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15th sitting, 7 June 2022, 12.15 p.m. (cont.)

Quinzième séance, 7 juin 2022, 12 h 15 (suite)

Decimoquinta sesión, 7 de junio de 2022, 12.15 horas (cont.)

Chairperson: Mr Topet

Président: M. Topet

Presidente: Sr. Topet

Discussion of individual cases (cont.)

Discussion des cas individuels (suite)

Discusión de los casos individuales (cont.)

Belarus (ratification: 1956)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Convention (n° 87) sur la liberté syndicale et la protection du droit syndical, 1948

Convenio sobre la libertad sindical y la protección del derecho de sindicación, 1948 (núm. 87)

El Presidente – El segundo caso de hoy se refiere a la aplicación del Convenio sobre la libertad sindical y la protección del derecho de sindicación, 1948 (núm. 87) por Belarús.

Interpretation from Russian: **Government representative (Ms KOSTEVICH, Minister of Labour and Social Protection)** – Thank you for giving me the opportunity to speak before the Committee on Belarus' application of the Convention and the application of the findings of the Commission of Inquiry.

Last year criticism was levelled at the Government and recommendations were handed down. I hope that we will be in a position to report on progress, and I will endeavour to do so. I am sure that everybody will have familiarized themselves with the findings of the Commission of Inquiry and will understand that the situation is contrasting.

Firstly, with regard to the recommendations, the Belarusian Government informed the International Labour Office that the application of the findings would take into account the real situation and the potential harm to national interests. Indeed, among the 12 recommendations, there are some which did not spark any doubt as to their possible application. They were clearly and quickly applied. For example, we disseminated the findings of the Commission of Inquiry rapidly and widely with steps taken to inform the judiciary and the Prosecutor's Office as to the need for detailed review of complaints of possible anti-union discrimination and to this end, together with the International Labour Office, a series of seminars were organized.

In terms of the simplification of registration, decisions were taken to amend the legal requirement of 10 per cent of employees to create a trade union. Some, among the 12 recommendations, require actions of a more comprehensive nature across the board. For example, the Government of Belarus intends to review the legal system and the dispute resolution system working with the social partners. It is evident that such recommendations are to involve systemic liaison with the social partners with no definite time frame for implementation. For many countries, not just Belarus, this is an ongoing area of work.

With regard to the recommendations concerning the legislation on mass events, I would underscore that in Belarus, there is no separate set of rules. All are equal before the law and all are equally obliged to observe it. With regard to foreign gratuitous aid, there is no legal prohibition on its reception but the law clearly defines the purposes of its use and its registration order. I would underscore that these rules and regulations apply to all legal persons.

An area of concern levelled by the Committee of Experts relates to the fact that the alleged prohibition on reception of foreign gratuitous aid is in violation of the Convention. I would like to note that although there are currently difficulties with the application of the conclusion of the Committee of Experts, liquidation of trade unions can only be decided upon by court order. Over the last 20 years there has been no instance of a liquidation of a trade union for misuse of foreign gratuitous aid.

Turning now to the issue of mass events, the current Belarusian legislation, in this area, does not in fact pose a hindrance to freedom of assembly. There are certain limitations on the purposes and those may have their roots in state and public safety and security and are fully in line with international standards on civil and political rights. The liquidation of trade unions for the organization of mass events is also something that has not happened. As such, the practice of the application of our regulation speaks for itself.

I would like to talk now about strikes. The issue of strikes is not covered by the recommendations. However, for various years, the Committee of Experts has called for various amendments to the Labour Code with regard to the regulation of the organization and holding of strikes. Here, the Government's position is clear-cut and well known. All the necessary guarantees of a citizen's right to strike in Belarus are provided for by constitutional provisions as well as the Labour Code and the law on trade unions. A strike is an extreme dispute resolution possibility – a last resort – and there are conditions, therefore, in place for dispute settlement through talks and conciliation. We believe that Belarusian legislation, in this area, does not pose any hindrances to observance of ILO standards.

Another important issue that I would like to draw your attention to is the following. The issue of the application of the recommendations has always developed in a positive way. In 2009, the Tripartite Council for the Improvement of Legislation in a Social and Labour Sphere was set up. Its terms of reference were designed in liaison with the social partners and the ILO. The Council has served as the main forum for discussion of topical issues of application of rights, including freedom of association and implementation of the recommendations of the Commission of Inquiry, as well as possible legislative changes. These positive steps were noted by the Committee.

In 2009, progress was found in terms of Belarus' implementation of the findings of the Commission of Inquiry. The direct contacts mission in Minsk in 2014 also noted elements of trade union pluralism. These are some of the positive steps taken by the Government to promote tripartism. Another example concerns the fact that in 2017, Belarus was not on a shortlist for the first time, and the reporting obligations on the Convention were subject to a regular reporting cycle.

There is an understanding within the ILO that the situation with regard to the implementation of the findings of the Commission of Inquiry has taken a positive turn. Belarus has shown goodwill in terms of further cooperation. In 2019, we marked the ILO Centenary; this was a major event which was followed by the ratification of the Holidays with Pay Convention (Revised), 1970 (No. 132), and the Safety and Health in Mines Convention, 1995 (No. 176). These Conventions entered into force in February last year.

Two further major events took place – a tripartite conference on social dialogue and a sitting of the Tripartite Council at the regional and branch levels involving consultation with ILO officials on the issues of tripartism. A great deal has been done in order to further our work with the ILO and the Government's efforts, in this regard, have been duly noted by the ILO.

However, unfortunately in 2020, the ILO supervisory organs changed their tune negatively and this is quite evident that the political events are at the root of this. After the political election in August 2020, the destructive opposition forces attempted to seize power in the country which led to the organization of unlawful street protests. I draw your attention to the fact that such protests had no connection with trade union rights and freedoms and in that situation, the State took all necessary steps in order to guarantee law and order and to avoid chaos and destabilization of the situation in the country.

At the current time, the Republic of Belarus is going through a challenging period. Western countries, first and foremost, members of the European Union (EU) and the United States of America and their representative trade unions, are seeking to impose unilateral coercive measures to cause harm not only to enterprises but also to ordinary people and to generate tensions in our society.

We are deeply concerned to note that this sort of pressure is being brought to bear on Belarus in the form of discreditation of our country on an unfounded basis. It is well known that the Belarusian opposition members who are abroad are critically involved in seeking to undermine the efforts of the Belarusian Government by using article 33 of the ILO Constitution to reach their political objectives.

Such attempts can cause serious harm to the ILO's authoritative position indicating that countries or groups of countries are able to manipulate the ILO for their own ends. The Government of Belarus calls upon the Committee to prevent attempts to politicize its work. The Committee should work exclusively within its remit.

The Government of the Republic of Belarus stands ready to engage in constructive partnership that is not just a matter of empty words. The Republic of Belarus is a long-standing member of the ILO and has been promoting fundamental principles and rights at work. Belarus has ratified all of the fundamental Conventions. The country has put in place a comprehensive package of social protection covering all areas of human endeavour and has a very low level of unemployment. It is quite clear that Belarus has been able to achieve significant improvements and developments in terms of upholding the fundamental principles and rights at work.

Worker members – The Government of Belarus continues to violate its obligation under the Convention with impunity. Our Committee has already discussed the application of the Convention by Belarus in 2005/6/7/8/9/10/13/14/15 and 2021, and prior to 2005, our Committee discussed Belarus in respect of this Convention in 1997, 2001, 2002 and 2003, leading to the establishment of a Commission of Inquiry by the Governing Body in 2003, and the adoption of the Report of the Commission of Inquiry in 2004. Our Committee is called upon to discuss this case yet again.

During our discussions last year, the representative of the Government of Belarus issued ominous threats to the independent trade unions after having called them the enemies of the State. We condemned the threats and brought it to the attention of the Office and the Director-General.

Today, the situation for independent trade unions, their leaders and members in Belarus has deteriorated dramatically. The Government is engaging in the repression and intentional and systematic destruction of independent trade unions in Belarus.

All independent trade unions, their leaders and members are under relentless attack. On 19 April 2022, more than 20 leaders and activists of the Belarusian Congress of Democratic Trade Unions (BKDP) were detained by the State Security Committee, among them, Alexander Yaroshuk, the President of the BKDP and a member of the ILO Governing Body, Siarhei Antusevich, Vice-President of the BKDP and Gennady Fedynich, leader of the Radio and Electronic Industry Workers' Union (REP Union). They and others have been charged under article 342 of Part 1 of the Criminal Code for the organization and preparation of acts seriously disrupting public order or active participation in them, and this charge carries the threat of a prison sentence of up to four years.

On 13 May, the BKDP Council met and appointed the Belarusian Independent Trade Union of Miners and Chemical Workers (BNP), Chairperson Maxime Pazniakou, as acting President.

On 17 May, Maxime Pazniakou was already arrested by state authorities. He was sentenced to 15 days of administrative detention on 19 May and that sentence should have expired by today, but he was sentenced for another 15-day period.

On 18 May, Vice-Chairperson of the REP Union, Zinaida Mikhniuk was found guilty under article 368 of the Criminal Code for insulting the President of the Republic of Belarus. She was sentenced to two years imprisonment in a general security penal colony.

On 19 May of this year, prosecutors demanded that BNP hand over trade union documents, including details of union members; similar requests were sent to other BKDP affiliates, such as the Free Trade Union of Belarus (SPB) and the Free Trade Union of Metal Workers (SPM).

These demands were made, even though, all the trade union documents had already been seized by the specialized security forces, during searches of 19 April, one month earlier.

On 25 May of this year, security operatives arrived at the office BNP located in Soligorsk and Alexander Mishuk, Chairperson of the BNP at JSC “Belaruskali”, was taken away with no further information given. Trade union officers were searched, mobile phones and other devices of union office employees were confiscated, and the employees had to sign non-disclosure agreements.

Earlier in April this year, the regime designated the REP Union as an extremist organization and banned all its activities. When the REP Union leadership questioned the justification for such a designation, the state security apparatus intensified its searches and detentions in response.

This extensive list of intentional, systematic, unjustified, and unacceptable attacks on the independent trade unions of Belarus dates only from the last two months and we are deeply concerned for the physical integrity and health of our colleagues. We demand the immediate release of all union leaders and officials and withdrawal of all charges.

As a matter of urgency, the Government must invite the ILO to visit those colleagues in prison and to ascertain their condition. Colleagues who have been convicted must have their convictions squashed. Moreover, the Workers’ group wishes to highlight the continuing lack of progress with the implementation of the observations and recommendations by the ILO supervisory bodies. Workers in Belarus are still denied the right to participate in peaceful demonstrations and to organize trade union meetings.

In our Committee’s discussion of Belarus last year, we came to the firm conclusion that recent developments indicated a step backwards and further retreat on the part of the Government, from its obligations under the Convention, and urged the Government to take all necessary steps before this Conference to fully implement all outstanding recommendations of the Commission of Inquiry, and the Committee decided to include its conclusions in a special paragraph of the report.

