



# Governing Body

355th Session, Geneva, 17–27 November 2025

## Institutional Section

INS

**Date:** 14 November 2025

**Original:** Spanish

Tenth item on the agenda

## Complaint alleging non-observance by Guatemala of Conventions Nos 87 and 98

1. At its 353rd Session (March 2025), the Governing Body examined a report of the Officers on a complaint concerning non-observance by the Government of Guatemala 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), submitted under article 26 of the ILO Constitution by several Workers' delegates to the 111th Session (2023) of the International Labour Conference.<sup>1</sup>
2. Having considered the document submitted by the Officers, the Governing Body: (a) requested the Government of Guatemala to continue intensifying its efforts to implement Conventions Nos 87 and 98; (b) requested the Office to continue expanding its technical assistance programme to ensure further progress in the implementation of the referred Conventions; (c) strongly encouraged the international community to contribute to the above-mentioned technical assistance programme by providing the necessary resources; and (d) deferred to its 355th Session (November 2025) the decision to consider further action in respect of the complaint submitted under article 26.
3. On 31 March 2025, the Director-General informed the Government of Guatemala of the decision adopted by the Governing Body and requested it to provide information on the issues raised in the complaint. In communications dated 26 September and 8 October 2025, the Government sent its observations (the full texts are provided in Appendix I).
4. During the 353rd Session of the Governing Body (March 2025), the Minister of Labour and Social Welfare of Guatemala invited a joint mission of the ILO, the International Organisation

<sup>1</sup> GB.353/INS/11(Rev.1).

of Employers (IOE) and the International Trade Union Confederation (ITUC) to visit the country to support the implementation of the road map on freedom of association. The mission took place from 19 to 21 August 2025.

5. In the light of the above, the present document contains: (i) a summary of the observations provided by the Government (Part I); (ii) a brief overview of the decisions made by the supervisory bodies in respect of the content of the current complaint since March 2025, of the joint ILO, IOE and ITUC mission, and of the actions carried out by the Office (Part II).

## ► I. Summary of the observations provided by the Government

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6. The Government states firstly that it shared its observations with the National Tripartite Committee on Labour Relations and Freedom of Association (CNTRLLS). With regard to the situation of anti-union violence and impunity mentioned in the complaint, the Government indicates that, according to data provided by the Public Prosecutor's Office: 28 cases involving the killing of members of the trade union movement resulted in 41 judgments being handed down (29 convictions, 1 judgment ordering security and corrective measures and 11 acquittals); in 5 cases, the criminal proceedings were terminated; 4 cases are at the public hearing stage; in 7 cases, arrest warrants have been issued; 53 cases have been discontinued in accordance with section 327 of the Code of Criminal Procedure; and 7 cases are at the investigation stage.
7. The Government then reiterates its commitment to protecting the lives and safety of officials and members of trade union organizations. It indicates that, out of the 46 requests for protection for trade union members received by the Ministry of the Interior since 1 January 2025, perimeter security measures were recommended in 42 cases, personal security measures were recommended in 3 cases, and no measures were recommended in one case. In addition, the Ministry of the Interior: (i) launched an awareness-raising campaign to promote the 1543 hotline for reporting threats against human rights activists and trade unionists; (ii) finalized, with the participation of trade union organizations, the review of the new "Protocol of measures for prevention, protection and immediate response for human rights activists and trade unionists"; (iii) is establishing a coordination mechanism with the Investigation Unit for Crimes against Judicial Officials and Trade Unionists to improve investigations into cases of anti-union threats; and (iv) is considering the establishment of a policy on the allocation of funds to cover food and accommodation costs for the National Civil Police officers who provide personal security services. Lastly, the Government indicates that on 14 August 2025 there was a meeting of the trade union technical round table, in which the Public Prosecutor's Office participated.
8. With regard to the allegations of anti-union dismissals, the Government indicates that, between 1 January and 27 August 2025, 13 judgments and final orders to reinstate trade unionists were issued. In addition, to promote the increase in reinstatement rulings, the judicial authority has taken a series of initiatives that include: (i) the harmonization, since May 2025, of judicial criteria; (ii) the establishment in 2023 of several bodies to extend the coverage of the courts in labour-related matters; (iii) an increase in available human resources; (iv) the digitization of reinstatement and verification records; and (v) coordination with the Public Prosecutor's Office regarding the functioning of the collegial peace court in criminal matters to hear cases of non-compliance with labour and social welfare decisions. With respect to that court, which has been operational since 10 February 2023, the Government indicates that: (i) as

at 20 August 2025, it had received 1130 cases, 714 of which had been settled; (ii) it had registered 182 reinstatements that had taken place (83 in the private sector and 99 in the public sector, 60 of which at the municipal level); and (iii) had issued convictions for non-compliance with labour decisions in 178 cases (30 in the private sector and 148 in the public sector, 78 of which at the municipal level).

