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TEXTS ADOPTED

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**P9\_TA(2022)0215**

**Prosecution of opposition and detention of trade union leaders in Belarus**

**European Parliament resolution of 19 May 2022 on the prosecution of the opposition and the detention of trade union leaders in Belarus (2022/2664(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Belarus,
- having regard to the European Council conclusions of 21-22 October 2021,
- having regard to the recent statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on Belarus, notably those of 10 November 2021 on the situation at the European Union border and of 28 February 2022 on the constitutional referendum,
- having regard to the UN Human Rights Council report of 4 March 2022 on the situation of human rights in Belarus in the run-up to the 2020 presidential election and its aftermath,
- having regard to the Universal Declaration of Human Rights and to all human rights conventions to which Belarus is a party,
- having regard to the preamble of the International Labour Organization (ILO) Constitution about the need for recognition of the principle of freedom of association, to the ILO Convention on Freedom of Association and Protection of the Right to Organise, and to the ILO Convention on the Right to Organise and Collective Bargaining,
- having regard to Articles 36 and 41 of the Constitution of the Republic of Belarus as regards freedom of association and the right to form trade unions,
- having regard to the statement by the Spokesperson of the European External Action Service (EEAS) of 29 April 2022 on new repressive measures in Belarus widening the scope for the use of capital punishment,
- having regard to the report of 4 May 2021 of the UN Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, to the UN Human Rights Council,
- having regard to the G7 statement of 14 May 2022 on Russia's war against Ukraine,
- having regard to Rule 132(2) and (4) of its Rules of Procedure,

- A. whereas the Lukashenka regime in Belarus is directly enabling the Russian military aggression against Ukraine, inter alia, by allowing Russia to attack Ukraine, including through the launch of ballistic missiles from Belarusian territory, enabling the stationing and transport of Russian military personnel, the storing and transport of military equipment and weapons, including heavy weapons, by allowing Russian military aircraft to fly over Belarusian airspace into Ukraine and by providing refuelling points;
- B. whereas on 27 February 2022, Belarus staged a so-called referendum in an atmosphere of repression that approved a new constitution impairing its neutrality, renouncing its non-nuclear status and granting lifetime immunity from prosecution to the president once he has left office;
- C. whereas on 2 December 2021, the EU adopted the fifth package of sanctions against Belarus over continued human rights abuses and the instrumentalisation of migrants;
- D. whereas the EU has adopted a variety of measures in 2022 in response to Belarus's involvement in Russia's unprovoked, unjustified and illegal war of aggression against Ukraine, including individual and economic sanctions;
- E. whereas neighbouring Member States Poland, Latvia and Lithuania are subject to a form of hybrid warfare due to Belarus's state-sponsored illegal crossings at the EU's external borders, which are aimed at further intimidating and destabilising the EU;
- F. whereas on 4 May 2022, the Council of the Republic approved an amendment to Article 289 of the Criminal Code, introducing the death penalty for 'attempted acts of terrorism', a move going against the global trend of abandoning the death penalty, while more than 30 political prisoners have been charged or sentenced to long prison terms under the same provision of the Criminal Code and other representatives of the democratic opposition or political activists are wanted on 'terrorism' charges; whereas Belarus is the only country in Europe to still carry out capital punishment;
- G. whereas the Belarusian authorities have closed down at least 275 civil society and human rights organisations and blocked several independent media outlets over war reporting, citing the spread of 'extremist materials' and 'false information'; whereas on 5 April 2022, Belarus's Prosecutor-General announced that Human Rights Watch's website had been blocked; whereas Aliaksandr Lukashenka has expanded his campaign against human rights activists and journalists by imprisoning Andrzej Poczobut, a prominent journalist and Polish minority activist who fell victim to a propaganda campaign based on false historical narratives; whereas more than 60 media representatives are under criminal prosecution; whereas 26 are behind bars;
- H. whereas on 6 July 2021, presidential candidate Viktor Babaryka was sentenced to 14 years in prison and the head of his presidential campaign and laureate of the European Parliament's 2020 Sakharov Prize for Freedom of Thought, Maryia Kalesnikava, and her lawyer Maksim Znak were sentenced to 11 and 10 years in prison respectively;
- I. whereas on 14 December 2021, leading Belarusian opposition figures Siarhei Tsikhanouski and Mikola Statkevich, laureates of the European Parliament's 2020 Sakharov Prize for Freedom of Thought, and Ihar Losik, Artsyom Sakau, Uladzimir Tsyhanovich and Dzmitry Papou were sentenced to long prison terms on trumped-up charges of trying to seize power, inciting hatred and social unrest, and extremism;

whereas Siarhei Tsikhanouski, who was arrested in May 2020 after announcing his intention to run for the presidency against Belarus's long-time dictator Aliaksandr Lukashenka and has remained in detention ever since, was sentenced to 18 years in prison; whereas Mikola Statkevich, a veteran politician who leads the unregistered political party Narodnaya Hramada and ran in the 2010 presidential election, was sentenced to 14 years in prison, and Ihar Losik, Artsyom Sakau, Uladzimir Tsyhanovich and Dzmitry Papou were handed 15-, 16-, 15- and 16-year sentences respectively on similar fabricated charges;

