity. Sanctions related to Belarus had been enacted under the Special Economic Measures Act and the Special Economic Measures (Belarus) Regulations, including sanctions imposed on individuals listed for gross human rights violations and prohibited dealings and activities for any person in Canada or any Canadian outside Canada. The Government encouraged continued monitoring and international cooperation while reaffirming its commitment to supporting the ILO in the promotion of fundamental labour rights and social justice for all.
17. In a communication dated 29 September 2023, the European Union and its Member States (*Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden*) deeply regretted the persistent failure of the authorities of Belarus to observe Belarus' obligations under Conventions Nos 87 and 98, and to meaningfully progress towards the implementation of the Commission of Inquiry

recommendations of 2004. In line with the Council Conclusions of 2020, the European Union had scaled down cooperation with the Belarusian authorities while increasing support for the Belarusian people and civil society. Since August 2020, the European Union had imposed successive rounds of sanctions notably on the persons responsible for internal repression and human rights violations in Belarus. The latest package of sanctions adopted on 3 August 2023 addressed continued human rights violations, including labour rights violations, and the constantly worsening internal repression. Sanctions also targeted state-owned enterprises, which had taken measures against employees or dismissed them for participating in peaceful protests and strikes. Finally, the European Union noted that the Common European Asylum System was in full conformity with the 1951 Convention relating to the Status of Refugees and its principle of non-refoulement.

18. In a communication dated 12 September 2023, the Government of *Luxembourg* recalled that two lists of international sanctions concerning Belarus were applicable in the country; the consolidated list of EU financial sanctions and the UN sanctions. These restrictive measures (or sanctions) target governments, entities or individuals and all matters relating to their implementation fell under the competence of the Ministry of Finance. A non-exhaustive list of decisions taken by the Council of the European Union concerning the restrictive measures against Belarus was included in the communication.
19. In a communication dated 2 October 2023, the Government of *Mexico* stated that it had not collaborated with the Government of Belarus in labour matters and that it had communicated the resolution to the relevant employers' and workers' organizations of the country.
20. In a communication dated 29 September 2023, the Government of the *Netherlands* indicated that it continually reviewed its bilateral relations with the Belarusian authorities and that, together with the EU and other partners, it contributed to the implementation of the recommendations of the Commission of Inquiry. In addition, the Government implemented a country-specific asylum policy towards Belarusian nationals. The Dutch Immigration and Naturalisation Service determined on a case-by-case basis whether an applicant, including a trade union defender, might belong to a "risk group", assessing the risk upon return to Belarus and ensuring respect for the principle of non-refoulement.
21. In a communication dated 6 October 2023, the Government of *Niger* stated that its relations with the Government of Belarus did not concern sectors of strategic importance and that additional time should be given to this Government so that it could solve its internal difficulties with the collaboration of the Office.
22. In a communication dated 20 September 2023, the Government of *Norway* communicated a tripartite statement adopted by the Norwegian ILO Committee. This statement indicated that the bilateral relations with the Belarusian Government were very limited. Norway had aligned with the sanctions adopted by the EU and had supported numerous resolutions in international fora and organizations on the situation for democracy and human rights in Belarus. Support to the Belarusian civil society and funding for the International Accountability Platform for Belarus (IAPB) would continue. The communication also indicated that Norwegian trade union organizations had been engaged in efforts to free imprisoned trade union leaders as well as in supporting legitimate representatives of the trade union movement in exile.
23. In a communication dated 25 September 2023, the Government of the *Russian Federation* reiterated its position that recourse to article 33 of the Constitution could only be enacted in the case of the most severe violations of the ILO Constitution and Conventions. No such violations were committed by the Government of Belarus, which has been raising the level of labour guarantees and social protection of workers and which has undertaken a range of

practical steps aimed at the implementation of the 12 recommendations of the Commission of Inquiry. These actions encompassed liberalizing trade union registration, addressing complaints of anti-union discrimination through legal channels, establishing additional protection mechanisms for trade union rights, preventing interference with trade union activities, and involving the BKDP in the National Council for Labour and Social Issues, among other measures. The Government of the Russian Federation considered that the adoption of measures under article 33 would cause a negative impact on the social and economic rights of Belarusian citizens and lead to the de-facto isolation of Belarus in the Organization, contrary to the principle of tripartism. It conveyed its profound concern about the resolution's negative impact on the ILO's mandate and requested that the report prepared pursuant to paragraph 2(c) of the resolution reflected the full spectrum of views and positions.