In a March 2021 report on Belarus, the Committee on Freedom of Association (CFA) expressed deep regret with the serious retreats on the part of the Government of Belarus from its ILO constitutional obligations and its commitment to implement the Commission of Inquiry recommendations.

We are deeply alarmed that, not only is the Government not implementing the recommendations of the Commission of Inquiry and indeed the observations of the supervisory system, but it is also undertaking trade union elimination with respect to independent trade unions. A leader of an independent trade union is considered an automatic security threat and hounded by security forces to either go into exile or go to prison.

We can give you an example of the impunity of the Government of Belarus to its obligation under international labour standards: whereas recommendation 8 of the Commission of Inquiry provides that measures be taken to release all trade unionists who remain in detention and to drop all charges related to participation in peaceful protests and industrial action, the Government has doubled down and is engaging in mass arrests of leaders and members of trade unions.

Further, workers in Belarus still do not enjoy the right to establish unions without previous authorization and this contravenes the Convention as well as recommendation 2 of the Commission of Inquiry.

The Government is not taking any steps to address previous observations of the Committee of Experts, and the conclusions of the Committee adopted last year.

In relation to obstacles to trade union registration created by the requirement of legal address, we note that there are new cases of refusals to register primary organizations of the BKDP affiliates that took place after the last sitting of this Committee. The registration of several trade unions was recently revoked. The Government has failed to provide information to the supervisory system, including the reports to the Committee of Experts on legislative reforms requested by the Committee last year. There has been no progress at all.

Regressive legislative developments continue to be in place, such as the Presidential Decree that still requires previous authorization for registering gratuitous aid and restricts the use of aid. The law on mass activities further restricts the requirements for holding public events and so on. The Criminal Code was amended with new restrictions and penalties. The Government has done nothing to amend the Labour Code in order to make it compliant with the Convention.

Chairperson, to conclude, 18 years after the Commission of Inquiry, the Workers' group's conclusion is that no progress has been made with respect to the implementation of its recommendations. On the contrary, the situation has deteriorated dramatically both in law and in practice. The impunity shown to the supervisory system as a whole, needs to be urgently addressed.

Our discussion of this case today must send a clear signal that the Constitution and the supervisory system of the ILO must be respected, and appropriate measures taken in this regard.

Employer members – I would like to thank the Government representative for her submissions on behalf of the Government of Belarus this morning.

As the Worker members have identified, the Committee of Experts has issued 14 observations on this case since 1997 and the most recent discussion of the case of Belarus and its application of the Convention by the Committee took place in 2021.

In its 2021 conclusions, the Committee expressed its deep concern that 17 years following the Commission of Inquiry's report, Belarus had failed to take measures to address most of the Commission's recommendations. In the 2021 conclusions, our Committee urged the Government to restore, without delay, full respect for workers' rights and freedoms, to implement recommendation 8 of the Commission of Inquiry guaranteeing adequate protection against administrative detention for trade union officials in the performance of their duties and exercising their civil liberties, to take measures for the release of all trade unionists who remain in detention and dropping of charges related to participation in peaceful protest action, to refrain from the arrest, detention or engagement in violence, intimidation or harassment including judicial harassment of trade union leaders and members conducting lawful trade union activities, as well as the requirement to investigate, without delay, alleged instances of intimidation or physical violence, through an independent judicial inquiry.

In addition, the 2021 Committee's conclusions called on the Government to ensure that there remained no obstacles to the registration of trade unions either in law or in practice. Additionally, the 2021 Committee's conclusions also addressed the issue of the demand by the President of Belarus for the creation of trade unions in all private companies by 2020 and the Committee urged – in the strongest terms – that the Government refrain from interference with the establishment of trade unions in private companies and to put an immediate stop to interference with the establishment of trade unions and to refrain from showing favouritism towards a particular trade union in private companies.

Furthermore, the 2021 Committee's conclusions also addressed the issue of the organization of mass events by trade unions and urged the Government to amend the law on mass activities, to repeal Ordinance No. 49 of the Council of Ministers and to address the concerns raised by trade unions in respect of organizing and holding mass events in practice.

Furthermore, the 2021 Committee's conclusions also addressed recommendations related to the functioning of the tripartite council for the improvement of legislation in the social and labour sphere. In 2021, the Committee invited the Government to avail itself of ILO technical assistance, requested that the Government provided detailed information on the measures taken in respect of the implementation of the Committee of Inquiry's recommendations as well as the recommendations of the Committee from 2021, from previous years prior to 2021 and to transmit this information to the Committee of Experts before its next session. Also, as the Worker members have mentioned, the 2021 Committee's conclusions placed the discussion of this case in a special paragraph of its report.

This year, the Employer members note that there has been no meaningful progress toward implementation of either the Committee of Inquiry's recommendations or any meaningful progress toward the implementation of the 2021 Committee's conclusions. The Employers note that this points to a lack of commitment by the Government to ensure its respect of its obligations under the Convention as well as its obligations pursuant to the ILO Constitution. This is a deeply concerning situation to the Employers' group. Furthermore, we note that the Employer members are deeply concerned with the new allegations of criminal prosecutions, arrests and imprisonment of trade unionists, especially the allegations of events within the last two months.

The Employer members recall that full recognition of civil liberties, in particular, freedom of opinion and expression, freedom of assembly, freedom from arbitrary arrest and detention and the right to a fair trial by an independent and impartial judiciary are basic preconditions for any meaningful exercise of freedom of association for workers and employers and is required for full compliance with the Convention. The Employer members note that, according to the available evidence, these freedoms have been grossly violated by the Government of Belarus following the presidential election in August of 2020. Therefore, we must take this moment to express our deep concern with respect to the deterioration of the circumstances concerning the promotion and protection of freedom of association.

In respect of the issue of registration, the Employer members note that there is an absence of further explanation with respect to the registration of the BKDP, the SPB, and the REP Union that has come from the Government and this lack of information is concerning. We turn to the concern identified by the Committee of Experts in respect of the televised meeting between the Chairperson of the Federation of Trade Unions of Belarus (FPB) and President Lukashenko in which the latter urged the setting up of trade unions at all private enterprises by the end of 2020 under the threat of liquidation of those private companies. The Employers note that in line with Article 2 of the Convention, freedom of association implies and requires that workers and employers must be able to decide freely, without state interference, whether or not to set up their own organizations. Therefore, the Employers call upon the Government to refrain from any interference with the establishment of trade unions in private companies, in particular, with respect to the requirement to set up a particular trade union under the threat of liquidation of such company.

Moving to the issue of financial assistance, the Employers note that the acceptance by a national workers' or employers' organization of financial assistance from an international workers' or employers' organization without the need for approval by the Government and

without sanctions in case of receipt of such financial assistance is part of the right in Article 5 to affiliate with international organizations of either employers or workers. The right to organize public meetings and demonstrations constitutes an important aspect of the activities of employers' and workers' organizations under Article 3 of the Convention. In view of this, the revised law on mass activities, along with the accompanying regulation, that limits the use of foreign gratuities aid for the conduct of mass events unduly restricts trade unions in the possibility to carry out their public activities. Therefore, the Employers urge the Government to amend the law on mass activities and the accompanying regulations, in particular, with the view to set out clear grounds for the denial of requests to hold trade union mass events in conformity with freedom of association principles, to widen, not narrow, the scope of activities for which foreign assistance, financial assistance can be used and to abolish the sanctions imposed on trade unions or trade unionists for a single violation of the respective legislation. The Employers also repeat our call upon the Government to repeal Ordinance No. 49 of the Council of Ministers, as amended, to enable employers' and workers' organizations to exercise their right to organize mass events in law and in practice.

We must take this moment to simply point out that we will not address the Committee of Experts' numerous observations on the right to strike as the Employers' position is this is not in fact covered under this Convention.

Let me close by reiterating our concern about the deteriorating circumstances in the country with respect to its obligations pursuant to the Convention.

Interpretation from Russian: Worker member, Belarus (Mr ORDA) – The FPB brings together all areas of the economic sphere and is committed to working with the ILO to develop tripartism and with the social partners on improvements of legislation and practice and its implementation. We now have the opportunity to observe the real condition of workers and employers in the country and we do not agree with the findings of the Committee with regard to Belarus' failure to apply the Convention.

We consider that negative assessment of the situation is politicized and biased. I should underscore in addition, that other European countries have demonstrated instances of harassment on trade union activities involving, for example, use of tear gas by the police against trade union demonstrators. In Belgium and Germany, there have been various actions taken against trade union movements.

According to the International Trade Union Confederation (ITUC), there is a violation of the right to strike in many European countries; 41 per cent of European countries violate the right to freedom of association. We have statistics to show that in Western European countries there is a failure to heed such problems at the ILO and at the Conference. It would appear that our case is being reviewed on the basis of false information. A specific example is as follows:

According to information provided by the Committee of Experts, Belarusian workers are denied the right to strike and may be subject to arrest and detention. This information does not accord with reality. The right to strike is enshrined in our Constitution. There are rules of procedure for the organizing of strikes as in other countries and this is defined by legislation, in Belarus. The trade union is empowered to decide on a strike in the interest of the labour collective. I should underscore that such provisions exist in other countries, such as Germany.

With regard to practice in recent years, works committees have not taken a single strike decision when people were allegedly being detained for strike actions. This is completely untrue. In addition, trade unions are entirely free to declare a strike as can be seen in the fact that in recent times, we have instances of the issue of the strike being raised by individual

workers that when considered by professional committees at the regional level, the strike decision was ultimately not made. This attests to the entirely open and democratic approach to freedom of association and the right to organize in our country.

With regard to the alleged state intervention and interference in trade union affairs, as well as alleged favouritism, here, I would like to say the following: Currently, trade union organizations under the BKDP represent less than one third of workers. The claim that allegedly any criticism by trade unions of the Government leads to potential punishment is entirely untrue. There have been no incidents of such actions being taken. In addition, the Government heeds proposals from trade unions, for example, on wage-setting employment guarantees and other crucial issues for workers as can be attested to and documented.

Regrettably, the ILO is being supplied with unreliable claims for consideration by the Committee with regards to our country's application of the Convention. Actual incidents of violation of labour rights are not considered on the other hand. Unfortunately, certain countries in violation of the UN Charter have been imposing unilateral measures against Belarus. This runs counter to the principles of ILO Conventions and the ILO Constitution. We consider that such a situation is entirely negative and should be reversed. Our country is simply seeking to ensure decent working conditions and development for all workers and people.

Interpretation from Russian: Employer member, Belarus (Mr KHARLAP) – We, as Belarusian Employers, cannot agree with the report of the Committee of Experts. With regard to the application of the Convention, which is based on unfounded claims stemming from the political events of August 2020 and so-called strike actions by a certain part of the population after the presidential elections were entirely political in nature. They were not in any way connected with the protection of social and economic interests in labour relations.