- J. whereas trade unions play a fundamental role in ensuring the proper functioning of democracy, the representation of citizens and workers and the defence of their rights;
- K. whereas at least 18 trade union leaders and representatives of Belarus's independent trade union movement were arrested on 19 April 2022 and charged under Article 342 of the Criminal Code related to the organisation and preparation of actions that grossly violate public order or active participation in such actions, thereby leading either to arrest, deprivation of liberty for two to five years or imprisonment of up to four years; whereas those arrested include Aliaksandr Yarashuk, President of the Belarusian Congress of Democratic Trade Unions (BKDP), who is also Vice-President of the International Trade Union Confederation and a member of the ILO Governing Body, Siarhei Antusevich, BKDP Vice-President, Aleh Padalinski, BKDP International Secretary, Alena Yaskova, BKDP lawyer, and Mikola Sharakh, Chairperson of the Belarusian Free Trade Union;
- L. whereas in the past two months, attacks on trade union activists and leaders have intensified, primarily in relation to many of them having stood up against Belarus's support for the Russian war of aggression against Ukraine, as well as their long-standing support for democracy and opposition to the Lukashenka regime; whereas the most recent attack on the independent trade union movement took place on 19 April 2022; whereas searches have been conducted in the office of the BKDP and the offices of its affiliates – the Belarusian Free Trade Union, the Free Trade Union of Metalworkers and the Belarusian Radio and Electronic Industry Workers' Union (REP) – in Minsk and the surrounding regions, as well as in the private homes of trade union leaders and activists;
- M. whereas on 17 May 2022, Maksim Pazniakou was arrested by Belarus State authorities; whereas on 13 May 2022, the Council of BKDP representatives had elected Maksim Pazniakou (chair of the Belarusian Independent Trade Union of Miners and Chemical Workers) as vice-president of the BKDP, making him an acting president of the BKDP by statute; whereas on 13 May 2022 the Council of the BKDP drafted a public statement to once again condemn the arrests of their comrades and announced that they would continue the work of the BKDP despite these arrests, in a statement signed by Maksim Pazniakou and published on 16 May 2022;
- N. whereas the persecution of independent trade unions and trade union leaders has recently been of a systemic nature, and are examples of the ongoing anti-trade-union campaign in Belarus, as Parliament also underlined in its resolution of 7 October 2021;
- O. whereas several trade unionists remain in custody, among them the President and Vice-President of the leading independent trade union confederation BKDP, with only limited legal protection and no access to their family members or trade union

colleagues; whereas the individuals detained are unable to see their families or trade union colleagues and their security, health and psychological well-being remain of great concern;

- P. whereas the independent trade union movement in Belarus has been under severe attack for many years; whereas union premises are placed under surveillance, labour rights activists subjected to harassment, unlawful dismissals and arrests, and union members intimidated into resigning; while the private homes of leaders and members have been searched and some unions have been recently named by the KGB (Komitet Gosudarstvennoy Bezopasnosti – the Belarusian State Security Committee) as ‘extremist groups’, including the REP on 7 April 2022;
- Q. whereas the Belarusian authorities have revoked the legal status of Belarusian Independent Trade Union (a member of the BKDP) organisations at the Grodno Azot, Naftan and Mozyr oil refineries, further depriving workers of representation and protection of their rights; whereas the Chair of the Independent Trade Union at the OJSC Naftan oil refinery, Olga Britikova, has been convicted for the fifth time in a row;
- R. whereas Belarus’s independent trade union movement has been at the forefront of the fight for democracy and dialogue in Belarus for a long period of time; whereas the detention of trade union leaders will have an impact on the exercise of trade union rights in Belarus and a chilling effect on workers;
- S. whereas the regime in Minsk continuously prosecutes citizens on political grounds, including for anti-war protests, and whereas peaceful protesters continue to be detained, and arbitrary detentions are imposed for displaying white-red-white symbols, including in private homes and territories; whereas as of May 2022, around 1 200 persons in Belarus are regarded as political prisoners, according to the Human Rights Centre Viasna; whereas since August 2020 over 40 000 persons have been detained and more than 5 500 criminal charges have been filed against Belarusian citizens, while not a single charge has been filed against the persons responsible for or complicit in systematic human rights violations;
- T. whereas criminal prosecution is a severe form of repression and remains indiscriminate and widespread in Belarus; whereas the judiciary has become an effective instrument for the suppression of rights and freedoms in Belarus, with judges actively engaged in repression; whereas trumped-up evidence does not undergo objective critical evaluation, undemocratic legislation is blindly applied and defendants are selectively sentenced to the harshest possible punishment; whereas the widespread impunity for human rights violations perpetuates the desperate situation of the Belarusian people;
- U. whereas the examination by the Office of the UN High Commissioner for Human Rights found that individuals were targeted and subjected to a consistent pattern of unnecessary or disproportionate use of force, arrests, detention – including incommunicado detention – torture or ill treatment, rape and sexual and gender-based violence, and the systematic denial of due process and fair trial rights; whereas thousands of Belarusians have been forced or otherwise compelled to leave their homeland and seek safety abroad;
- V. whereas on 6 May 2022, a Belarussian court sentenced European Humanities University student and Russian citizen, Sofia Sapega, who was detained after the commercial flight

