Belarus

Freedom of Association and the Protection of the Right to Organise Convention, 1948 (No.87).
(Belarus ratified Convention No. 87 on 6 November 1956)

THE BELARUSIAN AUTHORITIES HAVE TAKEN OVER THE LARGEST TRADE UNION ORGANIZATION IN THE COUNTRY AND ARE CONTINUING THEIR EFFORTS TO ELIMINATE ALL FORMS OF OPPOSITION. THE FEDERATION OF TRADE UNIONS OF BELARUS IS NOW FULLY CONTROLLED BY THE REGIME OF PRESIDENT LUKASHENKO, THE GOVERNMENT HAS MADE NO EFFORT TO COMPLY WITH THE RECOMMENDATIONS OF THE ILO’S SUPERVISORY BODIES.

Key facts

- The requests made by the ILO Committee on Freedom of Association for reinstatement of the strikers dismissed from the Minsk underground have gone unheeded. Police intervened using force to break up the underground strike in the capital.
- The Presidential Decree 2 makes the registration of trade unions virtually impossible if the respective employer or the State itself disapproves.
- By intimidating trade unionists and interfering in trade union elections the authorities forced a change of trade union leadership at national and local level and appointed individuals close to the authorities. The ILO Committee on Freedom of Association requested independent analysis of allegations of interference in the ‘election’ of Mr Kozik, a former senior official of Mr Lukashenko’s Presidential Administration, to the post of Chairperson of the Federation of Trade Unions of Belarus (FTUB).
- Trade union leaders are arrested for their trade union activities. Trade union activists are dismissed or subjected to psychological pressure and physical violence.
- The Presidential Decree 24, stipulates that without permission of the authorities no foreign assistance may be offered to the non-governmental organizations, including trade unions, to hold seminars, meetings, gatherings, strikes, pickets and to carry out propaganda amongst members of organizations.
- Trade union officials and representatives are refused access to the premises of companies where they have members.
- The Presidential Decree 11 provides for the disbanding of a union if a picket disrupts the activity of a company or the transport system.
- The Belarusian Air-Traffic Controllers’ Union was closed by the decision of the Supreme Court of the Republic of Belarus.
- The ILO projects in support of independent and democratic trade unions were suspended by the authorities.
- Independent trade union organizations and their leaders are discredited in the state controlled mass media.

Following the continuous disregard of the ILO Recommendations by the Belarusian government the Governing body of the ILO decided to set up an independent Commission of Inquiry to examine the violation of workers rights in Belarus. The Commission met with witnesses in Minsk and Geneva in April. A report will be submitted to the Governing Body at its session in November 2004.
Special paragraph

In its report adopted by the 2003 International Labour Conference, the Committee on the Application of Standards devoted a special paragraph to Belarus in relation with Convention No. 87 on Freedom of Association and the Protection of the Right to Organise, 1948. That paragraph reads as follows:

The Committee noted the oral and written information provided by the Government representative and the discussion that followed. The Committee noted that the comments of the Committee of Experts referred to a number of divergences between law and practice and the Convention. In particular, the Committee noted that the law and various legislative decrees placed important restrictions upon the right of workers and employers to establish organizations of their own choosing without prior authorization and the right of such organizations to operate without interference by the public authorities, including the right to receive foreign financial assistance for their activities.

The Committee also noted with deep concern the conclusions of the Committee on Freedom of Association in Case No. 2090 concerning the interference by the public authorities in trade union elections, in violation of Article 3 of the Convention, and deeply regretted to note the statements made before the Committee to the effect that its interference in the internal affairs of trade unions was continuing. In this respect, the Committee firmly urged the Government to take all the necessary measures in the near future to bring an end to such interference with a view to ensuring full compliance with the provisions of the Convention in both law and practice.

While noting the Government’s statement that it was paying particular attention to the comments of the Committee of Experts and that it had invited a high-level official from the Office to visit the country, the Committee regretted to recall that the Government had been referring for several years to the need for changes in the legislation and that up to now it had not been able to note real progress in this regard. It therefore expressed the firm hope that all the necessary measures would be taken in the very near future to guarantee in full the rights afforded by the Convention to all workers and employers, particularly with regard to the right of their respective organizations to organize freely their internal affairs and to elect their leaders without interference by the public authorities. The Committee urged the Government to provide detailed information in the report due so that it could be examined by the Committee of Experts at its next session and expressed the firm hope that next year it would be in a position to note real progress achieved in relation to this case. The Committee decided to include its conclusions in a special paragraph of its report. It also decided to mention this case for continued failure to implement the Convention.

Trade union demands

In view of the gravity of anti-trade union repression in Belarus, the Workers’ Group is demanding that:

- The Belarusian government honour its international obligations by fully respecting Convention No. 87 on Freedom of Association and the Protection of the Right to Organise, in line with the recommendations made by the Committee on the Application of Standards and by the Committee on Freedom of Association.

- The governments of the ILO Member States use every means including economic instruments at their disposal to bring pressure to bear on the Belarusian government to make it respect international labour standards.

  - The international trade union movement provides Belarusian trade unionists with the solidarity they need.

  - The relevant employers’ organizations use their influence at both national and international level to step up the international political and economic pressure on the Belarusian authorities to make them respect freedom of association for both workers and employers.

  - The ILO Director-General to insist on the possibility to continue ILO technical assistance to genuine workers’ organizations in Belarus and to restrict from any technical cooperation with the government until the government proves willing to implement the recommendations of the ILO’s supervisory bodies.

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