



International Labour Conference

111th Session, Geneva, 2023

Date: 12 May 2023

▶ Matters to be considered by the General Affairs Committee

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Introduction

1. At its 347th Session (March 2023), the Governing Body of the International Labour Office adopted arrangements for the 111th Session (2023) of the Conference.¹ Under these arrangements, the General Affairs Committee is scheduled to hold one sitting in the afternoon of Monday, 5 June, and, if necessary, to reconvene for one or more additional sittings as from Tuesday, 6 June, to consider the following agenda items:
 - draft resolution concerning the final provisions of international labour Conventions;
 - proposed abrogation of one international labour Convention and withdrawal of four Conventions, one Protocol and 18 Recommendations (item VII on the agenda of the Conference);
 - draft Convention and Recommendation concerning the partial revision of 15 international labour instruments following the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work (item VIII on the agenda of the Conference);
 - measures recommended by the Governing Body under article 33 of the ILO Constitution to secure compliance by the Government of Belarus with the recommendations of the Commission of Inquiry (item IX on the agenda of the Conference).

1. Draft resolution concerning the final provisions of international labour Conventions

2. At its 347th Session (March 2023), the Governing Body decided to transmit a draft resolution concerning the final provisions of international labour Conventions to the 111th Session (2023) of the Conference for possible adoption.² The purpose of the draft resolution is primarily to amend the standard final provision in respect of authoritative language versions of international labour Conventions in order to add Spanish as one of the authoritative language versions of international labour Conventions, alongside English and French. This would be following up on the revised Standing Orders of the Conference adopted in 2021 with a view to, inter alia, recognizing Spanish as one of the official languages of the Conference.³ The draft resolution also intends to update the entire set of model final provisions since they were last amended in 1951 and to validate a number of editorial changes that have been introduced ever since. The consolidated text of the final provisions to be proposed for inclusion in future international labour Conventions is annexed to the draft resolution.
3. It is noted that the Conference is expected to adopt at this session a Convention concerning amendments consequential to the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work. An early adoption of the proposed resolution will permit the revised final provisions to be included in that Convention.

¹ [GB.347/INS/2/2/Decision](#) and [GB.347/INS/2/2](#), paras 29–30.

² [GB.347/LILS/1/Decision](#) and draft resolution contained in Appendix III of document [GB.347/LILS/1](#).

³ [ILC.109/Record No. 2D](#) and [ILC.109/Record No. 2A](#), Appendix I.

4. **The General Affairs Committee may wish to recommend to the Conference that it adopt the resolution concerning the final provisions of international labour Conventions, as set out in Appendix I to the present report.**

2. Proposed abrogation of one international labour Convention and withdrawal of four Conventions, one Protocol, and 18 Recommendations

5. At its 343rd Session (November 2021), the Governing Body of the International Labour Office decided to place on the agenda of the 111th Session (2023) of the International Labour Conference an item on the abrogation of one Convention and the withdrawal of four Conventions, one Protocol and 18 Recommendations.⁴
6. The Seafarers' Welfare Convention, 1987 (No. 163), was placed on the agenda for abrogation.
7. The following instruments were placed on the agenda for withdrawal:
- Social Security (Seafarers) Convention, 1946 (No. 70);
 - Accommodation of Crews Convention, 1946 (No. 75);
 - Social Security (Seafarers) Convention (Revised), 1987 (No. 165);
 - Labour Inspection (Seafarers) Convention, 1996 (No. 178);
 - Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976;
 - National Seamen's Codes Recommendation, 1920 (No. 9);
 - Unemployment Insurance (Seamen) Recommendation, 1920 (No. 10);
 - Labour Inspection Recommendation, 1923 (No. 20);
 - Labour Inspection (Seamen) Recommendation, 1926 (No. 28);
 - Seamen's Welfare in Ports Recommendation, 1936 (No. 48);
 - Seafarers' Social Security (Agreements) Recommendation, 1946 (No. 75);
 - Seafarers (Medical Care for Dependants) Recommendation, 1946 (No. 76);
 - Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crews) Recommendation, 1946 (No. 78);
 - Ships' Medicine Chests Recommendation, 1958 (No. 105);
 - Medical Advice at Sea Recommendation, 1958 (No. 106);
 - Social Conditions and Safety (Seafarers) Recommendation, 1958 (No. 108);
 - Seafarers' Welfare Recommendation, 1970 (No. 138);
 - Crew Accommodation (Air Conditioning) Recommendation, 1970 (No. 140);
 - Crew Accommodation (Noise Control) Recommendation, 1970 (No. 141);
 - Prevention of Accidents (Seafarers) Recommendation, 1970 (No. 142);

⁴ GB.343/INS/2(Rev.1)/Decision and GB.343/INS/2(Rev.1), paras 38–43.

