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International Labour Conference – 111th Session, Geneva, 2023

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Report of the General Affairs Committee

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Introduction

1. At its opening sitting, on 5 June 2023, the International Labour Conference established the General Affairs Committee. In accordance with article 7(2) of the Standing Orders, the Conference referred to the General Affairs Committee four matters for its consideration:
 - Draft resolution concerning the final provisions of international labour Conventions;
 - Proposed abrogation of one international labour Convention and withdrawal of four Conventions, one Protocol and 18 Recommendations (item VII on the agenda of the Conference);
 - Draft Convention and Recommendation concerning the partial revision of 15 international labour instruments following the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work (item VIII on the agenda of the Conference);
 - Measures recommended by the Governing Body under article 33 of the Constitution to secure compliance by the Government of Belarus with the recommendations of the Commission of Inquiry in respect of Conventions Nos 87 and 98 (item IX on the agenda of the Conference).
2. The Committee had before it the reports prepared by the Office in relation to items VII and VIII on the agenda of the Conference and a document (ILC.111/D.1(Rev.1)) synthesizing the information on the four matters.
3. In accordance with article 7(1) of the Standing Orders, the Committee was composed of 56 members (28 members nominated by the Government group, 14 members nominated by the Employers' group and 14 members nominated by the Workers' group).
4. The Committee held two sittings.

Election of the Officers of the Committee and a Reporter

5. In accordance with article 37(2) of the Standing Orders, the Committee elected its Officers, and a Reporter, as follows:

Chairperson: H.E. Ms Claudia Fuentes Julio (Government member, Chile)

Employer Vice-Chairperson: Ms Renate Hornung-Draus (Employer member, Germany)

Worker Vice-Chairperson: Ms Catelene Passchier (Worker member, Netherlands)

Reporter: H.E. Mr César A. Gómez Ruiloba (Government member, Panama)

6. In accordance with article 37(6) of the Standing Orders, the Officers approved the report of the Committee submitted to them by the Reporter.

Resolution concerning the final provisions of international labour Conventions

7. The Committee examined a draft resolution concerning the final provisions of international labour Conventions, transmitted to the Conference by the Governing Body at its 347th Session (March 2023). The primary purpose of the draft resolution was to amend the standard final

provision in respect of authoritative language versions of international labour Conventions in order to add Spanish as one of the authoritative language versions of international labour Conventions, alongside English and French. The draft resolution also sought to validate editorial changes introduced to the entire set of model final provisions since they were last amended in 1951.

8. The Worker Vice-Chairperson recognized that adding Spanish as one of the authoritative language versions of international labour Conventions was long overdue and expressed full support for the draft resolution.
9. The Employer Vice-Chairperson expressed support for the draft resolution. She recalled that the question of final clauses in international labour Conventions was considered at the 347th Session of the Governing Body (March 2023) but regretted that no in-depth discussions had taken place with respect to important issues such as the conditions for entry into force and denunciation of international labour Conventions. Discussing these matters would continue to be relevant to ensure well-designed and relevant final Articles, in line with the ongoing modernization efforts to ensure a clear, robust and up-to-date body of international labour standards.
10. ***The General Affairs Committee decided to recommend to the Conference that it adopt the resolution concerning the final provisions of international labour Conventions, as set out in Appendix I.***

Abrogation of one international labour Convention and withdrawal of four Conventions, one Protocol, and 18 Recommendations

11. The Committee examined proposals for the abrogation of one international labour Convention and the withdrawal of four Conventions, one Protocol and 18 Recommendations. The proposals were placed on the agenda of the Conference by the Governing Body upon the recommendation of the Standards Review Mechanism Tripartite Working Group (SRM TWG) as well as, with respect to the maritime standards, the Special Tripartite Committee (STC) established under Article XIII of the Maritime Labour Convention, 2006, as amended (MLC, 2006).
12. The Legal Adviser indicated that since the publication of document ILC.111/D.1(Rev.1), one more Member State, India, had expressed support for the proposed abrogation and withdrawals.
13. The Employer Vice-Chairperson expressed support for the proposed abrogation and withdrawals. Contrary to those who believed that the abrogation or withdrawal of outdated instruments would necessarily lead to a gap in coverage unless Member States had ratified an up-to-date Convention, her group considered that this could only be assessed on a case-by-case basis. Outdated instruments should be abrogated or withdrawn swiftly to ensure a clear, robust and up-to-date body of international labour standards.
14. The Worker Vice-Chairperson supported the proposed abrogation and withdrawals, as the rights of seafarers were at present more comprehensively and more effectively protected by the MLC, 2006. Intensified promotion efforts for the ratification of the MLC, 2006 should be made, especially in countries that had ratified one or more of the Conventions that were to be abrogated or withdrawn. With regard to the Employers' comment regarding the approach to be taken on abrogations and withdrawals more in general, she commented that she would not currently respond to the Employers' statement on this matter as this was not the place to enter

into that debate, and referred to the Standard Review Mechanism Tripartite Working Group and the Governing Body as the appropriate place for such debates.