9. With respect to the trade union register, the Government indicates that, between 1 January and 30 August 2025, 31 applications for registration were received from trade unions and 5 organizations were registered. The General Directorate of Labour: (i) continues to promote the Guide to Freedom of Association; (ii) has introduced the provisional registration of trade unions within 24 hours; and (iii) on 10 September 2025 conducted a workshop on trade union registration with the most representative trade union organizations and the participation of the ILO, providing individual follow-up for each case.
10. With regard to the allegations of anti-union harassment in the maquila and agricultural sectors the Government states that: (i) the General Labour Inspectorate received 217 trade union complaints in 2024 and 2025 and imposed penalties totalling 137,358.90 quetzales; (ii) since the beginning of 2024, the Ministry of Labour and Social Welfare has conducted five bipartite round tables with maquila enterprises and three with enterprises from the agricultural sector; (iii) inter-institutional inspections were conducted in enterprises from the textiles and clothing sector under the 2025 Makira Plan and these actions will be repeated in a targeted and regionalized manner in the maquila and agricultural sectors; (iv) the Ministry of Labour and Social Welfare is continuing the campaign it launched in 2024, "With freedom of association, we all benefit" (*"Con libertad sindical nos beneficiamos todos"*), which also covers the maquila sector; on 31 May 2025, its publication in *Nuestro Diario* reached 980,833 readers.
11. As regards collective bargaining, the Government indicates that: (i) since 1 January 2025, 13 collective agreements have been approved, 9 of which in the public sector and 4 in the private sector; (ii) on 11 August 2025, a dialogue forum for the approval of collective agreements was established, in which the Autonomous Popular Trade Union Movement of Guatemala and the Ministry of Labour and Social Welfare meet to reach consensus on the practice of collective bargaining in the public sector; and (iii) it is awaiting the ILO technical assistance it requested in order to seek consensus, with the support of Mr Pablo Topet, between the workers and the Government regarding the draft regulations on the approval of collective agreements in the public sector.
12. Regarding legislative reforms, the Government indicates that, on 2 September 2025, the Congress of the Republic held the third reading of Bill 5508 on the establishment of the CNTRLLS; however, the bill did not obtain the necessary majority. The CNTRLLS now has to decide whether to submit a new bill to Congress or to request the President of the Republic to issue a governmental order to elevate the status of the CNTRLLS (at present recognized by ministerial agreement). Regarding Bill 6162 (on reform of the Labour Code, the Act on Unionization and Regulation of Strike Action by State Employees, and the Criminal Code) the Labour Commission of Congress approved only three of its seven sections. At the meeting with the joint ILO, IOE and ITUC mission and Congress, the CNTRLLS considered it necessary to request the Congress plenary to return the bill to the Labour Commission to seek a favourable opinion on the entire bill.
13. By way of conclusion, the Government asks that: (i) the international community be requested once again to contribute to the Office's technical assistance, particularly in respect of social dialogue and dispute resolution; and (ii) the Governing Body defer to its 356th Session the decision to consider the possibility of taking further action in respect of the complaint.

## ► II. Other elements

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14. At its May 2025 session, the Committee on Freedom of Association examined Case No. 2609 concerning numerous allegations of murders and acts of violence against trade union leaders and members in Guatemala, as well as impunity in that regard. The Committee: (i) expressed once again its deep concern over the seriousness of this case, given the many instances of murder, attempted murder, assaults and death threats and the climate of impunity; the Committee was encouraged by the commitment shown by the State at the highest level to the protection of freedom of association and the actions taken in that respect and expected that they will soon lead to tangible progress; (ii) once again urged the Government and all the competent authorities to continue taking and intensifying the necessary measures to ensure the effective investigation of all acts of violence against trade union leaders and members, in order to determine the motives, responsibilities and punish the perpetrators and instigators of the acts, taking the trade union activities of the victims fully into consideration in the investigations; (iii) again urged the Government to take, in coordination with all the competent authorities, the necessary steps to increase significantly the effectiveness of measures to prevent anti-union violence and to protect members of the trade union movement who may be at risk; and (iv) drew the special attention of the Governing Body to the seriousness and urgent nature of this case.
15. The joint ILO, IOE and ITUC mission, carried out at the invitation of the Government of Guatemala to support the implementation of the road map on freedom of association, took place from 19 to 21 August 2025. The mission identified a number of priority areas where it would be appropriate to concentrate the ILO's actions and technical assistance in respect of the road map (the full mission report is provided in Appendix II to the present document).
16. Since the Governing Body session in March 2025, the Office has continued its activities to support the implementation of the road map on freedom of association. Most notable are: (i) providing technical support to the CNTRLLS and its subcommittees, including meetings with the competent authorities to strengthen mechanisms for dealing with cases of anti-union violence and to promote social dialogue; (ii) supporting the Ministry of Labour and Social Welfare in various initiatives for the implementation of the road map; (iii) providing technical assistance to the Supreme Court of Justice and the judicial authorities, including training activities on international labour standards and dispute resolution mechanisms; (iv) conducting tripartite workshops with the support of the Regional Initiative for Social Dialogue to strengthen social dialogue and the prevention of labour disputes; and (v) conducting training activities on freedom of association and international labour standards aimed at trade union organizations.
17. In addition, the Office coordinated the execution of the joint ILO, IOE and ITUC mission.
18. Notwithstanding the above, the current budgetary difficulties and uncertainties have substantially limited the Office's capacity to technical assistance, including in respect of the priority actions identified by the joint ILO, IOE and ITUC mission. In this context, the Office is continuing to work with the international community to ensure the economic sustainability and continuity of ILO technical assistance. It is hoped, in particular, that the second phase of the project to support the implementation of the road map on freedom of association, funded by the European Union, can commence operations as soon as possible.
19. 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

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### **20. The Governing Body:**

- (a) requested the Government of Guatemala to continue intensifying its efforts to implement 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);**
- (b) requested the Office to continue expanding its technical assistance programme to ensure further progress in the implementation of the referred Conventions;**
- (c) strongly encouraged the international community to contribute to the above-mentioned technical assistance programme by providing the necessary resources;**
- (d) decided to defer to its 358th Session (November 2026) the decision to consider further action in respect of the article 26 complaint.**

## ► Appendix I

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### Communications from the Government of Guatemala

DM 2142-2025-MVCNP-UDAIT-EEVH

Guatemala, 24 September 2025

**Ms Corinne Vargha**  
**Director, ILO International Labour**  
**Standards Department**  
**Geneva, Switzerland**

Dear Director,

The Government of Guatemala hereby presents a summary of all the activities undertaken to fulfil its commitment to address each of the issues raised in the complaint alleging non-observance 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), submitted against the State of Guatemala on 16 June 2023 by several Workers' delegates under article 26 of the ILO Constitution.

In this regard, each of the issues outlined in the complaint will be addressed below.