- Merchant Shipping (Improvement of Standards) Recommendation, 1976 (No. 155);
 - Seafarers' Welfare Recommendation, 1987 (No. 173);
 - Labour Inspection (Seafarers) Recommendation, 1996 (No. 185).
8. With the exception of Recommendation No. 20, the decision of the Governing Body was based on the recommendations formulated by the Special Tripartite Committee (STC) established under Article XIII of the Maritime Labour Convention, 2006, as amended (MLC, 2006), in the first part of its fourth meeting (19–23 April 2021).
 9. In this respect, it is recalled that, upon the recommendation of the Standards Review Mechanism Tripartite Working Group (SRM TWG), the Governing Body at its 326th Session (March 2016) had recommended the referral of 68 maritime instruments to the STC for review.⁵ A first group of 34 instruments was examined at the third meeting of the STC in 2018, which led to the abrogation and withdrawal of a number of instruments by the Conference at its 109th Session (2021).⁶ The abrogation and withdrawals currently proposed refer to the second group of 34 instruments, examined at the fourth meeting of the STC.
 10. As regards Recommendation No. 20, its withdrawal had been originally placed on the agenda of the 110th Session (2022) of the Conference by the Governing Body, based on the recommendation of the SRM TWG at its fourth meeting (September 2018)⁷ but was later rescheduled for the current session by a new decision of the Governing Body at its 343rd Session (November 2021).
 11. Pursuant to article 19, paragraph 9, of the Constitution, the Conference is empowered, by a two-thirds majority and upon recommendation by the Governing Body, to abrogate a Convention in force if it appears that it has lost its purpose, or that it no longer makes a useful contribution to attaining the objectives of the Organization. In addition, according to article 52 of the Standing Orders of the Conference, the Conference may withdraw Conventions which have never entered into force or are no longer in force as well as Recommendations.
 12. In accordance with article 52(1) of the Standing Orders, the Office prepared two reports for the Conference under item VII on its agenda. The first report was published in November 2021 and contained a short report and questionnaire requesting all Member States to indicate within a period of 12 months their position on the subject of the proposed abrogation and withdrawals, after having consulted the most representative organizations of workers and employers.⁸ On the basis of the replies received, the Office prepared a second report, which summarizes these replies and contains a set of final proposals.⁹
 13. **The General Affairs Committee may wish to recommend to the Conference that it take the decision, pursuant to article 52(2) of the Standing Orders, to submit the final proposals for the abrogation of one international labour Convention and withdrawal of**

⁵ GB.326/PV, para. 514.

⁶ ILC.109/Instruments.

⁷ GB.334/PV, para. 42(d).

⁸ ILC.111/VII/1.

⁹ ILC.111/Report VII(2). The replies received from Ecuador, Thailand and Nigeria could not be included in the report as they were received after its publication. Another reply from Senegal was received by the Office in due time but did not reach the competent services until after the publication of the report. All four Member States are in favour of the proposed abrogation and withdrawals.

four Conventions, one Protocol, and 18 Recommendations, as set out in Appendix II to the present report, to a final record vote to be held on 12 June 2023.

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

14. At its 110th Session (2022), the International Labour Conference adopted a resolution amending paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work (1998) ("the 1998 Declaration") to include a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work.¹⁰
15. At its 346th Session (October–November 2022), the Governing Body decided to place on the agenda of the 111th Session (2023) of the Conference an item concerning the adoption of a Convention and a Recommendation with a view to introducing amendments to specific provisions of 15 instruments, consequential to the amendment of the 1998 Declaration.
16. In view of the purely formal character of the proposed instruments, and in line with past practice, the Governing Body invited the Office to circulate a succinct report to Member States by 22 December 2022 including the proposed text for the instruments.¹¹
17. The succinct report¹² was published on 8 December 2022 and requested governments, after having duly consulted the most representative employers' and workers' organizations, to transmit comments before 31 March 2023.
18. As of 3 May 2023, the Office had received replies from the Governments of the following Member States: Algeria, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Costa Rica, Ecuador, Egypt, Finland, Guatemala, Japan, Italy, Lithuania, Malaysia, Mauritius, Mexico, Norway, Panama, Peru, the Philippines, Portugal, Qatar, Russian Federation, Senegal, Spain, Sweden, Switzerland and Thailand, and one separate communication from a workers' organization of Peru. All respondents are supportive of the draft instruments or did not have any specific observation.
19. The draft instruments are in Appendices III and IV, with editorial adjustments taking notably into account certain comments received and the decision taken by the Governing Body at its 347th Session (March 2023) concerning the final provisions of international labour Conventions.
20. At its 346th Session (October–November 2022), the Governing Body also considered that it would be advisable to recommend that the Conference adopt a resolution calling for the prompt ratification of the proposed Convention. The text of a draft resolution is in Appendix V.
21. **The General Affairs Committee may wish to recommend to the Conference that it adopt:**
 - (a) **the draft Convention and the draft Recommendation contained in Appendices III and IV concerning the partial revision of 15 international labour instruments following the inclusion of a safe and healthy working environment in the ILO's**