There was no calling of strikes by the labour movement as such, and enterprises continue to operate normally. We consider that these events unconnected with normal labour relations and dialogue should not serve as the basis for assessing the situation of the country's compliance with the provisions of the Convention under discussion today.

This is unfortunate and counterproductive. We call upon the ILO to take a more critical approach to complaints and not to build a position on the basis of unconfirmed data. There is a need to take an objective stance with regard to the actual situation on the ground.

The Committee of Experts called, last year, for an amendment to the Belarusian legislation on the right to strike. I would draw your attention to the discussion in past years on the fact that the Convention cannot be necessarily used for the discussion of the right to strike or invoked for that purpose. It must be stressed once again that the right to strike is not directly evoked in the Convention. This is a matter of internal affairs of any State and is within the State's domestic remit.

Belarusian Employers also note that very concrete steps have been taken to follow up on the findings of the Commission of Inquiry in order to ensure the application of the relevant Conventions and I will request that the Committee participants take note of what has taken place in previous times as well as, just over the last year where more political considerations came to the fore.

I would like to offer some examples of what has been done in practice and the broad use of social dialogue. A number of union members within the various congresses and federations has continued to promote workers interest on a tripartite basis. At the same time employers have endeavoured to honour tripartism to reach collective agreement through tripartite

dialogue. These issues have been evoked in the course of the ILO missions with the agreements that we reached being put into practice.

Belarus has had to endure unprecedented sanctions from the United States against economic actors including businesspersons which has led to a de facto economic war against leaders and their property hindering, the ability to invest and innovate and engage in business with western partners leading to reduced revenue, loss of jobs and a worsening of the social economic situation overall.

We, as ever, underscore our commitment to cooperate with the ILO and the Committee in order to secure process on social issues in a spirit of collective responsibility and respect in order to work on a positive dynamic in the country building on positive steps taken by the Government with the social partners in order to implement the recommendations of the ILO.

Membre gouvernementale, France (M^{me} ARNAL-BURTSCHY) – J’ai l’honneur de m’exprimer au nom de l’Union européenne (UE) et de ses États membres. La République de Macédoine du Nord, le Monténégro et l’Albanie, pays candidats, et l’Islande et la Norvège, pays de l’Association européenne de libre-échange (AELE) et membres de l’Espace économique européen (EEE), ainsi que l’Ukraine, s’alignent sur la présente déclaration.

L’UE et ses États membres sont attachés à la promotion, à la protection, au respect et à la réalisation des droits de l’homme, y compris les droits du travail tels que le droit fondamental de s’organiser et la liberté d’association.

Nous encourageons vivement la ratification et la mise en œuvre universelles des normes internationales fondamentales du travail, y compris la convention. Nous soutenons l’OIT dans son rôle indispensable d’élaboration, de promotion et de contrôle de l’application et de la mise en œuvre des normes internationales du travail ratifiées et des conventions fondamentales, en particulier.

Nous sommes profondément préoccupés par la forte détérioration de la situation des droits de l’homme et du travail au Bélarus à la suite des élections présidentielles de 2020, qui n’ont été ni libres ni équitables. Ces préoccupations se sont encore aggravées depuis l’implication du Bélarus dans la guerre d’agression de la Russie contre l’Ukraine.

La liberté de réunion et d’association pacifiques, la liberté d’opinion, d’expression et d’information, ainsi que la liberté des médias, en ligne et hors ligne, sont de plus en plus fortement restreintes, tandis que le droit syndical est activement opprimé au lieu d’être protégé.

L’UE et ses États membres condamnent avec la plus grande fermeté la violence employée par les autorités du Bélarus à l’encontre de manifestants pacifiques et les nombreux cas de détention, d’emprisonnement, de torture et de violence sexuelle, dans une tentative flagrante d’empêcher les travailleurs de s’associer pour résister à la répression des droits fondamentaux au travail par les autorités. Nous sommes d’autant plus préoccupés que ces attaques contre des militants et des dirigeants syndicaux se sont intensifiées en représailles apparemment directes de leur opposition à la participation du Bélarus à la guerre d’agression de la Russie contre l’Ukraine.

Nous partageons entièrement les profondes préoccupations exprimées par le Directeur général de l’OIT au sujet des informations faisant état de l’arrestation de dirigeants syndicaux, notamment Alexander Yaroshuk, membre du Conseil d’administration de l’OIT, ainsi que Siarhei Antusevich, Maksim Pozniakov, Oleg Podolinski et Elena Yeskova. Nous sommes également préoccupés par les rapports faisant état de perquisitions menées par les forces de

sécurité dans les locaux du BKDP et d'autres syndicats, et au domicile de dirigeants et d'employés syndicaux.

Nous exhortons une fois de plus les autorités à enquêter sans délai sur toutes les violations et tous les abus des droits de l'homme et du travail, de manière réellement indépendante et impartiale, et à demander des comptes à tous les responsables de ces violations. Nous attendons des autorités qu'elles assurent le plein respect des droits et libertés des travailleurs, qu'elles protègent le droit syndical, y compris le droit de grève, et qu'elles libèrent immédiatement et sans condition toutes les personnes détenues arbitrairement, y compris les prisonniers politiques, les syndicalistes, les travailleurs et les membres de minorités nationales. Personne ne devrait être privé de sa liberté ou faire l'objet de sanctions pénales pour le simple fait d'organiser ou de participer à une manifestation ou une grève pacifiques. En outre, toutes les accusations liées à la participation à une manifestation pacifique devraient être abandonnées.

Le cas des violations persistantes des conventions fondamentales de l'OIT par le Bélarus est régulièrement à l'ordre du jour de cette commission depuis 1997. Aucun progrès significatif n'a été réalisé en vue d'une mise en œuvre, même partielle, des recommandations de la commission d'enquête de 2004.

Le Bélarus doit intensifier ses efforts sans plus tarder et viser la mise en œuvre complète des recommandations de la commission d'enquête, remplissant ainsi les obligations qu'il s'est lui-même engagé à respecter en étant Membre de l'OIT et, en outre, en ratifiant volontairement et de plein gré les huit conventions fondamentales de l'OIT.

Nous exhortons à nouveau vivement le gouvernement, en consultation avec les partenaires sociaux, à modifier la loi sur les syndicats, le Code du travail, la loi sur les activités de masse et le règlement qui l'accompagne, ainsi que le décret présidentiel n° 3 du 25 mai 2020 concernant l'utilisation de l'aide étrangère gratuite, afin de les mettre en conformité avec les obligations du gouvernement en matière de liberté syndicale. Nous nous faisons également l'écho de la demande de la commission au gouvernement d'abroger les dispositions introduisant des restrictions supplémentaires et des sanctions associées en vertu des sections 342 et 369 du Code pénal.

Nous soulignons l'importance de traiter avec impartialité toutes les organisations syndicales, de s'abstenir de tout favoritisme, y compris en ce qui concerne les consultations, de toute ingérence dans leur création, et de garantir la protection du droit des travailleurs d'adhérer aux organisations de leur choix.

L'UE et ses États membres sont aux côtés du peuple du Bélarus et soutiennent son choix démocratique et ses libertés et droits fondamentaux. L'UE continue d'appeler à la tenue d'élections libres et équitables et exhorte les autorités du Bélarus à rechercher une solution pacifique et démocratique à la crise par le biais d'un dialogue national inclusif avec l'ensemble de la société. Nous attendons du gouvernement qu'il s'engage pleinement avec les partenaires sociaux et l'OIT pour traiter les questions susmentionnées. Le fonctionnement du conseil tripartite devrait également être amélioré.

Pour conclure, nous notons avec un profond regret le manque apparent d'action et d'engagement du gouvernement, l'absence de progrès et aussi l'urgence de cette discussion. Nous soutenons, si la commission le demande, une demande de renvoi de la question à la session de novembre 2022 du Conseil d'administration afin d'examiner toutes les mesures possibles prévues dans la Constitution de l'OIT visant à la pleine mise en œuvre des recommandations de la commission d'enquête.

Observer, Nordic and Baltic countries (Ms ABDALLAH) – I speak on behalf of the Nordic and Baltic Governments (Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden). We align ourselves with the statement of the EU and its Member States.

Belarus has ratified the core Conventions of the ILO and has thus committed itself to respecting the freedom of association, including the right to organize and participate in strikes. However, the country has repeatedly been examined in this Committee for failing to comply with the Conventions they ratified.

We are deeply concerned over reports of the arrests of trade union leaders in Belarus and reports of searches in trade union offices and their leaders' homes, seizing computers, personal documents, passports, union flags, leaflets and other items.

We call attention to the fact, that among those arrested are Alexander Yaroshuk, President of the BKDP, who is also a Vice-President of the ITUC and a member of the ILO Governing Body. These arrests constitute a grave violation of the principles of freedom of association as protected by the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (ICCPR), and in the Convention.

Last year, this Committee took note of the long-standing nature of the case of Belarus and pointed out with great concern the numerous allegations of extreme violence to repress peaceful protests and strikes. The Committee of Experts also urged the Government in the strongest of terms to investigate without delay all alleged instances of intimidation and physical violence through an independent judicial inquiry and to provide detailed information on the outcome.

We also want to point out that the ILO Director-General has already requested the Government of Belarus to release all trade unionists who remain in detention, drop all charges related to participation in peaceful protests, and refrain from the arrest, detention or engagement in violence, intimidation or harassment, including judicial harassment, of trade union leaders and members conducting lawful trade union activities.

Belarusian authorities have failed to take the above steps. We call on the responsible Belarusian authorities to immediately release the trade union leaders as well as all the political prisoners, and to take all necessary measures to ensure that trade unions can carry out their activities in a climate free from violence, intimidation, or threat of any kind.

Trade unions are key defenders of human rights, nationally and internationally, which includes fundamental labour rights. They are also a key component in building democracy. The defence of workers' rights must be welcomed, not criminalized.

We deplore that the Government of Belarus, 17 years after the Commission of Inquiry's report, has failed to take measures to address the Commission's recommendations. We note with deep regret the apparent lack of action and commitment from the Government, the absence of progress and also the urgency of this discussion. We support, if called for by the Committee, a request to refer the matter to the November 2022 session of the Governing Body in order to consider all possible measures foreseen, including those envisaged in article 33 of the ILO Constitution aimed at the full implementation of the recommendations of the Commission of Inquiry.

Worker member, Germany (Ms HOFMANN) – I am speaking on behalf of workers in Germany, Belgium, the Netherlands, Canada, France, Italy, the Nordic countries, Ukraine and Switzerland.

The seriousness of the violation of the Convention by Belarus is quantitatively evident in the report of the Committee of Experts. The assessment covers 11 pages of the report and identifies violations – in law and in practice – of almost every Article of the Convention.