#### **Violence and impunity:**

*"Guatemalan trade unionists continue to be murdered. Eight trade union leaders were killed and at least 41 death threats were received by trade union officials and members of workers organizations only since 2017. In total, more than 110 trade union members and officials were killed in the last two decades. Successive governments have failed to take measures to prevent attacks on trade unions, including the promotion of freedom of association, and have done little to thoroughly investigate threats and killing when they occur – leading to an environment of impunity throughout the country. Many long-standing murder cases are being archived, while many others are not resulting in the identification of the perpetrators. As such, the vast majority of the many murders of trade unionists recorded have still not resulted in any convictions."*

Having received information from the Public Prosecutor's Office of Guatemala, we hereby report:

**Judgments have been handed down in 28 cases**, including 29 convictions, 11 acquittals and 1 security and corrective measure. In 28 cases, 41 judgments have been handed down.

**Criminal prosecutions were terminated in five cases.** In accordance with section 101 of the Guatemalan Criminal Code, criminal responsibility is extinguished upon the death of the defendant. In these cases, the persons identified as the potential perpetrators of the crimes are deceased.

**A total of 53 cases have been discontinued** in accordance with section 327 of the Guatemalan Code of Criminal Procedure, which establishes that when the accused has not been identified, the ruling shall be notified to the other parties, who may contest it by petitioning the judge conducting the investigation, indicating the evidence to be gathered or identifying the accused. The law also allows the judge to revoke the discontinuance decision,

indicating the evidence necessary to continue the investigation. It should be noted that despite having conducted an exhaustive investigation, it was not possible to establish the facts or the identity of the person or persons responsible in order to secure a conviction.

Relevant information on the investigation procedures carried out in each discontinued case is provided below:

| No. | Relevant procedures                                                                                                                                                | Reason for discontinuing the investigation                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1   | Crime scene procedures 12<br>Procedures to establish trade union motive or context 53<br>Procedures to identify the persons responsible 37<br>Total procedures 102 | The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.                                                                                                                       |
| 2   | Crime scene procedures 6<br>Procedures to establish trade union motive or context 16<br>Procedures to identify the persons responsible 15<br>Total procedures 37   | The case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.                                                                                                                                     |
| 3   | Crime scene procedures 09<br>Procedures to establish trade union motive or context 17<br>Procedures to identify the persons responsible 12<br>Total procedures 38  | The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.                                                                                                                       |
| 4   | Crime scene procedures<br>Procedures to establish trade union motive or context<br>Procedures to identify the persons responsible<br>Total procedures 56           | The present case file was archived as it was determined in the course of the investigation that the attack was directly perpetrated by men in balaclavas who could not be identified.                                                                                                                                                                                                                                                                            |
| 5   | Crime scene procedures 10<br>Procedures to establish trade union motive or context 12<br>Procedures to identify the persons responsible 5<br>Total procedures 27   | The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.                                                                                                                       |
| 6   | Crime scene procedures<br>Procedures to establish trade union motive or context<br>Procedures to identify the persons responsible<br>Total procedures 50           | The present case file was archived on the grounds that the victims did not belong to any trade union, were not engaged in the defence of labour rights and did not represent any group of workers. Similarly, no ballistic match has been found to date between the projectiles recovered at the crime scene and any weapon or trace registered in the Integrated Ballistics Identification System (IBIS), and it has not been possible to identify any suspect. |
| 7   | Crime scene procedures<br>Procedures to establish trade union motive or context<br>Procedures to identify the persons responsible<br>Total procedures 50           | The present case file was archived on the grounds that the victims did not belong to any trade union, were not engaged in the defence of labour rights and did not represent any group of workers. Similarly, no ballistic match has been found to date between the projectiles recovered at the crime scene and any weapon or trace registered in the IBIS, and it has not been possible to identify any suspect.                                               |
| 8   | Crime scene procedures 7<br>Procedures to establish trade union motive or context 11<br>Procedures to identify the persons responsible 18<br>Total procedures 36   | The present case file was archived on the grounds that the victims did not belong to any trade union, were not engaged in the defence of labour rights and did not represent any group of workers. Similarly, no ballistic match has been found to date between the projectiles recovered at the crime scene and any weapon or trace registered in the IBIS, and it has not been possible to identify any suspect.                                               |
| 9   | Crime scene procedures 18<br>Procedures to establish trade union motive or context 32<br>Procedures to identify the persons responsible 23<br>Total procedures 63  | The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.                                                                                                                       |

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| <b>10</b> | Crime scene procedures 07<br>Procedures to establish trade union motive or context 36<br>Procedures to identify the persons responsible 11<br>Total procedures 54 | The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.                                                                                                                                                     |
| <b>11</b> | Crime scene procedures<br>Procedures to establish trade union motive or context<br>Procedures to identify the persons responsible<br>Total procedures 150         | The present case file was archived on the grounds that the victims did not belong to any trade union, were not engaged in the defence of labour rights and did not represent any group of workers. Similarly, no ballistic match has been found to date between the projectiles recovered at the crime scene and any weapon or trace registered in the IBIS, and it has not been possible to identify any suspect.                                                                             |
| <b>12</b> | Crime scene procedures 13<br>Procedures to establish trade union motive or context<br>Procedures to identify the persons responsible 23<br>Total procedures 79    | The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events                                                                                                                                                      |
| <b>13</b> | Crime scene procedures 12<br>Procedures to establish trade union motive or context<br>Procedures to identify the persons responsible 17<br>Total procedures 47    | With the knowledge and consent of the National Coordinating Office, the Office of the Regional Prosecutor and the Office of the Special Prosecutor, the prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events. |
| <b>14</b> | Crime scene procedures 8<br>Procedures to establish trade union motive or context<br>Procedures to identify the persons responsible 10<br>Total procedures 27     | The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.                                                                                                                                                     |
| <b>15</b> | ***                                                                                                                                                               | The case was discontinued in accordance with section 327 of the Code of Criminal Procedure, on the grounds that all lines of investigation had been exhausted and it was not possible to identify the person responsible for the reported offence.                                                                                                                                                                                                                                             |
| <b>16</b> | Crime scene procedures 11<br>Procedures to establish trade union motive or context 8<br>Procedures to identify the persons responsible 10<br>Total procedures 29  | The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events                                                                                                                                                      |
| <b>17</b> | Crime scene procedures 8<br>Procedures to establish trade union motive or context 17<br>Procedures to identify the persons responsible 16<br>Total procedures 33  | The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.                                                                                                                                                     |
| <b>18</b> | Crime scene procedures<br>Procedures to establish trade union motive or context<br>Procedures to identify the persons responsible<br>Total procedures 55          | The present case file was archived on the grounds that the victims did not belong to any trade union, were not engaged in the defence of labour rights and did not represent any group of workers. Similarly, no ballistic match has been found to date between the projectiles recovered at the crime scene and any weapon or trace registered in the IBIS, and it has not been possible to identify any suspect.                                                                             |
| <b>19</b> | Crime scene procedures 7<br>Procedures to establish trade union motive or context 12<br>Procedures to identify the persons responsible 15<br>Total procedures 34  | The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.                                                                                                                                                     |
| <b>20</b> | Crime scene procedures<br>Procedures to establish trade union motive or context<br>Procedures to identify the persons responsible<br>Total procedures 58          | The present case file was archived on the grounds that the victims did not belong to any trade union, were not engaged in the defence of labour rights and did not represent any group of workers. Similarly, no ballistic match has been found to date between the projectiles recovered at the crime scene and any weapon or trace registered in the IBIS, and it has not been possible to identify any suspect.                                                                             |

