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109^e session, Genève, 2021109.^a reunión, Ginebra, 2021**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 \(núm. 87\)](#)**Written information provided by the Government****Measures taken by the Government of Belarus to implement the recommendations of the Commission of Inquiry****General comments**

The Government of Belarus takes note that, due to the deferral of the 2020 International Labour Conference session owing to the difficult epidemiological situation, during the first part of the 109th Session of the International Labour Conference in May–June 2021 the discussion in the Committee on the Application of Standards will be based on both the Committee of Experts' 2020 observations and the additional comments of the Committee, outlined in its 2021 report.

In this regard, the Government regrets that there has been a significant change in the tone of the Committee of Experts' comments prepared in 2021 regarding the country's compliance with Convention No. 87 and the implementation of the recommendations of the Commission of Inquiry, as compared to the position of the Committee set out in its 2020 report. At the same time, in the Government's opinion, a significant negative shift in assessments of the situation in Belarus in the 2021 report of the Committee of Experts is associated exclusively with the political events that took place in the country after the elections of the President of the Republic of Belarus held on 9 August 2020. As a result, on the basis of unverified information from the Belarusian Congress of Democratic Trade Unions (BCDTU) and the International Trade Union Confederation (ITUC) regarding the events that took place after the elections, it was precisely in the 2021 comments that the Committee of Experts included the so-called "double footnote", which means the automatic inclusion of Belarus in the list of countries for consideration by the Committee on the Application of Standards at the 109th Session of the International Labour Conference.

In the Government's opinion, this approach is unacceptable.

Events that were of a purely political nature and were in no way connected with the processes of social dialogue in the world of work should not and cannot be the basis for assessing the situation with the country's compliance with ILO Convention No. 87.

The Government emphasizes that external forces interested in destabilizing the situation in the country took an active organizational and financial part in the preparation and conduct of illegal street actions that took place after the elections of the

President of the Republic of Belarus. The main demands put forward by the protesters included the resignation of the Head of State and the holding of new elections. The political structures created with support from abroad were actually paving the way for an unconstitutional transition of power in the country.

The Government notes the groundlessness of statements about the peaceful nature of the protests. Those mass events were carried out in violation of the law and posed a serious threat to public order, safety, and the health and life of citizens. During the protest actions, numerous facts of active resistance to the legal demands of law enforcement officials were recorded, associated with the manifestation of aggression, the use of violence, damage to official vehicles, blocking the movement of vehicles, and causing damage to infrastructure facilities.

The State, for its part, took all the necessary measures to ensure law and order, did not allow chaos and destabilization of the situation in the country and ensured the safety of citizens.

The Government draws attention to the fact that, in the information submitted to the ILO, the BCDTU and the ITUC are deliberately attempting to link illegal protest actions with the alleged strike movement in the country. This clearly shows the desire of the BCDTU and the ITUC to unreasonably involve these issues in the sphere of ILO competence.

In this regard, the Government emphasizes that this approach is inconsistent with the real events that took place in Belarus at the end of 2020.

In practice, the protest moods affected only a small part of the workers. The country's enterprises continued their work; strikes, as a way to resolve collective labour disputes between employers and representative bodies of workers, were not announced.

At the same time, some workers, under the slogan of participation in strikes which were not announced or organized in accordance with the law, skipped work and refused to perform functions stipulated by their employment contracts. The Labour Code of the Republic of Belarus provides for disciplinary measures, up to dismissal, for such actions.

The Government explains that the application of disciplinary measures to employees is attributed by labour legislation exclusively to the competence of the employer.

Thus, the Government informs that the citizens mentioned in the BCDTU and ITUC complaints, who allegedly suffered for participation in peaceful protests and strikes, were imposed administrative and disciplinary penalties for committing specific illegal actions. This has nothing to do with the persecution of workers and trade union activists for the exercise of their civil or trade union rights and freedoms.

The Government insists that using purely political events to assess the country's implementation of the recommendations of the Commission of Inquiry is completely unreasonable and counterproductive. This can become a serious obstacle to the further development of well-established constructive interaction both within the country and with ILO experts on the implementation of recommendations.

At the same time, the Government emphasizes that over the past years there has been obvious progress in the development of social dialogue in the republic. As part of its work on the implementation of the recommendations of the Commission of Inquiry, the Government is strictly following the agreements reached and the plans developed jointly with the International Labour Office (the Office). Thus, together with the social

partners and the Office, the Government has fully implemented the proposals of the direct contacts mission, which worked in Belarus in 2014.

Currently, the main platform for making decisions on the implementation of the recommendations of the Commission of Inquiry is the tripartite Council for the Improvement of Legislation in the Social and Labour Sphere (the Council), the concept of which was developed jointly with the Office. The Government, employers' associations and trade unions are represented on the Council on an equal basis. On the part of trade unions, the Council includes both representatives of the Federation of Trade Unions of Belarus (FTUB), the largest trade union centre in the country, and the BCDTU.

Within the framework of the social partnership system, the Government is taking targeted steps to establish constructive cooperation with all parties, including the BCDTU, which is represented not only in the above-mentioned Council, but also in the National Council for Labour and Social Issues, in the working group for preparation of the draft general agreement.

However, it should be emphasized that the possibilities of cooperation with the BCDTU are limited due to their extremely destructive position. Acting as an open opponent of the state authorities, the BCDTU representatives build their position on rejection and criticism of any measures of the Government in all areas of social and economic policy, regardless of their intended effect. In such a situation, the development of joint mutually acceptable decisions within the Council is an extremely difficult process.

Nevertheless, even in such difficult conditions, the Council plays a significant role in promoting social dialogue and implementing the recommendations of the Commission of Inquiry. So, for example, it was the Council who developed proposals to abolish the legislative requirement for 10 per cent of employees to create a trade union, and together with the ILO experts developed and implemented proposals of the ILO direct contacts mission, as well as additional measures of technical cooperation with the ILO based on the results of the implementation of the mission's proposals.

The steps taken by the Government to implement the ILO standards were positively assessed by the Committee of Experts. Thus, in the Committee's 2020 and 2021 reports, Belarus is noted among the countries in which there are cases of progress. In particular, the measures taken by the Government to implement ILO Conventions Nos 98, 144 and 149 were noted with interest by the Committee of Experts.

The Government would be grateful to the ILO supervisory bodies for their impartial attitude to the situation in the country and the absence of hasty critical assessments of the actions of the Belarusian authorities aimed at restoring law and order.

The Government appreciates the experience and expertise of the ILO and expects to continue an open and constructive dialogue on the implementation of the obligations stipulated by the ratified Conventions, as well as on a wider range of issues in the social and labour sphere in order to improve the level and quality of life of Belarusian citizens.

Article 2 of the Convention. The right to establish workers' organizations

As practice shows, today the legal address requirement is not an obstacle to the registration of trade unions. The proof is the data on the number of registered organizations; during the last 5 years (2016–20) 6,027 new organizational structures of trade unions and 3 new trade unions were registered in the country. As of 1 January 2021, there are a total of 25 trade unions (20 republican, 1 territorial, 4 trade unions in organizations), 4 trade union associations and 26,522 organizational structures of trade unions operating in Belarus.

The cases of refusal to register the organizational structures of trade unions are rare and have objective reasons, in most cases not related to the legal address requirement. The main reasons for refusal are non-compliance with the legislation regarding the procedure for creating trade unions and the submission of an incomplete package of documents for registration.

Articles 3, 5 and 6 of the Convention. The right of workers' organizations, including federations and confederations, to organize their activities

The procedure for organizing and holding mass events

The procedure for organizing and holding mass events established in Belarus does not conflict with the principles of freedom of association and assembly and is fully consistent with the provisions of the International Covenant on Civil and Political Rights. The exercise of the right of peaceful assembly is not subject to any restrictions, except those that are imposed in conformity with the law and are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals, the protection of the rights and freedoms of others.

The norms of legislation stipulating punishment for violation of the procedure for organizing and holding a mass event, which entailed serious negative consequences, are aimed at preventing socially dangerous unlawful acts that pose a real threat to the life and health of citizens. Here we are talking about the unconditional need to maintain a balance of interests and rights of individual groups of citizens and society as a whole. Maintaining and keeping this balance is the direct task of the State.

The fundamental point is that the decision to terminate the activities of the trade union for violation of the legislation on mass events, which caused serious damage and significant harm to the rights and interests of citizens, organizations, society and the State, can only be taken in court.

No decisions were made to liquidate trade unions for violating the procedure for organizing and holding mass events in Belarus.

The procedure for obtaining and using foreign gratuitous aid

The legislation does not prohibit the receipt of foreign gratuitous aid by trade unions, including from international trade union organizations and associations. At the same time, the law clearly defines the purposes of using such aid and the procedure for its registration, which is applied to all legal entities.

It should be noted that there have been no refusals to trade unions to receive foreign gratuitous aid, as well as no cases of liquidation of trade unions for violation of the procedure for its use.

The established procedure for obtaining funding from abroad is unreasonably linked to Articles 5 and 6 of Convention No. 87. The prohibition on the use of foreign aid for carrying out political and mass propaganda work is due to the interests of national security, and the need to exclude the destructive influence of external forces on the situation in the country.

Development of the situation in the case of Gennady Fedynich and Igor Komlik

The Government once again draws the attention of the ILO supervisory bodies to the fact that the prosecution of the REP trade union officials, Mr Fedynich and Mr Komlik, took place solely due to their violation of the procedure for carrying out economic

activities (tax evasion). The guilty verdict is based on evidence that has passed an objective check during the trial. This case is in no way connected with the activities of the REP trade union and should not be considered as a persecution of trade union activists for the exercise of civil or trade union rights.

The Government has previously submitted detailed information on this issue to both the Committee of Experts and the Committee on Freedom of Association. The comments of the Government, among other things, contained information about the position of the BCDTU chairperson, Mr Yaroshuk, who publicly admitted the unlawfulness of the actions of Mr Fedynich and Mr Komlik. In particular, in his interview under the heading “The REP Trade Union Leadership Seriously Set Themselves Up”, posted on the internet on the day of the arrest of Mr Fedynich and Mr Komlik on 2 August 2017, commenting on the arrest of his colleagues, Mr Yaroshuk, among other things, noted the following:

To put it bluntly, all the correspondence that was conducted with the Danish trade union 3F and the Danish Ministry of Foreign Affairs is in their hands [the investigators of the Financial Investigation Department]. It was a pretty high-profile story that went far beyond the trade union movement.

[The project] works for separatism and splits in the independent trade union movement in Belarus.