¹⁰ ILC.110/Resolution I.

¹¹ GB.346/PV, para. 180(a).

¹² ILC.111/Report/VIII.

framework of fundamental principles and rights at work, through a final record vote scheduled for 12 June 2023;

- (b) the draft resolution contained in Appendix V to the present report concerning the prompt ratification of the draft Convention.**

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

22. At its 346th Session (October–November 2022), the Governing Body decided to place on the agenda of the 111th Session (2023) of the International Labour Conference an item concerning measures under article 33 of the ILO Constitution to secure compliance by the Government of Belarus with the recommendations of the Commission of Inquiry.¹³
23. At its 347th Session (March 2023), the Governing Body examined actions to be recommended to the Conference for possible adoption under article 33 of the Constitution, drawing upon previous experience in the case of Myanmar. The measures recommended by the Governing Body are outlined in a draft resolution which the Governing Body approved for transmission to the Conference. The draft resolution is in Appendix VI of this document. In addition, the Governing Body adopted measures within its remit of competence also aimed at securing compliance with the recommendations of the Commission of Inquiry.¹⁴
24. Moreover, the Governing Body invited the Government of Belarus to submit any relevant information by 1 May 2023. The Government of Belarus submitted information summarized in Appendix VII to the present report. The reply of the Director-General dated 18 May 2023 can be found in Appendix VIII.
25. In a related development, on 25 April 2023, the United Nations (UN) Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Ms Alena Douhan, addressed a communication to the Director-General seeking clarifications on the Governing Body decision and drawing attention to “international law implications, including possible violations of economic, social and cultural rights of workers in Belarus, their families, as well as vulnerable groups who rely on social support programs”.¹⁵ In his response dated 9 May 2023, the Director-General expressed his concern about the thrust and tone of the communication, “notably [the] suggestion that recourse to the ILO’s constitutional procedures for enforcing the application of international labour standards might result in the ILO engaging its international responsibility for violations of international human rights law and basic principles enshrined in the UN Charter [and recalled that] these procedures are not only expressly provided for in the ILO Constitution but have also served as a model across the UN system, in particular in the field of human rights.”¹⁶

¹³ GB.346/PV, para 495(h).

¹⁴ GB.347/INS/14(Rev.1)/Decision.

¹⁵ Available at [ohchr.org](https://www.ohchr.org).

¹⁶ Available at [ohchr.org](https://www.ohchr.org).

26. The Conference is requested to examine, with a view to their adoption in the form of a resolution, one or more of the measures indicated in subparagraphs (a)–(d) of the draft resolution submitted to it by the Governing Body.
27. **The General Affairs Committee may wish to recommend to the Conference that it adopt all or any of the measures indicated in subparagraphs (a)–(d) of the draft resolution as set out in Appendix VI to the present report.**

Appendix I

Draft resolution concerning the final provisions of international labour Conventions

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

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

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

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

Considering that the final provisions should be aligned accordingly:

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

Annex

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

(additions appear underlined and deletions are struck out)

Article A

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

Article B

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

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

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

Article C

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

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

period of [...] years and, thereafter, may denounce this Convention ~~at within the expiration first year of each new period of [...] years under the terms provided for in this article~~ Article.

Article D

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

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

Article E

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

Article F

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

Article G

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

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

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

Article H

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

Appendix II

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

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

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

decides this ... day of June of the year two thousand and twenty-three to abrogate the Seafarers' Welfare Convention, 1987 (No. 163).

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

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

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the Social Security (Seafarers) Convention, 1946 (No. 70).

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

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

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the Accommodation of Crews Convention, 1946 (No. 75).

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

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

4. The General Conference of the International Labour Organization,

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the Social Security (Seafarers) Convention (Revised), 1987 (No. 165).