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| <b>21</b> | <p>Crime scene procedures 11</p> <p>Procedures to establish trade union motive or context 17</p> <p>Procedures to identify the persons responsible 21</p> <p>Total procedures 49</p> | <p>The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.</p>                                                                         |
| <b>22</b> | <p>Crime scene procedures</p> <p>Procedures to establish trade union motive or context</p> <p>Procedures to identify the persons responsible</p> <p>Total procedures 55</p>          | <p>The present case file was archived on the grounds that the victims did not belong to any trade union, were not engaged in the defence of labour rights and did not represent any group of workers. Similarly, no ballistic match has been found to date between the projectiles recovered at the crime scene and any weapon or trace registered in the IBIS, and it has not been possible to identify any suspect.</p> |
| <b>23</b> | <p>Crime scene procedures</p> <p>Procedures to establish trade union motive or context</p> <p>Procedures to identify the persons responsible</p> <p>Total procedures 60</p>          | <p>The present case file was archived on the grounds that the victims did not belong to any trade union, were not engaged in the defence of labour rights and did not represent any group of workers. Similarly, no ballistic match has been found to date between the projectiles recovered at the crime scene and any weapon or trace registered in the IBIS, and it has not been possible to identify any suspect.</p> |
| <b>24</b> | <p>Crime scene procedures</p> <p>Procedures to establish trade union motive or context</p> <p>Procedures to identify the persons responsible</p> <p>Total procedures 55</p>          | <p>The present case file was archived on the grounds that the victims did not belong to any trade union, were not engaged in the defence of labour rights and did not represent any group of workers. Similarly, no ballistic match has been found to date between the projectiles recovered at the crime scene and any weapon or trace registered in the IBIS, and it has not been possible to identify any suspect.</p> |
| <b>25</b> | <p>Crime scene procedures</p> <p>Procedures to establish trade union motive or context</p> <p>Procedures to identify the persons responsible</p> <p>Total procedures 75</p>          | <p>The present case file was archived on the grounds that the victims did not belong to any trade union, were not engaged in the defence of labour rights and did not represent any group of workers. Similarly, no ballistic match has been found to date between the projectiles recovered at the crime scene and any weapon or trace registered in the IBIS, and it has not been possible to identify any suspect.</p> |
| <b>26</b> | <p>Crime scene procedures 12</p> <p>Procedures to establish trade union motive or context 27</p> <p>Procedures to identify the persons responsible 18</p> <p>Total procedures 57</p> | <p>The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.</p>                                                                         |
| <b>27</b> | <p>Crime scene procedures</p> <p>Procedures to establish trade union motive or context</p> <p>Procedures to identify the persons responsible</p> <p>Total procedures 65</p>          | <p>The present case file was archived on the grounds that the victims did not belong to any trade union, were not engaged in the defence of labour rights and did not represent any group of workers. Similarly, no ballistic match has been found to date between the projectiles recovered at the crime scene and any weapon or trace registered in the IBIS, and it has not been possible to identify any suspect.</p> |
| <b>28</b> | <p>Crime scene procedures</p> <p>Procedures to establish trade union motive or context</p> <p>Procedures to identify the persons responsible</p> <p>Total procedures 45</p>          | <p>The present case file was archived on the grounds that the victims did not belong to any trade union, were not engaged in the defence of labour rights and did not represent any group of workers. Similarly, no ballistic match has been found to date between the projectiles recovered at the crime scene and any weapon or trace registered in the IBIS, and it has not been possible to identify any suspect.</p> |
| <b>29</b> | <p>Crime scene procedures</p> <p>Procedures to establish trade union motive or context</p> <p>Procedures to identify the persons responsible</p> <p>Total procedures 55</p>          | <p>The present case file was archived on the grounds that the victims did not belong to any trade union, were not engaged in the defence of labour rights and did not represent any group of workers. Similarly, no ballistic match has been found to date between the projectiles recovered at the crime scene and any weapon or trace registered in the IBIS, and it has not been possible to identify any suspect.</p> |
| <b>30</b> | <p>Crime scene procedures</p> <p>Procedures to establish trade union motive or context</p> <p>Procedures to identify the persons responsible</p> <p>Total procedures 77</p>          | <p>The present case file was archived on the grounds that the victims did not belong to any trade union, were not engaged in the defence of labour rights and did not represent any group of workers. Similarly, no ballistic match has been found to date between the projectiles recovered at the crime scene and any weapon or trace registered in the IBIS, and it has not been possible to identify any suspect.</p> |