I wrote to the investigators that I do not know anything about how the financing was carried out, or about who exactly was bringing or was not bringing the money. I believe that at one time I made a worthy decision not to get into this mud. After all, I will not achieve anything, except that I will create an appropriate reputation for myself. But what I and we all were afraid of – this abscess has burst, to our deep regret. Today the situation seems to dictate to me to say that the “bloody regime” bore down on my people, my organization, but I have to be objective. Today I cannot speak about the “bloody regime” and my “white and fluffy” colleagues. They messed things up.

Currently, in view of the application of amnesty legislation to the convicts, the main punishment in the form of restriction of freedom has been served by Mr Fedynich and Mr Komlik in full.

The further fate of the information storage devices seized during the investigation of the criminal case will be decided after the completion of the check on the fact of committing other crimes of a similar nature by the indicated persons.

The right to strike

In the Republic of Belarus, the right of citizens to strike is enshrined in article 41 of the Constitution. Thus, citizens have the right to protect their economic and social interests, including the right to establish trade unions, conclude collective contracts (agreements) and the right to strike.

The right of trade unions to declare strikes is enshrined in article 22 of the Law of the Republic of Belarus “On Trade Unions”.

The procedure for organizing and conducting strikes is regulated in Chapter 36 of the Labour Code of the Republic of Belarus.

The legislative provisions that regulate the procedure for organizing and conducting strikes are aimed at creating conditions for resolving a dispute that has arisen through consultations and negotiations within the framework of conciliation procedures. A strike is an extreme way to resolve a dispute if the parties fail to reach an agreement.

In accordance with article 393 of the Labour Code, in the case of a real threat to national security, public order, public health, the rights and freedoms of others, as well as in other cases provided for by law, the President of the Republic of Belarus has the right to postpone the strike or suspend it, but for no more than three months.

The Government considers that the current procedure for organizing and conducting strikes in the Republic of Belarus does not contradict international labour standards.

Consultations with employers' and workers' organizations

There is a system of social partnership in the Republic of Belarus, and within the framework of this system government bodies, associations of employers and trade unions interact in the process of development and implementation of the socio-economic policy of the State.

The development of draft legal acts regulating issues of the social and labour sphere is carried out with the direct participation of social partners.

The provisions providing for the participation of social partners in the development of draft legal acts are reflected in the General Agreement between the Government of the Republic of Belarus, republican-level associations of employers and trade unions for 2019–21.

So, according to clause 50 of the General Agreement, the Government of the Republic of Belarus:

submits for preliminary discussion in the National Council for Labour and Social Issues draft legal acts that fall within the competence of this Council;

when preparing legal acts affecting the labour and socio-economic rights and interests of citizens and the related economic interests of employers, sends to the side of trade unions and the side of employers represented by the co-chairs of the National Council for Labour and Social Issues the relevant draft legal acts for consideration and introduction of comments and proposals, and considers their positions before making a decision.

Despite the fact that the number of workers who are members of trade unions affiliated to the BCDTU and the FTUB is incomparable (the FTUB trade unions represent the interests of 4 million workers), the BCDTU, along with the FTUB, is represented in the main tripartite body of the country – the National Council for Labour and Social Issues, as well as in the tripartite Council for the Improvement of Legislation in the Social and Labour Sphere.

Discussion by the Committee

Interpretation from Russian: Government representative, Minister of Labour and Social Protection – In my statement, I intend to touch upon issues concerning compliance with the Convention by Belarus, and our implementation of recommendations made by the Commission of Inquiry. Those recommendations were adopted in 2004 and we have often heard people say that, so far, they have not been fully implemented.

I would urge the Committee not to jump to conclusions, however. Anybody who looks carefully at the Commission of Inquiry's 12 recommendations will see that they instruct the Government and the social partners to work continually and systematically in cooperation with the ILO and they do not give any specific deadlines.

In the recommendations, references are made to the judicial system, to the system for the resolution of disputes and to tripartite cooperation. We are asked to review our system of labour relations that will ensure distinct roles for the Government and the social partners. Doing this is something many countries have to do. There is not a single country in the world anywhere at the moment, which does not have conflicts between its employers and workers. The Government of Belarus is working systematically to further develop its labour relations, its procedures for social dialogue and its tripartism. Over the last few years, we have tackled specific issues covered in the recommendations and we have informed the supervisory system of the ILO of them.

What has been done? We distributed the recommendations of the Commission so that society could get to know about them. We have also taken systematic steps to brief representatives of the judicial system and the prosecutor's office about the need for a detailed consideration of any allegations of discrimination against trade unions. Together with the ILO, we have also organized and held several seminars.

In order to simplify the conditions for registration of trade unions, two major decisions have been taken. First of all, the Republican Committee on Registration has been done away with. Furthermore, the 10 per cent minimum membership requirement for setting up a union has been removed. According to the recommendation of the Commission of Inquiry, the National Council on Social and Labour Issues (NCSLI), our main tripartite body, includes a representative of the Belorussian Congress of Democratic Trade Unions (BKDP).

Now, let me make it clear that the BKDP does not meet the criteria of representativeness set out in the regulations of the NCSLI. However, the Government and the Federation of Belorussian Trade Unions (FPB), as well as the Confederation of Industrialists and Entrepreneurs (Employers), have shown goodwill and have implemented that recommendation.

I am dwelling on these individual issues covered in the recommendations because we believe that the position of the Commission of Inquiry and the Committee of Experts in respect of these issues does not take into account the situation as it is in reality. We believe that the legislation of the Republic of Belarus governing the organization of mass events and strikes, as well as the receipt of foreign gratuitous aid, is in line with ILO standards. It guarantees the appropriate social processes and the safety, health and security of the people. We need to maintain a balance of interests and that between the rights of various groups of society; that is our main task.

As to the reception and use of foreign gratuitous aid, the legislation does not prohibit trade unions to receive it. Rather, the legislation defines the purposes for what it can be used for, and provides for the rules of its registration, which must be complied with by everyone.

I would like to refer to certain machinations involving money received from abroad by representatives of the Radio and Electronic Workers' Union – Gennady Fedynich and Igor Komlik. Unfortunately, these facts show that we need more transparency in the system governing the receipt and use of foreign gratuitous aid.

I would like to underline that there is no prohibition to use the foreign aid for conducting international seminars and conferences, which do take place in the country. The financing through such aid of political actions is, however, prohibited; that is in line with international practice. The current rules for the organization and holding of mass events are not in contradiction with the principles of the freedom of association or assembly. The restrictions set out by the legislation are aimed at guaranteeing the

security of the State, society and ensuring the rights and freedom of persons. The provisions of the legislation are fully in compliance with the provisions of the International Covenant on Civil and Political Rights.

It should be noted that the recommendations of the Commission of Inquiry do not cover the question of holding a strike. However, the Committee of Experts, for a few years now, has been making suggestions to the Government that it change certain provisions of the Labour Code governing the organization and holding of strikes. The Government's position is clear and comprehensible. Any guarantees of the right of citizens to hold strikes in the Republic of Belarus are covered in the Constitution, the Labour Code, and the Law on Trade Unions. We believe that a strike is a very extreme way of resolving a dispute. Therefore, the provisions in the legislation are there to provide the best possible conditions for solving disputes through consultations and negotiations as part of conciliation procedures. This approach is not in contradiction with international labour standards.

As already said, the content of the recommendations of the Commission of Inquiry provide for long-term and systematic work to improve social dialogue in our country. In doing this, we have set up a Tripartite Council on the Improvement of Legislation in the Social and Labour Sphere. The proposal to set it up was worked out during a tripartite seminar with participation of the ILO, the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC), which was held at Minsk in 2009.

Guy Ryder made a personal contribution to the development of this concept. At the time, he was the General Secretary of the ITUC, now, of course, he is the Director-General of the International Labour Organization, and Mr Kari Tapiola, ILO Deputy Director-General at the time. The Council is a forum where issues of freedom of association are discussed and the compliance with the Commission's recommendations is monitored.

The Government, employers and workers' organizations are represented at the Council on an equal footing. I would like to stress that out of seven trade union representatives in the Council, four represent the FPB and three represent the BKDP, regardless of the fact that the trade union membership of the latter does not reach 1 per cent of the FPB membership. I believe that in no country in the world such small trade unions can participate in the decision-making process at the national level. The activity of the Tripartite Council was positively assessed by the direct contacts mission which came to Minsk in 2014, and it is an important part of trade union pluralism in Belarus, which was recognized by the mission.

The Tripartite Council has coordinated the work to implement the proposals made by the direct contacts mission, including by organizing seminars and training sessions on tripartism, collective bargaining and the settling of labour disputes. All agreements worked out together with the ILO have already been acted upon and this has actually strengthened trade-union pluralism in Belarus. The general agreements for 2016–18, as well as for 2019–21 regulate the conclusion of collective agreements at the enterprise level where several trade unions operate. Concretely, all trade unions active at the enterprise have the right to participate in collective bargaining through a joint bargaining body.

In 2019, at the time of the 100th anniversary of the ILO, we made further progress: we ratified two ILO Conventions – the Holidays with Pay Convention (Revised), 1970 (No. 132) and the Safety and Health in Mines Convention, 1995 (No. 176). Both came into force in Belarus in February this year.

In February 2019, with the participation of ILO experts, we held another two events: a tripartite conference on issues of tripartism and social dialogue; and a session of the tripartite council on agreements at branch and regional level. This gave a kick-start to a series of consultations with ILO experts on questions of collective labour disputes. Unfortunately, due to the COVID-19 pandemic, we have temporarily had to stop our cooperation with ILO experts in the framework of the Council. Once the situation improves, we will begin to cooperate actively again.

I would like to draw the Committee's attention to the fact that the Republic of Belarus is not resting on its laurels over the last few years. On the contrary, we have done a great deal to develop social dialogue and tripartism in our country.

We have been recognized in terms of what we have done by the Committee of Experts. In its reports of 2020 and 2021, it put Belarus on a list of countries which had made progress. It noticed, for example, with interest, measures we had taken to implement the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) and Nursing Personnel Convention, 1977 (No. 149). We are happy and ready to go further. For example, the proposal of the Committee of Experts about setting up additional mechanisms for the settlement of labour disputes will be examined by the Tripartite Council as soon as the epidemiological situation makes that possible.

