



Governing Body

352nd Session, Geneva, 28 October–7 November 2024

Institutional Section

INS

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Fifteenth item on the agenda

Complaint alleging non-observance by Nicaragua of Conventions Nos 87, 98, 111 and 144

1. At its 350th Session (March 2024), the Governing Body examined a report of the Officers on a complaint concerning non-observance by the Government of Nicaragua of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), submitted under article 26 of the ILO Constitution by several Employers' delegates to the 111th Session (2023) of the International Labour Conference.¹
2. Having considered the document presented by the Officers, the Governing Body:
 - (a) took note of the deep concerns expressed by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and by the Conference Committee on the Application of Standards (CAS) in their latest examination of the implementation by the Government of Nicaragua of the Conventions subject of the article 26 complaint;
 - (b) urged the Government to address, as a matter of urgency, the serious compliance gaps identified and to accept ILO technical assistance to that effect;
 - (c) requested the Government and the social partners to provide detailed information on all the issues raised in the complaint to the Governing Body at its 352nd Session (October–November 2024);

¹ GB.349/INS/19/1 and GB.350/INS/15(Rev.1).

- (d) deferred to its 352nd Session the decision to consider further action in respect of the article 26 complaint, in light of the follow-up given to paragraphs (a), (b) and (c) above.
3. In a letter dated 5 April 2024, the Director-General informed the Government of Nicaragua of the decision adopted by the Governing Body and requested it to communicate its observations on the complaint submitted under article 26 of the ILO Constitution. In this regard, and in order to begin discussions on the follow-up to that decision, the Director-General expressed his willingness to engage in a conversation to explore any possibilities for technical assistance that the Organization might be able to provide to the Nicaraguan tripartite constituents.
 4. To that effect, the Director of the International Labour Standards Department made initial contact with the Minister of Labour, Ms Alba Luz Torres Briones, on the sidelines of the Committee on the Application of Standards (the Conference Committee) of the 112th Session of the International Labour Conference (June 2024). In a communication dated 9 August 2024, the Office proposed holding a virtual meeting with the Government with a view to jointly identifying specific areas and modalities for the cooperation through which the ILO could provide support to the Government.
 5. It is recalled that the CEACR has recently adopted comments in which it examines the application by Nicaragua of the Conventions that are the subject of the complaint: Conventions Nos 87 (2023), 111 (2023), 144 (2022) and 98 (2021). The Conference Committee has also recently examined the application by Nicaragua of Convention No. 87 (2022, 2023 and 2024) and Convention No. 111 (2023). In its [2024 conclusions concerning Convention No. 87](#), the Conference Committee deeply deplored the persistent climate of intimidation and harassment of independent workers' and employers' organizations, noted with deep concern the allegations of the arrest and detention of employer leaders and the further deterioration of the situation, and urged the Government, in consultation with the social partners, to take urgent action in this respect. Furthermore, in its [2023 conclusions concerning Convention No. 111](#), the Conference Committee noted with deep concern the climate of violence, insecurity and intimidation in the country, which is propitious for acts of discrimination in employment and occupation based on political opinion. It also noted the arbitrary detentions and the continuing reports of human rights violations and abuses, including gender-based discrimination. In its 2023 comments on Conventions Nos 87 and 111, the CEACR noted with deep concern that the situation highlighted by the Conference Committee persisted.
 6. It is also noted that various United Nations bodies, including the Human Rights Council, the Group of Human Rights Experts on Nicaragua and the Inter-American Commission on Human Rights, have, in the course of 2023 and 2024, commented on the human rights situation in the country.
 7. In accordance with article 26 of the Constitution, it is for the Governing Body to take the necessary decisions concerning future action on this complaint.

► Draft decision

8. **In the light of the information provided in document GB.352/INS/15(Rev.1), the Governing Body:**
 - (a) **recalled the deep concerns expressed by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and by the Conference Committee on the Application of Standards (CAS) in their latest examination of the**

implementation by the Government of Nicaragua of the Conventions that are the subject of the article 26 complaint;

- (b) deplored the lack of meaningful engagement of the Government, and the fact that it has responded to none of the Office communications and has not provided the information requested by the Governing Body;**
- (c) urged the Government to address the issues raised in the complaint as a matter of urgency;**
- (d) called on the Government to respond to the Office communications and to provide the information requested since the 350th Session (March 2024) of the Governing Body as soon as possible;**
- (e) decided to send a high-level tripartite mission to assess the issues raised in the complaint, and to provide a full report to the Governing Body at its 353rd Session (March 2025) and defer the decision on further action in accordance with article 26 of the Constitution to that session.**