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

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

5. The General Conference of the International Labour Organization,

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the Labour Inspection (Seafarers) Convention, 1996 (No. 178).

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

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

6. The General Conference of the International Labour Organization,

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976.

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

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

7. The General Conference of the International Labour Organization,

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the National Seamen's Codes Recommendation, 1920 (No. 9).

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

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

8. The General Conference of the International Labour Organization,

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the Unemployment Insurance (Seamen) Recommendation, 1920 (No. 10).

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

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

9. The General Conference of the International Labour Organization,

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the Labour Inspection Recommendation, 1923 (No. 20).

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

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

10. The General Conference of the International Labour Organization,

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the Labour Inspection (Seamen) Recommendation, 1926 (No. 28).

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

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

11. The General Conference of the International Labour Organization,

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the Seamen's Welfare in Ports Recommendation, 1936 (No. 48).

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

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

12. The General Conference of the International Labour Organization,

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the Seafarers' Social Security (Agreements) Recommendation, 1946 (No. 75).

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

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

13. The General Conference of the International Labour Organization,

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the Seafarers (Medical Care for Dependants) Recommendation, 1946 (No. 76).

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

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

14. The General Conference of the International Labour Organization,

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crews) Recommendation, 1946 (No. 78).

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

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

15. The General Conference of the International Labour Organization,

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the Ships' Medicine Chests Recommendation, 1958 (No. 105).

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

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

16. The General Conference of the International Labour Organization,

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the Medical Advice at Sea Recommendation, 1958 (No. 106).

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

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

17. The General Conference of the International Labour Organization,

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the Social Conditions and Safety (Seafarers) Recommendation, 1958 (No. 108).

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

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

18. The General Conference of the International Labour Organization,

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the Seafarers' Welfare Recommendation, 1970 (No. 138).

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

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

19. The General Conference of the International Labour Organization,

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the Crew Accommodation (Air Conditioning) Recommendation, 1970 (No. 140).

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

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

20. The General Conference of the International Labour Organization,

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the Crew Accommodation (Noise Control) Recommendation, 1970 (No. 141).

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

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

21. The General Conference of the International Labour Organization,

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the Prevention of Accidents (Seafarers) Recommendation, 1970 (No. 142).

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

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

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the
Merchant Shipping (Improvement of Standards) Recommendation, 1976 (No. 155).

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

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

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the
Seafarers' Welfare Recommendation, 1987 (No. 173).

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

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

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

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

Decides this ... day of June of the year two thousand and twenty-three to withdraw the
Labour Inspection (Seafarers) Recommendation, 1996 (No. 185).

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

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

Appendix III

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

The General Conference of the International Labour Organization,

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

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

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

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

adopts this ... day of June of the year two thousand and twenty-three the following Convention, which may be cited as the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023:

Article 1

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

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

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

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

Article 2

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

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

Article 3

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

Article 4

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

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

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

Article 5

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

Article 6

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

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

Article 7

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

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

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

Article 8

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

Appendix IV

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

The General Conference of the International Labour Organization,

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

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

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

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

adopts this ... day of June of the year two thousand and twenty-three the following Recommendation, which may be cited as the Safe and Healthy Working Environment (Consequential Amendments) Recommendation, 2023:

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

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

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

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

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

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

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

Appendix V

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

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

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

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

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

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

Appendix VI

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

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

Considering the proposals by the Governing Body of the International Labour Office, under the ninth item of its agenda, with a view to the adoption, under article 33 of the ILO Constitution, of actions to secure compliance with the recommendations of the Commission of Inquiry established to examine the observance by the Government of Belarus of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98),

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

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

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

- (a) review, in the light of the conclusions of the Commission of Inquiry, the relations that they may have with the Government of Belarus and take appropriate measures to ensure that the Government of Belarus cannot take advantage of such relations to perpetuate or extend the violations of workers' rights in respect of freedom of association, and to contribute as far as possible to the implementation of its recommendations, including the creation of a climate promoting freedom of association;
- (b) ensure that the principle of non-refoulement is respected in line with international law, given that trade union and human rights defenders are at risk of persecution in Belarus;
- (c) report back to the Director-General for transmission to the Governing Body;