We are also going to continue our work on local and branch agreements. I am not going to hide anything from the Committee; the Government is seriously concerned by the change in the tone of the comments made by the Committee of Experts in the report this year. The Committee of Experts seems to be looking at Belarus in a more negative way, simply for political reasons, as a result of the events which took place in our country after the presidential election, which was held on 9 August last year. I am convinced that if politics were not dragged into this, Belarus would not have received this so-called "double footnote" which has automatically put us on the list of individual cases to be reviewed at the Committee. Such an approach is unacceptable to us. The events which were only political, and in no way related to the processes of social dialogue in the area of labour rights, cannot and should not be a basis for assessing whether or not Belarus is acting in conformity with Convention No. 87. Certain people are going to talk today, I am sure, about allegedly trade union leaders and members being persecuted for their trade union activity. I would like to put it on record that that is not so. These events had nothing to do with trade union activity. They were illegal street protests and attempts of organizations in enterprises and businesses to take protest action for purely political reasons; these had nothing to do with collective labour disputes.

Furthermore, outside forces, interested in the destabilization of the situation in the country were involved in the organization of protest action. Certain structures, set up with the support from abroad, were basically trying to lay the ground for an unconstitutional overthrow of the Government in Belarus. These actions were illegal, not peaceful and constituted a serious threat to social order and the safety and security of Belarusia's citizens. The Government will be grateful for the ILO supervisory bodies unbiased review of the situation in the country. The Government calls upon the Committee to objectively and comprehensively review the question, taking into account the position and information provided in my statement.

In conclusion, I would like to underscore that the Government of Belarus is very appreciative of the support and assistance of the ILO. We want to continue an open and constructive dialogue with the Organization, not only to meet our commitments under

ratified Conventions but also so as to tackle a wider range of issues which we face in our labour system.

Employer members – This is a discussion of Convention No. 87, which is a fundamental Convention. It was ratified by the Government of Belarus in 1956. It has been discussed 13 times in the Committee, most recently in 2014 and 2015.

I would like to first address the follow-up to the recommendations of the Commission of Inquiry, appointed under article 26 of the Constitution and the comments made by the Committee of Experts in that regard.

First, the Committee of Experts noted the ITUC and BKDP allegations of violence in respect of protests that took place following the presidential election in August of 2020. We thank the Government representative for her submissions with respect to those issues today. We note that recommendation 8 of the Commission of Inquiry speaks to meeting adequate protection against administrative detention to be guaranteed to trade union officials in the performance of their duties or when exercising freedom of speech, freedom of association, freedom of assembly.

The Employer members note 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 tribunal or judiciary, are basic preconditions for any meaningful exercise of freedom of association for both workers and employers, and therefore, compliance with the Convention.

The Employer members therefore urge the Government to restore, without delay, full respect for workers' rights and freedoms of association. The Employers urge the Government to implement recommendation 8 of the Commission of Inquiry on guaranteeing adequate protection against administrative detention, for trade union officials, in the performance of their duties or when exercising their civil liberties.

The Employer members urge the Government to take measures for the release of all trade unionists who remain in detention and for the dropping of criminal charges related to participation in peaceful protest action. The Employers also urge the Government to investigate without delay alleged instances of intimidation or physical violence, through an independent judicial inquiry.

Turning now to the Experts' observations with respect to Article 2 of the Convention. These observations concern an urgent request to the Government in an earlier Experts' observation to consider whether the framework of the Tripartite Council for the Improvement of Legislation in the Social and Labour Sphere (the Tripartite Council). The measures to ensure that the matter of legal addresses ceases to be an obstacle for the registration of trade unions in practice. The Government has provided information that the requirement to provide confirmation of legal address is not an obstacle to the registration of a trade union, and the Government has advised that there are no cases of refusal to register trade unions in the first nine months of 2020.

The Employer members therefore note that in the absence of further explanations by the affected trade unions, BKDP, SPB or REP, to the Government, it is difficult to say if, and to what extent, the refusal of registration in Orsha or Babruysk was in contradiction of Article 8 of the Convention.

BKDP and ITUC have not argued that the refusal of registration in the two cases was linked to the issue of legal address, and they have not claimed that the refusal of the registration in these cases constituted an undue restriction of the right to establish a trade union without previous authorization.

BKDP, SPB and REP do not seem to have appealed the refusal decisions in court, nor do they seem to have called for discussion on the issue in the Tripartite Council. Therefore, the Employers' group does not think it is for the Government to initiate a discussion on the issue of legal address in the Tripartite Council, if those that are potentially affected by it have not asked for such a discussion. Nevertheless, the Employers' group does point out that the Government should continue to provide information on further developments on this point, in particular any discussions held and the outcomes of these discussions, in the Tripartite Council.

The Committee of Experts also under this Article noted the televised meeting between the Chairperson of the Federation of Trade Unions of Belarus (FPB), and President Lukashenko, in which the President 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 that did not organize trade unions upon the FPB demands. The Employers note that in line with Article 2 of the Convention, freedom of association implies that workers and employers must be able to decide freely, without interference from the State, whether or not, to set up their own organizations. In the Employer's view exerting pressure on setting up workers' organizations in this way is a clear disrespect and violation of freedom of an association and an infringement of Article 2 of the Convention.

The Employers' group has a different view than the Committee of Experts. We consider lesser relevant, the fact that the President had urged the setting up of a particular trade organization IEFPB, rather in our view, the violation of Article 2 would have been no less serious if the President had demanded, under threat, the formation of any trade union in a private company.

The Employer members therefore call upon the Government to refrain from any interference with the establishment of trade unions in private companies, in particular from urging the setting up of trade unions under threat of otherwise liquidating the respective private companies. The Employers also call upon the Government to publicly clarify that the decision whether or not to set up a trade union in private companies, is solely at the discretion of the workers in those companies.

Turning now to Articles 3, 5 and 6, the Committee of Experts noted concerns with respect to the request of the Commission of Inquiry to the Government to amend presidential Decree No. 24 of 28 November, 2003, on receiving and using foreign gratuitous aid. The Employers' group notes that 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 cases of receipt of such financial assistance, is part of the right in Article 5 to affiliate with international organizations of employers and workers.

We also note the Committee of Experts comments with respect to the request made by the Commission of Inquiry to the Government to amend the law on mass activities, regarding setting out clear grounds for the denial of requests to hold trade union mass events in conformity with freedom of association principles. The Employers note that 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 gratuitous aid for the conduct of mass events, unduly restricts trade unions in the possibility to carry out their public activities.

The Employer members therefore urge the Government to amend the law of mass activity and the accompanying regulations, in particular, with a 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 the scope of activities for which foreign financial aid can be used, and to abolish the sanctions imposed on trade unions or trade unionists for a single violation of respective legislation.

The Employer members also call upon the Government to repeal the Ordonnance No. 49 of the Council of Ministers, as amended, to enable employers' and workers' organizations to exercise their right to organize mass events in practice.

The Employer members urge the Government, in consultation with the social partners including in the framework of the Tripartite Council, to address and find practical solutions to the concerns raised by trade unions in respect of organizing and holding mass events.

The Employer members note that the Committee of Experts have made the request to the Government to amend various sections of the Labour Code as regards the exercise of the right to strike. The Government has submitted to the Conference Committee that the right to strike is not expressly provided for in the Convention and that national constitutional and legislative provisions provide for the right to strike in line with applicable principles.

The Employer members, as has been pointed out on numerous occasions by both the Employers and certain Governments, must take this opportunity to remind this Committee that a right to strike is not regulated in and is not part of the obligations under the Convention. The Committee of Experts' view that a right to strike is nevertheless covered by Convention No. 87 in our view does not have the support of the Employers' group and does not have the support of the Government group of the ILO Governing Body. It is regrettable therefore that the Committee of Experts nevertheless continue to make such extensive observations on the issue and in our view continues to overstep its mandate.

The Employer members therefore must point out that the Government of Belarus in our view is not obliged under the Convention to make amendments to the provisions of the Labour Code or any other changes requested by the Committee of Experts on this topic.

Finally, we note that there are several comments regarding consultations with the organizations of workers and employers that have been noted by the Committee of Experts as well as the Experts' observations in respect of the unsatisfactory functioning of the Tripartite Council.

The Employer members note that according to the submission made by the Government, FPB appears to be given preferential rights in the process of consultation on legislation affecting rights and interests of workers. The Employers' group does not believe this to be justified. BKDP, we understand is also considered representative and is a member of both the NCLSI and the Tripartite Council. Therefore, any impression of favouritism towards a particular workers' organization would not be compatible with Convention No. 87 and should be avoided. The Employers therefore urge the Government to amend regulation on the Council of Ministers No. 193 to ensure that all representative organizations of employers and workers enjoy equal rights in consultation with the preparation of legislation.

Finally, the Employer members note that the Tripartite Council plays a key role in the implementation of the recommendations of the Commission of Inquiry and other ILO supervisory bodies. However, its ability to contribute towards full implementation of these recommendations has been unsatisfactory.

The Employer members therefore call upon the Government to take the necessary measures in cooperation with the social partners to strengthen the Tripartite Council for the improvement of legislation in the social and labour sphere so that it can play an effective role towards the full implementation of the recommendations of the Commission of Inquiry and other ILO supervisory bodies.

Worker members – The Committee examined the application of Convention No. 87 in Belarus in 13 of its 17 past sittings. Since the report released by the Commission of Inquiry in 2004, the Committee of Experts has issued observations on Belarus observance of Convention No. 87 15 times. Despite many times an extensive examination on freedom of association and the right to organize, the situation for workers in Belarus is deteriorating.

This year, the Committee of Experts double-footnoted Belarus with respect to Convention No. 87 and the Committee noted that, and I quote “there has been no meaningful progress towards full implementation of the 2004 Commission of Inquiry recommendations”. The ongoing repression and attacks on civil liberties and trade union rights indicates a retreat on the part of the Government from its obligations under the Convention.

Workers in Belarus continue to be denied the right to participate in peaceful demonstrations and meetings. In 2020, security forces unleashed violent attacks during massive democratic and peaceful protests that took place in Belarus. Hundreds of trade union members and leaders were intimidated, arrested, charged under the various laws which entailed heavy prison charges and repeatedly subjected to administrative arrests and fines for exercising their right to peaceful assembly.

The security forces failed to protect peaceful protestors. Workers were dismissed for exercising their right to strike and to peacefully protest. The Government retaliated against trade union leaders by sending them to prison.

On 1 February 2021, the court in Schlobin sentenced trade unionists from the Belarusian Metallurgical Plant (BMZ), Igor Povarov, Alexandre Bobrov and Yevgeny Govor, to three years in prison for organizing a strike on 17 August 2020 in support of democratic protests.

We emphasize that the handling of the protests by the authorities has been condemned by the UN High Commissioner for Human Rights and by various UN experts, including the UN Special Rapporteur on Torture, also the Special Rapporteurs on the Situation of Human Rights in Belarus on the freedom of opinion and expression, on the freedom of peaceful assembly and of association, as well as a working group on arbitrary detention.