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| <b>31</b> | <p>Crime scene procedures 9</p> <p>Procedures to establish trade union motive or context 15</p> <p>Procedures to identify the persons responsible 14</p> <p>Total procedures 38</p>  | <p>The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.</p>                                                                                                                                                                                                                                                                                                                                                  |
| <b>32</b> | <p>Crime scene procedures 9</p> <p>Procedures to establish trade union motive or context 10</p> <p>Procedures to identify the persons responsible 13</p> <p>Total procedures 32</p>  | <p>The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.</p>                                                                                                                                                                                                                                                                                                                                                  |
| <b>33</b> | <p>Crime scene procedures</p> <p>Procedures to establish trade union motive or context</p> <p>Procedures to identify the persons responsible</p> <p>Total procedures 65</p>          | <p>The present case file was archived on the grounds that the victims did not belong to any trade union, were not engaged in the defence of labour rights and did not represent any group of workers. Similarly, no ballistic match has been found to date between the projectiles recovered at the crime scene and any weapon or trace registered in the IBIS, and it has not been possible to identify any suspect. A potential quarrel was established as part of the motive.</p>                                                                                                                                                                                                               |
| <b>34</b> | <p>Crime scene procedures</p> <p>Procedures to establish trade union motive or context</p> <p>Procedures to identify the persons responsible</p> <p>Total procedures 75</p>          | <p>The present case file was archived on the grounds that the victims did not belong to any trade union, were not engaged in the defence of labour rights and did not represent any group of workers. Similarly, no ballistic match has been found to date between the projectiles recovered at the crime scene and any weapon or trace registered in the IBIS, and it has not been possible to identify any suspect.</p>                                                                                                                                                                                                                                                                          |
| <b>35</b> | <p>Crime scene procedures</p> <p>Procedures to establish trade union motive or context</p> <p>Procedures to identify the persons responsible</p> <p>Total procedures 50</p>          | <p>The present case file was archived on the grounds that the victims did not belong to any trade union, were not engaged in the defence of labour rights and did not represent any group of workers. Similarly, no ballistic match has been found to date between the projectiles recovered at the crime scene and any weapon or trace registered in the IBIS, and it has not been possible to identify any suspect.</p>                                                                                                                                                                                                                                                                          |
| <b>36</b> | <p>Crime scene procedures 9</p> <p>Procedures to establish trade union motive or context 15</p> <p>Procedures to identify the persons responsible 13</p> <p>Total procedures 37</p>  | <p>The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.</p>                                                                                                                                                                                                                                                                                                                                                  |
| <b>37</b> | <p>Crime scene procedures 11</p> <p>Procedures to establish trade union motive or context 12</p> <p>Procedures to identify the persons responsible 16</p> <p>Total procedures 39</p> | <p>The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.</p>                                                                                                                                                                                                                                                                                                                                                  |
| <b>38</b> | <p>Crime scene procedures 9</p> <p>Procedures to establish trade union motive or context 16</p> <p>Procedures to identify the persons responsible 12</p> <p>Total procedures 37</p>  | <p>The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.</p>                                                                                                                                                                                                                                                                                                                                                  |
| <b>39</b> | <p>Crime scene procedures</p> <p>Procedures to establish trade union motive or context</p> <p>Procedures to identify the persons responsible</p> <p>Total procedures 45</p>          | <p>The present case file was archived on the grounds that the victims did not belong to any trade union, were not engaged in the defence of labour rights and did not represent any group of workers. Similarly, no ballistic match has been found to date between the projectiles recovered at the crime scene and any weapon or trace registered in the IBIS, and it has not been possible to identify any suspect.</p>                                                                                                                                                                                                                                                                          |
| <b>40</b> | <p>Crime scene procedures</p> <p>Procedures to establish trade union motive or context</p> <p>Procedures to identify the persons responsible</p> <p>Total procedures 85</p>          | <p>The present case file was archived on the grounds that the eyewitnesses did not observe sufficient features to identify the perpetrators. Similarly, one eyewitness, a work colleague of Mr ... and the suspect in the case, Mr ... was murdered on 3 October 2014 at the entrance to the electric company. No link was found between his death and that of Mr .... The members of the executive committee and advisory board of the trade union to which Mr ... belonged stated that they did not know why their colleague had been attacked. It was established that no firearm was seized and no suspect was identified in relation to the case of Mr ... in any of the other case files</p> |

