

Geneva, 3rd October 2023

Ms Maria Mindhammar
Director General
Migrationsverket (Swedish Migration Agency)
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cc. Permanent Mission of Sweden to the United Nations Office and other international organizations in Geneva sweden.geneva@gov.se

Filippo Grandi, United Nations High Commissioner for Refugees, grandi@unhcr.org

Shabia Mantoo, Global Spokesperson, Europe, Asia, Global Protection, Mixed movements, Statelessness, Gender-based violence, mantoo@unhcr.org

Gilbert Hougbo, Director General, International Labour Office (ILO, hougbo@ilo.org)

Calling on Migrationsverket to respect the principle of non-refoulement

Dear Ms Maria Mindhammar,

I am writing to you as the General Secretary of [IndustriALL Global Union](https://www.industriall-union.org), which represents more than 50 million workers in the mining, energy and manufacturing industries in 141 countries, including Sweden and Belarus, to call on Migrationsverket to reconsider the decision to deport Ala Tsvirko back to Belarus, which would put in danger her life.

This would constitute a clear and unacceptable violation of the principle of non-refoulement. Sweden has a well-established and commendable tradition of welcoming refugees from around the world who have been forced to leave their countries on account of persecution and risk to their lives. In addition, Sweden is a country where trade union rights are deeply rooted and is a country that is seen as a role model when it comes to freedom of association.

Ala Tsvirko is a trade union organizer from our affiliated union, the Free Metalworkers' Union (SPM). We have serious and well-founded concerns that her forced return to Belarus would compromise her health and safety; she would be subject to violations of her fundamental human rights and labour rights.

At an alarming rate, the government has disbanded the independent trade unions, including SPM, and it has unfairly convicted and imprisoned independent trade union leaders, officials, and members.

To illustrate this point, on 5 January 2023, the Minsk City Court handed down severe sentences against the leaders of the Belarusian Radio and Electronic Industry Workers' Union (REP), which is affiliated to IndustriALL Global Union. REP's leading officials Gennady Fedynich and Vasily Beresnev were sentenced to 9 years each, and the editor of REP's newspaper Vatslav Oreshko was sentenced to 8 years in prison.

These union leaders were detained in April 2022, and they were accused of calling for restrictive measures, aimed at causing harm to the national security of the Republic of Belarus under Part 3 Article 361 of the Criminal Code, inciting other social hatred under Part 3 Article 130 of the Criminal Code, and the creation of an extremist formation or participation in it under Part 1 and Part 3 Article 361-1 of the Criminal Code.

Likewise, on 26 December 2022, officials of the independent trade union centre BKDP, namely President and ILO Governing Body member Aliaksandr Yarashuk, Vice-President Siarhei Antusevich and BKDP employee Iryna But-Husaim were imprisoned for 4, 2 and 1.5 years respectively for “offences against public order” relating to peaceful demonstrations and workplace protests.

Convicting trade union leaders for exercising their legitimate right to freedom of association constitutes a grave violation of the principles of freedom of association. Trade union rights lose all meaning in the absence of full respect for those civil liberties enshrined in the Universal Declaration of Human Rights, and in the International Covenant on Civil and Political Rights, particularly concerning the right to freedom and security of the individual, freedom from arbitrary arrest and detention, freedom of opinion and expression, freedom of assembly, the right to a fair trial and the right to protection of trade union property.

Furthermore, as the Government of Sweden is fully aware of this, the ILO's International Labour Conference (ILO) adopted in June a [resolution on Belarus](#), under Article 33 of the ILO Constitution, [challenging Belarus' continued disregard for workers' rights](#) and the arrest of countless trade unionists. This is only the second time in the more than 100-year history of the ILO that ILC delegates have taken such a step.

It is imperative that Migrationsverket continue to act in full accord with international human rights law and in consequence continue to grant Ala Tsvirko the right to reside in Sweden as a refugee, thus protecting her physical integrity and respect of her basic human rights.

We look forward to your prompt action and reply.

With best regards,



Atle Høie, General Secretary