In its last report, the Committee on Freedom of Association has clearly asked the Government to address violations of the freedom of association standards that took place in the aftermath of the 2020 protests.

Accordingly, the Government must immediately stop persecuting trade unionists released from detention, all those participating in peaceful protests and industrial action, and drop all the charges. The affected persons should be adequately compensated for damage suffered. The Government must provide to the Committee of

Experts all court decisions upholding detention and imprisonment of workers and to furnish the Committee with a list of those affected.

This crackdown of peaceful protesters, once again, demonstrates the failure by the Government to comply with recommendation 8 of the Commission of Inquiry, which considers that adequate protection or even immunity against administrative detention should be guaranteed to trade union officials in the performance of their duties, or in exercising their civil liberties. We also deplore the reported cases of violent mistreatment of workers participating in last year's demonstrations and the Government's failure to provide any information to the Experts in this regard.

Without independent investigations into these serious allegations, the Government of Belarus, yet again, fails to ensure a climate free from violence, threats or pressure against peacefully protesting workers. We strongly urge the Government to immediately commence an independent judicial inquiry into the violent mistreatment of workers and to share the outcome with the Committee of Experts.

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

According to the law, workers are required to provide a legal address as a condition to obtain registration. This prerequisite turns out to be a massive obstacle to the registration of trade unions at enterprise level as previously documented by the Commission of Inquiry and by previous conclusions of this Committee. Unless their employer agrees, enterprise-level unions may not indicate their workplace as the address on the registration form.

The ILO supervisory bodies repeatedly requested the Government to adopt the necessary measures in order to ensure that the matter of legal address ceases to be an obstacle to the registration of trade unions in practice.

In its latest report to the Committee of Experts, the Government did not indicate any measures taken to address this concern. We reiterate that the legal address requirement puts organizing efforts in a vicious cycle by blocking legalization of the newly created trade union organizations and exposing workers who are trying to establish a trade union organization to anti-union discrimination. Workers are even more exposed to such discrimination and other retaliatory measures when they are on short-term contracts. Furthermore, often their relatives are exposed to similar threats and actions. We recall that in Belarus, up to 90 per cent of workers were shifted from permanent to one-year contracts under the Presidential Decree No. 29.

In absence of any protection, anti-union discrimination and short-term contracts are used as retaliation to deny workers their right to form or join independent trade unions.

This practice was applied to prevent unionization by penalizing worker activists who tried to legalize unions over their choice and to dissuade any further attempts of others. Since, 2001, only one independent union was registered.

We note the Government's response that on 1 October 2020, some trade unions were registered and that in November 2020, President Lukashenko announced that the creation of trade union organizations affiliated to the state-controlled FBB will be required at even single private sector company. In this light, we are extremely concerned with the exercise of discretion by officers responsible for registration of trade unions. There must not be favouritism to particular trade union or unions. Favouritism towards

a particular union or exercise of discretion to deny trade union registration creates a situation where the interference in the free establishment and operation of trade unions is almost absolutely contrary to the Convention.

Moreover, workers' organizations are denied the right to organize their activities. Presidential Decree No. 3 of 25 May 2020 which replaced Decree No. 5 of 2015, still requires previous authorization for foreign gratuitous aid and restricts the use of such aid. Despite repeated calls for amendment, the Government has not taken satisfactory action on this issue.

The picture does not change much when we turn to the law on mass activities that establishes a stringent procedure for the authorization of mass activities, demonstrations and pickets. Instead of amending the law, as repeatedly requested by the ILO supervisory bodies, the Government has recently adopted regressive amendments that make the exercise of the right to organize public meetings and demonstrations even more restricted. This, coupled with the fact that the executive authorities in several cities failed to grant permission to hold mass trade union events, renders the exercise of this right almost impossible in practice.

There is equally no progress in relation to the amendment of the Labour Code, which seriously limits the exercise of the right to strike. The ILO supervisory bodies pointed out numerous shortcomings in relation to this law. Sections 388 and 393 of the Labour Code permit legislative limitations on the right to strike in the interest of rights and freedom of other persons, which could be used in a manner so as to restrict the legitimate exercise of the right to strike.

In section 392, the Labour Code imposes the obligation to notify the strike duration as a prerequisite in order to hold strike action. In addition, section 392 provides for the obligation to provide minimum services during the period of the strike. Minimum services should only be provided in essential public services of fundamental importance where certain strikes could threaten the existence of the population. Even in such cases, the determination of the minimum services should be left to the social partners or be decided upon by an independent body which has the confidence of all the parties.

Lastly, contrary to the tripartite general agreement for 2019–21, the Government fails to include trade unions in the adoption of new pieces of legislation affecting rights and interests of workers. Consequently, the Tripartite Council for the Improvement of Legislation in the Social and Labour Sphere, which should serve as a platform for such consultations, is unable to play its role.

We have discussed the same issues in our discussion on Belarus in 2015. Seventeen years after the ILO Commission of Inquiry, the Workers' group fails to see any significant change in Belarus. On the contrary, the situation deteriorated dramatically, both in law and in practice, over last months. This is unacceptable. The Government clearly is not willing to implement the Commission of Inquiry recommendation and optimism that this Committee expressed on some of previous sittings was short-lived. We hope that today's discussion will make a difference in finally initiating long due reforms.

Employer member, Belarus – The Committee is considering compliance of Belarus with Convention No. 87 and the implementations of the Commission of Inquiry. The report on these issues focuses, in our view, on political events that took place after the elections of August 2020. We consider that actions that were purely political in nature, and only affected a small part of the workers, were behind these. There have been proposals to amend legislation on strikes. The Employer members said today that you

should not allow use of Convention No. 87 to regulate the right to strike, which is part of national competence, and it is a purely domestic issue which applies to sovereign States.

In recent years, there has been progress in social dialogue in our country. The space for considering these issues is the Tripartite Council on the Improvement of Legislation in the Social and Labour Sphere. This is something that was worked on with the Office. The Council includes government representatives of employers and workers and it is this Council that has come up with proposals to apply dispute resolution and mediation mechanisms.

At the initiative of employers, the Council unanimously agreed to conduct collective negotiations and conclude collective agreements in enterprises where several trade unions operate. This has been included in the Trilateral General Agreement since 2016 and is working in practice. The technical assistance of the ILO allowed – in 2014, 2015 and 2016 – the carrying out of seminars and later meetings on tripartism and social dialogue covering the tripartite experience of the various bodies, the role of trade unions in enterprise and mechanisms to resolve dispute and mediation.

The employers are in favour of involvement of trade unions. Employers in Belarus are categorically against the growing wave of economic sanctions imposed by the European Union and the others and new sectoral sanctions for political reasons. This affects and destroys business, economic activity and leads to a reduction in jobs, employment, lower wages, income, and to a worsening situation of workers' families, especially during a pandemic.

We reaffirm our commitment to working closely with the International Labour Organization and the Committee to achieve progress on social and labour issues on the basis of mutual responsibility and respect. We would ask you to objectively assess the positive dynamics in the development of social and labour relations in the country, positive steps taken by the Government and social partners to implement the recommendations of the ILO and to make a decision in favour of working people and business.

Interpretation from Russian: Worker member, Belarus – We have reviewed very closely to the comments of the Committee of Experts, and I would like to state that we do not agree with the position expressed, given that most of the comments are of a biased political nature. Further, we see that there are clear double standards when assessing the labour situation in our, and in other, countries. Let me give you some clear facts.

Firstly, the Committee see it as a violation that there were illegal strikes in our country, which were of a purely political nature, and did not relate in any way to labour and socio-economic issues, and also, that various workers were responsible for participating in illegal strikes. I have a very relevant question: why does the Committee then not look at similar situations today in Germany, the United Kingdom, where also political strikes are not legal. Why don't they look at France and Belgium, where there were cases of offences by workers in organizing strikes? I would speak to the organizers of the Workers' group. Would you be willing for the trade-union movement and the right to strike being used as a political instrument? I would turn to the representatives of the Employers. Would you be happy if there were endless strikes in your enterprises because of the political views of your workers? And I am convinced that every one of you will say "No". And it is on that basis that we ask you to assess the situation in Belarus.

Secondly, the Committee has made observations about the independence of the trade unions in the country. In 2019, amendments were made to the Labour Code. The

social partners disagreed significantly on the drafting of this document but through negotiations and amendments, the Federation of Trade Unions was able to introduce 30 rules improving the situation of workers and getting rid of those provisions that would have worsened their situation. That demonstrates trade-union independence.

Thirdly, and with regard to the comments that the Federation of Trade Unions has privileges compared to other trade union federations: I can assure you that they are all subject to equal conditions, and because of the work of all trade unions, the work of all trade unions depends upon their determination to achieve their objectives. The federation of trade unions last year was able to return to the equivalent US\$8 million to workers which had been illegally withheld; reinstate 500 illegally dismissed workers; and further, hundreds of labour disputes were resolved by labour commissions and through mediation.

The trade unions also represent the interests of workers in court. All of this reflects that workers in Belarus have the right to see their interests represented and applied. I would call for an objective, unbiased assessment of the situation in our country.

Government member, Portugal – I have the honour to speak on behalf of the **European Union and its Member States**. The Candidate Countries, the **Republic of North Macedonia, Montenegro** and **Albania**, the EFTA country **Norway**, member of the European Economic Area (EEA), as well as **Ukraine**, align themselves with this statement.

The EU and its Member States are committed to the promotion, protection, respect and fulfilment of human rights, including full labour rights and the right to organize and the freedom of association. We actively promote the universal ratification and implementation of fundamental international labour standards, including Convention No. 87 on freedom of association. We support dialogue in its indispensable role to develop, promote and supervise the application and implementation of international labour standards and of fundamental Conventions in particular. We are deeply concerned about the steep deterioration of the situation of human rights, including labour rights, in Belarus in the aftermath of the 2020 presidential elections, which were neither free nor fair. Freedom of peaceful assembly and association, freedom of opinion, expression and information, as well as freedom of the media both online and offline, are being more and more heavily curtailed, whereas the right to organize is actively oppressed instead of being protected.

The EU and its Member States strongly condemn the violence employed by the Belarusian authorities against peaceful protestors, including youth and women, and the numerous cases of torture and sexual violence.

We call on the authorities to investigate all human rights violations and abuses in a truly independent and impartial manner, ensure full respect for workers' rights and freedoms, protect the right to organize and release immediately and unconditionally, all arbitrarily detained persons, including political prisoners, trade unionists and members of national minorities. No one should be deprived of their freedom or be subject to penal sanctions for the mere fact of organizing or participating in a peaceful protest or strike.