15. ***The General Affairs Committee decided to recommend to the Conference that it take the decision, pursuant to article 52(2) of the Standing Orders, to submit the formal proposals for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol, and 18 international labour Recommendations, as set out in Appendix II to the present report, to a final record vote to be held on 12 June 2023.***

Convention and Recommendation concerning the partial revision of 15 international labour instruments following the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work

16. The Committee examined a draft Convention, a draft Recommendation and a draft resolution concerning the partial revision of 15 international labour instruments following the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work. The item was placed on the agenda of the Conference by the Governing Body at its 346th Session (November 2022), further to the amendment to the ILO Declaration on Fundamental Principles and Rights at Work (1998) that was adopted at the 110th Session (2022) of the Conference. The Governing Body also considered that it would be advisable to recommend that the Conference adopt a resolution calling for the prompt ratification of the proposed Convention.
17. The Worker Vice-Chairperson commended the speed of the progress made following the recognition of safe and healthy working environment as the fifth fundamental principle and right at work in 2022. The call for the prompt and widespread ratification of the proposed Convention should be accompanied by intensified efforts to promote the ratification of the newly recognized fundamental Conventions, namely the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). The group supported the draft Convention and Recommendation as well as the draft resolution.
18. The Employer Vice-Chairperson supported the draft Convention and Recommendation containing the consequential amendments, in line with the previous decision of the Conference taken in 2022. Safety and health at work were of the utmost importance and represented a shared commitment between governments, workers and employers. The Employers' group remained strongly committed to improving occupational health and safety in the workplace, as it had a positive impact not only on workers' working conditions but also on productivity and economic and social development.
19. The Government member of Senegal, speaking on behalf of the Africa group, supported the draft Convention and Recommendation and the accompanying resolution and underlined that the Office should provide support to Member States to achieve the objective of the proposed resolution.
20. ***The General Affairs Committee decided to recommend to the Conference that it adopt:***
 - (a) ***the Convention and Recommendation contained in Appendices III and IV concerning the partial revision of 15 international labour instruments following the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work, through a final record vote scheduled for 12 June 2023;***

(b) the resolution contained in Appendix V concerning the prompt ratification of the Convention.

Measures recommended by the Governing Body under article 33 of the Constitution to secure compliance by the Government of Belarus with the recommendations of the Commission of Inquiry in respect of Conventions Nos 87 and 98

21. The Committee examined a draft resolution outlining the measures recommended by the Governing Body to the Conference under article 33 of the Constitution to secure compliance by the Government of Belarus with the recommendations of the Commission of Inquiry in respect 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).
22. The document prepared for the Committee described the decisions taken by the Governing Body at its 346th (November 2022) and 347th (March 2023) Sessions and included a summary of the information which the Government of Belarus had been invited by the Governing Body to submit by 1 May 2023, as well as the reply of the Director-General dated 18 May 2023. The document also informed the Committee that a communication from the United Nations (UN) Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights had been received on 25 April 2023 and summarized the reply of the Director-General dated 9 May 2023.
23. The Legal Adviser informed the Committee that the Office had received earlier that day a new communication from the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights. The new communication, which had been published in the Committee's web page, reiterated the views that had been expressed in the Rapporteur's initial letter to the Office dated 25 April 2023. The Office was preparing a reply that would also be made available online.
24. The Worker Vice-Chairperson commended the Office for its reply to the UN Special Rapporteur. While her group was yet to examine the new communication sent, it wished to express its consternation at the views taken by the UN Special Rapporteur that recourse to the ILO's constitutional procedures for enforcing the application of international labour standards might result in the ILO engaging its international responsibility for purported violation of international human rights law.
25. She recalled that the ILO had a unique supervisory system that adopted a step-by-step approach, involving the Committee of Experts on the Application of Conventions and Recommendations, the Committee on Freedom of Association (CFA), the complaints procedure and, if needed, the possibility of establishing a Commission of Inquiry. This system was aimed at convincing those Member States that had been found in breach of ILO standards to engage with the ILO and its constituents, often through technical support, to address violations and improve the situation. She recalled that the case under discussion had been initiated in 2000, that is, more than 20 years ago, through a complaint brought before the CFA by several Belarusian trade unions. In 2004, a Commission of Inquiry was established to examine the country's alleged non-observance of Conventions Nos 87 and 98. The Commission, composed of eminent independent personalities from different countries that spoke to all relevant parties, had concluded that the trade union movement had been subjected to interference from government authorities. Despite the regular consideration of the matter by the ILO since then, Belarus had systematically ignored the recommendations of the Commission, and the

situation regarding freedom of association in the country had deteriorated, rather than improved. Indeed, in 2022 and 2023 the Government had launched an onslaught on independent unions. Arrests and detention of trade union leaders and members were rampant and included intimidation, harassment, defamation campaigns, the arbitrary dissolution of trade unions, office raids and property confiscation. Furthermore, leaders and activists of the Belarusian Congress of Democratic Trade Unions (BKDP) were arrested and placed in pretrial detention for many months, with questions arising about their treatment and conditions in prison. The speaker cited as examples, the convictions of Aliaksandr Yarashuk, the President of the BKDP, and his deputy, Sergei Antusevich, to four and two years in prison at the end of trials that had all the hallmarks of a show trial. Another three leaders, Hennadz Fiadynich, Vasil Berasneu and Vatslau Areshka, of BKDP's affiliate trade union of radio-electronic industry workers, had been sentenced to long terms in prison in trials held behind closed doors. Moreover, the authorities had denied access for humanitarian visits to ascertain their conditions of arrest and detention. Also, in demonstration of Belarus' determination to outlaw unionism, the Supreme Court of Belarus had dissolved in July 2022 the BKDP and four other major trade unions.