Eighteen years after the report of the Commission of Inquiry, we see none of the recommendations being implemented. On the contrary, we see a politically motivated, systematic and targeted suppression of the work of independent trade unions, which deprives any critical trade union work of its basis. This was also noted in the CFA report of March 2022, the UN Special Rapporteur's report of 4 May 2022, and the European Parliament's resolution of 19 May 2022.

The situation in Belarus is contrary to the fundamental principles that the country has committed to uphold as a Member of the ILO. There is no independent judiciary to review the detentions and physical and psychological repression of trade union representatives. The same applies to the searches of trade union offices, the confiscation of documents, the obstruction of legitimate trade union activity, and this includes strikes and public demonstrations. It is precisely a sign that speaks against respect for the principle of a fair and transparent process that the Government cannot provide the underlying court rulings for these measures.

With the recently introduced extension of the death penalty to an unclear offense of "attempted terrorism" developments in Belarus are particularly troubling.

The situation in Belarus illustrates in a very sad way the importance of ensuring basic civil and political rights for the exercise of the Convention rights.

We therefore demand an immediate end to the anti-union repression and the immediate release of our Belarusian colleagues who are working for freedom, democracy and peace in the country.

Miembro gubernamental, Cuba (Sra. GARCÍA HERNÁNDEZ) – Mi delegación agradece a la delegación de Belarús por la información proporcionada, lo cual es una muestra de la buena voluntad del Gobierno de ese país de cooperar con los órganos de control de la Organización Internacional del Trabajo (OIT). Consideramos que deben examinarse de forma imparcial, alejado de todo prejuicio y politización, los avances en el desarrollo del diálogo social en el país. Como parte de la labor de implementación de las recomendaciones realizadas en el marco de esta organización, la cooperación en virtud de la asistencia técnica debe constituir un apoyo para el Gobierno.

Las informaciones aportadas por la delegación de Belarús contienen elementos de actualización sobre diversos asuntos y describen la voluntad de este Gobierno para continuar avanzando en el diálogo social tripartito en su territorio y en el trabajo con la OIT.

Es de suma importancia conceder a los Gobiernos el tiempo y espacio necesarios para trabajar junto a los actores pertinentes en el marco de su legislación nacional y en el cumplimiento de sus obligaciones y compromisos en virtud de los instrumentos de la OIT.

Este foro se ha distinguido siempre por brindar soluciones consensuadas como resultado del diálogo amplio e inclusivo, donde la opinión y el consentimiento de los países concernidos resulta esencial.

Mi delegación espera que las conclusiones de esta comisión sean objetivas, técnicas y equilibradas sobre la base de la información proporcionada por el Gobierno de Belarús.

Interpretation from Russian: **Worker member, Georgia (Mr PETRIASHVILI)** – I am speaking on behalf of Georgia and also the President of the Pan-European Regional Council (PERC).

The situation in Belarus is the worst in the whole PERC region for trade unions and freedom of association. This is an affair that has been 20 years ongoing and the situation has gotten worse very recently.

The Government clearly does not wish to implement the ILO recommendations and is undermining basic freedoms and any collective action and the voice of the people.

We are shocked at the fact that Alexander Yaroshuk, a member of the ILO Governing Body, as well as Siarhei Antusevich, a leader of the BKDP, these being people who have given evidence before the Committee, are currently being detained along with ten other trade union leaders. They are denied contact with their relatives. They find themselves under psychological pressure. The Government has failed to heed the numerous notes and efforts from the ILO to secure their release.

Trade unions are declared to be destructive and extremist organizations. It is evident that there has been an order to liquidate the BKDP and its organizations. The prosecutor's office is demanding lists of trade union members and is demanding that members leave the unions. The contracts of members of the trade union as well as their relatives even, are not being renewed. Certain independent trade unions have already been declared illegal. This is a slap in the face for the ILO. The Government simply does not want to comply with the recommendations of the Commission of Inquiry and this Committee should give a robust assessment of this very negative situation in Belarus as has been done this year by the CFA.

Miembro gubernamental, República Bolivariana de Venezuela (Sr. CONSTANT) – Mi Gobierno agradece la presentación de la distinguida delegación del Gobierno de Belarús con relación al cumplimiento del Convenio.

Hemos tomado nota de las afirmaciones del Gobierno de Belarús señalando que las consideraciones por las cuales se trae este caso, nuevamente ante esta Comisión, obedecen a hechos de naturaleza estrictamente política, no relacionados con el diálogo social laboral, y por lo tanto no deberían ser la base para la evaluación del cumplimiento del Convenio, ya que tienen su origen en el clima político nacional luego de las elecciones presidenciales celebradas en 2020.

Valoramos la buena disposición del Gobierno de Belarús, para seguir avanzando y continuar la interacción constructiva con los interlocutores sociales y con nuestra Organización sobre la implementación de las recomendaciones de la comisión de encuesta vinculadas al Convenio, desarrollando aún más el diálogo social en el marco de su legislación laboral.

Hacemos un llamado para que los órganos de control de la OIT se alejen de consideraciones políticas por cuanto se extralimitan en sus comentarios, y como ya hemos dicho en reiteradas oportunidades, esto resta seriedad, credibilidad, y daña nuestro objetivo invadiendo la soberanía de los Estados.

El Gobierno de la República Bolivariana de Venezuela confía en que las conclusiones de esta comisión, producto de este debate, sean objetivas y equilibradas con la finalidad de que el Gobierno de Belarús siga avanzando en el cumplimiento del Convenio para mantener, además, la paz y restablecer el orden público, tal como debe continuarse haciendo en atención a lo estipulado en este convenio.

Interpretation from Russian: **Worker member, Russian Federation (Mr KOVALCHUK)** – We note that systematic non-compliance by the Government of Belarus with the ILO recommendations to ensure workers' rights has led to large-scale arrests of leaders and activists of the BKDP and its branch organizations.

Right now, the President of the BKDP, Alexander Yaroshuk, Deputy-Secretary, Siarhei Antusevich, and, Treasurer, Irina But-Gusaim, are under arrest. The representatives of the REP Union have been arrested: Deputy Chairperson, Gennady Fedynich and activist, Vaclav Areshka. The representatives of the SPM: Deputy Chairperson, Yana Malash, the acting Chairperson of the Council, Vasil Beresnev,, the Secretary of the Council, Mikhail Gromov, member of the Council, a labour inspector, Vitaly Chichmarev, and activist, Miroslav Sabchuk, representative of the primary organization at the Minsk Automobile Plant, Artyom Zhernak. The Chairperson of the BNP, Alexander Mishuk is also under arrest.

Zinaida Mikhnyuk, Deputy Chairperson of the REP Union, as well as Igor Povarov and Yevgeny Khovar, who are activists of the BNP at the Belarusian Metallurgical Plant, were convicted in criminal cases. Maksim Pozniakov, acting Chairperson of the BKDP, was convicted in an administrative case.

Other trade union members have been released under supervision, these include Mikalaj Sharakh, the representative of the SPB, as well as Alexander Bukhvostov, the representative of the Metallurgy Workers' Union and Andrey Khanevich, the representative of the Belarusian Independent Trade Union. This is 19 in all.

We call upon the Committee to demand that the Belarusian Government rapidly takes steps to release these individuals and bring an end to administrative and criminal proceedings against them as well as to put in place conditions for the normal operation of the BKDP and its branch-based organizations.

Government member, China (Mr GAO) – We have read carefully the report by the Committee of Experts and also its comments on the Belarus implementation of the Convention.

We would like to thank the Government representative for her introduction. We note that the Government attaches importance to the recommendations of the Commission of Inquiry. It has adopted a series of well-targeted measures to conscientiously fulfil its obligations under the ratified Convention.

It has made enormous efforts and achieved positive progress. The Government has set up mechanisms to protect trade union rights, relaxing registration procedures for trade unions, achieving constructive progress, and also, the Country's Constitution clearly stipulates that every person's rights and freedoms are protected by law in an independent and impartial manner. Legislation is in place to guarantee the rights such as trade union rights and rights to strike. We also appreciate the in-depth communication and exchanges with social partners, technical cooperation with the ILO, and active resolution of labour disputes.

We believe that the discussion of this case should focus on the implementation of the Convention rather than interfering in the internal affairs of the Member States, let alone politicizing technical issues. We hope that when the Committee comes to conclusions on this case, the actual situation in the country, and the progress the Government has made in the implementation, can be reflected objectively and fairly, and constructive decisions should be made collectively to help the Government to further strengthen its ability to implement the Convention and promote a comprehensive development in the country.

Worker member, United States of America (Mr GOTTWALD) – The American Federation of Labor and Congress of Industrial Organizations (AFL–CIO) strongly condemns the recent escalation of attacks on worker rights by the Government of Belarus and calls for the immediate release of these union members and any others who have been targeted for exercising their fundamental workers’ rights.

Since the rigged Presidential election in 2020, the Government of Belarus has persecuted working people engaged in peaceful protests to express their demands for free and fair elections and democratic governance in Belarus. Through strikes and other legal protests, workers and independent trade unions have shown they are key to this grassroots, citizen-driven defence of democracy.

The BKDP has been on the front lines of the struggle for democracy in their country. In response, members have received harsh prison sentences based on vague, politically motivated charges of “disrupting political order.”

In roughly 11 pages of text, the Committee of Experts’ report lays out the dire situation for trade union rights in Belarus in both law and practice. In a separate 32-page special report to the Governing Body, the CFA also raised deep concerns about the continued harassment and jailing of trade union members.

We note with particular concern that the Government has not met even the most basic tenets of due process by failing to produce the written court rulings which supposedly justify the detention of trade union members.

In April 2022 the AFL–CIO sent a public letter to Prime Minister Roman Golovchenko calling for the immediate end to the anti-union repression and the immediate release of trade unionists, journalists, and others who have stood up for democracy and human right in Belarus.

We reiterate that demand and call on the Government to address all the recommendations contained in the Committee of Experts’ report.

El Presidente – Hemos agotado el tiempo que teníamos disponible para la sesión de la mañana. Vamos a dar por terminada la sesión y vamos a reanudarla a las 15 horas para continuar con la intervención de los 25 oradores inscritos. Gracias a los intérpretes. Damos por terminada la sesión.

The sitting closed at 1.30 p.m.

La séance est levée à 13 h 30.

Se levantó la sesión a las 13.30 horas.

16th sitting, 7 June 2022, 3.15 p.m.

Seizième séance, 7 juin 2022, 15 h 15

Decimosexta sesión, 7 de junio de 2022, 15.15 horas

Work of the Committee

PVs 11, 12 and 13 were adopted, as amended.

Travaux de la Commission

La commission a adopté les PV.11, 12 et 13, tels qu'amendés.

Trabajos de la Comisión

Las actas 11, 12 y 13 se adoptaron en su tenor modificado.