3. Invites the Director-General to:

- (a) inform the international organizations referred to in article 12(1) of the ILO Constitution of the Government of Belarus' failure to comply with recommendations of the Commission of Inquiry, as well as of any developments in the implementation by the Government of Belarus of the recommendations of the Commission of Inquiry;
- (b) call on the relevant bodies of these organizations to reconsider, within their terms of reference and in the light of the conclusions of the Commission of Inquiry, any cooperation they may be engaged in with the Government of Belarus and, if appropriate, to cease as soon as possible any activity that could have the effect of directly or indirectly justifying the absence of actions to redress the situation concerning the non-respect of trade union rights in the country;
- (c) engage with the United Nations (UN) Special Rapporteur on the situation of human rights in Belarus, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the UN Special Rapporteur on the

independence of judges and lawyers with a view to ensuring coordinated action on recommendation No. 8 of the Commission of Inquiry concerning the need to guarantee impartiality and independence of the judiciary and justice administration;

- (d) engage with the Office of the UN High Commissioner for Refugees (UNHCR) and other relevant agencies and organizations with a request to also support Belarusian independent trade union activists and their families and inform UNHCR country guidelines;
- (e) submit to the Governing Body a periodic report on the outcome of the measures set out in paragraph 3(a), (b) and (c) above;

4. Urges the Government of Belarus to receive as a matter of urgency an ILO tripartite mission with a view to gather information on the implementation of the recommendations of the Commission of Inquiry and subsequent recommendations of the supervisory bodies of the ILO, including a visit to the independent trade union leaders and activists in prison or detention.

Appendix VII

Information provided by the Government of the Republic of Belarus

The Government deeply regrets that the assessment of the situation of trade union rights in Belarus is based on what it considers inaccurate and baseless information provided by the International Trade Union Confederation (ITUC) and politically biased human rights structures, while objective information and fact-based arguments of the Government are not taken into account. It therefore categorically disagrees with the ILO supervisory bodies' evaluation of the progress made by the Government in implementing the Commission of Inquiry's recommendations.

In particular, the Government points out that it has made all necessary efforts to establish an effective dialogue with the social partners and the ILO and has followed joint plans of action to give effect to the Commission of Inquiry's recommendations. The constructive position of Belarus has repeatedly been noted by various ILO missions and expert groups visiting the country, including a direct contacts mission which visited Minsk in January 2014. As a result of the steps taken, some of the recommendations have been fully implemented and significant progress has been made with regard to others. In this respect, the Government provides the following information.

Recommendations 2 and 3

The Government has taken the following steps to liberalize the process of trade union registration: (1) to simplify the trade union registration procedure, the Republican Registration Commission was abolished pursuant to Presidential Decree No. 605 (2006); (2) with the adoption of Presidential Decree No. 4 (2015), the requirement of at least 10 per cent of the total number of employees to form a trade union has been abolished; and (3) trade unions can now be located (obtain a legal address) at any other place than the employer's address of their members. The Ministry of Justice closely monitors the situation regarding trade union registration and issues the necessary instructions to the registration authorities to prevent irregularities.

Recommendations 4, 7 and 8

The recommendations of the Commission of Inquiry have been brought to the attention of the general public through their publication in the Ministry of Labour and Social Protection magazine on Labour and Social Protection in April 2005 and in the newspaper *Respublika* in November 2006. Systematic steps have been taken to inform the courts and the prosecutors of the need to scrutinize complaints of anti-union discrimination. In this respect, the Government refers to seminars on trade union rights and protection against anti-union discrimination for judges and prosecutors that took place in January 2007 and June 2018 with ILO support. The impartiality, independence and openness of the judicial system is ensured and citizens are guaranteed the right to a fair trial, in particular under article 60 of the Constitution.

Recommendations 5 and 7

The tripartite Council for the Improvement of Legislation in the Social and Labour Sphere (the tripartite Council), an independent body having the confidence of all parties with a mandate to deal with complaints, has become the key forum for reviewing the implementation

of the recommendations of the Commission of Inquiry. On several occasions, ILO representatives participated in its work.

Recommendation 6

The Government monitors the interaction between enterprise management and trade unions and has clearly stated its position that there should be no interference in trade union activities. A key role in this regard is played by the National Council on Labour and Social Affairs, the main tripartite social dialogue body in the country.

Recommendation 11

In order to ensure the free and equal participation of all social partners in the dialogue with the Government, on 31 January 2007, the National Council decided to include a representative of the Belarusian Congress of Democratic Trade Unions (BKDP) among its members.

Recommendation 12

There is a clear distinction between the roles of the Government and the social partners, which is a condition for free and independent exercise of trade union activities: the activity of the Government is regulated by the Law of 23 July 2008 on the Council of Ministers of the Republic of Belarus; trade unions operate in accordance with the Law on Trade Unions of 22 April 1992; and employers and their associations are subject to the Law of 12 December 2022 on Associations of Employers (with the exception of certain provisions, the Law will come into force on 16 December 2023).