26. In view of the gravity and persistence of the situation, the speaker made a strong plea to Governments and Employers to support the adoption of a comprehensive set of measures under article 33 of the Constitution to secure compliance with the recommendations of the Commission of Inquiry, and put an end to the flagrant violations of human and trade union rights in the country. While stronger measures than those recommended by the Governing Body would have been desirable, her group reiterated its support to the draft resolution.
27. The Employer Vice-Chairperson stressed that the respect of civil liberties and freedom of assembly were basic preconditions for any meaningful exercise of the principle of freedom of association. Nobody should fear going to prison for exercising their legitimate rights as employers or workers. It was well within the mandate of the ILO to protect working conditions and defend the interests of workers and employers. She reiterated her group's support to the proposed resolution, given the seriousness of the allegations made against the Government of Belarus and the lack of effort from the Government to address these allegations. This was what had motivated the Governing Body to refer to the Conference the draft resolution under discussion. She expressed hope that the proposed measures under article 33 of the ILO Constitution would encourage all parties to engage constructively with a view to ensuring respect for freedom of association. Material progress should be made with respect to the implementation of Conventions Nos 87 and 98 so that any measures adopted under article 33 could be lifted as soon as possible.
28. The representative of the Government of Belarus considered that the measures outlined in the draft resolution were restrictive and absurd, in particular the call on Member States and other international organizations to impose sanctions against the Republic of Belarus, a country that had contributed to the promotion of the ILO's 's goals and principles for almost 70 years. He stated that it would be absurd to permit countries that had not even ratified Conventions Nos 87 and 98 to take measures against Belarus or to call on the United Nations Children's Fund and the United Nations Population Fund, for example, to suspend important social projects in Belarus.
29. The speaker indicated that the measures proposed in the draft resolution contradicted the Constitution and the fundamental principles of the ILO and that there should be no place for sanctions or isolation within the framework of the ILO. The Director-General's Global Coalition for Social Justice was aimed at uniting Members around the goals enshrined in the

ILO Constitution. Yet, some had managed to turn the ILO into an instrument for pressure and blackmail, and one that could be manipulated for a political agenda.

30. Geopolitical games were at the basis of the groundless claims that no progress had been made on the implementation of the recommendations of the Commission of Inquiry. On the contrary, constructive dialogue with social partners had been established, and a special negotiation platform was created to specifically address the implementation of the recommendations. For example, positive results had been achieved by the Tripartite Council regarding issues on legislation, social protection, registration of trade unions, and collective agreements. These constructive developments had been noted by the supervisory bodies as well as various missions of the ILO, including a mission to Minsk in 2014. Previous Conference and Governing Body sessions had acknowledged this progress. Yet, these positive steps had been deliberately undervalued by Western countries.
31. The tone of the supervisory bodies' assessment had deteriorated since 2020, when President Alexander Lukashenko had won a decisive victory and a number of hostile external attempts had destabilized the socio-political situation in the country. The BKDP and its member organizations had played a destructive role, often marred with illegal protests and unlawful activities, that had led to court decisions and other measures to disincentivize their activities. Accusations had been fabricated to fuel dishonest political games, that would only result in a new iron curtain, by escalating pressure on the country. The Government of Belarus had only taken measures to protect its constitutional and public order.
32. In conclusion, he called for the proposed resolution to be rejected. He stated his Government's wish to fully cooperate with the ILO, noting that it had recently extended an invitation to ILO experts to participate in a session of the tripartite Council for the Improvement of Legislation in the Social and Labour Sphere on 26 May 2023. Although, the Office had declined the invitation, his Government remained open to constructive dialogue.
33. The Government member of Sweden spoke on behalf of the European Union (EU) and its Member States. The candidate countries of Albania, Bosnia and Herzegovina, Montenegro, the Republic of North Macedonia, and Ukraine, as well as the two members of the European Free Trade Association, Iceland and Norway, aligned themselves with the statement. She noted that the EU and its Member States were committed to the promotion, protection, respect, and fulfilment of human rights, including those labour rights included in Conventions Nos 87 and 98. The ILO had an indispensable role in developing, promoting, and supervising the application and implementation of ratified Conventions, and in particular those of the fundamental Conventions.
34. She recalled that the first complaint against Belarus was made in 1995 to the CFA, and that the case had been discussed since then. Already in previous sessions of the Governing Body and Conference, the EU and its Member States had deeply regretted the lack of progress made by Belarus in implementing the recommendations of the Commission of Inquiry, now outstanding for 19 years. Furthermore, the deterioration of human rights, including labour rights, in Belarus since the 2020 presidential elections had been exacerbated by Belarus' involvement in the Russian Federation's aggression against Ukraine.
35. The EU and its Member States were alarmed by the silencing of free voices, the disappearance of the safe existence of independent trade unions in Belarus, and the close links between the Federation of Trade Unions of Belarus and the authorities. The persistent failure to apply Conventions Nos 87 and 98 had been aggravated by the recent deterioration of the situation in the country as prison terms had been imposed by national courts on trade union leaders. She called for the immediate release of imprisoned union leaders, including the Governing

Body member Aliaksandr Yarashuk, as well as Siarhei Antusevich, Hennadzy Fiadynich, Vatslau Areshka, Mikhail Hromau, Iryna But-Husaim, Miraslau Sabchuk, Yanina Malash, Vitali Chychmarou, Vasil Berasneu, Zinaida Mikhniuk, Aliaksandr Mishuk, Ihar Povarau, Yauhen Hovar, Artsiom Zhernak, Mikalaj Sharakh, and Andrei Khanevich.