she was taken between two EU capitals was forced to land in Belarus last year, to six years in prison for inciting social hatred;

- W. whereas Belarus started the commercial operation of the Belarusian nuclear power station (NPP) in Astravyets without addressing all the safety recommendations contained in the 2018 EU stress test report; whereas the Belarusian side is not transparent and does not provide trustworthy information about events at the NPP site, reconfirming that the Belarusian NPP is unsafe and poses a serious nuclear safety threat to the people of Belarus, neighbouring countries and the whole of Europe;
1. Reaffirms its solidarity with the people of Belarus who continue to stand up for a sovereign, free and democratic Belarus, risking their freedom and more and more frequently their lives, and demands the immediate and unconditional release of all political prisoners and all persons arbitrarily detained, arrested or sentenced on politically motivated grounds, and for all charges against them to be dropped, as well as for their full rehabilitation and financial compensation for damages incurred due to their illegitimate detention; demands an end to state violence;
  2. Condemns the Lukashenko regime's systematic repression against civilians, which since the stolen elections of 9 August 2020 has forced thousands of Belarusians to flee the country; reiterates that the ongoing campaign of systematic repression and the forced displacement of civilians amounts to grave violations of human rights;
  3. Calls for the organisation of new free and fair elections under international observation by the Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights; recalls that the European Union and its Member States did not recognise the results of the 2020 presidential election due to massive falsification and fabrication, and do not recognise Aliaksandr Lukashenko as the president of Belarus;
  4. Reminds Belarus of its obligations under international human rights law and insists on the need to ensure fundamental freedoms and human rights, the rule of law and a functioning independent judiciary in Belarus; Urges the Belarusian authorities to fully cooperate with the relevant international bodies such as the Office of the UN High Commissioner for Human Rights, the OSCE and the ILO, including by granting unhindered access and implementing recommendations, and abide by their obligations under national and international law; insists on the need to cease all repression, persecution, ill treatment, sexual and gender-based violence, enforced disappearances and torture; calls for an end to discrimination against women and vulnerable groups, including persons with disabilities and LGBTQI persons;
  5. Denounces the fact that politically motivated trials are held behind closed doors and without due process of law, thereby breaching the country's international obligations and commitments, resulting in the harsh and unjustified sentences handed down to opposition leaders, in particular to Siarhei Tsikhanouski, Mikola Statkevich, Viktar Babaryka, Maryia Kalesnikava, Maksim Znak, Ihar Losik, Artsyom Sakau, Uladzimir Tsyhanovich and Dzmitry Papou; notes the inhumane conditions in Belarusian detention facilities, including physical and psychological abuse, and overcrowded and unhygienic cells;