|    |                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 41 | <p>Crime scene procedures</p> <p>Procedures to establish trade union motive or context</p> <p>Procedures to identify the persons responsible</p> <p>Total procedures 65</p>           | <p>The present case file was archived on the grounds that the Prosecutor's Office conducted the relevant procedures to corroborate the statements of the eyewitness who was with Ms ... at the time of the incident. However, as not all of the security camera recordings were obtained, and the footage was unclear in those that were, owing to the resolution and the time of the incident, nothing could be seen. As we were able to ascertain from the report, trade union membership was not the cause of death, because one exhausted line of investigation was the passion motive owing to the extramarital affair that he was having with the work colleague. A second and stronger line of investigation was that crime, principally motorcycle theft and the use of violence and firearms, became common in the sector.</p> |
| 42 | <p>Crime scene procedures 13</p> <p>Procedures to establish trade union motive or context 28</p> <p>Procedures to identify the persons responsible 23</p> <p>Total procedures 64</p>  | <p>The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 43 | <p>Crime scene procedures 8</p> <p>Procedures to establish trade union motive or context 11</p> <p>Procedures to identify the persons responsible 16</p> <p>Total procedures 35</p>   | <p>The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 44 | <p>Crime scene procedures 11</p> <p>Procedures to establish trade union motive or context 43</p> <p>Procedures to identify the persons responsible 24</p> <p>Total procedures 78</p>  | <p>The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 45 | <p>Crime scene procedures 11</p> <p>Procedures to establish trade union motive or context 14</p> <p>Procedures to identify the persons responsible 13</p> <p>Total procedures 38</p>  | <p>The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 46 | <p>Crime scene procedures</p> <p>Procedures to establish trade union motive or context</p> <p>Procedures to identify the persons responsible</p> <p>Total procedures 52</p>           | <p>The prosecutorial case file was archived for storage and safekeeping, with a view to resuming the investigation should new evidence emerge that could assist in the investigation, serve to locate the potential suspects and/or persons responsible for the incident under investigation, and clarify the historical truth of the events.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 47 | <p>The Public Prosecutor's Office reports that 22 investigation procedures were carried out.</p>                                                                                      | <p>Pursuant to the Code of Criminal Procedure, according to which all the procedures were carried out, discontinuance does not close the case. The case file has therefore been archived for safekeeping pending any investigative lead that might warrant the continuation of the investigation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 48 | <p>The Public Prosecutor's Office reports that 61 procedures were carried out.</p>                                                                                                    | <p>Pursuant to the Code of Criminal Procedure, according to which all the procedures were carried out, discontinuance does not close the case. The case file has therefore been archived for safekeeping pending any investigative lead that might warrant the continuation of the investigation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 49 | <p>Crime scene procedures 18</p> <p>Procedures to establish trade union motive or context 38</p> <p>Procedures to identify the persons responsible 56</p> <p>Total procedures 133</p> | <p>The present case file was archived on the grounds that, despite all the necessary and relevant procedures carried out by the investigating authority, the prosecutorial case file lacked a key piece of evidence – the eyewitness statements to be taken as advance evidence. Despite the efforts made, the eyewitnesses decided not to cooperate and did not appear, making it impossible to continue the investigation.</p>                                                                                                                                                                                                                                                                                                                                                                                                        |
| 50 | <p>The Prosecutor's Office reports 2 witness statements and 13 pieces of documentary evidence.</p>                                                                                    | <p>The case was discontinued as the trade unions could not be identified.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 51 | <p>The Prosecutor's Office reports 5 expert statements, 3 witness statements and 13 pieces of documentary evidence.</p>                                                               | <p>The case file has been archived, in accordance with the Code of Criminal Procedure, as the trade union could not be identified.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 52 | <p>The Prosecutor's Office reported having witness statements.</p>                                                                                                                    | <p>The case file has been archived, in accordance with the Code of Criminal Procedure, as the trade union could not be identified. The Prosecutor's Office reports that the motive is unrelated to trade union matters.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

|    |                                                                                    |                                                                                                                                                                                                                                                                                                                       |
|----|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 53 | The Prosecutor's Office reports that 12 investigation procedures were carried out. | The Prosecutor's Office reported that the case has been discontinued. It also reports that the statement of ..., the daughter of the deceased, indicates that her father was not a member of the trade union's executive committee. Furthermore, the person suspected of causing the victim's death is also deceased. |
|----|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Arrest warrants are reported to have been issued in seven cases:** In these cases, the persons responsible were identified and arrest warrants issued. However, the country's security forces have not located the trade unions, noting that the Ministry of the Interior has a specialized team permanently dedicated to searching for wanted persons. On 3 June 2025, the warrant was reissued to the Directorate-General of the National Civil Police and the Criminal Investigation Department's unit for investigating attacks on human rights defenders and crimes against life.

In relation to arrest warrants, we report that, on 12 September 2025, a round table for arrest warrants was established, comprising the Public Prosecutor's Office, the Ministry of the Interior and the National Civil Police, to coordinate inter-institutional action that could lead to the swift apprehension of the trade union members.

**Public hearings are under way in four cases.** In one of the cases, a petition for clarification was filed on 1 August 2025 against the judgment of 31 July 2025, dismissing the *amparo* [constitutional protection] appeal lodged by Public Prosecutor's Office. In another of the cases, the indictment was brought and the chief judge dismissed the proceedings against eight trade union members. An appeal was lodged and the court upheld the ruling. In another case, a public trial was scheduled for 15 January 2026, and a public hearing is ongoing in the fourth case.

**Seven cases are in the investigation stage**, dating from 2009, 2010, 2018, 2020, 2022, 2023 and 2024, in which 1,512 investigation procedures have been carried out.

#### **Protection for trade unionists under threat:**

*"While individual and collective protection measures are available for trade unionists, the efficacy of such programs remain in question. According to the figures provided by the government itself, out of 46 requests for protection for trade union members received by the Ministry of the Interior from 1 January to 27 July 2022, only one has given rise to personal security measures. Currently personal security measures are in place for only two union leaders. Moreover, those being protected have had to pay for their own protection, by for example having to house and feed their bodyguards. This is a burden for workers on meagre salaries and is also unfair to the bodyguards. Anti-union threats deserve the full attention and seriousness of the authorities and must be investigated with all available capacities and should be prosecuted to eliminate any possibility of the threat becoming a reality."*

The Government of Guatemala hereby reports on the actions being taken by the Ministry of the Interior to help protect trade unionists under threat.

- (a) On 8 January 2025, a meeting was held with the National Tripartite Committee on Labour Relations and Freedom of Association and the technical round table, at which the progress made in investigating the murders of trade unionists and union leaders that occurred in 2024 was discussed.
- (b) On 24 June 2025, a meeting took place with the Ministry of Labour and Social Welfare, which the Second Deputy Minister for Administration attended. At the meeting, the Ministry presented the measures that had been and would be taken as part of the road map commitments, and the Ministry of the Interior insisted on

having timely information on the trade unionists under threat and the list of murders kept by the trade unions. It also stressed the need to receive feedback on the ministerial agreement to reform the unit handling attacks against trade unionists. A trade union technical round-table meeting was called with the involvement of the Public Prosecutor's Office in order to fulfil the commitments.