24. In a communication dated 29 September 2023, the Government of *Sweden* stated that it had limited its bilateral relations with the Government of Belarus and that the Swedish International Development Cooperation Agency did not cooperate with state actors in Belarus. Financial support is provided to actors that contribute to democratic development, increased openness and great respect for human rights.
25. In a communication dated 29 September 2023, the Government of the *United Kingdom of Great Britain and Northern Ireland* indicated that it reviewed its bilateral relations with Belarus to ensure that these relations did not allow Belarus the opportunity to violate workers' rights. Beyond the ILO, the Government frequently addressed the human rights situation in Belarus in multilateral fora, including the Organization for Security and Co-operation in Europe (OSCE) and the UN Human Rights Council. It co-hosted events focusing on accountability for human rights violations and showing solidarity with human rights defenders, including trade union activists, in Belarus. In addition, asylum claims that were lodged from within the United Kingdom and admitted to the asylum system, including those from Belarusian nationals, were given full and careful consideration so that the United Kingdom did not remove anyone who faced persecution or serious harm on return to their country of origin.
26. In a communication dated 27 September 2023, the Government of *the United States of America* reiterated its commitment to using all available tools to hold to account those in Belarus who have violated workers' rights to freedom of association and collective bargaining. The Government has employed several tools including: in 2000, the withdrawal of benefits under the Generalized System of Preferences (GSP) from Belarus; the signature on 9 August 2021 of Executive Order 14038, expanding the scope of Executive Order 13405, and authorizing additional sanctions to induce the Government to improve the human rights and rule of law in Belarus (on the basis of these two orders, since August 2020, the United States has imposed sanctions against over 100 individuals and 70 entities); visa restrictions on 437 regime officials and their affiliates, including individuals involved in repressing freedom of association, for undermining democracy in Belarus. In addition, the Government continued to use its diplomatic engagement to speak out in support of Belarusian trade union leaders, for example through its engagement under the Multilateral Partnership for Organizing, Worker Empowerment, and Rights (M-POWER), Urgent Action Initiative, which sought to identify and eliminate escalating threats against trade unionists, labour leaders, and activists. In March 2023, the Department of State announced that it would launch a strategic dialogue with the Belarusian democratic movement and civil society in late 2023. Moreover, the Government complied with the principle of non-refoulement and its non-refoulement obligations under the 1967 Protocol relating to the Status of Refugees and the 1984 Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT). Additionally, it advocated respect for the principle of non-refoulement in bilateral and multilateral engagements. The

Government indicated that it stood ready to work with the ILO, other Member States and social partners to give full effect to the Conference resolution.

Measures taken by national employers' and workers' organizations

27. In a communication dated 28 September 2023, the Dutch trade union federation *Federatie Nederlandse Vakbeweging* (FNV) presented a number of requests, which it had coordinated with *Salidarnast*, an initiative of independent trade unionists from Belarus in exile to support imprisoned trade unionists and their families. In particular, the FNV requested the Governments of the European Union Member States to ensure that EU sanctions would be lifted only if the Government of Belarus complied with ILO requirements. It also requested the expansion of sanctions to include individuals responsible for repressing trade unions and called for the exclusion of Belarusian state enterprises from international business communities, the weakening of diplomatic relations with Belarus and the delegitimization of the Federation of Trade Unions of Belarus (FPB).
28. In a communication dated 24 September 2023, the Austrian Federal Chamber of Labour *Bundesarbeitskammer* (AK) welcomed the resolution and strongly supported effective sanctions against the ongoing violations of Conventions Nos 87 and 98 by the Government of Belarus. The AK particularly supported the call for the Director-General of the International Labour Organization to collaborate with UNHCR and also stated that AK does not have connections with the Belarusian Government or government-related organizations.
29. In a communication dated 26 September 2023, the Swedish Confederation of Enterprise stated that it had shared the information on the resolution adopted by the Conference with member organizations and member companies. It also indicated that it did not collaborate with partner organizations in Belarus.
30. In a communication dated 26 September 2023, the Swedish Trade Union Confederations (LO, TCO and SACO) indicated that they were not engaging with the organizations representing the Government of Belarus. The trade union confederations made reference to a recent case involving the deportation of a trade unionist and Belarusian national seeking asylum in Sweden that was processed by the Swedish Migration Agency and appealed to the Swedish Migration Court, and indicated that the Government was not respecting the principle of non-refoulement, contrary to paragraph 2(b) of the Conference resolution.

