



Plenary sitting

B9-0276/2022

13.5.2022

MOTION FOR A RESOLUTION

to wind up the debate on the statements by the Council and the Commission
pursuant to Rule 132(2) of the Rules of Procedure

on the prosecution of the opposition and the detention of trade union leaders in
Belarus
(2022/2664(RSP))

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on behalf of the S&D Group

B9-0276/2022

European Parliament resolution 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, in particular those of 7 October 2021 on the situation in Belarus after one year of protests and their violent repression¹ and of 10 June 2021 on the systematic repression in Belarus and its consequences for European security following the abductions from an EU civilian plane intercepted by Belarusian authorities²,
 - having regard to the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 28 February 2022 on the constitutional referendum,
 - 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 Universal Declaration of Human Rights,
 - having regard to ILO Convention Nos 87 on Freedom of Association and Protection of the Right to Organise and 98 on the Right to Organise and Collective Bargaining,
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas since peaceful protests began against the massively falsified presidential election of 9 August 2020, the human rights situation in Belarus has been deteriorating continuously due to the unprecedented scale and systematic nature of violations of human rights and fundamental freedoms, including workers' rights, and several orchestrated crackdowns on civil society organisations, workers and trade union activists, academic and educational institutions, independent media outlets, online platforms, journalists and political parties;
- B. whereas since August 2020 almost 40 000 persons have been detained, almost 1 200 political prisoners imprisoned, and more than 5 500 criminal charges filed against Belarusian citizens, while not a single charge has been filed against the persons responsible for or complicit in the systematic human rights violations;
- C. whereas since July 2021 many prominent members of the democratic opposition and protest movement have been sentenced to prison terms, sometimes of a decade or more, on politically motivated charges, among them the laureates of Parliament's 2020

¹ OJ C 132, 24.3.2022, p. 196.

² OJ C 67, 8.2.2022, p. 118.

Sakharov Prize for Freedom of Thought;

- D. whereas on 19 April 2022, several leaders and members of independent trade unions in Belarus – the Belarusian Congress of Democratic Trade Unions (BKDP), the Radio and Electronic Industry Workers' Union (REP), the Free Trade Union of Metal Workers (SPM) and the Free Trade Union of Belarus (SPB) – were arrested, and private homes and trade union premises were searched; whereas this latest attack against independent trade unions in Belarus had been preceded in April 2022 by the classification of the BKDP-affiliate REP as an 'extremist organisation' and the removal of legal status from three primary groups, specifically the BKDP-affiliate Belarusian Independent Trade Unions subsidiaries at the Grodnoazot, Naftan and Mozyr oil refineries;
- E. whereas several trade unionists remain in custody, among them the President and Vice-President of the leading independent trade union confederation BKDP, with no information concerning the legal basis for their arrests and no access to their lawyers, family members or trade union colleagues;
- F. whereas union premises are placed under surveillance, labour rights activists subjected to harassment, unlawful dismissals and arrests, and union members intimidated into resigning;
- G. whereas on 28 April 2022, BKDP President Aliaksandr Yarashuk, BKDP Vice-President Siarhei Antusevich and SPB President Mikalaj Sharakh were officially charged with violating Part 1 of Article 342 of the Belarusian Criminal Code, which penalises 'organisation and preparation of acts seriously disrupting public order, or active participation in them'; whereas Part 1 of Article 342 allows for broad criminalisation of actions or merely 'preparations' of such actions, which are subject to arrest or limitation of freedom from 2 to 5 years, or to imprisonment of up to 4 years;
- H. 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', 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;
1. Reiterates its concern about the situation of human rights and fundamental freedoms in Belarus, the unabated systematic repression and the persistent impunity in the country, and reiterates that, in line with OSCE principles, the legitimate demands of the people of Belarus for democracy based on human rights and fundamental freedoms, prosperity, sovereignty and security must be fulfilled;
 2. Continues to urgently call for 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; insists on an immediate end to the systematic repression by state authorities against the people of Belarus, as well as on new free and fair elections under international observation by the OSCE Office for Democratic Institutions and Human Rights (ODIHR);

3. Denounces the politically motivated trials and unjust sentences against members of the democratic opposition, protestors, journalists and other arbitrarily detained persons; condemns the fact that these trials are often held behind closed doors and without due process of law, and are therefore in violation of the country's international obligations and commitments; in this respect, also condemns the recent amendments to the Criminal Code relating to capital punishment and calls on the Belarusian authorities to immediately and permanently abolish the death penalty;
4. Commends the brave people of Belarus, who, since 24 February 2022, have protested against the involvement of Belarus in the Russian invasion of Ukraine despite large-scale crackdowns; strongly condemns the Belarusian authorities' violent response to the Belarusian people's peaceful resistance to Russia's war and the Lukashenka regime's facilitation thereof; acknowledges the support of the independent trade unions to these protests, which may have been used by the authorities as a pretext for searching the premises and homes of trade union activists and for detaining several leaders of independent trade unions;
5. Strongly condemns the detention of leaders and members of independent trade unions in Belarus and demands their immediate and unconditional release, that all charges against them be dropped, that information on their whereabouts and conditions of detention be provided, and that they be guaranteed access to lawyers of their choice, medical support and communication with family members; calls on the EU Delegation to Belarus, where possible, to observe and monitor the trials of all political prisoners, including pro-democracy activists and trade unionists;
6. Calls on the Belarusian authorities to end all incriminations and prosecution of trade union activists, including on the basis of Article 342 of the Belarusian Criminal Code, which violates the rights to freedom of peaceful assembly and of association as guaranteed in international human and labour rights law, in particular by ILO Convention Nos 87 and 98; 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;
7. Reiterates its support for the call by the International Trade Union Confederation in autumn 2020 addressed to the ILO for urgent intervention against the arrests and sentencing of leaders of strike committees and independent trade union activists to protect their freedom of assembly and association; 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;
8. Expresses its full solidarity with Belarusian workers and independent trade union activists who have been contributing decisively to the protest movement against the massively falsified presidential election of 9 August 2020, the ensuing violence and systematic repression, and the abuse of the Belarusian territory and infrastructure in

support of the Russian invasion of Ukraine;

9. Underlines the important coordinating role played by the Belarusian Congress of Democratic Trade Unions 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;
10. 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; insists that all crimes committed by the regime against the people of Belarus must be fully investigated and all perpetrators held to account; commends, in this regard, the work of the International Accountability Platform for Belarus, and calls on the EU and the Member States to continue to support the platform with a view to strengthening accountability for the serious and systematic human rights violations in Belarus;
11. Urges the Belarusian authorities to immediately halt their systematic human rights violations and release all political prisoners and persons arbitrarily detained, fully cooperate with the relevant international bodies such as the UNHCR, the OSCE and the ILO, including by granting unhindered access and implementing recommendations, and abide by their obligations under national and international law;
12. 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 Lukashenka's continued illicit presidency; calls on the Belarusian authorities to implement the recommendations of the independent expert mission under the Moscow Mechanism;
13. 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; urges the Council and the Commission to prevent sanctions evasion by ensuring the harmonisation of sanctions regimes against the Russian Federation and the Republic of Belarus;
14. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, the Council of Europe, the OSCE, the authorities of the Republic of Belarus and the representatives of the Belarusian democratic opposition.