* * *

In addition, the Government indicates that following the 2014 direct contacts mission, together with the ILO, it held several activities aimed at implementing specific recommendations of the Commission of Inquiry. These activities aimed at improving efficiency of the tripartite Council and dispute resolution system, in line with recommendations 5 and 7; and elaboration and consolidation of guidelines for collective bargaining in enterprises in the tripartite General Agreement, which has contributed to the possibility of trade union pluralism in practice, in line with recommendations 6 and 12. In the Government's opinion, the above confirms that the implementation of the recommendations by Belarus has been progressively evolving. The ILO supervisory bodies have repeatedly noted with interest the measures taken by the Government and have found that some progress has been made.

As regards compliance with Conventions Nos 87 and 98, the Government has repeatedly drawn the attention of the ILO to the absence of contradictions between the national legislation and practice on the one hand, and the ILO Conventions on freedom of association, on the other. The principle of the rule of law is in force in Belarus and the State guarantees the rights and freedoms to its citizens as enshrined in the Constitution, national legislation and international agreements. Trade unions can be established and registered freely and carry out their lawful activities without interference. All decisions affecting the right to form trade unions are taken in strict conformity with the legislation, taking into consideration the interests and rights of citizens. Citizens' membership or non-membership in trade unions does not entail any restriction of their labour, socio-economic, political or personal rights and freedoms. Citizens of Belarus freely and actively exercise the right to organize. As of 1 January 2023, there were 20 registered trade unions in the country (15 national, 1 territorial and 4 organization-wide)

and 28,272 registered organizational structures of trade unions (27,368 primary; 621 district and municipal; 172 united; 111 provincial and Minsk municipal). In turn, trade unions, their leaders, members and activists are free to carry out their lawful activities aimed at defending and protecting workers' labour, social and economic rights and interests, raising the standard of living and social protection of citizens, including in interaction with the authorities in the framework of social partnership system in the country. As of 1 January 2023, there were 350 labour and social councils, 610 agreements and 20,852 collective bargaining agreements at the enterprise/organization level. The current General Agreement (16th, extended for 2022–24) applies to all employers, trade unions, employees, students of educational institutions.

The Government considers that procedure established in the country for receiving foreign gratuitous aid is being unreasonably linked to Articles 5 and 6 of Convention No. 87. The legislation does not prohibit trade unions from receiving such assistance and the procedure for registering it is simple and expeditious. There is no evidence of denial of such aid to trade unions. The prohibition on the receipt and use of aid for political and campaigning activities is in the interests of national security and is more than justified in the current situation. Allowing outside forces to sponsor public events in the country could be used to destabilize the socio-political and socio-economic situation, which would have an extremely negative impact on public life and the well-being of citizens.

The existing procedure for organizing and holding mass events in Belarus does not contradict the principles of freedom of association and is fully in line with the provisions of the International Covenant on Civil and Political Rights. The penalties for the violations which resulted in grave consequences are aimed at preventing socially dangerous illegal actions that pose a real threat to the life and health of citizens. These norms do not objectively deter citizens and trade unions from exercising their right to freedom of legitimate peaceful assembly. The amendments to the Law on Mass Events do not contain any provisions prohibiting citizens from exercising the right to legitimate peaceful assembly. The amendments were directed against the organization, preparation and commission of actions that infringe on the independence, territorial integrity, sovereignty of the State, the constitutional order and public security through the organization of mass riots, vandalism involving damage or destruction of property, seizure of buildings and structures as well as other actions that grossly violate public order.

The amendments introduced to the Criminal Code were not intended to infringe upon the rights of citizens and trade unions to organize and hold peaceful mass events; rather, the legislative changes were a necessary step to bring the legislation into line with the current situation and the serious challenges the country has faced in 2020 due to an unprecedented planned attack on the State by unfriendly forces.

The legal procedure for organizing and holding strikes does not contradict international labour standards as it allows citizens to fully exercise their right to strike to resolve a collective labour dispute. The prohibition of political demands during strikes is a common and justifiable international practice, as businesses should not be turned into objects of manipulation and leverage for purely political purposes.

In the context of an unprecedented political and economic pressure on Belarus, the implementation of the ILO supervisory bodies' recommendations by weakening the state control over the receipt of funds coming from abroad, depenalizing trade unions and citizens who have committed gross violations of the law when holding mass events and legalizing political strikes will create conditions for strengthening of the external destructive influence on

the situation in the country. Such developments are not in the national interest of the country and clearly do not serve the purpose of ensuring the well-being of its citizens.