El Presidente – Vamos a retomar las tareas del día. Antes de comenzar las labores de la tarde, quiero informar a la Comisión que el periodo para la presentación de enmiendas al acta 11 relativa al examen del caso de Kazajstán, Convenio núm. 87; al acta 12 relativa al caso de Nigeria, Convenios núms. 26 y 95, y al acta 13 relativa a la discusión del caso de El Salvador, Convenio núm. 144 ha finalizado.

(Se adoptan dichas actas en su tenor modificado)

También informo a la Comisión que los proyectos de acta 14 relativo al examen del caso de Malasia, Convenio núm. 98 y de acta 16 relativo al examen del caso de Guatemala, Convenio núm. 87 están disponibles en la página web de la Comisión. Los miembros de la Comisión pueden presentar enmiendas a sus propias intervenciones ante la secretaría de la Comisión hasta el miércoles 8 de junio de 2022 a las 15 horas. Se ruega a los delegados que envíen sus enmiendas a la secretaría por vía electrónica con control de cambios (*track changes*) a la siguiente dirección: can2022@ilo.org.

Con el fin de poder hacer enmiendas con control de cambios se invita a los delegados a solicitar la versión Word del proyecto de acta literal (*verbatim*) enviando un correo electrónico a esa misma dirección.

También les invito a leer el anexo 3 del documento D.1 sobre el procedimiento de enmienda a los proyectos de actas literales (*verbatim*).

Discussion of individual cases (*cont.*)

Discussion des cas individuels (*suite*)

Discusión de los casos individuales (*cont.*)

Belarus (ratification: 1956)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Convention (n° 87) sur la liberté syndicale et la protection du droit syndical, 1948

Convenio sobre la libertad sindical y la protección del derecho de sindicación, 1948 (núm. 87)

Government member, Lithuania (Mr JIEVALTAS) – Lithuania aligns itself with the statement of the EU and the statement of the Nordic and Baltic countries.

Since 2004, the ILO's Commission of Inquiry has investigated respect of labour rights by the Republic of Belarus. For all these 17 years, Belarus had countless opportunities to prove its compliance with the fundamental Conventions of the ILO.

Last year, the International Labour Conference noted that the Government of Belarus had failed to address most of the Commission's recommendations. The ILO specifically requested the Government of Belarus to take all recommended steps before the next Conference and to provide detailed and complete information on measures taken and progress made before the next meeting of the Committee of Experts. Belarusian authorities not only failed to take the aforementioned steps, but over the last year have significantly intensified repressions of independent trade unions, their members, and leaders.

Repressions, detentions and harassment, that are facts for the last year's development. Belarus has clearly failed to implement the recommendations of the ILO Commission of Inquiry and knowingly and deliberately exacerbated the situation for its trade unions and workers.

The ILO CFA, in its March 2022 report to the Governing Body, reviewed most of the facts mentioned and decided to "draw this serious situation to the attention of the Governing Body so that it may consider any further measures to secure compliance herewith", thus calling for application of ILO Constitution, article 33, in respect of Belarus.

In this connection, Lithuania asks the Committee to formulate recommendations to the ILO Governing Body in way of applying strict measures, forcing authorities of the Republic of Belarus to fully comply with its obligations under the fundamental Conventions of the ILO.

Worker member, Japan (Ms NORIMATSU) – I speak on behalf of the Hind Mazdoor Sabha (HMS) of India, workers from Myanmar, Singapore, the Philippines, Indonesia, the Republic of Korea, Fiji, Australia, New Zealand, and the Japanese Trade Union Confederation (JTUC-RENGO).

This Committee has discussed this case more than other cases since 2000. The Government threatened ITUC's affiliate BKDP when the same was examined in this Committee last year. Nowadays we see these threats are followed by specific actions aimed at the extermination of the union.

In April 2022, more than 20 trade unionists were arrested. Ten of them are still in prison, including the BKDP President, member of the ILO Governing Body, Alexander Yaroshuk, as many people have referred. He regularly spoke in this Committee. He, and other BKDP leaders, face charges of preparing mass protests in the police state like Belarus that could lead to four years of imprisonment. Independent unions are being labelled as extremist organizations.

We have clear evidence that the Government of Belarus is not willing to cooperate with the ILO, the fact is, on the contrary. The recommendations of the Commission of Inquiry from 2004 are clear and unequivocal. The Government has shown no intention to implement them although the CFA has repeated the request earlier this year. We consider that it is time for the ILO to take further steps foreseen by the ILO Constitution.

We demand the immediate release of all imprisoned trade unionists. The Government must drop all charges against them and stop further attacks against them. Workers from Asia and the Pacific stand in solidarity with our sister organization, the BKDP.

Government member, Sri Lanka (Mr WIMALAWEERA) – The Government of Sri Lanka welcomes continuing efforts of the Government of Belarus to ensure implementation of the provisions of the Convention and its commitment to fundamental principles and rights at work.

The Government of Belarus has expressed its commitment to implement the recommendations of the Commission of Inquiry by giving due consideration to the agreements reached and plans developed jointly with the ILO. We note that the Government of Belarus has already taken a number of specific targeted steps, as a result of which some of the recommendations have been fully implemented, and significant progress has been achieved in the implementation of the rest.

We request that the Committee adopts a balanced and considered approach to the content of incoming complaints. We believe that the way forward is to foster an open and constructive dialogue between the Government of Belarus and the ILO and the social partners, a process to which the Government of Belarus has already expressed its commitment.

Worker member, Cyprus (Mr PIERIS) – As a matter of principle, we would like to underline that we support the full respect and implementation of all International Conventions and Recommendations of the ILO.

At the same time however, we would like to note that there are different approaches on this specific issue in terms of their implementation. There is no doubt that there are recorded cases of violations of fundamental trade union freedoms, which, due to political expediency and prejudice, are not dealt with.

In our view, the International Labour Office has an important role to play in ensuring on an equal base and without any political expediency the full implementation of trade union freedoms and rights.

Miembro gubernamental, Nicaragua (Sra. BOHÓRQUEZ PALACIOS) – El Gobierno de Reconciliación y Unidad Nacional de la República de Nicaragua reconoce la voluntad del Gobierno de Belarús para trabajar de forma transparente y comprometida con las normas internacionales del trabajo.

Asimismo, agradecemos la información compartida por Belarús referente a la aplicación que hace del Convenio, mostrando así la implementación de sus leyes laborales.

Como miembro de la Organización de las Naciones Unidas, reiteramos que es deber de todas las naciones fomentar las relaciones de amistad basadas en el respeto al principio de igualdad de derechos y de obligaciones que nos impone la Carta de las Naciones Unidas a no intervenir en los asuntos que son esencialmente de la jurisdicción interna de los Estados.

El Gobierno de Nicaragua hace un llamado al Comisión a no construir posiciones sobre la base de datos no confirmados en relación a las acciones de Belarús en la implementación del Convenio.

Los eventos de naturaleza política no deben ser relacionados con los procesos de diálogo social en el campo del trabajo de esta Organización, y no pueden, ni deben, ser la base para evaluar la situación con respecto al Convenio.

Bien es conocido el respeto que ejerce la hermana República de Belarús, en protección de la libertad sindical y la protección del derecho de sindicación, apegado al sistema de Control de la OIT.

Aprovechamos el espacio que se da en esta importante Comisión para rechazar toda acción que promueva socavar la institucionalidad y soberanía de los Estados Miembros de la OIT.

Alentamos a los países Miembros y organizaciones que conforman esta 110.ª reunión de la Conferencia Internacional del Trabajo a multiplicar esfuerzos a favor de establecer

verdaderos mecanismos de cooperación, garantizando igualdad de condiciones y el respeto para todos los participantes.

Reiteramos nuestro apoyo a la posición del Gobierno de Belarús, destacando su legitimidad y legalidad como Estado soberano.

Miembro trabajador, Colombia (Sr. OYOLA PALOMA) – La Confederación General del Trabajo (CGT), la Confederación de Trabajadores de Colombia (CTC), y CGT-Argentina se solidarizan con el pueblo de Belarús por la situación de violencia que viven los líderes sindicales.

Los trabajadores de Belarús están viviendo los peores ataques contra el derecho de asociación y de libertad sindical. Recientemente se produjo el arresto de por lo menos 14 dirigentes del movimiento sindical independiente del país.

Como trabajadores del mundo expresamos profunda preocupación por la violencia y desaparición de trabajadores.

El Gobierno de Belarús no ha puesto fin a esta política de violencia y, por el contrario, intensifica el ataque al derecho de libertad sindical negando el registro de sindicatos independientes y presionando a los afiliados a desafiliarse bajo la amenaza de no renovar los contratos de trabajo.

El líder del BKDP declaró a esta comisión en varias oportunidades la forma en la que han sido aislados y discriminados, les ha expresado una supuesta tolerancia por su labor solo para aparentar ante la OIT; sin embargo, son constantes las actitudes de irrespeto, discriminación y repudio a los sindicatos independientes.

Es urgente que se den recomendaciones a este caso, que desde una misión se puede evidenciar la victimización de la que han sido objeto los sindicatos y sus miembros buscando restablecer sus derechos individuales y colectivos.

Lo que se requiere es urgente, pues es la vida la que está en grave y permanente peligro.

Government member, Turkmenistan (Mr TORAYEV) – Turkmenistan wishes to extend greetings to the distinguished delegation of Belarus at this session of the Committee.

We take a positive view of the efforts made by the Republic of Belarus in seeking to give effect to measures intended to develop social dialogue in the country and to ensure that the Government complies with agreements it has reached and other plans that have been developed in coordination with the ILO.

Apart from that, we support the Government's work on seeking to give effect to the ILO standards and indeed this is something that was commended by the Committee of Experts in their reports for 2020 and 2021, in particular, they refer to the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and the Nursing Personnel Convention, 1977 (No. 149).

In these reports, Belarus was recognized as being a country that had made definite progress. With reference to Belarus, we consider that there is every reason to believe, that at present, trade unions in the country are fully-fledged participants in building a better future for the people there. This choice predetermined further development of a partnership between the authorities and civil society organizations.

We recommend to continue open and constructive dialogue on all the Conventions that have been ratified and on all the issues of social and labour relations with a view to improving the standard of living for people in Belarus. We recommend taking further measures to

support the people of Belarus in the social sphere, to improve employment and protection for workers, to cooperate in all areas of the life of the country, including cooperation in all humanitarian spheres.

We further recommend continuing to give greater attention to trade unions' work within their remit and need to focus on wages being paid on time and be increased, insuring full and productive employment, supporting the most vulnerable categories of workers, improving conditions for work, as well as monitoring discipline.

In conclusion, we wish to extend our hopes for every success to Belarus in future.

Worker member, Poland (Ms KEDZIOR) – I am speaking on behalf of Polish workers' and employers' delegations.

The situation in Belarus is becoming more difficult day after day. There is a brutal attack on trade union rights, on freedom of association and on freedom of bargaining.