6. Calls on the Commission and the Member States to provide support and protection to human rights defenders and civil society in Belarus, who will be facing a severe crackdown, including by issuing emergency visas to leave Belarus if needed;
7. Calls on the Belarusian authorities to immediately and unconditionally release all trade union leaders and representatives who have been detained and to drop all charges against them; demands an end to the intimidation of independent trade union leaders and activists and to the disruption of the functioning of independent trade unions in Belarus; insists that the Belarusian authorities must remove all impediments, of both a legal and practical nature, to the organisation of, and participation in, independent trade unions; calls on the Belarusian authorities to bring the country's legislation into line with its international commitments on labour law, the relevant conclusions of the ILO Committee of Experts on the Application of Conventions and the ILO Committee on Freedom of Association, and to cooperate with the ILO on implementing the recommendations of the Commission of Inquiry in full and without delay;
8. Condemns the recent arrest and detention of trade union leaders and representatives by the Belarusian authorities, as well as the attack it represents on both human rights and the fundamental rights enshrined in international conventions, including those of the ILO related to the right of workers to organise themselves and take part in public action;
9. Calls on the Belarusian authorities to provide clear information on the whereabouts and the health situation of the detainees arrested on political grounds, to release them immediately and to ensure their access to independent justice;
10. Reiterates that the right to demonstrate and strike is a fundamental right, and calls on Belarus to lift all restrictions in law and practice that impede these freedoms, and to re-establish immediately the legal status of the independent trade unions which have recently been deprived of such status in several companies, including in the Grodno Azot, Naftan and Mozyr oil refineries, and to withdraw the classification of the REP as an extremist organisation;
11. Encourages trade unions across the Member States to further enhance contacts with their Belarusian counterparts, to exchange information on the development of the situation of trade union activists in Belarus and on the repression by the regime which they face, to facilitate cooperation and to provide them with material and psychological support;
12. Calls on the Commission to enhance capacity-building support to Belarus' independent trade unions, free media, civil society, and pro-democracy activists both in Belarus and in exile;
13. Highlights that the actions of the Belarusian authorities against independent trade unions represent a violation of the country's national legislation and its international obligations; calls on the ILO to suspend the membership of the Belarusian pro-government trade unions, as they neither represent the independent voice of workers, nor protect their rights;
14. Underlines the important coordinating role played by the BKDP in representing members of independent Belarusian trade unions in national and international institutions, and calls on the Belarusian authorities to end their repression and build a

working relationship with democratic and independent trade unions based on social dialogue, as a way to build up dialogue between the authorities, state institutions, employers and workers, and civil society in general;

15. Expresses deep concern about the risks posed by Belarus abandoning its neutrality, hosting Russian armed forces and conducting joint military exercises; notes Russia's increased role in Belarus, including its financial influence, which raises serious doubts about Belarus's ability to make sovereign decisions;
16. Is appalled by the support provided by the Lukashenko regime for Russia's unprovoked war in Ukraine, including through the so-called referendum that reinstates the country's nuclear status, but also by allowing the movement of troops and weapons, the usage of the country's airspace, refuelling and the storage of military ammunition;
17. Firmly condemns the Russian military's use of Belarusian territory; condemns the support of Belarus and the Belarusian armed forces and secret services for the launch of Russia's illegal, unjustified and unprovoked war of aggression against Ukraine; considers Belarus to be jointly responsible for the attack, bearing all the legal consequences deriving from international law;
18. Emphasises that the constitutional referendum of 27 February 2022, administered by the illegitimate Belarusian authorities in a context of widespread human rights violations, brutal repression and the deliberate use of disinformation, cannot be regarded as the legitimate democratic expression of the will of the Belarusian people nor as legitimising Aliaksandr Lukashenko's continued illicit presidency; calls on the Belarusian authorities to implement the recommendations of the independent expert mission under the Moscow Mechanism;
19. Condemns disinformation campaigns and the dissemination of the Kremlin's war propaganda in Belarus;
20. Calls on the Member States and the Commission to ensure that the necessary measures are in place to strengthen resilience to all forms of foreign interference that could be perpetrated by Lukashenko's regime, including, but not limited to, cyberattacks and disinformation in the context of Russia's ongoing aggression against Ukraine;
21. Notes with concern the continuing integration between Russia and Belarus across several fields, not least the progressive militarisation of Belarus and the wider region, which poses a challenge to the security and stability of the European continent and, in particular, to countries in the EU's Eastern Neighbourhood with which Russia is already in conflict;
22. Expresses appreciation and support for the Belarusian citizens who took to the streets, risking their own safety, to condemn the war launched by the Russian Federation and with the support of the illegitimate dictator of Belarus, and for those who conducted sabotage operations to prevent and disrupt Russian military logistics on the territory of Belarus;
23. Deplores the fact that Belarus is currently the only country in Europe to still enforce the death penalty and has widened the scope for its use; condemns the amendment to the Belarusian Criminal Code introducing the death penalty for 'attempted acts of

terrorism'; considers that it can be easily abused by the regime to liquidate its political opponents; recalls that many political prisoners have been charged or have already been sentenced to long prison terms under the terrorism provisions of the Belarusian Criminal Code; calls on the Belarusian authorities to immediately abolish the death penalty in perpetuity;