The Government reiterates the groundlessness and absurdity of claims that trade unions and citizens are allegedly persecuted for carrying out trade union activities and peaceful exercise of civil rights and freedoms. The Government points out that the ILO supervisory bodies erroneously assume that the 2020 protests were motivated by economic and social reasons, were peaceful in nature and aimed at protecting civil and trade union rights and freedoms. The Government emphasizes that events of a political nature unrelated to processes of social dialogue and the exercise of trade union rights should not serve as the basis for assessing compliance with ILO Conventions. The protests of 2020 were artificially induced by external forces, were illegal and intended to seize power in the country in an unconstitutional manner. The protesters' demands (dismissal of the President, new elections, exoneration of citizens who have broken the law) were not linked to the protection of the labour, social and economic interests of citizens and trade union activities. The attempts to organize an alleged strike movement aimed at stopping the work of the enterprises that form the backbone of the Belarusian economy, i.e. to implement political objectives through pressure on the legitimate authorities by undermining the economic potential and social well-being of the country. Thus, in the Government's opinion, the complainants have deliberately dragged political issues to the ILO with the sole purpose of discrediting Belarus, justifying unprecedented unilateral restrictive measures against the country, escalating political pressure on the legitimate authorities and launching another wave of sanctions based on ILO decisions.

The Government reiterates that all citizens and trade unions named in the comments of the ILO supervisory bodies have been prosecuted for specific unlawful acts unconnected with the lawful and peaceful exercise of trade union rights and freedoms. Thus, the activities of the BKDP and its member organizations – the Belarusian Trade Union of Radioelectronics Industry Workers (trade union REP), the Belarusian Independent Trade Union of Miners, Chemists, Oil Refiners, Energy, Transport Workers, Construction Workers and Others (BNP), the Free Trade Union of Metalworkers (SPM) and the Free Trade Union of Belarus (SPB) – were terminated by the Supreme Court in July 2022, which has also determined that the leaders and/or members of these unions were actively involved in politically destructive activities aimed at unconstitutional change of power in the country, in violation of the law and their organizations' statutes. The Government provides the following information in this respect.

On 26 December 2022, Messrs Yaroshuk and Antusevich and Mrs But-Gusaim, representatives of the Belarusian Social Democratic Party, were found guilty of participation in group actions, which grossly violate public order and are connected to disobedience to the legal demands of the authorities, which resulted in disruption of the work of transports and enterprises (part 1 of article 342 of the Criminal Code). In addition, Mr Yaroshuk was found guilty of public calls for seizure of state power, violent change of the constitutional order, committing other actions aimed at harming national security, dissemination of materials containing such appeals (part 3 of article 361 of the Criminal Code). All of the above persons pleaded guilty. Mr Yaroshuk was sentenced to deprivation of liberty for four years to be served in a penal colony under the general regime; Mr Antusevich – to deprivation of liberty for two years to be served in a penal colony under the general regime; and Ms But-Gusaim – to deprivation of liberty for one year and a half to be served in a penal colony under the general regime. On 24 March 2023, the above sentences were upheld on appeal.

On 5 January 2023, Messrs Fedynich, Beresnev and Oreshko were found guilty of distribution of materials containing public appeals to actions aimed at harming the national security, committed through mass media and the Internet (part 3 of article 361 of the Criminal

Code) and of actions aimed at inciting social hatred and discord (part 3 of article 130 of the Criminal Code). In addition, pursuant to part 1 of article 361-1 of the Criminal Code, Mr Fedynich was found guilty of establishing and leading an extremist group; Mr Beresnev was found guilty of leading such a group; and Mr Oreshko was found guilty of participating in such a group. Mr Fedynich was sentenced to nine years of deprivation of liberty to be served in a strict regime penal colony, with forfeiture of the right to occupy posts related to administrative, economic and organizational duties for ten months and four days; Mr Beresnev was sentenced to nine years of deprivation of liberty to be served in a strict regime penal colony; and Mr Oreshko was sentenced to eight years of deprivation of liberty to be served in a strict regime penal colony. The verdicts were upheld on appeal on 3 April 2023.

Ms Malash was found guilty of participation in group actions grossly violating public order and connected with disobedience to legal demands of the authorities, which caused disruption of transport and enterprises (part 1 of article 342 of the Criminal Code) and sentenced to one year and a half of deprivation of liberty to be served in a penal colony under general regime.