► Information concerning international organizations

31. In a communication dated 12 July 2023, the *UN Special Rapporteur on the situation of human rights in Belarus*, expressed her willingness to engage with the ILO and other Special Procedure mandate holders to ensure coordinated action on recommendation No. 8 of the Commission of Inquiry. In this connection, the Special Rapporteur shared the recommendations made to the Government of Belarus in her second thematic report to the UN General Assembly.⁵
32. In a report to the 54th session of the Human Rights Council, the *UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights*, made recommendations to the ILO in relation to the question of the impact of unilateral sanctions

⁵ United Nations, General Assembly, Seventy-seventh session, [A/77/195](#).

on the ability of States to fulfil their international obligations under ILO Conventions.⁶ At the same session of the Human Rights Council, the UN Secretary-General referred, in his annual report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, to the case of Belarus and the alleged reprisal of Mr Yarashuk for having submitted information to the ILO, and the Government's reply thereon.⁷

33. The Office has discussed the matter with the UN Special Rapporteur on the situation of human rights in Belarus, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and the UN Special Rapporteur on the independence of judges and lawyers. The engagement with the Special Rapporteurs will continue through regular meetings to seek together possible ways for making progress in the implementation of the recommendations of the Commission of Inquiry, as well as to exchange information on matters relevant to the further deterioration of trade union rights in the country.
34. On 13 September 2023, the *European Parliament* adopted a resolution on relations with Belarus,⁸ making explicit reference to the Governing Body decision of March 2023 and the Conference resolution.

► Next steps

35. The Governing Body shall no doubt wish to be kept informed of any progress made regarding compliance with the recommendations of the Commission of Inquiry by the Government of Belarus or of any other relevant developments regarding the outcome of measures implemented so far by Member States and international organizations.
36. The Office will continue to collect information provided by tripartite constituents on the implementation of the measures adopted under article 33 while the Director-General will continue to engage with the international organizations and UN bodies specified in the Conference resolution.
37. Information on the follow-up to the Conference resolution shall be regularly updated to inform future Governing Body discussions, as may be requested, but also the special sittings of the Conference Committee on the Application of Standards that shall be held, as required under paragraph 1 of the Conference resolution, so long as the Government of Belarus has not fulfilled its obligations.

⁶ Human Rights Council, Fifty-fourth session, Impact of unilateral coercive measures on the right to health, Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, 19 July 2023, [A/HRC/54/23](#), para. 102. The Director-General received two communications, dated 25 April and 5 June 2023, from the Special Rapporteur and replied by letters of 9 May and 7 June 2023. This correspondence is available on the [web page](#) of the 111th Session of the Conference.

⁷ Human Rights Council, Fifty-fourth session, cooperation with the United Nations, its representatives and mechanisms in the field of human rights, Report of the Secretary-General, 21 August 2023, [A/HRC/54/61](#).

⁸ European Parliament resolution of 13 September 2023 on relations with Belarus ([2023/2041\(INI\)](#)).