We strongly condemn the detention by Belarusian authorities of journalists Raman Pratasevich and Sofia Sapega and demand their immediate release and that their freedom of movement be guaranteed.

The case of persistent violations of fundamental ILO Conventions by Belarus has been on the agenda of this Committee regularly since 1997. Even before the continuous

deterioration of the situation, since the fraudulent elections in 2020, there has been no meaningful progress towards full implementation of the 2004 Commission of Inquiry recommendations, including limited advancements of discussions within the Tripartite Council for the Improvement of Legislation in the Social and Labour Sphere. Belarus must step up its efforts without further delay. Significant progress is needed to fully implement these recommendations.

In this context, we want to recall that the failure of Belarus to implement these recommendations has led to the suspension of Belarus from the European Union Generalized System of Preferences since 2007.

We strongly urge the Government, in consultation with the social partners, to amend the Law on Trade Unions, the Labour Code, the Law on Mass Activities and the accompanying Regulation, as well as Presidential Decree No. 3 of 25 May 2020, concerning the use of foreign gratuitous aid, to bring them into conformity with freedom of association principles.

The right to establish workers' organizations, the right to strike and to organize their activities, including public meetings and demonstrations without any interference of public authorities, constitute fundamental aspects of trade union rights and should be protected.

We stress the importance of treating with impartiality all trade union organizations, including as regards consultations and not only refraining from interference in their establishment but ensure and protect the right of workers to establish and join organizations of the one choosing.

The EU and its Member States stand with the Belarusian people and support their democratic choice and fundamental freedoms and rights. The EU continues to call on the Belarusian authorities to seek a peaceful and democratic solution to the crisis through an inclusive national dialogue with broader societies, in particular the Coordination Council.

Interpretation from Russian: Government member, Russian Federation – First of all, I would like to thank the representative of Belarus for the comments on this issue. The Russian Federation fully follows the argument of our Belarusian colleagues with regard to the implementation by Minsk of the provisions of the Convention. Particular attention has been given this year by the Committee of Experts on the application of the Convention by Belarus and the implementation of the recommendations of the Commission of Inquiry. There have been significant changes over the position expressed in 2020 and this change has been brought about by well-known political facts not linked to processes in the sphere of labour or socio-economic issues.

At the same time, we would emphasize that, in recent years, the development of social dialogue in the Republic has followed a transparent process implementing the recommendations of the Commission of Inquiry. Minsk has followed the plan put together with the International Labour Office.

The space for drafting and implementing decisions is the Tripartite Commission of Inquiry for the Improvement of Legislation in the Social and Labour Sphere where, on an equal footing, representatives of Government, trade unions and employers' representatives among the trade unions, the Federation of Trade Unions and the Congress of Democratic Trade Unions, as well as the International Trade Union Congress, were represented. It is part of a social partnership.

Minsk is adopting systematic measures to promote constructive cooperation with all parties including the Belarusian Congress of Democratic Trade Unions, which is represented not only in the Council but in other bodies as well.

In conclusion, the intentional fuelling of anti Belarusian rhetoric including in the UN is worrying. There should be condemnation of linking thematic country reports with domestic political issues in Belarus. This approach leads to politicization of decisions, which makes it practically impossible for Minsk to fulfil. We consider it unacceptable that ITUNS committees are taking a biased political approach. We would ask to put aside a confrontational approach in favour of cooperation and constructive cooperation in order to address the shared problems relating to improving the situation and rights and interests of workers and employers.

Interpretation from Russian: **Observer, International Trade Union Confederation (ITUC)** – Belarus is known to be one of the most problematic countries when it comes to labour and trade-union rights. Almost all workers and employers have been moved onto fixed-term employment contracts. Along with a system of excessive sanctions, this has resulted in workers being totally deprived of their rights, including the right to freedom of association.

The State carries out a policy of favouritism in relation to trade unions. Workers are discriminated against on the grounds of union affiliation, and are fired for belonging to independent unions. The situation has deteriorated dramatically over the past year. The regime, having lost the presidential elections, have begun brutal repressions and violence against workers who came out to peaceful protest rallies and strikes. Hundreds were sentenced to administrative arrest, or received huge fines, were fired, and three were convicted to lengthy prison terms for participation in strikes. Pressure on independent trade unions and their members has increased. They are denied registration and cannot therefore carry out their activities or hold mass events.

The social dialogue, which was only really there for show, has been completely swept aside. Employers are also being deprived of their rights, and cannot enjoy their right to the freedom of association. A week ago, amendments were adopted to the Labour Code that critically limited the rights and freedoms of workers; it made it possible to fire them, punish them for any attempts to express their civil rights and protect their trade union and/or labour rights. In fact, a strike ban effectively has been imposed on unions and their members.

Only by tough and decisive action we can help the workers of Belarus to regain their lost rights and freedoms and bring an end to repression and violence against them.

Miembro gubernamental, Cuba — El Gobierno de Belarús ha dado reiteradas muestras de su voluntad de diálogo con los órganos de control de la OIT; no solo ha respondido a los comentarios de la Comisión de Expertos, sino que también ha brindado abundante información en el contexto de esta comisión.

El Gobierno ha informado sobre los avances del diálogo social en el país, y sobre las acciones que de manera conjunta desarrollan el Gobierno y los interlocutores sociales para avanzar en las recomendaciones y propuestas de la OIT. Destaca el Consejo tripartito para la mejora de la legislación en el ámbito social y laboral. En dicho consejo el Gobierno, las organizaciones de empleadores y los sindicatos están representados en pie de igualdad. En conjunto con expertos de la OIT, el Gobierno ha puesto en marcha medidas adicionales de cooperación técnica basadas en los resultados de la implementación de las propuestas de la misión de contactos directos.

Las medidas adoptadas por el Gobierno de Belarús fueron valoradas positivamente por la Comisión de Expertos en sus informes de 2020 y en su Adenda de 2021, figurando entre los casos de progreso.

Cuba está convencida de que solo mediante el diálogo respetuoso y la cooperación puede avanzarse en el cumplimiento del mandato de la OIT, en la adecuada implementación de las normas internacionales del trabajo y en la promoción y protección de los derechos de los trabajadores. Privilegiemos el espíritu de diálogo y de cooperación y desterremos las motivaciones políticas y los intereses ajenos a los objetivos fundacionales de esta Organización. Finalizo, reiterando la solidaridad de Cuba con el pueblo y el Gobierno de Belarús.

Worker member, Canada – I am speaking on behalf of the Canadian Labour Congress and this statement is endorsed by the AFL-CIO, (the American Federation of Labor and Congress of Industrial Organizations).

More than 25,000 citizens and workers of Belarus exercising their right for freedom of expression and peaceful public protest have been sanctioned and hundreds imprisoned. Anyone can lose their job, freedom and health for defending democracy, rights and dignity. The short-term contract system and suppression of freedom of association, long criticized by this Committee, are the key means of the state repressive machinery.

Healthcare workers were the first to see the brutality of police violence in protests but were prohibited from speaking about the injuries they treated. Even before the protests, healthcare workers were threatened with dismissal and criminal action for speaking about the gravity of the COVID situation. When universities started suspending and expelling students for joining protests, many teachers tried to intervene to protect the students. For this, they faced reprimands and dismissals. Healthcare workers and university teachers turned to the independent unions, but all the attempts to get union registration were refused and activists faced dismissals and discrimination.

Freedom of expression and freedom of the press are also denied and suppressed. Two journalists, Katerina Bakhvalova and Daria Chultsova, were sentenced to two years for filming and streaming the protests, as a lesson to others.

The International Labour Conference 1970 resolution emphasizes that the civil liberties essential for the normal exercise of trade union rights are freedom of opinion and expression, freedom of assembly, freedom from arbitrary arrest and detention and the right to a fair trial.

Recommendation No. 8 of the Commission of Inquiry on Belarus considered that adequate protection against administrative detention should be guaranteed to trade union officials in the performance of their duties or when exercising their civil liberties. The application of this recommendation is essential to prevent human rights violations and ensure full respect for workers' rights and freedoms.

Interpretation from Russian: **Worker member, Russian Federation** – The Workers' delegates of Armenia, Georgia, Kyrgyzstan and the Republic of Moldova associate themselves with this statement. The Workers' delegate of the Russian Federation and those other delegations would like to thank the Committee of Experts for their carefully balanced and detailed analysis of the situation with workers' rights in Belarus.

Fifteen years have passed since the ILO Commission of Inquiry in 2004 adopted 12 recommendations to correct the appalling situation with workers' rights in that country. Those recommendations have not been complied with in the reasonable

amount of time provided by the Committee for that but the situation has worsened year on year.

Many workers have been put on short-term contracts and pressure has increased appallingly on workers participating in peaceful protest actions. Many of them have been fired. Union activists have been arrested. They have seen their possessions confiscated, such as materials, money, property, etc. Approximately 100 activists of independent unions have been arrested and have received fines up to 2,075 hours in rest in totality. The situation has got worse and worse, particularly with recent amendments to the Labour Code. Those make it much easier to dismiss workers en masse if they try and participate in a strike action. That is now made a criminal offence. Belarus for many, many years now has been paying no attention to, and indeed pouring scorn on, the opinion and the procedures of the ILO. They continue to treat workers harshly and to be stubbornly refusing to respect the rights of over 4 million short contract workers in that country.

Government member, United Kingdom of Great Britain and Northern Ireland

The United Kingdom remains concerned at the situation in Belarus and, recalling the conclusions of the Commission of Inquiry, at the lack of progress made by the Belarus authorities in addressing the recommendations set out by the Committee of Experts.

We note the Belarus delegation's response to the issues raised by the Committee of Experts. However, there is clear evidence that the Belarus authorities continue to pressure members of independent trade unions and strike committees, through threats on their jobs, salaries, psychological pressure and the removal of parental rights, if they take part in strike action or protests.

The right to establish and join trade unions is enshrined in article 41 of the Belarus Constitution, but individuals are discouraged from joining independent unions and the activity of these unions hindered by interference from government authorities and managers of state-owned enterprises. This, and wider restrictions on freedom of association, render it difficult for trade unions to engage in collective bargaining.

Following last August's fraudulent presidential election, we have seen a further infringement of the rights of freedom of association and protection of the right to organize and the independent report by Professor Benedek shows that intimidation and persecution of labour activists has intensified. Strikes and protest activity in state factories and other institutions is met by repressive measures, including people losing their jobs, being detained by security forces, and facing criminal charges.