Mr Slezhov was found guilty of publicly insulting the President of the Republic of Belarus (part 1 of article 368 of the Criminal Code) and of intentional acts aimed at inciting social hatred and discord on the basis of social affiliation (part 1 of article 130 of the Criminal Code) and sentenced to three years of deprivation of liberty to be served in a penal colony under a general regime.

Mr Mishuk was found guilty of public calls for seizure of state power, violent change of the constitutional order and other actions aimed at causing damage to national security (part 1 of article 361 of the Criminal Code) and sentenced to two and a half years of imprisonment in a penal colony under general regime (upheld on appeal).

Mr Khanevich was found guilty of facilitating extremist activities using his official powers (part 2 of article 361-4 of the Criminal Code) and sentenced to five years of deprivation of liberty to be served in a strict regime penal colony (upheld on appeal). He was found not guilty of the offence under article 369-1 of the Criminal Code and acquitted.

Ms Mikhniuk was found guilty of publicly insulting the President of the Republic of Belarus (part 1 of article 368 of the Criminal Code) and sentenced to two years of deprivation of liberty in a penal colony under the general regime (upheld on appeal).

Mr Zhernak was found guilty of organizing group actions that grossly violated public order and caused disruption of businesses, participation in such actions, as well as public calls for seizure of state power, committing other actions aimed at causing harm to national security, distribution of materials containing such appeals (part 1 of article 342, part 3 of article 361 of the Criminal Code) and sentenced to four years of deprivation of liberty in a general regime correctional colony (upheld on appeal).

Mr Gromov was found guilty of participation in group actions that grossly violated public order and were connected with the disobedience to lawful demands of representatives of the authorities, which resulted in disruption of transport and functioning of enterprises (part 1 of article 342 of the Criminal Code), and sentenced to restriction of liberty without being sent to an open type institution for a period of two and a half years.

Mr Chichmarev was found guilty of active participation in group actions, grossly violating public order and connected with disobedience to lawful demands of representatives of authorities, which caused disruption of transport and enterprise, in the absence of signs of a more serious crime (part 1 of article 342 of the Criminal Code) and sentenced to three years of restriction of liberty without being sent to an open type correctional facility.

The Government indicates that considering that the unlawful acts committed by the above-mentioned persons had exclusively political objectives, had nothing to do with the lawful exercise of trade union and civil rights, were generally destructive in nature and were directed against the interests of society and the State, the calls by ILO supervisory bodies for the immediate release of all persons brought to trial and the exoneration of all charges against them have no objective basis.

In view of the above, the Government considers that there are no reasons for the application of article 33 of the ILO Constitution as it will not only undermine the authority of the ILO but will also set a dangerous precedent of illegal pressure on the country on the basis of false and politically motivated accusations.

Appendix VIII



COPY

► **The Director-General**

Ms Irina Kostevich
Minister of Labour and Social Protection
MINSK
REPUBLIC OF BELARUS

18 May 2023

Dear Minister,

Thank you for your communication dated 29 April 2023 containing information on the implementation of the recommendations of the Commission of Inquiry by your Government, transmitted in accordance with the request made by the ILO Governing Body at its 347th Session (March 2023).

This information will be brought to the attention of the International Labour Conference as it considers the point on its agenda concerning measures under article 33 of the Constitution with a view to securing compliance with the recommendations of the Commission of Inquiry established to examine the observance by the Government of Belarus of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

In your communication you highlight the role of the tripartite Council for the Improvement of Legislation in the Social and Labour Sphere (the tripartite Council) and invite ILO representatives to attend its next meeting scheduled for 26 May 2023, at which one of the recommendations of the Committee on Freedom of Association on non-judicial settlement of labour disputes is planned to be discussed.

In this respect, I would like to recall that in its latest observation (December 2022), the Committee of Experts on the Application of Conventions and Recommendations deplored the dissolution of the Belarus Congress of Democratic Trade Unions (BKDP), noted the support from the President of Belarus for the Federation of Trade Unions of Belarus (FPB) – now the only workers' representation on the tripartite Council – and, in these circumstances, questioned the tripartite Council's legitimacy.

Considering the conditions described above, it would not be possible for the Office to attend the meeting of the tripartite Council in the current circumstances. However, as indicated in my earlier communication, I would welcome your facilitation of an ILO visit to ascertain the conditions of arrest and detention and the welfare of the detained trade unionists as requested by the Governing Body decision at its 346th Session (October-November 2022).

I look forward to your positive and cooperative response in this respect.

Yours sincerely,

Gilbert F. Houngbo