Nine employees have been in custody since September 2021. Most of them belong to the BKDP. They face sentences of several dozen years in prison. The charge is treason and the creation of an extremist group, when they only organized aid for repressed workers and discussed scenarios of possible strikes in workplaces.

On 19 April this year, more than 20 leaders and members of the BKDP were detained. Many of them have not been released to this day, including Alexander Yaroshuk, Chairman and Siarhei Antusevich, Vice-Chairman of the BKDP. The basis for detention is the alleged preparation of actions that seriously violate public order.

Union organizations are said to pose a threat to state stability. At the same time, measures are being taken to deprive the independent trade union movement of its autonomy and independence. Many trade union activists are leaving the country because of fear of oppression. We know about searches and surveillance. These are well-known actions that regimes use against the free trade union movement. We know it first-hand, from the history of Solidarność.

In the written information to the Committee, the Government of Belarus stated that the information provided by the independent trade union movement is not based on facts, that they are biased and politically motivated. Arguments and conclusions presented by the Government of Belarus perfectly illustrate the Government's approach to workers' rights and trade union rights. They also manifest the fear but also the desire to suppress any sign of freedom and independence.

We call upon the Government of Belarus to release the trade union members and to drop the charges against them. We call upon the Government of Belarus to fully respect the trade union rights, in accordance with the legal framework under the Convention.

Government member, United Kingdom (Ms KOTECHA) – This is the seventh day and the 17th case we are discussing before this Committee. Yes, we are discussing compliance with the international labour standards, but, ultimately, we are talking about the impact of these standards on human life. So as other colleagues have done this morning, I would like to take a moment to keep the human beings concerned at the front and centre of our minds.

Alexander Yaroshuk, Siarhei Antusevich, Irina Bud-Gusaim, Vasil Bersenev, Gennady Fedynich, Yana Malash, Mikhail Gromov, Vitaly Chichmarev, Miroslav Sabchuk, Vatslave Hajestch, Zinaida Mikhniuk, Maksim Pozniakov, Alexander Mishuk, these are just some of the names of trade unionists who are currently being detained in Belarus unjustly. One of them is a member of a Governing Body and Vice-President of the ITUC; two have testified before this

very Committee; three are women trade unionists; four of them are elected leaders of the BKDP. All have been detained for exercising their human right to freedom of association.

Not only do the actions of the Belarusian authorities show a gross violation of the Convention; they also emphasize the acute regression of the implementation of the recommendations put forward in the 2004 by the Commission of Inquiry and, as a result, Belarusian workers have faced unprecedented levels of repression.

Given the utter deterioration of the situation regarding freedom of association in Belarus and the lack of meaningful progress on the implementation of the 2004 Commission of Inquiry of recommendations, the United Kingdom requests that the Committee refers this issue to the 346th Session of the Governing Body in November 2022, so that additional measures may be applied, including under article 33 of the ILO Constitution. The continued violation of workers' rights in Belarus is unacceptable. In conclusion, the United Kingdom calls on the Belarusian authorities to release, immediately, all trade unionists unjustly detained and to take all necessary measures to ensure that they can carry out their trade union activities in a climate free from violence, intimidation, or threat of any kind.

Membre employeur, France (M. ROCH) – Le cas du Bélarus relève du paradoxe d'être à la fois simple et complexe.

Simple, tout d'abord, parce qu'il a fait l'objet de 14 examens devant cette commission depuis 1997, et de 26 observations de la commission d'experts à ce jour, ce qui traduit malheureusement l'inertie du gouvernement devant la mise en conformité de sa situation juridique au regard des normes internationales, d'autant que la commission d'experts n'a mesuré aucune situation de progrès depuis les observations de 2004.

Complexe, ensuite, parce que le cas présenté ce jour s'appuie sur la convention n° 87, alors que l'ensemble des violations constatées dans tous les rapports déborde largement le simple cadre de cette convention fondamentale.

Pourquoi la convention n° 87? Parce que la commission d'experts a relevé, à maintes reprises, de nombreux manquements à l'exercice de la liberté syndicale. En résumé, le gouvernement ne répond ni sur les allégations d'intimidation et de violence physique sur les syndicalistes, ni sur les cas de poursuite pénale et d'emprisonnement de manifestants qualifiés de pacifiques par les observations du Haut-Commissaire des Nations Unies aux droits de l'homme.

Faut-il ajouter les allégations de perquisitions de locaux syndicaux et de domiciles de dirigeants syndicaux? Malheureusement, la liste, établie par la commission d'experts, des manquements graves aux obligations du gouvernement du Bélarus est aussi claire que longue.

Que demande la commission d'experts? Elle demande au gouvernement du Bélarus d'inscrire la question de l'enregistrement des organisations syndicales, de cesser toute ingérence dans l'organisation du dialogue social au sein des entreprises privées et enfin, de manière générale, de supprimer toute disposition contraire à l'exercice des droits civils et des droits fondamentaux de l'OIT afin de laisser toute place nécessaire aux partenaires sociaux dans le système de règlement des conflits du travail.

En conclusion, les violations aux obligations de la convention par le gouvernement du Bélarus nuisent de façon importante aux acteurs du dialogue social. Les employeurs ont besoin d'organisations libres pour eux-mêmes, mais aussi pour les travailleurs, c'est la

condition indispensable à l'existence de tout dialogue social nécessaire à la réalisation du travail décent.

La situation constatée au Bélarus est donc contraire aux principes et à la Constitution de l'OIT.

Interpretation from Chinese: Worker member, China (Mr MA) – We thank the information provided by the Government and agree with the observations made by the Workers' delegate of Belarus. In our opinion, the information in the report of the Committee of Experts is one-sided and, therefore, it does not respond to the real state of affairs in Belarus.

A number of Chinese businesses operate in Belarus and, in this connection, we notice that some of the situation related to the workers' rights and we notice that they, the workers, have the right to join together and defend their rights with the help of trade unions. A tripartite agreement among the Government, employers and trade unions has also been signed and entered into force. It should also be noted, in particular, that trade unions are consulted on all Belarussian laws and regulations related to labour and social rights. We regret that the Committee made an assessment contrary to the facts. Moreover, according to the feedback from the Chinese businesses in the country, practices in the country do meet the requirements of the Convention.

Finally, we believe it is necessary to pay attention to the fact that the current unilateral sanctions imposed on Belarus undermines the well-being of workers and their families. They also damage the stability and vitality of the businesses. The ILO Declaration emphasizes a commitment to strengthening the role of businesses and to creating an enabling business environment, as businesses are a major force for economic development and job creation. We are confident that the ILO will be contributing to the well-being of workers.

Government member, Canada (Ms THORNTON) – Canada is deeply concerned that more than 18 years since the findings of the 2004 Commission of Inquiry, the Government of Belarus has yet to make meaningful progress towards implementing the recommendations of the Commission and ensuring compliance with the Convention. This demonstrates a lack of respect for the ILO's supervisory system, which is unacceptable.

Canada is particularly concerned about continued reports of intimidation, physical violence and retaliation against trade unionists, arrests and imprisonment of workers and trade unionists, and searches of trade union premises and houses of trade union leaders by the police. Canada urges the immediate release of all trade union leaders and representatives who were arrested in April 2022 and are still detained.

We are deeply concerned about the steep deterioration of human rights, including labour rights, in the country and repression of key civil liberties, in particular, freedom of expression, freedom of peaceful assembly, freedom from arbitrary arrest and detention, and the right to a fair trial by an independent and impartial tribunal or judiciary.

We also remain concerned about the continued obstacles to trade union registration, government interference with the establishment of trade unions, and the slow to no progress in the various labour law reforms needed to comply with the principles of the Convention.

Canada therefore again urges the Government of Belarus to take immediate, concrete actions towards implementing the recommendations of the Commission of Inquiry and the Committee of Experts, in full cooperation with social partners and the International Labour Office.

In light of the lack of progress to date, Canada joins other countries to request that this Committee refer the matter of the Government of Belarus's implementation of the 2004 Commission of Inquiry's recommendations to the November 2022 session of the ILO Governing Body for consideration of additional measures, including those provided under the ILO Constitution.

Worker member, Nigeria (Mr AJAERO) – I am speaking on behalf of the millions of workers that are members of the Organization of Trade Unions of West Africa (OTUWA).

For 20 years the Government of Belarus has been suppressing freedom of association of workers. It denied independent unions registration, forced members to leave unions by the threat of induced non-renewal of contracts, exercised workplace pressure and discrimination. As the leader of the BKDP stated to this Committee several times, “free unions are in ghetto-tolerated situation, but without any space for development or actions”. This tolerance was a symbolic gesture towards the ILO.

Recently the Government rejected any act or show of tolerance by the workers. The Head of State placed independent unions on the list of destructive organizations, de facto, ordering their intimidation and annihilation by the KGB.

By the end of May, all leaders of independent unions in Belarus have been arrested and later released, subject to non-disclosure of any information about their cases, banned to leave the country, or considered offenders and remain in prison. At least 14 of them are in custody now.

Trade union offices are searched, some sealed, documents confiscated, trade union communication labelled extremist and primary groups de-legalized. Union activists can be arrested and put in prison at will, without access to legal protection and placed under psychological and even physical pressure by and through the KGB. Many had to flee the country, but their relatives are targeted.

No doubt, there is no respect for any freedom of human rights in Belarus. This iron-clad gestapo industrial relations style must be rolled back and the spaces for the enjoyment of civil liberties and fundamental human rights must be restored.

Membre gouvernementale, Suisse (M^{me} BRUGGER) – La Suisse réitère ses inquiétudes présentées l'année dernière dans l'enceinte de cette commission. Elle regrette le peu de progrès dans la mise en œuvre des recommandations, dix-huit ans après le rapport de la commission d'enquête.

La Suisse s'inquiète particulièrement que les actions collectives et pacifiques soient extrêmement limitées, voire inexistantes dans la pratique et que des mécanismes tels que le tripartisme et le dialogue social soient très restreints. Malgré les multiples demandes, ma délégation insiste pour que le Bélarus autorise les manifestations collectives et pacifiques. L'État ne doit pas s'ingérer dans l'organisation des syndicats indépendants qui devraient pouvoir se développer librement.

La liberté syndicale est l'un des principes et droits fondamentaux au travail au cœur d'une démocratie et un élément essentiel de la justice sociale. Ce principe permet, par l'action collective, de lutter contre le travail forcé, et de développer des mesures basées sur la non-discrimination et l'égalité au bénéfice de toutes et tous. La Suisse appelle le gouvernement du Bélarus à prendre toutes les mesures pour libérer les syndicalistes et de garantir aux responsables syndicaux l'immunité contre la détention administrative dans l'exercice de leurs

fonctions ou de leurs libertés publiques. La Suisse encourage le Bélarús à inclure toutes les informations demandées par la commission d'experts dans son rapport.