► Draft decision

38. The Governing Body:

- (a) took note with continuing concern of the information provided in document GB.349/INS/13(Rev.1);**
- (b) once again, urged the Government of Belarus to receive as a matter of urgency an ILO tripartite mission with a view to gather information on the implementation of the recommendations of the Commission of Inquiry and subsequent recommendations of the supervisory bodies of the ILO, including a visit to the independent trade union leaders and activists in prison or detention;**
- (c) invited Member States to continue taking steps to ensure an effective follow-up to the Conference resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus;**
- (d) requested the Director-General to prepare an updated report for the 350th Session (March 2024) of the Governing Body.**

▶ Appendix 1

TO ALL MEMBER STATES OF THE ILO

23 June 2023

Dear Minister,

I am writing to inform you that under an item specifically placed on its agenda and in accordance with article 33 of the ILO Constitution, the International Labour Conference adopted at its 111th Session (June 2023) a resolution foreseeing measures aimed at ensuring the observance by Belarus of the recommendations of the Commission of Inquiry established to examine the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The text of the resolution can be found on the Conference website.

I wish to bring to your kind attention, in particular, subparagraphs (a), (b) and (c) of operative paragraph 2 of the resolution, which recommend to the Organization's constituents as a whole – governments, employers and workers – that they “(a) review, in the light of the conclusions of the Commission of Inquiry, the relations that they may have with the Government of Belarus and take appropriate measures to ensure that the Government of Belarus cannot take advantage of such relations to perpetuate or extend the violations of workers' rights in respect of freedom of association, and to contribute as far as possible to the implementation of its recommendations, including the creation of a climate promoting freedom of association; (b) ensure that the principle of non-refoulement is respected in line with international law, given that trade union and human rights defenders are at risk of persecution in Belarus; (c) report back to the Director-General for transmission to the Governing Body.”

To enable me to prepare a report for the consideration of the Governing Body at its 349th Session (November 2023), I would appreciate receiving information on any action taken or envisaged by your Government not later than 1 October 2023.

May I also request that you bring these recommendations to the attention of the employers' and workers' organizations of your country so that they make the relevant measures and inform me either directly or through you.

Furthermore, although paragraphs (a) and (b) of paragraph 3 of the resolution are directly addressed to international organizations and their competent organs, they also require your attention since your country may be represented in them. Where appropriate, kindly communicate the information concerning this resolution to your Government's representatives to these institutions.

Thank you in advance for your urgent attention to the contents of this letter.

Yours sincerely,

Gilbert F. Hougbo

▶ Appendix 2

TO INTERNATIONAL ORGANIZATIONS

23 June 2023

Dear Sir/Madam,

I am writing to inform you that under an item specifically placed on its agenda and in accordance with article 33 of the ILO Constitution, the International Labour Conference adopted at its 111th Session (June 2023) a resolution foreseeing measures aimed at ensuring the observance by Belarus of the recommendations of the Commission of Inquiry established to examine the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The text of the resolution can be found on the Conference website.

I wish to bring to your kind attention, in particular, subparagraphs (a), (b) and (e) of operative paragraph 3 of the resolution pursuant to which I am invited to: "(a) inform the international organizations referred to in article 12(1) of the ILO Constitution of the Government of Belarus' failure to comply with recommendations of the Commission of Inquiry; (b) call on the relevant bodies of these organizations to reconsider, within their terms of reference and in the light of the conclusions of the Commission of Inquiry, any cooperation they may be engaged in with the Government of Belarus and, if appropriate, to cease as soon as possible any activity that could have the effect of directly or indirectly justifying the absence of actions to redress the situation concerning the non-respect of trade union rights in the country; ... (e) submit to the Governing Body a periodic report on the outcome of the measures set out in paragraph 3(a), (b) above. "

Your organization will no doubt wish to consider the recommendations of the International Labour Conference and to keep me informed of any action taken or envisaged with a view to giving effect to those recommendations. Any relevant information communicated not later than 1 October 2023 will be included in the report which will be submitted for the consideration of the Governing Body at its 349th Session (November 2023).

Thank you in advance for the urgent attention to the contents of this letter and your cooperation for achieving a coordinated response in this matter.

Yours sincerely,

Gilbert F. Hougbo

▶ Appendix 3

23 June 2023

Dear Special Rapporteur,

I am writing to inform you that under an item specifically placed on its agenda and in accordance with article 33 of the ILO Constitution, the International Labour Conference adopted at its 111th Session (June 2023) a resolution foreseeing measures aimed at ensuring the observance by Belarus of the recommendations of the Commission of Inquiry established to examine the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The text of the resolution can be found on the Conference website.