36. The EU and its Member States supported the proposed draft resolution, and were committed to collaborate with the ILO and its constituents to ensure that the Government of Belarus comply without further delay with the recommendations of the Commission of Inquiry.
37. The representative of the Government of Poland, also speaking on behalf of Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden, expressed gratitude for the ILO's actions seeking to ensure the protection, respect and fulfilment of the fundamental principles and values enshrined in its Constitution. The current discussion reflected the intrinsic links between freedom of association, the respect for universal human rights, and democracy.
38. The Government of Belarus had failed to observe Conventions Nos 87 and 98 for almost 30 years and to comply with the recommendations of the Commission of Inquiry, with no progress in sight. To the contrary, in particular after the 2020 presidential elections, authorities had intensified their attacks against independent trade unions, their members, and leaders. They had engaged in unprecedented levels of repression against trade unionists, targeted human rights defenders, journalists, activists, and individuals belonging to national minorities, and shut down non-governmental organizations, trade unions, and civil society organizations. The amnesty granted in November 2022 had not led to the release of political prisoners, including the ILO Governing Body member and chairperson of the dismantled BKDP.
39. Considering that the ILO supervisory bodies had exhausted all available instruments enshrined in its Constitution, the speaker called on the ILO constituents to adopt the draft resolution in order to end the flagrant violations of human and labour rights in Belarus.
40. The Government member of the United States, also speaking on behalf of Australia, Canada, Japan and the United Kingdom of Great Britain and Northern Ireland, expressed deep concern regarding Belarus's persistent refusal to implement the Commission of Inquiry's recommendations. Despite repeated engagement attempts by the ILO's supervisory bodies, the situation had continued to deteriorate. As recognized by the Committee of Experts on the Application of Conventions and Recommendations, the Government of Belarus implemented a policy of destroying independent trade unions and silencing the free voice of workers. She urged the immediate release of over 1,500 political prisoners, including BKDP's President Aliaksandr Yarashuk, Vice-President, Siarhei Antusevich, and accountant, Iryna But-Husaim and commended the Director-General's continued efforts to seek access and ascertain the conditions of arrest, detention and welfare of the detained unionists. She supported the draft resolution as the measures proposed were appropriate and necessary to ensure compliance by the Government of Belarus with its obligations under the Constitution.
41. The Government member of the Lao People's Democratic Republic commended the progress in the implementation of the recommendations of the Commission of Inquiry by Belarus, including the simplification of trade union registration, the expansion of the National Council for Labour and Social Affairs and awareness-raising campaigns. The adoption of the draft resolution would have counterproductive effects and undermine the spirit of cooperation. The consent of the country concerned was key for genuine dialogue, and cooperation should take place by means of capacity-building and technical assistance in accordance with the needs and priorities of the country concerned.

42. The representative of the Government of Zimbabwe noted that the Government of Belarus had recently submitted to the ILO a report on the progress made in implementing the recommendations of the Commission of Inquiry. Belarus had demonstrated commitment to fulfilling its obligations, and the tripartite partners required strengthened support from the Office, rather than a resolution with coercive measures. Additional support would enable the Government to overcome challenges in the world of work, support workers' and employers' rights and advance social justice. Unilateral measures, compounded with the negative impact of regional geopolitical tensions, severely hindered any further progress. Adopting the draft resolution would therefore be counterproductive.
43. The Government member of the Islamic Republic of Iran observed that article 33 of the Constitution was a measure of last resort for ensuring compliance with ILO standards. However, there was no consensus on whether it was the only option at that stage. Account should be taken of the efforts of the Government of Belarus to address the recommendations of the Commission of Inquiry and its willingness to receive technical assistance. Adopting the resolution could be counterproductive and have a negative impact on workers in Belarus.
44. The Government member of Algeria said that she noted the decision, suggesting that further negotiations and coordinated steps should be pursued to diffuse tensions. In her view, the use, at that stage, of article 33 of the Constitution to impose economic and other sanctions was unlikely to encourage the dialogue and cooperation that were at the core of the Organization's mandate. Accordingly, technical assistance could foster constructive social dialogue, with a view to developing a timetable aimed at ensuring further implementation and safeguarding the rights of workers and employers.
45. The Government member of China regretted that the item had been referred to the Conference. The Government of Belarus had presented evidence on the progress on the implementation of the recommendations of the Committee of Inquiry, including by engaging with the ILO and with the social partners. Dialogue, communication and cooperation could further support these implementation efforts.
46. While every Member State should respect the ILO supervisory mechanisms, these mechanisms should respect the sovereignty of Member States. The supervisory mechanisms were set up to play a positive and constructive role rather than being politicized by countries to interfere in the internal political affairs of Member States.
47. His Government opposed the draft resolution and requested due consideration be given to the information provided by the Government of Belarus. The imposition of sanctions represented a destructive rather than a constructive approach. It would create a negative precedent for the Organization, abandoning dialogue and cooperation that were at the core of social justice and the ILO's supervisory mechanisms, in addition to having serious consequences on the interests of workers and employers.
48. The Government member of the Russian Federation opposed the adoption of the draft resolution. The measures were of a purely destructive nature and merely designed to put political pressure on the Government of Belarus. Firstly, the use of article 33 of the Constitution could only be acceptable in extreme situations. Belarus had progressively improved the levels of social and labour protection and was recognized as a leader in the region in that regard notwithstanding the political attempts to beset their achievements.
49. Secondly, the proposed measures would have a detrimental effect on the quality of life, social and labour rights and welfare of citizens. Instead of protecting social and labour rights as mandated by the ILO Constitution, the ILO was proposing measures that would lead to loss of

employment, and issues on the payment of wages and social protection for Belarusian workers and would interfere in the work of national law enforcement bodies. The right to freedom of association did not imply exemption from liability for criminal offences.