Miembro trabajador, Cuba (Sr. DRULIET PÉREZ) – Nuestra delegación sostiene los argumentos presentados por la Federación de Sindicatos de Belarús, lo cual no comparte las observaciones contenidas en el informe anual del Comité de Expertos de esta comisión sobre la supuesta violación del Convenio.

El movimiento sindical y el Gobierno de Belarús reconocen notables avances en los últimos años con respecto al desarrollo de un diálogo social tripartito más efectivo que ha posibilitado el desarrollo de políticas económico-sociales coherentes con los principios y derechos fundamentales en el trabajo defendidos por todos los Estados Miembros de la OIT.

Ejemplo de ello es el acuerdo general tripartito firmado entre el Gobierno de la República de Belarús, las asociaciones nacionales de empresarios y el movimiento sindical, que establece los derechos, deberes y obligaciones de los interlocutores sociales, las medidas acordadas para alcanzar el nivel adecuado de salarios, las pensiones y prestaciones sociales que garanticen el trabajo decente y empleos de calidad y un mayor acceso a los bienes y servicios básicos de la población.

De igual manera, nuestra delegación solicita a esta comisión continuar promoviendo el espíritu de diálogo, colaboración, asistencia técnica y cooperación de LA Oficina de Actividades para los Trabajadores (ACTRAV) y de la OIT con el Gobierno de Belarús relativo al cumplimiento del Convenio, de manera que también sea tenida en cuenta su declaración y de las demás delegaciones que la apoyen en defensa de los derechos de los trabajadores.

Interpretation from Russian: **Government member, Russian Federation (Mr MARKOVSKII)** – The Russian Federation shares the view that was expressed in the statement made by the representative of Belarus with reference to compliance with obligations under the Convention.

It is clear that the legislation in Belarus is in line with the Convention. For instance, dissolution of a trade union because it has received assistance from abroad or the regulations pertaining to peaceful demonstrations that have been so much criticized are indeed very clearly defined in law and regulations in that country and it is very clear that there are very significant filters in terms of the way that any kind of penalties can be applied; you can only dissolve a trade union following a court decision, and that is a guarantee of independence.

It is very clear that there has been no violation of the rules during all the time that this legislation has been enforced and this would surely seem to run counter to the idea that this is an excessively oppressive measure as some have claimed here today.

We believe then that there is a clear political agenda in the way that complaints are made against Belarus and if you analyse the domestic political situation there, it is clear that a lot of what is being said goes well beyond the mandate of the ILO. The representative of Belarus called for us to abstain from politicizing the debate and we reinforce that statement.

Government member, United States of America (Ms GOODYEAR) – Over the past 18 years the ILO supervisory bodies have monitored and engaged with the Belarusian authorities on the country's application of the Convention in follow-up to the findings of the 2004 Commission of Inquiry.

Although the ILO has provided technical assistance, the Belarusian authorities have failed to fully implement these recommendations and the situation for trade unionists in Belarus is increasingly deteriorating. In April and May, officials of the State Security Committee searched

trade union offices and the homes of their leaders and employees, ceasing personal documents and other items. Several trade union leaders and labour activists were arrested, including ILO Governing Body member, Alexander Yaroshuk, Siarhei Antusevich, Oleg Podolinski, Elena Yeskova and Mikola Sharakh.

We call for the immediate release of trade unionists that remain in detention and for all charges against them to be dropped. The authorities must cease all arrests and acts of violence, harassment and intimidation against trade unionists exercising their human and labour rights, including to voice opposition to the policies and actions of the Lukaschenka regime.

We again call on the Belarusian authorities to implement the Commission of Inquiry recommendation to guarantee adequate protection against administrative detention of trade union officials when performing their duties or exercising their civil liberties.

Chairperson, there has been no meaningful progress towards full implementation of the Commission of Inquiry recommendations, rather the authorities have reiterated that they have no intention of amending relevant legislation and have further retreated from Belarus's obligations under the Convention.

In the words of the Committee of Experts, the Belarusian authorities lack of action to follow up on the conclusions of this Committee also demonstrates a lack of commitment to ensure respect for Belarus' obligations under the ILO Constitution.

We, therefore, request this Committee refer the matter of Belarus' implementation of the 2004 Commission of Inquiry, to the November 2022 session of the Governing Body for consideration of additional measures to be taken, including under article 33 of the ILO Constitution.

Government member, Azerbaijan (Mr MARDALIYEV) – We thank the delegation of Belarus for providing the update on the application of the Convention.

Azerbaijan appreciates the efforts by Belarus in fulfilling its obligations arising from this fundamental Convention including the positive steps taken by the Government to implement the recommendations of the Commission of Inquiry. We understand some recommendations have been fully implemented while progress has been secured in implementing the remaining.

We also positively note the technical cooperation activities carried out with the support of the ILO to address specific recommendations of the Commission of Inquiry following the direct contacts mission in close cooperation with the social partners. The Tripartite Council for the improvement of legislation in the social and labour sphere continues playing an important role in promoting social dialogue and implementing the recommendations of the Commission of Inquiry.

These actions by the Government of Belarus demonstrate its commitment and willingness to address the concerns raised on the basis of the tripartite consultation process and with active engagement of the ILO.

We encourage the Government of Belarus to continue working closely with the ILO and increasing its efforts to implement ILO standards. At the same time, in fulfilling its labour-related obligations, we invite the ILO to fully support the Government of Belarus by providing any technical assistance that it may seek, including to improve the system for resolving labour disputes.

Interprétation de l'arabe: **Membre gouvernemental, République arabe syrienne (M. SHAMMOUT)** – En ce qui concerne l'examen par la commission du cas du Bélarus et de la

convention, les informations fournies par le Bélarus pour cette convention, et la coopération avec l'OIT ainsi que les efforts déployés dans le cadre de cette convention, notre délégation appuie la position du Bélarus pour ce qui est de coopérer avec l'OIT et les parties prenantes, de poursuivre cette coopération et de ne pas suivre un parcours qui consisterait à politiser l'action de l'OIT, ce qui ne serait pas conforme aux principes de l'Organisation et ne servirait pas les intérêts de toutes les parties.

Observer, IndustriALL Global Union (Mr OZKAN) – I am speaking on behalf of three global unions: IndustriALL, Public Services International (PSI) and the International Transport Workers' Federation (ITF).

For years and years, the Government of Belarus continues to blatantly ignore its obligations under the Convention, but since the rigged elections, the situation has become catastrophic with countless attacks against independent democratic unions, in particular, in the last two months.

On 7 April, the authorities declared the IndustriALL affiliate REP Union as an extremist organization. Zinaida Mikhniuk, ex-Chairperson of the union has been sentenced to two years imprisonment. Gennady Fedynich, another leader of the same union, is still in prison as we speak.

On 11 May, the local organization in the city of Grodno, another IndustriALL affiliate, BNP, was declared an extremist organization and is now facing dissolution.

Just before the start of this annual Conference, on 25 May, Maksim Pozniakov, Chairperson of the BNP, was detained and remains in prison.

Hundreds of ordinary union members have been subject to various forms of harassment and intimidation. The pressure placed against union members to resign from their unions has become harsh in a very widespread way. Interrogations of activists, illegal installation of video and listening devices in union offices have become regular exercises of the authorities.

Following a seven-hour long interrogation of Alexander Bukhvostau, Chairperson of another affiliate SPM, was hospitalized. On 30 May, Vladimir Krysenok, former member of the BNP in Novopolotsk, killed himself because of harassment and threat throughout his 12 years in jail.

The repression of independent trade unions in Belarus is politically motivated and constitutes an assault on democracy and its institutions. The arrest of trade unionists constitutes a grave violation of fundamental trade union and human rights.

We urge the Belarusian Government to change their course and commit to global democratic standards and to demonstrate this commitment by releasing those union leaders who have been arrested and dropping all the charges.

We call on the Committee to observe the severe deterioration in fundamental trade union rights in Belarus and apply all possible measures under the ILO Constitution to make sure that the Belarusian Government fulfils its obligations.

Interpretation from Russian: **Observer, General Confederation of Trade Unions (GCTU) (Mr SCHERBAKOV)** – The question of compliance by Belarus with the provisions of the Convention has come before the Committee several times and it remains the subject of lively discussion. We must note that the report from the Committee of Experts on this topic over the years has not always fully reflected the situation when it comes to the development of the trade union movement in Belarus.

In recent years, we have seen that various international sanctions and prohibitions have been applied to the country with consequent effects on the way in which it is able to exercise its sovereignty. We must recognize that it is not acceptable to harass or persecute trade union officials for their professional duties, for what they do in seeking to defend the interests of workers. If we look at other violations of law, however, that do affect national security interests, then they should be subject to decisions by other judicial bodies.

We must recognize that the information that we have from the Committee of Experts' report does note that progress has been made. We must also recognize that we do now have a tripartite agreement in that country that involves the social partners in the development of economic development plans and in ensuring that social guarantees are applied in the country.

When it comes to matters relating to labour relationships in the economic interests of citizens of Belarus, the voices of trade unions are appropriately heard, and they can make those voices heard at legislative level also. When there have been instances of accusations of failure by Belarus to respect the provisions of the Convention, we must recognize that those have not always been made when looking at the full situation in terms of trying to ensure the economic development of the country. We do call upon the country to respect the Convention but we also ask this Committee to take an objective view of developments in Belarus and to craft its recommendations accordingly.

Observer, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) (Mr BUKETOV) – Our contribution of the IUF is complementary to the statement of the IndustriALL Global Union and other Global Union Federations.

The ILO has made numerous attempts to offer the Belarus Government support in the implementation of the Convention, but all those efforts over the years failed. The Government has failed to carry out the recommendations contained in the 2004 report of the Commission of Inquiry and continues to manifest its disrespect of the ILO's fundamental principles and the ILO as an organization.

Last year, this Committee expressed its disappointment at the slow process in the implementation of the recommendations of the Commission of Inquiry and urged the Government to fully implement the outstanding recommendations before this year's Conference takes place. Instead, what happens in Belarus today indicates a further refusal by the Government to meet its obligations under the Convention. The recent arrest of union leaders and, among them, Alexander Yaroshuk, President of the BKDP, who addressed this Committee at the previous session, is the most obvious illustration of that. We, therefore, believe that this Committee should adopt conclusions which call upon the Governing Body and the Office to take all and every possible measure under the ILO Constitution to secure the observance by Belarus of the recommendations of the ILO Committee of Experts and the Commission of Inquiry which were issued over 17 years ago.

Interpretation from Russian: **Observer, International Trade Union Confederation (ITUC), (Mr SHARAKH)** – The Government of the Republic of Belarus over the last two decades has systematically violated Conventions Nos 87 and 98. However, in many respects, thanks to the opinions of the Committee members that have been expressed, the trade unions are the last civil society organizations that have not been destroyed in the country. The trade unions were called destructive organizations before the Conference last year, and that opened the way to a worsening of the situation leading to organizations of workers' arrests, raids, liquidation and dissolution of trade union organizations.