24. Stresses the importance of addressing the nuclear safety threats posed by the Belarusian NPP in Astravyets; insists that Belarus engage on the issue of the nuclear safety of the Belarusian NPP in complete transparency and commit to the full implementation of the recommendations made in the European Nuclear Safety Regulators Group peer review of the plant; supports, until that is the case, the banning of imports of energy from the Belarusian NPP into the EU market and the reflection of this position in the EU's Carbon Border Adjustment Mechanism; calls for effective safeguards to be introduced against the direct or indirect sale to EU markets of Belarusian electricity produced in the Astravyets nuclear power station, as well as a halt on investment from EU Member States to energy infrastructure projects in Belarus;
25. Welcomes the Commission proposal for a sixth sanctions package against Russia and Belarus and calls on the Council to ensure its comprehensive and swift implementation; calls for all sanctions issued against Russia to be strictly mirrored for Belarus and implemented appropriately, including in all future rounds of sanctions;
26. Underlines the need for a comprehensive investigation into the crimes committed by the Lukashenko regime against the people of Belarus; calls on the Member States to actively apply the universal jurisdiction principle and prepare court cases against Belarusian officials responsible for or complicit in violence and repression, including Aliaksandr Lukashenko;
27. Calls on the Commission, the Member States and the EEAS to cooperate with international partners, such as the OSCE Moscow Mechanism and the UN Human Rights Council, as well as human rights defenders and civil society on the ground, to ensure the monitoring, documentation and reporting of human rights violations and subsequent accountability and justice for victims;
28. Calls for the EU institutions to take all necessary action in international institutions and proceedings and at the International Criminal Court or other appropriate international tribunals or courts to support the investigation and prosecution, in relation to the Russian war of aggression against Ukraine, of the actions of those politically responsible in Belarus, in particular Aliaksandr Lukashenko, as war crimes and crimes against humanity;
29. Praises the systematic and consistent work of Belarusian democratic forces in Belarus and in exile, in particular the leader of the democratic opposition, Sviatlana Tsikhanouskaya, the Coordination Council and National Anti-Crisis Management; reiterates the urgent need to maintain and expand contacts and cooperation with these forces; calls for the EU and its Member States to support the democratic political opposition in Belarus by providing the help required to strengthen their capacities;
30. Regrets the fact that the Member States did not act in a unified coordinated way when recalling their diplomatic representations from Belarus;



31. Urges the Commission, the EEAS and the EU Member States to increase the direct support to the Belarusian opposition, civil society, human rights defenders, trade union representatives and independent media organisations within and outside Belarus; underlines the importance of maintaining relations with these individuals, monitoring the situation and trials of individual political prisoners on the ground, easing visa requirements, improving asylum processes and providing temporary shelter in EU Member States for those seeking refuge from Belarus; commits to stepping up its own democracy support activities; reiterates its call for a targeted EU assistance programme to help civil society, independent media, academia, including through providing continuous assistance to the European Humanities University, as an education base for Belarusian students and the Belarusian opposition in exile, as well as victims of political repression and police violence and those fleeing the oppressive regime;
32. Supports the preparations for an EU-led international donor conference to assist the democratic forces of Belarus; calls for the EU to engage on an operational level with the representatives of the democratic forces of Belarus in order to conclude work on the adoption of a roadmap aimed at the implementation of the EUR 3 billion economic and investment package already envisaged by the Commission as a way of embracing the democratic aspirations of the Belarusian people; calls for political dialogue between the EU and the democratic forces of Belarus in order to seek a joint vision on said support plan; highlights the need for a substantive public discussion in order to build public support for considerable EU involvement;
33. Reiterates the importance of the establishment of people's embassies of Belarus worldwide and urges the Commission and the Member States to provide further support to protect the rights and interests of Belarusian citizens abroad and the interests of a democratic Belarus, for example by exploring ways to fund the people's embassies of Belarus;
34. Calls on the Member States to improve their cooperation on border management, the fight against human trafficking and other security challenges created or aggravated by the Belarusian regime;
35. Calls on the Commission, the Council, the VP/HR and the Member States to continue raising the situation in Belarus in all relevant European and international organisations, in particular the OSCE, the UN and its specialised bodies and the ILO, with the aim of enhancing international scrutiny of the human rights violations, enhancing international action on the situation in Belarus and overcoming the obstruction of Russia and other countries to such action;
36. Calls for the EU institutions and Member States to organise regular summits with high-ranking representatives of the democratic forces of Belarus; considers that this would be conducive to adopting joint policy guidelines on the future of EU relations with a democratic Belarus;
37. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Council of Europe, the Organization for Security and Co-operation in Europe, the authorities of the Republic of Belarus, and the representatives of the Belarusian democratic opposition.