50. Finally, there was no objective foundation for the use of article 33 of the ILO Constitution. The content of the draft resolution would set a precedent of illegitimate pressure on a country based on false politically motivated accusations. In view of the lack of consensus, his delegation would be forced to request that a vote be held on this matter.
51. The representative of the Government of Nicaragua deplored the use of article 33 of the ILO Constitution, as this matter went beyond the ILO's mandate. All Member States must work in a spirit of friendship, and without interference in their domestic affairs. This was a case of political manipulation seeking to discredit a country that had been a Member State of the organization for nearly 70 years. She called on Member States to reject the resolution by engaging in cooperation, while ensuring the sovereignty of each State.
52. The representative of the Government of the Syrian Arab Republic welcomed the evident progress made by the Government of Belarus. The spirit of collaboration that had pervaded the speech of the representative of the Government of Belarus was a testament to the country's desire to find solutions and agree on a timetable for concrete actions. He could not support the draft resolution as this would have a destructive impact on workers' lives and well-being. The work of the ILO should strengthen social dialogue rather than support the politicization of matters that fell within the scope of the UN Charter, including the sovereignty of States and their internal affairs.
53. The Government member of France stated that a lack of adequate reply by the Government of Belarus for nearly 20 years and the deterioration in the human rights situation in recent months justified the adoption of measures provided for in article 33 of the ILO Constitution. The repression of trade unions in the country was part of a broader repression against freedom of expression and association and against democracy in general. Since April 2021, almost all leaders belonging to independent trade unions had been arrested and condemned to severe penalties of imprisonment. This repression was stepped up as of 2022 following the Russian Federation's aggression against Ukraine, where the Supreme Court had decided to dissolve a number of trade union associations and affiliates, including the trade union for metal workers. The authorities should immediately release all trade unionists and other persons detained arbitrarily and permit them to exercise their trade union activities without pressure or violence, humiliation, or any other threats.
54. The representative of the Government of Egypt emphasized the key role played by multilateral international organizations to promote dialogue and joint action. His delegation did not support the adoption of the draft resolution as continued dialogue efforts should first be pursued. The ILO played a pivotal role in providing the necessary technical assistance for Member States to support their efforts to comply with international labour standards.
55. The Government member of Cuba thanked the Government of Belarus for submitting information which reflected its commitment to pursue tripartite social dialogue and willingness to cooperate. Within the framework of the ILO, negotiation, cooperation and assistance should prevail, in lieu of coercive sanctions. The application of article 33, far from promoting dialogue and cooperation, would lead to politicization and confrontation.
56. The representative of the Government of Switzerland regretted that the recommendations from the Commission of Inquiry had not been fully implemented for almost 20 years. Therefore, the application of article 33 of the ILO Constitution was appropriate. Belarus should

step up its efforts to comply with Conventions Nos 87 and 98 and implement the recommendations of the Commission of Inquiry. He fully supported the adoption of the draft resolution and called on other ILO constituents to do the same.

57. The Government member of Pakistan acknowledged the active engagement of the Government of Belarus, in particular the submission of information, including on legislative and administrative measures, that depicted willingness to implement the recommendations of the Commission of Inquiry. He urged the Committee to recognize this progress. Dialogue and cooperation were the best vehicles for achieving progress. Therefore, he rejected the resolution and urged the Committee to explore alternative steps to resolve concerns and complaints in a spirit of tripartite cooperation.
58. The Worker delegate of Belarus expressed the view that the measures included in the draft resolution were designed to damage the country and would consequently harm its workers. The sanctions were absurd and could represent a crime against Belarusian workers. They were based on unreliable information that could not be verified. There was no evidence or records of the accusations of workers claiming to being punished for participating in strikes, which was completely misleading and a falsification of the facts. Trade unions were not immune from criminal law and should refrain from engaging in political activities. The ILO was acting beyond its mandate and applying double standards. The item should be removed from the agenda of the Conference, so as not to hurt the workers and violate their fundamental rights.
59. A representative of the International Trade Union Confederation and acting president of the dissolved BKDP stated that the Government of Belarus had had the opportunity to resolve issues concerning freedom of association in the country for 20 years. There would be no need for a special procedure under article 33 if progress had been made in the implementation of the recommendations of the Commission of Inquiry. Yet, trade unionists continued to be convicted with harsh and particularly long sentences, putting in danger their health and lives. He urged Committee members to support the measures established in accordance with article 33 as contained in the draft resolution.
60. The Employer delegate of Belarus explained that the employers of Belarus were concerned with the fact that the measures proposed in the draft resolution were based on accusations levelled by certain trade union actors that had not taken into consideration the general opinion of workers of the country. These measures were underpinned by politicized considerations, would go beyond the ILO's mandate, and would threaten the heart of collective bargaining and social standards. There was clear evidence that progress has been made, in particular with regards to the compliance of Convention No. 87. He urged Committee members to reject the unsubstantiated draft resolution as its measures may lead to a new iron curtain.
61. The representative of the Government of Belarus thanked the representatives of all the countries who spoke in support of Belarus as they had understood they could not stay silent and allow the work of the ILO to be politicized. While some of the concerns dated back to 1995, he wished to recall that the CFA dated back to 1950. Other countries had been subject to the CFA's recommendations in the past. Cases that had been reviewed and closed should not be reopened and connected to other items in an attempt to fabricate new facts.
62. As to those who claimed that no progress had happened since then, he explained that a tripartite conference dedicated to the Centenary of the ILO had taken place in 2015. There was a long history of developing social dialogue since 1990. More recently, the ILO had been invited to a meeting of the Tripartite Council on 26 May 2023, but the ILO declined the invitation because the BKDP was not able to participate in the event. Yet, the BKDP had only