- (c) On 14 August 2025, the trade union technical round-table meeting was held with the participation of the Public Prosecutor's Office, where participants explained the body's activities and stressed the need to have information held by the trade unions.
- (d) The Ministry of the Interior finalized the review and modification of the new protocol of measures for prevention, protection and immediate response for human rights defenders and trade unions, which has been updated to bring it into line with the highest international standards for human rights and the protection of human rights defenders and trade unionists. It has been adapted to the current context of threats and risks in Guatemala, reflecting a more robust preventive approach. The key points of the update were: **participation and dialogue** – it was developed in a participatory and transparent process that included collaboration and ongoing dialogue with trade union representatives and experts from the Personal Protection and Safety Division and the General Subdirector of Operations of the National Civil Police, thus ensuring the viability and efficiency of the proposed measures; a **comprehensive approach** – the new protocol broadens the concept of protection to cover not only leaders and directors, but also unionized workers under threat and physical spaces where trade union activities take place; and the **implementation process** – the protocol is currently in the process of approval by the Directorate-General of the National Civil Police and, once approved, the Personal Protection and Safety Division will be responsible for its implementation.
- (e) With respect to coordination with the competent government bodies, the Ministry of the Interior is in the process of establishing a mechanism for coordinating work with the Public Prosecutor's Office, specifically the Office of the Special Prosecutor for Crimes against Judicial Officials and Trade Unionists. The mechanism is intended to facilitate the exchange of information and operational coordination in real time for the investigation and prosecution of those responsible for the threats, with a view to reducing impunity and ensuring that each complaint is handled promptly and effectively.
- (f) Regarding the awareness-raising campaign on the protection of trade union leaders and trade unionists, the Ministry of the Interior launched a campaign in 2024 to raise awareness of the **1543 hotline**, which is designed to receive and respond to threats against human rights defenders and trade unionists. The objectives of the campaign are to raise awareness of the hotline among trade union leaders and trade unionists, encourage the reporting of threats and acts of violence, strengthen protection mechanisms, and promote a safe environment for the exercise of trade union activity. The campaign is being conducted through the Ministry's accounts on various social networks. Regarding the publication of informative content, materials are being created and disseminated to explain its purpose and how it works. Key messages, videos and images are shared to promote the campaign and encourage use of the hotline. With regard to collaboration, there is constant communication with trade union organizations to

broaden the scope of the campaign and ensure that the message reaches the most vulnerable communities. The notebook is designed to allow access to multimedia content to answer questions and generate impact. This campaign is a major drive by the Ministry of the Interior to ensure the safety and uphold the rights of trade unionists.

- (g) The following information is provided in relation to the 46 requests for protection for trade union members received by the Ministry of the Interior from 1 January to 27 July 2022:

| No. | Risk level  | Recommendation                               |
|-----|-------------|----------------------------------------------|
| 1   | Low         | Perimeter security                           |
| 2   | Medium      | Perimeter security                           |
| 3   | Medium      | Perimeter security                           |
| 4   | Medium      | Perimeter security                           |
| 5   | Medium      | Perimeter security                           |
| 6   | Medium      | Perimeter security                           |
| 7   | Medium      | Perimeter security                           |
| 8   | Medium      | Perimeter security                           |
| 9   | Medium      | Continuation of personal security measures   |
| 10  | Medium      | Perimeter security                           |
| 11  | Medium      | Perimeter security                           |
| 12  | Medium      | Perimeter security                           |
| 13  | Medium      | Perimeter security                           |
| 14  | Medium      | Perimeter security                           |
| 15  | Medium      | Perimeter security                           |
| 16  | Medium      | Perimeter security                           |
| 17  | Medium      | Perimeter security                           |
| 18  | Low         | Perimeter security                           |
| 19  | Medium      | Perimeter security                           |
| 20  | Medium      | Continuation of personal security measures   |
| 21  | Medium      | Implementation of personal security measures |
| 22  | Medium      | Perimeter security                           |
| 23  | Unspecified | Perimeter security                           |
| 24  | Medium      | Perimeter security                           |
| 25  | Medium      | Perimeter security                           |
| 26  | Medium      | Perimeter security                           |
| 27  | Medium      | Perimeter security                           |
| 28  | Medium      | Perimeter security                           |
| 29  | Medium      | Perimeter security                           |
| 30  | Medium      | Perimeter security                           |
| 31  | Medium      | Perimeter security                           |
| 32  | Medium      | Perimeter security                           |
| 33  | Medium      | Perimeter security                           |

| No. | Risk level | Recommendation                                                       |
|-----|------------|----------------------------------------------------------------------|
| 34  | Low        | Perimeter security                                                   |
| 35  | Medium     | Perimeter security                                                   |
| 36  | Medium     | Perimeter security                                                   |
| 37  | Low        | No specific security measure (when only a telephone number is given) |
| 38  | Low        | Perimeter security                                                   |
| 39  | Medium     | Perimeter security                                                   |
| 40  | Medium     | Perimeter security                                                   |
| 41  | Low        | Perimeter security                                                   |
| 42  | Medium     | Perimeter security                                                   |
| 43  | Low        | Perimeter security                                                   |
| 44  | Low        | Perimeter security                                                   |
| 45  | Medium     | Perimeter security                                                   |

- (h) In summary, 42 perimeter and 2 personal security measures were recommended, and no specific measure was recommended in 1 case.
- (i) The Ministry of the Interior reiterates its commitment to protecting the life and safety of the leaders and members of trade union organizations at risk. However, the Ministry currently has no specific budgetary provision to cover living expenses (accommodation and food) for the National Civil Police officers providing personal security services. The possibility of proposing the establishment of a standard or agreement to regulate and provide for the allocation of funds for this purpose is being considered.
- (j) Lastly, the Ministry of the Interior provides the following statistical information on the complaints received through the 1543 emergency number:

| General statistics on complaints received through the 1543 hotline over the years 2021–25 |          |           |          |          |           |
|-------------------------------------------------------------------------------------------|----------|-----------|----------|----------|-----------|
| Classification                                                                            | 2021     | 2022      | 2023     | 2024     | 2025      |
| Complaints by individuals                                                                 | 5        | 9         | 3        | 0        | 28        |
| Trade unionists                                                                           | 4        | 11        | 2        | 4        | 13        |
| Activists                                                                                 | 0        | 0         | 1        | 0        | 0         |
| Judicial officials                                                                        | 0        | 1         | 0        | 0        | 0         |
| <b>Grand total</b>                                                                        | <b>9</b> | <b>21</b> | <b>6</b> | <b>4</b> | <b>41</b> |

The complaints received are reported to the nearest police station. Officers visit the complainant, who is asked to confirm the complaint, which is then forwarded to the Public Prosecutor's Office for investigation.