The recent amendments to the law on mass events further increases restrictions and makes it even more difficult for workers' committees and trade unions to function effectively.

The UK encourages the Belarus authorities to engage constructively with the ILO to address the recommendations set out by the Committee of Experts. We also encourage them to take note of, and action, the recommendations set out in Professor Benedek's report, in particular: to respect legitimate protests – including by labour activists – and refrain from taking reprisals for such action, and to reform the law and registration procedures for public association and other relevant legislation relating to labour unions in line with international standards on the right to assembly.

Worker member, Netherlands – This contribution is also on behalf of workers from Germany, Spain, France and the Nordic countries. We want to express our deep concern over the continuous attack of the civil liberties and trade union rights in Belarus.

We have noted that workers who have used their legal rights of union organization and union actions at their workplaces have been met with repression and intimidation by the authorities. These are obvious violations of the freedom of association, a fundamental international human and trade union norm, enshrined in the Convention No. 87, ratified by Belarus.

The repressive short-term contract system and trade union registration procedure, meaning in practice sanctioning of trade union existence by the state authorities, are installed to prevent workers from exercising their rights for freedom and solidarity. Only the loyal can act collectively; those disagreeing are labelled as traitors and enemies. For the 20 years that this Committee has to deal with this case, only one independent union was registered.

Last year, many workers joined collective actions in protest to police violence and repressions. Many turned to independent unions, but the authorities responded with new repressions against workers who decided to leave the pro-government Federation of Trade Unions, the FPB. Since January workers have been reporting being forced to sign a letter to the ILO allegedly by the FPB. Workers, including their family members, were thereby threatened with disciplinary actions, dismissals, cutbacks in pay.

The questioning of the comments and recommendations of the Committee of Experts by the Belarus Government is for us unacceptable. The ILO Tripartite Committee on Freedom of Association has clearly condemned the repressions against trade unions and civil freedoms. We consider the Government's reply as a total rejection of the ILO supervisory bodies.

In its resolution in 1970, the ILC already explicitly pointed out that the absence and disrespect for civil liberties "removes all meaning from the concept of trade union rights".

*Interpretation from Chinese: **Worker member, China*** – We consider that activities related to political situations have nothing to do with social dialogue in the labour domain. Hence, we think that this should not and cannot be the basis on which we formulate comments on the implementation of this country of Convention No. 87. As far as we know, the Tripartite Council has equal representation from Government, employers and workers and, in recent years, this country has made significant progress in social dialogue. We should encourage the country's Government to advance its constructive cooperation with employers and workers.

*Interpretation from Chinese: **Government Member, China*** – In recent years the Government of Belarus has earnestly implemented the Convention and made effort and progress, which was positively assessed in the report of the Committee of Experts. The Government is firmly committed to the fundamental principles and rights at work, has an open attitude to social dialogue and has cooperated constructively with social partners. It plays a critical role in facilitating cooperation between Belarus and the ILO in advancing the implementation of recommendations made by the Commission of Inquiry and greatly promotes the compliance of Belarus with Convention No. 87 on the basis of work done by the direct contacts mission. The Government, supported by the ILO, conducted a series of international technical cooperation activities which bolstered its implementation of the Commission's recommendations.

On the social dialogue front, the Government has made notable progress. To improve legislation in the social and labour spheres, the Tripartite Council was set up in which Government, employers' associations and trade unions are represented equally. The Council, having overcome difficulties and obstacles, plays an important role in

fostering social dialogue and implementing the Commission's recommendations. Constructive tripartite collaboration is also created.

We believe that the Committee was considering the case to focus on the Government's compliance with the Convention rather than politicize the case. We note that the Belarusian Government always values and protects freedom of association and the right to organize. It is worth stressing that it is every government's responsibility to safeguard domestic social order and rule of law and protect the safety of its citizens. No illegal protests is allowed in any country. If one violates the law while exercising one's rights, undermining the lawful rights and interests of other citizens, one will have to be sanctioned by the law. The Belarusian Government's measures in safeguarding rule of law and social orders are thus necessary and appropriate.

We call on relevant parties to objectively view the compliance behaviours of Belarus and hope that the ILO can continue its constructive dialogue with the Government on this compliance matter so as to invigorate the country's economic and social development and improve the living standards and qualities of its people.

*Interpretation from Russian: **Government member, Turkmenistan*** – Turkmenistan appreciates the efforts being made by the Republic of Belarus to implement measures to further develop social dialogue in the country, and to comply with agreements and plans signed and recognized with the International Labour Office. We also support what the Government has done to implement ILO labour standards.

The country did get a positive assessment from the Committee of Experts in its reports of 2020 and 2021 on its implementation of Conventions Nos 98, 144 and 149. Those reports put Belarus on a list of countries which had made progress. We think there are perfectly good grounds for recognizing that the trade-union movement in the country is operating freely and can contribute to the development of society.

There may well be disagreements between organizations and the authorities, but that happens everywhere. We suggest continuing with a constructive and open dialogue on implementing ratified Conventions and the provisions therein, and on other wider social and labour issues to improve the quality of life and the living standards of the people of Belarus.

We also urge that further measures be taken to support the people of Belarus to enhance levels of employment, to protect workers, and to cooperate in all areas of daily life, including cooperation with international organizations.

We believe that focus should be on increasing the level of and timely payment of salaries, ensuring full and productive employment, supporting the most vulnerable workers in society, improving labour discipline, increasing productivity, and therefore increasing the amount of goods produced.

*Interpretation from Arabic: **Worker member, Egypt*** – With regard to the consideration of the situation for the case of the Republic of Belarus, I would like to note the following.

Some progress has been made in Belarus in recent years with regard to the development of social dialogue. Collegial bodies, with the participation of trade unions, government and employers, were established to address the most pressing issues in the labour sphere. Trade unions have a strong voice in decision-making and decisions that are important for workers. So, according to our information, trade unions achieved the introduction of a number of standards into the Labour Code, which significantly

strengthen the guarantees to workers. These did not allow the adoption of decisions at the legislative level which worsens the situation of workers.

This is a good practice, which suggests that trade unions in the country have the opportunity to fulfil their main function, that is to protect the labour and socio-economic interests of workers.

In addition, I would like to separately note the close interaction of Belarusian trade unions with authorities and employers' organizations during the COVID-19 pandemic, which made it possible to avoid massive job cuts in the country and to provide support to the most vulnerable categories of the population.

In this regard, we believe that it is necessary to note and support the commitment of the Republic of Belarus for the further development of social dialogue in the country.

Membre gouvernemental, Suisse – La Suisse soutient le contenu de la déclaration faite par l'Union européenne.

La Suisse regrette le peu de progrès dans la mise en œuvre des recommandations de la commission d'enquête qui datent de 2004. La Suisse se réfère également aux rapports du Comité de la liberté syndicale à ce sujet. La Suisse regrette 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, la Suisse insiste pour que le Bélarus autorise les manifestations collectives et pacifiques. Les syndicats indépendants ne doivent pas subir la répression de l'État, ils devraient pouvoir se développer librement. La délégation suisse demande que tous les syndicalistes arrêtés soient libérés.

De même, elle s'attend à une amélioration de la législation sur les droits et intérêts des partenaires sociaux. En effet, la liberté syndicale est l'un des quatre 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, de participer à la protection des enfants et de développer des mesures basées sur la non-discrimination et l'égalité au bénéfice de tous. La Suisse appelle le gouvernement du Bélarus à modifier sa législation en collaboration avec les partenaires sociaux et à inclure toutes les informations demandées par la commission d'experts dans son rapport.

Government member, United States of America – I am speaking on behalf of the Governments of the United States and Canada.

The ILO supervisory bodies have consistently monitored the Government of Belarus's application of Convention No. 87 in follow-up to the findings of the 2004 Commission of Inquiry. After 17 years, the Government has yet to address the underlying issues and recommendations covered by the Commission. At the same time, new issues have emerged.

The Committee of Experts notes with concern that recent developments constitute a retreat by the Government from its obligations under the Convention. The Committee reports the use of extreme violence to repress peaceful protests and strikes, and the detention, imprisonment and torture of workers while in custody. Government interference in the activities of trade unions continues, as evidenced recently by a high-level official who expressed a preference for a particular trade union while making a televised statement.

Respect for worker rights in Belarus has deteriorated in both law and practice. We urge the Government of Belarus to fully implement all measures recommended by the ILO supervisory bodies, in particular:

- to release all trade unionists who remain in detention and drop all charges related to peaceful participation in industrial action;
- investigate all alleged instances of intimidation or physical violence against trade unionists through an independent judicial inquiry;
- immediately cease acts of favouritism and interference in the establishment of trade unions;
- amend the Law on Mass Activities and the accompanying Regulation to ensure individuals and trade unions are able to freely exercise their right to freedom of association and peaceful assembly;
- repeal the Ordinance of the Council of Ministers No. 49, which makes the exercise of the right to organize public meetings and demonstrations nearly impossible in practice;
- make all necessary amendments to the Labour Code, following genuine consultation with the social partners, to allow workers' organizations to organize their activities in full freedom;
- ensure the BKDP and the FPB enjoy equal rights to consultation on legislative issues; and
- to engage with the social partners, the ILO, and relevant national institutions to improve the functioning of the Tripartite Council.

The Government of Belarus needs to take immediate action to resolve these long-standing issues. To that end, we strongly urge the Government to avail itself of ILO technical assistance to ensure full compliance with its obligations under the Convention.

Miembro gubernamental, Nicaragua — El Gobierno de Reconciliación y Unidad Nacional 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 a la aplicación que hace del Convenio núm. 87. Lamentamos que esta Comisión esté asumiendo competencias que van más allá de sus facultades, de trabajar de manera imparcial, motivado por un espíritu político. Belarús ha indicado que respondió conforme a las potestades que lo otorgan las leyes, restableciendo el orden y salvaguardando la seguridad de los ciudadanos que se veían afectados por las manifestaciones violentas que tuvieron un origen político, dichas protestas no hacen referencia a problemas de sindicalización u otro asunto de la materia.

El Gobierno de Nicaragua aprecia la experiencia y los conocimientos especializados de la OIT y espera que continúen los diálogos abiertos constructivos sobre el cumplimiento de las obligaciones estipuladas en los convenios ratificados. 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. Asimismo, alentamos a los Estados Miembros y a las organizaciones que participan en esta 109.^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 gubernamental, República Bolivariana de Venezuela — El Gobierno de la República Bolivariana de Venezuela agradece la presentación de la distinguida Ministra de Trabajo de Belarús, en relación al cumplimiento del Convenio núm. 87. Valoramos que el Gobierno de Belarús destaca el progreso y la interacción constructiva en el país con los interlocutores sociales, así como con los expertos de la OIT sobre la implementación de las recomendaciones de la comisión de encuesta, vinculadas al Convenio, y en especial el desarrollo del diálogo social.