The REP Union was deemed to be an extremist organization. We have seen the arrests by the KGB of more than 20 trade union leaders including the President of the BKDP, member of the ILO Governing Body, Vice-Chairperson of the ITUC, Alexander Yaroshuk, deputy Chairperson of the BKDP, Siarhei Antusevich. They have been for one-and-a-half months behind bars. We have also seen similar cases raised against their co-workers.

On the eve of the International Labour Conference, Maksim Pozniakov, Chairperson of the Belarusian Independent Trade Union and acting Chairperson of the Belarusian Congress of the Democratic Trade Unions, and Aliaksandr Mishuk, leader of the Independent Trade Union of Miners, were sent to jail. Zinaida Mikhniuk, Vice-Chairperson of the REP union, was sentenced to two years of imprisonment.

The Belarus Government is showing that it is not willing to implement the Commission of Inquiry recommendations. It is demonstrating that it does not respect the ILO and its supervisory bodies. We hope that decisions will be taken that are provided for by the Constitution of the ILO in response to repeated violations of the fundamental principles as reflected in the Convention. It is also essential that all of those leaders in detention be released, and their legitimate trade union activities be continued.

Interpretation from Russian: Government representative(Ms KOSTEVICH, Minister of Labour and Social Protection) – I thank you for giving me this opportunity of addressing you once again to explain the position of the Government of Belarus.

I sincerely thank those countries that have expressed support for the Republic of Belarus, your support is very important to us, and it gives us grounds to hope that the assessment of the situation in Belarus by this Committee will be well thought out and well-balanced.

I must also say, however, that I categorically reject the politicized statements made by representatives of the ITUC, the EU and a number of other countries. Such statements are completely groundless, and there is no evidence for what is being alleged at all. We see such statements as trying to drag the ILO into a political game, so that the ILO and this Committee would become one more mechanism for exerting pressure on Belarus.

We must recognize that this Organization needs to distance itself as much as possible from such illegitimate actions. We must act in strict compliance with our mandate and the mandate for the ILO is very clear. It relates to Conventions and Recommendations adopted within the framework of the ILO.

Decent work for all, that is a universal concept, and it brings under the auspices of the ILO, all States who are Members of this Organization, that being so, there can be no place for unilateral compulsory measures of any kind. We believe that the politicized statements made, run totally counter to the philosophy and fundamental principles underpinning the ILO.

Some countries, in seeking to achieve their foreign policy goals, are willing to enter into a policy of exerting pressure on other countries without paying attention to the appropriateness or not of different forums. I recently drew the attention of the ILO Director-General, to the question of exerting standards or introducing sanctions of some kind against countries that did not comply with ILO standards, and I pointed out that the way that this was being put forward was not in line with the ILO's fundamental principles. It was not legitimate in the way that it was being proposed that unilateral coercive measures be taken. I put that point to the Director-General last year. I have not yet received a response from him.

We believe, however, that we need to focus on the issues that are truly within our mandate and truly within the interests of the Members of the ILO. We need to ensure that we should be

seen as a centre of excellence internationally for employment issues, and the protection of workers.

Secondly, we should be seen as an international organization that does not divide countries but brings them together to serve noble and lofty goals.

When I spoke earlier in my introductory comments, I described in some detail, Chairperson, the measures being taken by the Government of the Republic of Belarus in seeking to develop and take forward social dialogue and tripartism, in accordance with recommendations from the Commission of Inquiry. I wish to emphasize that success has been achieved in developing social dialogue and tripartism and that was noted by the Committee of Experts and the direct contacts mission. But some of those who spoke today seem to have forgotten that or just do not want to recognize it.

I would also note that we have made considerable progress over the past 20 years in cooperation with the ILO also, and we are working on ensuring that we can now have collective agreements that can be applied in different parts of the country and in different sectors of our economy.

We have indeed succeeded in creating many such agreements though we were not able to do as much as we wanted in recent years because of the pandemic, nonetheless we have made significant progress.

Belarus cannot be held responsible for anything that it has done in trying to prevent trade unions from carrying out the activities that it is legitimate for them to do; that is to say, being involved in collective bargaining, protecting workers at enterprise and sectoral levels. Indeed, there is no way that you could accuse us of not respecting that. But when there are trade unions that step beyond their remit and step into other areas then they must be willing to be accountable for that before the law. We have the law in our country, and it is the same law that applies to all. That is not the situation only in Belarus; that is the situation in all countries of the world.

Today, the names of a number of persons were mentioned and it is true; these persons are at present subject to legal proceedings. But each and every case is being thoroughly investigated and will be thoroughly dealt with through the courts. I can assure you; in terms of violations of the Convention, that is simply something not appropriate to the cases that have been referred to and if you wish for more detail on the cases then we are happy to give you that information. Do not jump to unfounded conclusions, I would ask you.

The Government of Belarus is interested in continuing open and constructive dialogue with the ILO. We stand ready to work with you not just in terms of giving effect to the recommendations of the Commission of Inquiry; but also, to work on other broader, labour and social protection issues. I am sure that our cooperation can make a significant contribution to ensuring that we can improve the standard of living for people in Belarus and ensure that the more than 10 million people that live there can enjoy all of their human rights, including labour rights.

That is what the ILO is supposed to be about. That is what the Committee is supposed to be about. If that is going to happen, I would ask you not to take a partial one-side view of our situation and secondly do not jump to critical conclusions about what is being done by the authorities in Belarus when what they are doing is simply seeking to ensure respect for law and order in the country.

Let me once again, call upon members of this Committee, representatives of governments, employers and workers; do not take decisions now, that in future might be a hindrance to developing constructive cooperation between Belarus and the ILO.

I would call upon you to listen to what has been said by all who have spoken and to refrain from a unilateral politicized approach to this issue. Let me remind you once again, decent work for all is a universal concept and the ILO can bring together all of the countries of the world in the service of that cause and in that area, you will find Belarus to be a reliable and committed partner.

Worker members – We note the comments of the Government of Belarus and that the Government of Belarus failed to implement its obligation under the Convention and the recommendation of the Commission of Inquiry.

The Government of Belarus is not just failing to implement the recommendations of the Commission, it has taken escalatory measures of repression and has engaged in the intentional and systematic destruction of independent trade unions.

Without serious measures to address the impunity shown by the Government of Belarus the whole supervisory system will be seriously weakened. The Government must immediately release all trade union leaders and members arrested for participating in strikes and peaceful assemblies, or for that matter, arrested for exercising their civil liberties pursuant to their legitimate trade union activities, including Alexander Yaroshuk, a member of the Governing Body of the ILO, Siarhei Antusevich and Gennady Fedynich. As a matter of urgency, the Government must give access to visitors, including of officials of the ILO to ascertain the conditions of arrest and detention and their welfare.

We note that several other union leaders arrested in April were released but face similar charges including SPB President Mikalaj Sharakh and SPM President Alyaksandr Bukhvastau. The two-year sentence against the Vice-Chairperson of the REP Union, Zinaida Mikhniuk, must be quashed and she must be immediately released.

The Government must take immediate action to implement fully the 2004 reports of the Commission of Inquiry and the conclusions of the Committee including the conclusions adopted by this Committee in 2021, as well as the recommendations of the CFA.

We take note of the serious and grave deterioration of the condition for the exercise of trade union rights for independent trade unions including the breakdown of respect for civil liberties by the Government and the authorities in Belarus. The arrest and detention of trade union leaders and the ongoing interference in trade union affairs and the violation of privacy through searches of trade union property.

We must recall that every opportunity has been given to the Government of Belarus to comply with its obligations under the Convention without any success whatsoever. Noting with deep regret the failure of the Government of Belarus to fully implement the conclusions of the Committee, including the 2021 conclusions, and the failure of the Government to fully implement the 2004 reports and recommendations of the Commission of Inquiry, as well as the recommendations of the CFA. In 2022, after 18 years, this Committee must refer this matter to the Governing Body to follow up in its June 2022 meeting and consider at that time any further measures to secure compliance therewith in line with the ILO Constitution. This case again must be included in a special paragraph.

Employer members – We begin by noting the comments of the Government of Belarus and thank the Government for the information that it has provided to our Committee today.

We also thank the participants that joined the discussion today on the case of Belarus and its application of the Convention.

We have listened very carefully to all of the representatives of Workers, Employers and Governments that have taken the floor. The majority of these contributions, in our view, focused on the issue of the application of the Convention in law and in practice taking into account the report following the Commission of Inquiry in 2004, the Committee of Experts' observations and the Committee Conclusions, most recently those Conclusions in 2021. Therefore, we believe that the issues being discussed in our Committee have fallen within the mandate and appreciate the feedback on these issues that the speakers have provided.

The Employers must note that we regret that there has not been any meaningful progress towards the implementation of the Commission of Inquiry's recommendations and also deeply regret that there has been no progress towards the implementation of the 2021 Committee conclusions. In fact, based on the information provided by the Committee of Experts' observations, it appears that the situation is in fact deteriorating. This is deeply regrettable.

Furthermore, the Employers are deeply concerned regarding new allegations of criminal prosecution, arrest and imprisonment of trade unionists. Therefore, we join the call of other members of the Committee to call for the immediate release of any individuals arrested or imprisonment because of trade union activities or membership or affiliation. At a fundamental level, employers' and workers' organizations must be free to associate and organize their activities freely without intimidation, without interference and at a fundamental level, this is a basic compliance obligation of the Convention. In our view, this principle applies equally whether we are discussing the freedom and security of workers' or employers' organizations, but it is the foundational requirement for true compliance both in law and in practice with the Convention and so, in our view, it is not possible for a Government to take the position that it is in compliance, or substantial compliance, with the Convention while failing to respect this basic right.

In addition, taking into account our deep regret that no meaningful progress has been made regarding the implementation of the 2021 Committee conclusions, the Employers must conclude this case by recalling the detailed recommendations set out in our 2021 conclusions and urging, in the strongest terms, that the Government implement these recommendations without any further delay or excuse.

The Employers invite the Government to avail itself of technical assistance, where necessary, and request that the Government provide detailed and complete information on any measures taken and any progress made on the issues raised in the 2021 Committee conclusions, in consultation with the most representative employers' and workers' organizations nationally and to report to the ILO before 1 September 2022. Taking into account the submissions made and the discussion of this case, as well as the Committee of Experts' observations, the Employers' group can support the Workers' call for the inclusion of this case in a special paragraph.

El Presidente – Damos entonces por concluida la discusión de este caso. Agradecemos la participación de la representante gubernamental de Belarús y de todos quienes han hecho uso de la palabra. Las conclusiones serán adoptadas por la Comisión en la tarde del jueves 9 de junio o en la mañana del viernes 10 de junio.

(...)