4,000 affiliates, versus 4 million members of the other trade unions in Belarus. Also, Iryna But-Husaim had been released on 3 May 2023.

63. As stated by the representative of the Government of Zimbabwe, the focus should not be on sanctions but on the social partners. The ILO should be promoting cooperation and not adopting decisions with a detrimental effect.
64. The Worker Vice-Chairperson recalled that the ILO's mechanisms had continuously concluded for more than 20 years that the Government of Belarus was in breach of workers' fundamental right to freedom of association, and the ILO was acting credibly and correctly in applying its supervisory system in situations where countries were found in breach of international labour standards that they had voluntarily ratified. A call for further dialogue was not serious when union leaders that should participate in such a dialogue were in prison or in exile. The lack of freedom of association in the country was part of the lack of "civic space" where citizens did not have a right to express themselves. Regretfully, this had led to the need for the application of measures in accordance with article 33, as a last resort to encourage the Government to engage with the ILO. In response to the representative of the Government of Belarus, she clarified that Iryna But-Husaim had not been released by the authorities, but rather had served her sentence, and although not in prison any more was still on a "list of extremists" that limited the full exercise of her civil rights and freedoms.
65. The Government member of the Russian Federation noted that, based on the discussions, there was no clear consensus and therefore requested to have this matter put to a vote.
66. The Government member of China seconded the request for a vote.
67. In line with article 42(2) and (4) of the Standing Orders, the Chairperson noted the absence of consensus and decided to put the draft resolution to a vote by show of hands.
68. The Chairperson announced the results of the voting by show of hands as follows: 41 votes in favour, 2 votes against and 4 abstentions. The quorum having been reached, the draft resolution was adopted.
69. The Government member of Brazil expressed concern about the situation in Belarus and wished to convey his Government's solidarity towards the trade union members and employers' organizations who wished to exercise their legitimate rights. Belarus should ensure full respect for ILO principles and rights to work, in particular freedom of association and collective bargaining, which were championed by Brazil. He urged Belarusian authorities to engage with the ILO supervisory system and immediately resume dialogue and cooperation for the implementation of the recommendations of the Commission of Inquiry. Yet, any decision taken by the Committee and Conference should preserve the possibility of addressing the situation of human rights in Belarus in other forums.
70. The Government member of Pakistan stated that had he been present in the room at the time of voting, he would have abstained.
71. ***The General Affairs Committee decided to recommend to the Conference that it adopt the resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus contained in Appendix VI.***

Appendix I

Resolution concerning the final provisions of international labour Conventions

The General Conference of the International Labour Organization, meeting in Geneva at its 111th Session, 2023,

Noting its previous decisions, adopted at its 11th, 17th, 29th and 34th Sessions, concerning final Articles for inclusion in the text of future international labour Conventions,

Recalling its decision to amend the Standing Orders of the International Labour Conference, adopted at its 108th (Centenary) Session (2019) in order, among other things, to recognize the Spanish language as one of the official languages of the Conference,

Noting the changes made to the final provisions included in recent Conventions, including with a view to including gender-inclusive language,

Considering that the final provisions should be aligned accordingly:

1. Decides to amend the text of Article H, as set out in the Annex, to read: “The English, French and Spanish versions of the text of this Convention are equally authoritative”;
2. Approves the revised text of the final provisions to be proposed for inclusion in future international labour Conventions, as set out in the Annex.

Annex

Revised text of the final provisions to be proposed for inclusion in future international labour Conventions

(additions appear underlined and deletions are struck out)

Article A

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article B

1. This Convention shall be binding only upon those Members of the International Labour ~~Organisation~~ Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force [...] months after the date on which the ratifications of [...] Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member [...] months after the date on which its ratification ~~has been~~ is registered.

Article C

1. A Member which has ratified this Convention may denounce it after the expiration of [...] years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until [...] after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of [...] years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this ~~article~~, will be bound for another period of [...] years and, thereafter, may denounce this Convention at within the expiration first year of each new period of [...] years under the terms provided for in this ~~article~~Article.

Article D

1. The Director-General of the International Labour Office shall notify all ~~the~~ Members of the International Labour ~~Organisation~~ Organization of the registration of all ratifications, declarations and denunciations that have been communicated ~~to him~~ by the Members of the ~~Organisation~~ Organization.

2. When notifying the Members of the ~~Organisation~~ Organization of the registration of the last of the ratifications required for entry into force ~~ratification that has been~~ communicated ~~to him~~, the Director-General shall draw the attention of the Members of the ~~Organisation~~ Organization to the date upon which ~~this the~~ Convention will come into force.