Hemos tomado debida nota de que el Gobierno de Belarús ha informado que en los últimos cinco años se ha incrementado en el país el número de estructuras organizativas sindicales, sindicatos y asociaciones de trabajadores, en el marco de su legislación laboral.

Apreciamos que la Comisión de Expertos destacó en su informe de 2020 el avance de Belarús respecto a las actividades encaminadas a dar cumplimiento a las recomendaciones de la comisión de encuesta. Lamentamos constatar que en la Adenda 2021 del informe, la Comisión de Expertos dedica amplios comentarios a la situación política del país tras las elecciones presidenciales celebradas en agosto de 2020, y no valora positivamente las actuaciones y argumentos del Gobierno para mantener la paz y restablecer el orden público.

Valoramos el compromiso del Gobierno de Belarús de seguir avanzando en el cumplimiento del Convenio, y 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 esto le resta seriedad, credibilidad y le hace daño al noble objetivo de nuestra Organización.

El Gobierno de la República Bolivariana de Venezuela espera, finalmente, 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.

Government member, Sri Lanka – The Government of Sri Lanka believes that the Government of Belarus is making every effort to ensure the implementation of the provisions of the Convention.

We understand that the Government of Belarus has implemented the proposals of the Commission of Inquiry by giving due consideration to the agreements reached and the plans developed jointly with the International Labour Organization. Recent developments in social dialogue with the participation of employers' associations and trade unions, including the largest trade union in the country, has helped to bring some important changes in labour and social domain. We note that the Committee of Experts in its reports has acknowledged the positive developments in Belarus with regard to the measures taken by the Government of Belarus to implement ILO Conventions.

We note the removal of obstacles for registration of trade unions and the increasing number of registrations of trade unions in the recent past. In this regard, recently developed proposals to abolish the legislative requirement for 10 percent of employees to create a trade union, is a move that needs appreciation.

Furthermore, a training course on international labour standards for judges, lawyers and legal educators as well as a tripartite conference "Tripartism and Social

Dialogue in the World of Work” has been held, giving effect to the recommendations of the Commission of Inquiry.

We would also like to indicate that a country should be given enough time to implement the recommendation made by the Committee of Experts by giving due consideration to the fact that it takes time to bring changes to local legal systems and practices. We hope that, with the passage of time, the enhanced social dialogue system has the potential to address the issues raised by the Committee of Experts.

We request in this context a balanced and comprehensive approach with regard to the situation in Belarus. We support efforts of the Government of Belarus to improve the labour standards of its citizens and encourage an open and constructive dialogue on the implementation of the ILO Conventions.

Observer, IndustriALL Global Union – I am speaking here on behalf of IndustriALL Global Union representing more than 50 million workers worldwide in mining, manufacturing and energy industries, including in Belarus.

Every day, IndustriALL affiliates and their members in Belarus face dismissals, intimidation, raids of their offices, interrogations, beatings, arrests, fines and heavy prison sentences under any reason. The systematic denial to register independent unions and the extended use of fixed-term contracts seek to eliminate the presence of independent union leaders and activists in all enterprises of Belarus.

Since 2000, at least 100 independent union organizations were denied registration there. In August last year, 200 workers joined the newly established local union branch of Belarusian Independent Union BNP company. The union was denied registration and all the activists who initiated the creation of the union were dismissed. Three activists, Igor Povarov, Alexander Bobrov and Yevgeny Govor, were sentenced to two and a half and three years in jail for strike at the same company in August 2020 and many other workers were subjected to administrative arrests.

The BNP reported at least two other denials of registration in 2020. SPM, the free trade union of metalworkers, reported that in a wave of mass layoffs in Minsk, 400 union members were fired from at least five companies for joining the union of their choice between November 2020 and to February 2021.

Police forces raided the offices of another independent union, the Belarusian Radio and Electronic Industry Workers Union REP. on 16 February this year seizing everything they could get their hands on, including personal money of staff, union properties, communication devices, union documents and campaign materials. The official refused to give a copy of the search record or to supply an inventory of the seized items.

All these recent facts show that the Government has not implemented the majority of recommendations of the ILO Commission of Inquiry released in 2004, 16 years ago. We consider that the situation has actually dramatically deteriorated for workers and civil society. In the light of these continued and systemic violations denying workers' rights and freedom, stronger measures need to be applied in order to secure compliance of the Belarusian Government with the ILO Constitution.

Observer, International Union of Food and Allied Workers' Associations (IUF) – For the first time, the issue of violations of workers' rights was considered by the ILO in March 2001, 20 year ago. For 20 years since then, the ILO has been calling on the authorities of the Republic to recognize in practice the principles described in the ILO Constitution and fundamental documents to which Belarus must adhere as an ILO Member. Recommendations were formulated by the ILO Commission of Inquiry back in

2004. The Commission set a time frame. They were to be completed at the latest by 1 June 2005. Sixteen years later, we can see that not only there has been no meaningful progress in implementation of these recommendations, but there are obvious steps backwards.

The reports of ILO Committee on Freedom of Association, Committee of Experts, UN Human Rights Council and UN Special Rapporteur on Belarus provide shocking numbers of mass repressions against civilians, including labour leaders and workers' activists in peaceful actions. The escalation of violations of human rights is not only the issue of workers. Employers cannot establish their own independent associations and, at the same time, are now forced to violate workers' freedom of association by forcing their employees into state-controlled trade union structures.

In the recent reply, the Government goes as far as to accuse the Committee of Experts for using supposedly unverified information in the report. This is not only refusal to accept the obvious fully confirmed facts, but also manifestation of the Government's disrespect to the process and attempt to depreciate the Committee and its recommendations. What happens in Belarus today indicates a retreat of the Government from its obligations under the Convention. The above would warrant the adoption of conclusions calling upon the Governing Body, the Committee of Experts and the Office to continue taking all possible measures to secure the observance by Belarus of the recommendations of the Commission of Inquiry. This contribution of the IUF is complementary to the statement of the IndustriALL Global Union and represents a common position of four Global Unions, including Building Workers' International and UNI Global Union.

Interpretation from Russian: Government member, Tajikistan – First of all I would like to note the positive development in the area of the application of the Convention by the Government of Belarus. There has certainly been movement in the last few years, moving towards a positive social dialogue and with regard to the application of recommendations of the Commission of Inquiry, there has been agreement achieved and, together with the ILO, a road map has been produced. The ILO and the social partners have fully implemented the recommendations of the direct contacts mission, which took place in 2014. We note the work of the Tripartite Council for the Improvement of Legislation in the Social Labour Sphere. This is a space for development of suggestions for legislation and policy, which is done with powerful participation of Worker, Employer and Government representatives. We consider that there should not be a linking of the ILO report with any political issues.

Government representative – Thank you for giving me the opportunity to explain the position of the Government of the Republic of Belarus and thank you to the representatives of those countries who have supported Belarus. Everything that has been said today will be closely considered by us, analysed and taken into account in our future work to implement the recommendations of the Commission of Inquiry.

I do not want to set out to oppose those critical voices we have heard. I will only draw the attention to some issues which we believe can help members to understand in a more objective way the situation in Belarus. Every country has issues between employers and workers, that is unavoidable, and the objective of the Government of Belarus is to form fair and balanced systems of labour relations in which the interests of workers and employers are given equal weight. Representatives of trade unions are allowed to fully participate in the development of provisions in the social and labour sphere. Nobody in Belarus can be brought to responsibility for participating in legitimate

trade union activities. However, any person participating in illegal mass events will have to face legal consequences; the law applies equally to all.

Once again, I would emphasize that during the events of 2020, no strikes have been called at the enterprise level pursuant to the rules set forth by the legislation. Therefore, if a worker did not come to work because he or she participated in an illegal political protest, for an employer this meant that the worker did not show up for work without providing a reasonable excuse. In this regard, Belarus is the same as many other countries.

With regard to changes in the Labour Code, I would say the following: the Republic of Belarus is an independent sovereign State and has full authority to improve national legislation in accordance with the current interests of residents and the State and social partners. These rules are applied in the specific areas and in this particular case, Convention No. 87 would apply. There are requirements that apply to the organization of strikes and those are covered in international instruments. But, it is important to recognize the role that the interests of citizens play when there is a threat to life and health.

With regard to amendments made to the Law on mass events, they set up additional conditions to ensure social safety when it comes to the holding of mass events.

There is no contradiction in this legislation with the Convention and we have informed the Committee of Experts in our report in accordance with article 22 of the ILO Constitution.

I took the floor initially to inform the Committee about the efforts that have been undertaken by the Government of Belarus in developing social dialogue and tripartism. We have had some success. That is something which has been recognized by the Committee of Experts and the direct contacts mission but, unfortunately, this is a situation that does not please everybody. There are forces within and beyond the country who want to undermine the existing labour system in Belarus. The BKDP speaks out against the Government. It does not adopt a balanced position and takes steps against the interest of the State and Government, calling for a boycott of Belarusian goods and application of sanctions. The Government is trying to hold dialogue with the BKDP and has allowed it to participate in the tripartite bodies, the NCLSI and the Tripartite Council. But all we have heard is criticism relating to the policies of the Government regardless of the effect. The BKDP is lobbying its destructive position in the ITUC, which unquestionably accepts all of this criticism and takes it as truth about the situation in Belarus. The ITUC has undertaken attempt to tie the illegal protest to the question of strikes. There is an unfounded attempt to link questions which fall outside the ILO with the work of the ILO.

Once again, allow me to emphasize that these attempts are exclusively political in nature and they are not linked to the recommendations of the Commission of Inquiry. This can become a serious obstacle to the constructive cooperation in the future, within the country, as well as with the ILO's experts regarding the question of implementation of the recommendations.. We count on the Committee to take the Government's concern into account.

In conclusion, once again allow me to reaffirm the commitment of the Republic of Belarus to the fundamental principles of the ILO and our willingness to work together with social partners and the ILO on the essential developments to ensure that we continue applying these recommendations.

Worker members – We note the comments of the Government of Belarus and indeed there has not been any progress regarding freedom of association in practice in Belarus, despite the fact that the case has been before our Committee for many years.

