**By Registered Mail**

Mr Volodymyr Zelenskyy

President of Ukraine

Office of the President of Ukraine

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Ukraine

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*Embassy of Ukraine in the Kingdom of Belgium: emb\_be@mfa.gov.ua*

PERC-AL/pw Brussels, 15 December 2020

Dear Mr President,

On behalf of the International Trade Union Confederation, its Pan-European Regional Council and the European Trade Union Confederation, we want to express our deep concern about continuous violations of trade union rights in Ukraine. As you will be well aware, the Ukrainian unions have taken a strong stand against the reforms of the labour legislation promoted by the government and the ruling party, as the proposed drafts not only reduce guarantees for workers and serve the interests of big business and financial circles, but also violate fundamental workers’ rights, enshrined in the ILO Conventions ratified by Ukraine. We fully support the ITUC and PERC affiliates in the country – the Federation of Trade Unions of Ukraine and the Confederation of Free Trade Unions of Ukraine – and have expressed our position on numerous occasions, including in letters to the president, the government and the Verkhovna Rada and during meetings with state officials of Ukraine. In these meetings, we have also reiterated our readiness and willingness to contribute to the inclusive and transparent process of labour legislation review based on international labour standards, social dialogue and the principles and values of the European Union enshrined in the EU acquis and the European Pillar of Social Rights, as well as on commitments Ukraine has taken under the EU-Ukraine Association Agreement, which includes a Deep and Comprehensive Free Trade Area (DCFTA).

The reform plans initiated by the government and the ruling party include numerous pieces of draft legislation, including the draft bill (on trade unions) No. 2681 that would violate ILO Convention 87 on Freedom of Association and ILO Convention 98 on the Right to Organise and Collective Bargaining.[[1]](#footnote-1) The UN Committee on Economic, Social and Cultural Rights requested a review of the draft at its 30th meeting on 6 March 2020.[[2]](#footnote-2)

The draft bill, inter alia, foresees the confiscation of trade union property. It is not the first time that the authorities of Ukraine – all branches of power – have attempted to alienate trade union assets. In its recent decision, the ILO Committee on Freedom of Association clearly concluded that any decision about the ownership of the property of unions has to follow a due and inclusive process, with a view to finding a mutually agreeable solution.[[3]](#footnote-3)

We were shocked to receive the information that the property of the Federation of Trade Unions of Ukraine and its affiliates, including the Trade Union House in Kyiv, built with membership dues in 1980 and rebuilt by trade unions after the fire during the Revolution of Dignity, was recently seized by court decision. This decision not only violates the obligations of the country under ILO Convention 87, but it also contradicts the decision of the European Court of Human Rights that alienation of trade union property in the interest of the state contradicts article 1 of the European Convention on Human Rights.[[4]](#footnote-4) In a separate letter, the ITUC gave its legal assessment of this decision.[[5]](#footnote-5)

In our view, this decision serves only to undermine trust in the rule of law, the judiciary, and the professional integrity of the court system of Ukraine. If implemented, this decision will deprive trade unions of offices and facilities, will paralyse trade union activities, and undermine democratic processes in the country. Ukraine is regularly placed in category 5 of the ITUC’s annual index of trade union rights – “no guarantee of rights” – being one of the worst countries in Europe, and we regret to conclude that the recent attacks are part of deliberate policies to undermine the Ukrainian trade union movement.

We urge you to make sure that your country respects its international obligations under ILO Conventions, the European Social Charter and the European Convention on Human Rights, as well as the EU-Ukraine Association Agreement and DCFTA, by

- implementing the decisions and recommendations of the ILO Committee on Freedom of Association, the UN Human Rights Council and the European Court of Human Rights without any further delay;

- stopping any attempts to alienate or seize trade union property;

- suspending draft law No. 2681 and institutionalising proper involvement of representative trade union organisations in the development of trade union legislation, with expertise from the International Labour Office; and

- promoting genuine social dialogue about social and economic reforms and policies and ensuring proper consultation with representative trade union organisations about any respective legislative initiatives.

We will inform the ILO, the European Union and the Council of Europe about recent developments, and we express our full support of the Federation of Trade Unions of Ukraine, its affiliates and all democratic trade unions of Ukraine.

Sincerely yours,



 Sharan Burrow

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Cc:

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1. <https://perc.ituc-csi.org/IMG/pdf/protest_letter_to_the_chairman_of_parliament_of_ukraine_on_draft_labour_law_number_2681.pdf> [↑](#footnote-ref-1)
2. <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fUKR%2fCO%2f7&Lang=en> [↑](#footnote-ref-2)
3. <https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_760123.pdf> [↑](#footnote-ref-3)
4. Case 5876/15 [↑](#footnote-ref-4)
5. Copy is enclosed: [↑](#footnote-ref-5)