Article E

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and ~~acts of~~ denunciations and declarations that have been registered ~~by him~~ in accordance with the provisions of the preceding ~~articles~~ Articles.

Article F

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision ~~in whole or in part~~.

Article G

1. Should the Conference adopt a new Convention revising this Convention ~~in whole or in part~~, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article [...] ~~X~~above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article H

The ~~French and English, French and Spanish versions of the~~ texts of this Convention ~~shall both be authentic~~ are equally authoritative.

Appendix II

Formal proposals for the abrogation of one international labour Convention and withdrawal of four Conventions, one Protocol, and 18 Recommendations

1. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

decides this 12 June 2023 to abrogate the Seafarers' Welfare Convention, 1987 (No. 163).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

2. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Social Security (Seafarers) Convention, 1946 (No. 70).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

3. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Accommodation of Crews Convention, 1946 (No. 75).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

4. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Social Security (Seafarers) Convention (Revised), 1987 (No. 165).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

5. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Labour Inspection (Seafarers) Convention, 1996 (No. 178).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

6. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976.

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

7. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the National Seamen's Codes Recommendation, 1920 (No. 9).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

8. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Unemployment Insurance (Seamen) Recommendation, 1920 (No. 10).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

9. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Labour Inspection Recommendation, 1923 (No. 20).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

10. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Labour Inspection (Seamen) Recommendation, 1926 (No. 28).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

11. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Seamen's Welfare in Ports Recommendation, 1936 (No. 48).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

12. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Seafarers' Social Security (Agreements) Recommendation, 1946 (No. 75).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

13. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Seafarers (Medical Care for Dependants) Recommendation, 1946 (No. 76).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

14. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crews) Recommendation, 1946 (No. 78).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

15. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Ships' Medicine Chests Recommendation, 1958 (No. 105).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

16. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Medical Advice at Sea Recommendation, 1958 (No. 106).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

17. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Social Conditions and Safety (Seafarers) Recommendation, 1958 (No. 108).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

18. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Seafarers' Welfare Recommendation, 1970 (No. 138).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

19. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Crew Accommodation (Air Conditioning) Recommendation, 1970 (No. 140).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

20. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Crew Accommodation (Noise Control) Recommendation, 1970 (No. 141).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

21. The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Prevention of Accidents (Seafarers) Recommendation, 1970 (No. 142).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

22. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Merchant Shipping (Improvement of Standards) Recommendation, 1976 (No. 155).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

23. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Seafarers' Welfare Recommendation, 1987 (No. 173).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

24. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023, and

Following consideration of the proposal for the abrogation of one international labour Convention and withdrawal of four international labour Conventions, one Protocol and 18 international labour Recommendations,

Decides this 12 June 2023 to withdraw the Labour Inspection (Seafarers) Recommendation, 1996 (No. 185).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

Appendix III

Convention concerning amendments to standards consequential to the recognition of a safe and healthy working environment as a fundamental principle

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023,

Recalling the resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work, adopted at its 110th Session (June 2022),

Having decided to adopt certain proposals with regard to the amendment of the Worst Forms of Child Labour Convention, 1999 (No. 182), the Maternity Protection Convention, 2000 (No. 183), the Maritime Labour Convention, 2006, as amended, the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), the Work in Fishing Convention, 2007 (No. 188), the Domestic Workers Convention, 2011 (No. 189), the Violence and Harassment Convention, 2019 (No. 190), and the Protocol of 2014 to the Forced Labour Convention, 1930, for the purpose of introducing therein certain amendments consequential upon the adoption of the resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work,

Considering that these proposals must take the form of an international Convention,

adopts this 12 June 2023 the following Convention, which may be cited as the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023:

Article 1

1. The words "the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022" shall be substituted for the words "the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998" or any variant contained in the Preamble of the Worst Forms of Child Labour Convention, 1999 (No. 182), the Maternity Protection Convention, 2000 (No. 183), the Maritime Labour Convention, 2006, as amended, the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), the Work in Fishing Convention, 2007 (No. 188), the Domestic Workers Convention, 2011 (No. 189), and the Protocol of 2014 to the Forced Labour Convention, 1930.

2. The words "the Occupational Safety and Health Convention, 1981 (No. 155)" and "the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)" shall be added in chronological order in the third preambular paragraph of the Maritime Labour Convention, 2006, as amended, the fifth preambular paragraph of the Work in Fishing Convention, 2007 (No. 188), and the twelfth preambular paragraph of the Protocol of 2014 to the Forced Labour Convention, 1930.

3. The words "a safe and healthy working environment" shall be added as a new subparagraph (e) of Article III of the Maritime Labour Convention, 2006, as amended; as a new subparagraph (e) of Article 3(2) of the Domestic Workers Convention, 2011 (No. 189); and in Article 5 of the Violence and Harassment Convention, 2019 (No. 190), after the words "employment and occupation".

4. The words “the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022” shall be substituted for the words “the ILO Declaration on Social Justice for a Fair Globalization” or any variant contained in the Preamble of the Domestic Workers Convention, 2011 (No. 189), and the Protocol of 2014 to the Forced Labour Convention, 1930.

Article 2

1. Any Member of the International Labour Organization which, after the date of entry into force of this Convention, communicates to the Director-General of the International Labour Office its formal ratification of any of the Conventions, or of the Protocol, referred to in Article 1 shall be considered to have ratified that Convention or the Protocol as amended by this Convention.