The Government has failed to make any meaningful progress to comply with the recommendations of the Commission of Inquiry. Workers are facing constant repression. Independent unions are not able to conduct their activities freely, facing restrictions in holding demonstrations and public meetings and in receiving foreign financial aid. Trade union offices are raided by the law enforcement forces. Leaders and members who take part in peaceful demonstrations and strikes are dismissed, criminally charged and subjected to administrative arrest and fines. Independent unions are not consulted during preparation of legislation. The Government actively interferes in freedom of association by favouring establishment of the FPB-affiliated unions in both public and private sectors. The requirement of a legal address is still an obstacle to the registration of independent unions in the country, contrary to the statements made by the Government.

These violations on freedom of association constitute a completely unacceptable continuation and escalation of anti-union repression in Belarus. The Government needs to ensure that unions that chose not to be part of the FTUB can be created and registered and are able to operate freely. Legislation must be finally brought into line with the principles of freedom of association. Independent unions must enjoy equal rights. The Government must implement all the recommendations of the Commission of Inquiry as well as the Committee of Experts and the recent CFA report.

In response to the Government's comments this afternoon, we are extremely concerned that the Government outright rejects the concerns expressed by the experts related to civil liberties. The supervisory bodies of the ILO have emphasized that the rights conferred upon workers' and employers' organizations must be based on respect for civil liberties. We must emphasize that the Government of Belarus has an obligation to respect international labour standards and the independent guidance provided by the Experts in line with their mandates. The Government must respect the guidance provided by the Committee of Experts. We must recall that democracy and respect for civil liberties, including freedom of assembly, protest strikes, expression and opinion, is fundamental for the free exercise of trade-union rights.

The BKPD and other free trade unions must be free to undertake their trade-union activities without intimidation or threats. We urge the ILO to monitor the development and to consider any other appropriate measures to make sure that the Government respects freedom of association and the independence of trade unions. We urge the Government to welcome ILO monitoring in this regard.

In the absence of progress after many years, the failure to fully implement the Commission of Inquiry recommendations and the gravity of recent developments, the Committee should include the country in a special paragraph.

Employer members – I would like to thank Madame Minister for the Government's detailed submissions to the Committee today. The Employers' group takes note of both the written and oral information made by the Government representative, and the discussion that followed.

The Employer members express deep concern about the violations of civil liberties and the rights of workers following the 20 August 2020 elections. The Employers urge the Government to restore, without delay, full respect for workers' rights and freedoms, to implement recommendation 8 of the Commission of Inquiry on guaranteeing

adequate protection against administrative detention for trade union officials in the performance of their duties or when exercising their civil liberties. We urge the Government to take measures for the release of all trade unionists who remain in detention and for the dropping of all charges related to the participation in peaceful protest action. We urge the Government to investigate, without delay, alleged instances of intimidation or physical violence through an independent judiciary inquiry.

As regards the issue of legal address as an obstacle to trade union registration, the Employers' group requests that the Government keep it informed of further developments on this matter, in particular any discussion held, and outcomes of these discussions, in the Tripartite Council.

In respect of the demand by the President of Belarus, for the establishment of trade unions in all private companies by 2020 on the request of the FPB, the Employers urge the Government to refrain from any interference with the establishment of trade unions in private companies, in particular from demanding the establishment of trade unions under the threat of liquidation of private companies as a penalty. The Employer members urge the Government to clarify publicly that the decision whether or not to set up a trade union in a private company is solely at the discretion of the workers in those companies.

In respect of the restrictions of organization of mass events by trade unions, the Employer members urge the Government, in consultation with the social partners including the framework of the Tripartite Council, to amend the law on mass activities and accompanying regulations, in particular, with a 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 the scope of activities for which foreign financial assistance can be used, to abolish the sanctions imposed on trade unions or trade unionists for a single violation of the respective legislation.

The Employer members urge 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 practice. The Employers urge the Government to address, and work to find practical solutions to the concerns made by trade unions in respect to organizing and holding mass events in practice.

In respect of consultations regarding the adoption of new pieces of legislation affecting rights of workers, the Employer members request the Government to amend the Regulation of the council of ministers No. 193 to ensure that all representative organizations of employers and workers enjoy equal rights in consultation during the preparation of legislation.

In respect of the functioning of the Tripartite Council, the Employer members urge the Government to take the necessary measures to strengthen the Tripartite Council so that it can play an effective role in the implementation of the recommendations of the Commission of Inquiry and other ILO supervisory bodies, such as the CAS, toward full compliance with the Convention.

Recent developments have indicated a step backwards, much to our deep regret and a further retreat on the part of the Government with respect to its obligations under the Convention. The Employers therefore urge the Government to take, at its earlier convenience, in close consultation with the social partners, all necessary steps to fully implement all outstanding recommendations of the Commission of Inquiry. The Employer members invite the Government to avail itself of ILO technical assistance where that would be useful and helpful.

Finally, the Employer members request the Government to provide detailed and complete information on all measures taken, and progress on all of the above issues and to transmit all of the relevant legislative texts to the Committee of Experts before its next meeting.

Conclusions of the Committee

The Committee took note of the written and oral information provided by the Government representative and the discussion that followed.

The Committee noted the long-standing nature and the prior discussion of this case in the Committee, most recently in 2015.

The Committee noted with great concern and deeply regretted the numerous allegations of extreme violence to repress peaceful protests and strikes, and the detention, imprisonment and torture of workers while in custody following the presidential election in August 2020 as well as the allegations regarding the lack of investigation in relation to these incidents.

The Committee expressed its deep concern that, seventeen years after the Commission of Inquiry's report, the Government of Belarus had failed to take measures to address most of the Commission's recommendations. The Committee recalled the outstanding recommendations of the 2004 Commission of Inquiry and the need for their rapid, full and effective implementation.

Taking into account the discussion, the Committee urges the Government to:

- restore without delay full respect for workers' rights and freedom;
- implement Recommendation 8 of the Commission of Inquiry on guaranteeing adequate protection or even immunity against administrative detention for trade union officials in the performance of their duties or when exercising their civil liberties (freedom of speech, freedom of assembly, etc);
- take measures for the release of all trade unionists who remain in detention and for the dropping of all charges related to participation in peaceful protest action;
- 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; and
- investigate without delay alleged instances of intimidation or physical violence through an independent judicial inquiry.

As regards the issue of legal address as an obstacle to trade union registration, the Committee calls on the Government to ensure that there are no obstacles to the registration of trade unions, in law and in practice, and requests the Government to keep it informed of further developments on this matter, in particular any discussions held and outcomes of these discussions in the Tripartite Council.

As regards the demand by the President of Belarus for the setting up of trade unions in all private companies by 2020 on the request of the Federation of Trade Unions of Belarus (FPB), the Committee urges in the strongest terms the Government:

- to refrain from any interference with the establishment of trade unions in private companies, in particular from demanding the setting up of trade unions under the threat of liquidation of private companies otherwise;
- to clarify publicly that the decision whether or not to set up a trade union in private companies is solely at the discretion of the workers in these companies; and
- to put an immediate stop to the interference with the establishment of trade unions and refrain from showing favouritism towards any particular trade union in private companies.

As regards the restrictions of the organization of mass events by trade unions, the Committee urges the Government, in consultation with the social partners, including in the framework of the Tripartite Council:

- to amend the Law on Mass Activities and the accompanying Regulation, in particular with a view:
 - to set out clear grounds for the denial of requests to hold trade union mass events, ensuring compliance with freedom of association principles;
 - to widen the scope of activities for which foreign financial assistance can be used;
 - to lift all obstacles, in law and practice, which prevent workers' and employers' organizations to benefit from assistance from international organizations of workers and employers in line with the Convention;
 - to abolish the sanctions imposed on trade unions or trade unionists participating in peaceful protests.
- to repeal the Ordinance No. 49 of the Council of Ministers, as amended, to enable workers' and employers' organizations to exercise their right to organize mass events in practice; and
- to address and find practical solutions to the concerns raised by the trade unions in respect of organizing and holding mass events in practice.

As regards consultations in respect of the adoption of new pieces of legislation affecting the rights and interests of workers, the Committee requests the Government to amend the Regulation of the Council of Ministers No. 193 to ensure that social partners enjoy equal rights in consultations during the preparation of legislation.

As regards the functioning of the Tripartite Council for the Improvement of Legislation in the Social and Labour Sphere, the Committee urges the Government to take the necessary measures to strengthen the Tripartite Council so that it can play an effective role in the implementation of the recommendations of the Commission of Inquiry and other ILO supervisory bodies towards full compliance with the Convention in law and practice.

The Committee expresses its disappointment at the slow process in the implementation of the recommendations of the Commission of Inquiry. Recent developments indicated a step backward and further retreat on the part of the Government from its obligations under the Convention. The Committee therefore urges the Government to take before the next conference, in close consultation

with the social partners, all necessary steps to fully implement all outstanding recommendations of the Commission of Inquiry.

The Committee invites the Government to avail itself of ILO technical assistance.

The Committee requests the Government to provide detailed and complete information on measures taken and progress made on all of the above issues and to transmit all relevant legislative texts to the Committee of Experts before its next meeting in consultation with the social partners.

The Committee decided to include its conclusions in a special paragraph of the report.

*Interpretation from Russian: **Government representative*** – We have listened closely to the Committee's comments with regard to the fulfilment of the Convention . The conclusions are not objective and they are not fair. The information provided by the Government is not taken into account. We provided it before the Conference and on the hearing of the case in the Committee.

Everything that was done by the Government in previous years has been ignored. Nor has the position of countries who supported Belarus been taken into account, including two countries who have been permanent members of the Governing Body of the ILO. Our fears were confirmed. Those who oppose our Government used the Committee to level unfounded accusations.

Protests took place in violation of the law, putting the health and security of citizens in danger. That was the reason for the response. We do not believe that this approach, in the Committee, is acceptable. It is political in nature, not linked to the process of social dialogue in the sphere of labour, nor can it be a basis for an assessment of the situation with regard to the application of the Convention.

A lot has been done in Belarus to develop tripartism and social dialogue in recent years and I talked about this when I addressed the Committee. However, this is not reflected in the Committee. What is in the recommendations is a recommendation for a special paragraph. We do not believe this is fair.

Today, a number of countries, are seeking to destabilize our Republic. A mass information attack has been unleashed against our country, bringing us to answer unfounded accusations in the international arena. So, in this regard, I would like to recall that in accordance with the resolution on combating the pandemic, all countries have to fight against the consequences of the crisis by developing local and regional cooperation, strengthening global solidarity, and increasing the effective policies in the economic and social spheres.

It is clear that we will only be able to overcome this crisis by working together. Only in that way can we achieve decent work for all. The effects of sanctions run opposite to this objective and harm the health and security of citizens and in that way, undermine the principles of the ILO. We are convinced that the ILO should not be using its authority to allow such unfounded approaches.