I wish to bring to your kind attention, in particular, subparagraphs (c) and (e) of operative paragraph 3 of the resolution pursuant to which I was invited to: "... (c) engage with the United Nations (UN) Special Rapporteur on the situation of human rights in Belarus, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the UN Special Rapporteur on the independence of judges and lawyers with a view to ensuring coordinated action on recommendation No. 8 of the Commission of Inquiry concerning the need to guarantee impartiality and independence of the judiciary and justice administration; ... (e) submit to the Governing Body a periodic report on the outcome of the measures set out in paragraph 3 ... and (c) above. "

As recommended by the Conference, I wish to call upon your authority and expertise and I would welcome your thoughts on possible ways for making progress in the implementation of the recommendations of the Commission of Inquiry. Any relevant developments will be included in the report which will be submitted for the consideration of the ILO Governing Body at its 349th Session (November 2023).

Thank you in advance for your urgent attention to the contents of this letter.

Yours sincerely,

Gilbert F. Houngbo

▶ Appendix 4

23 June 2023

Dear High Commissioner,

I am writing to inform you that under an item specifically placed on its agenda and in accordance with article 33 of the ILO Constitution, the International Labour Conference adopted at its 111th Session (June 2023) a resolution foreseeing measures aimed at ensuring the observance by Belarus of the recommendations of the Commission of Inquiry established to examine the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The text of the resolution can be found on the Conference website.

I wish to bring to your kind attention, in particular, subparagraph (d) of operative paragraph 3 of the resolution pursuant to which I was invited to: “(d) engage with the Office of the UN High Commissioner for Refugees (UNHCR) and other relevant agencies and organizations with a request to also support Belarusian independent trade union activists and their families and inform UNHCR country guidelines”.

As recommended by the Conference, I wish to call upon your authority and expertise and I would welcome your thoughts on possible ways to ensure a coordinated response in this matter. Any relevant developments will be included in the report which will be submitted for the consideration of the ILO Governing Body at its 349th Session (November 2023).

Thank you in advance for your urgent attention to the contents of this letter.

Yours sincerely,

Gilbert F. Hougbo

► Appendix 5

Асацыяцыя прафсаюзаў
«Беларускі Кангрэс
дэмакратычных прафсаюзаў»
АП БКДП



Ассоциация профсоюзов
«Белорусский Конгресс
демократических профсоюзов»
АП БКДП

Email: bkdpcongress@gmail.com; Tel: +4915125500461; www.salidarnast.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 Belazorava	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



▶ Appendix 6

14 July 2023

Dear Minister,

I am writing to you with regard to the Resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus adopted by the International Labour Conference at its 111th Session (2023). The Resolution foresees measures aimed at ensuring the observance by Belarus of the recommendations of the Commission of Inquiry established to examine the application 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).

I wish to draw your attention to paragraph 4 of the Resolution, which urges your Government to receive, as a matter of urgency, an ILO tripartite mission with a view to gathering information on the implementation of the recommendations of the Commission of Inquiry and subsequent recommendations of the supervisory bodies of the ILO, including a visit to the independent trade union leaders and activists in prison or in detention.

I wish to refer in this regard to our ongoing exchanges about the importance of your Government facilitating a visit to ascertain conditions of arrest and detention and the welfare of the detained trade unionists. I encourage you to take action within your authority to accept an ILO tripartite mission that can observe the situation on the ground and report back to the Governing Body as it assesses the steps taken towards the application of these two fundamental Conventions.

I would also like to invite you to submit information on any action taken by your Government since the adoption of the resolution – to implement the recommendations of the Commission of Inquiry in order to enable the preparation of a report for the consideration of the Governing Body at its 349th Session (November 2023). I would appreciate receiving this information not later than 1 October 2023.

I look forward to your positive and cooperative response in respect of the above matters.

Yours sincerely,

Gilbert F. Hougbo

▶ Appendix 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 Respubliha (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),¹ 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. Khanovich, 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.

¹ 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.