2. Upon ratifying this Convention, each Member recognizes that it shall continue to be bound by the provisions of any of the Conventions or the Protocol referred to in Article 1 that it has previously ratified, as amended by this Convention.

Article 3

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 4

1. Subject to paragraph 3 of this Article, this Convention shall come into force on the date on which the ratifications of two Members of the International Labour Organization have been registered with the Director-General of the International Labour Office.

2. Thereafter, this Convention shall come into force for any Member on the date on which its ratification is registered.

3. This Convention shall come into force for the Maritime Labour Convention, 2006, as amended, in accordance with Article XIV of the latter.

Article 5

The entry into force of this Convention shall close any of the Conventions, or the Protocol, referred to in Article 1 to further ratification in their non-amended version.

Article 6

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and declarations that have been communicated by the Members of the Organization.

2. The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and declarations that have been registered in accordance with the provisions of the preceding Articles.

Article 7

1. Should the Conference adopt a new Convention revising this Convention, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 8

The English, French and Spanish versions of the text of this Convention are equally authoritative.

Appendix IV

Recommendation concerning amendments to standards consequential to the recognition of a safe and healthy working environment as a fundamental principle

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 111th Session on 5 June 2023,

Recalling the resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work, adopted at its 110th Session (June 2022),

Having decided to adopt certain proposals with regard to the amendment of the Promotion of Cooperatives Recommendation, 2002 (No. 193), the Human Resources Development Recommendation, 2004 (No. 195), the Employment Relationship Recommendation, 2006 (No. 198), the HIV and AIDS Recommendation, 2010 (No. 200), the Social Protection Floors Recommendation, 2012 (No. 202), the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), for the purpose of introducing therein certain amendments consequential upon the adoption of the resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work,

Considering that these proposals must take the form of a Recommendation,

adopts this 12 June 2023 the following Recommendation, which may be cited as the Safe and Healthy Working Environment (Consequential Amendments) Recommendation, 2023:

1. The words "the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022" shall be substituted for the words "the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998" or any variant contained in the Preamble of the Promotion of Cooperatives Recommendation, 2002 (No. 193), the Human Resources Development Recommendation, 2004 (No. 195), the Employment Relationship Recommendation, 2006 (No. 198), the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), and in Paragraph 8(1)(a) of the Promotion of Cooperatives Recommendation, 2002 (No. 193), Paragraph 35 of the HIV and AIDS Recommendation, 2010 (No. 200), and Paragraphs 23(a) and 41(c) of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205).

2. The words "the Occupational Safety and Health Convention, 1981 (No. 155)" and "the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)" shall be added in chronological order in the fifth preambular paragraph of the Promotion of Cooperatives Recommendation, 2002 (No. 193).

3. In the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204):

- (a) the word "eight" shall be replaced by "ten" in the eighth preambular paragraph;
- (b) the words "a safe and healthy working environment" shall be added as a new clause (e) of Paragraph 16;

- (c) in the Annex, the words “Occupational Safety and Health Convention, 1981 (No. 155)” and “Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)” shall be deleted from the list of instruments under the subheading “Other instruments” and shall be added in chronological order under the subheading “Fundamental Conventions”.

4. The words “the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022” shall be substituted for the words “the ILO Declaration on Social Justice for a Fair Globalization, 2008,” or any variant contained in the Preamble of the Social Protection Floors Recommendation, 2012 (No. 202), the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205).

5. The Director-General of the International Labour Office shall have official texts prepared of the Recommendations referred to in Paragraphs 1 and 4, as amended by this Recommendation, and shall communicate certified copies of these texts to each of the Members of the Organization.

Appendix V

Resolution concerning the prompt ratification of the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023

The General Conference of the International Labour Organization, meeting in Geneva at its 111th Session, 2023,

Recalling the decision to amend paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work (1998) so as to include a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work,

Recalling the adoption of the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023, at its 111th Session, 2023,

Considering that the prompt and widespread ratification of the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023, is desirable in order to maintain coherence in the body of international labour standards by aligning references within them to fundamental principles and rights at work with the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022,

1. Calls for the prompt and widespread ratification of the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023, in particular from States parties to the Maritime Labour Convention, 2006, as amended, having regard to Article XIV of the latter;
2. Invites the Governing Body to request the Director-General to report on the state of ratification of the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023, at appropriate intervals.

Appendix VI

Resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus

The General Conference of the International Labour Organization, meeting in Geneva at its 111th Session, 2023,

Considering the proposals by the Governing Body of the International Labour Office, under the ninth item of its agenda, with a view to the adoption, under article 33 of the ILO Constitution, of actions to secure compliance with the recommendations of the Commission of Inquiry established to examine the observance by the Government of Belarus 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),

Having taken note of the additional information provided by the Government of Belarus on 29 April 2023;

1. Decides to hold at its future sessions a special sitting of the Committee on the Application of Standards for the purpose of discussing the application of Conventions Nos 87 and 98 by the Government of Belarus and the implementation of the recommendations of the Commission of Inquiry, so long as this Member has not been shown to have fulfilled its obligations;

2. Invites the Organization's constituents – governments, employers and workers – to:

- (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;

3. Invites the Director-General 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, as well as of any developments in the implementation by the Government of Belarus of the 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;
- (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;
- (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;
 - (e) submit to the Governing Body a periodic report on the outcome of the measures set out in paragraph 3(a), (b) and (c) above;
4. Urges 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.