#### Anti-union dismissals:

*"Anti-union dismissals in the public and private sectors remain a serious problem. Reinstatement orders which are granted are often appealed for years, meaning they are wholly ineffective at addressing anti-union discrimination. According to the figures provided by the government until 2021, out of 2,165 final court decisions of reinstatement only 197 were implemented by authorities. Indeed, without swift action and reinstatement into the workplace,*

*workers will be discouraged from pursuing their legal right to form or join a trade union. And even then, final orders of reinstatement are still simply disobeyed by employers. The Government of Guatemala has very recently established three specialized courts to address the crime of disobedience with final orders of reinstatement. As yet, we do not have data on their effectiveness. However, we note that without addressing the lengthy judicial processes, decisions from these three courts years after the fact will have limited impact if any on addressing anti-union discrimination.”*

The Government of Guatemala hereby submits data from the judiciary on reinstatement proceedings for the period from 1 January 2015 to 31 December 2021. It should be noted that the reinstatement orders in question are now likely to have been executed owing to the time passed and the fact that, in February 2023, the collegial peace court in criminal matters was established to hear cases involving offences of non-compliance with labour and social welfare decisions.

#### Reinstatement proceedings

| *Reinstatement orders            | 2015 | 2016  | 2017 | 2018  | 2019  | 2020  | 2021  | Grand Total |
|----------------------------------|------|-------|------|-------|-------|-------|-------|-------------|
| **Proceedings carried out        | 900  | 1 302 | 928  | 1 189 | 1 232 | 1 122 | 2 401 | 9 074       |
| ***Accepted                      | 211  | 294   | 198  | 327   | 389   | 215   | 727   | 2 361       |
| ****Not accepted                 | 522  | 790   | 580  | 700   | 675   | 759   | 1 314 | 5 340       |
| *****Could not be carried out    | 167  | 218   | 150  | 162   | 168   | 148   | 360   | 1 373       |
| *****Certified reports procedure | 65   | 20    | 35   | 35    | 219   | 125   | 237   | 736         |

Source: Court Management System, provided by the judiciary's IT department. Information processing date: 12 September 2025.

Criteria:

\*The information was obtained according to the date on which the proceedings were carried out.

\*\*Includes all possible outcomes (accepted, not accepted and could not be carried out).

\*\*\*Includes the following outcomes: accepted, reinstatement accepted, reinstatement accepted with payment of wages and complied.

\*\*\*\*\*Includes the outcome “proceedings could not be carried out”.

\*\*\*\*\*The certified reports procedure refers to cases that were forwarded to the criminal courts for non-compliance of a judicial decision, where the type, class and subclass of the proceedings concern reinstatement.

In 2024, 31 final judgments and rulings for the reinstatement of trade unionists were handed down, and 13 were handed down in the year to 27 August 2025.

The judiciary has implemented the following programmes to build the capacities of the labour courts and reinforce the upward trend in the number of resolutions:

#### Harmonization of criteria:

Since 9 May 2025, nine meetings have been held to harmonize legal criteria and standardize decisions, with the participation of judges of the Labour and Social Welfare Appeals Court chambers and the labour and social welfare courts.

#### Expansion of judicial coverage:

- (i) **Establishment of the collegial peace court in criminal matters to hear cases involving offences of non-compliance with labour and social welfare decisions.** This

court opened in February 2023 to allow the judiciary to prioritize access to justice and help fulfil its duty to reduce levels of impunity. This new peace court can immediately hear cases referred by the Public Prosecutor's Office as a result of the certified reports procedure in labour matters for non-compliance with reinstatement orders.

- (ii) **Establishment of the Quetzaltenango Labour and Social Welfare Court of First Instance.** This court opened in September 2023 in response to a clear need for access to judicial services in this community, which has long required a more solid and effective judicial presence.
- (iii) **Establishment of the Sixth Chamber of the Labour and Social Welfare Appeals Court.** This Chamber opened in November 2023 to assist the Court's existing chambers and expedite appeal proceedings.
- (iv) **Establishment of the Mixed Regional Chamber of the Appeals Court in the Department of Chimaltenango.** The Chamber opened in April 2024 and will serve more than a million people, offering more immediate and effective access to the courts.
- (v) **Establishment of the Chamber of the Labour and Social Welfare Appeals Court in the Department of Quetzaltenango.** The Chamber opened in July 2024 to serve approximately 965,000 people in the Department.
- (vi) **Establishment of the Labour and Social Welfare Court of First Instance in the Department of Jalapa and the Chamber of the Labour and Social Welfare Appeals Court in the Department of Sololá.** In September 2024, these courts were established to extend the coverage of the labour justice administration.
- (vii) **Establishment of the Labour and Social Welfare Court of First Instance in the Department of Totonicapán.** This court was established in April 2025 to extend the coverage of the labour courts.

#### Expansion of labour court coverage

| Court                                                                                                                                                                                                                                      | 2024 | 2025 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|
| Labour chambers                                                                                                                                                                                                                            | 7    | 7    |
| Mixed chambers, including labour                                                                                                                                                                                                           | 14   | 15   |
| Labour courts in the Department of Guatemala                                                                                                                                                                                               | 17   | 17   |
| Labour courts in other departments                                                                                                                                                                                                         | 46   | 48   |
| On 5 August 2025, the Supreme Court of Justice, sitting in plenary, requested draft agreements for the establishment of two labour and social welfare appeals chambers in the Department of Guatemala and one in the Department of Izabal. |      |      |

#### Expansion of human resources coverage:

On 11 June 2025, the Supreme Court of Justice, sitting in plenary, approved the creation of five Official III posts distributed among the first, second, fifth and sixth chambers of the Labour Appeals Court, and the chamber of the same court in the Department of Quetzaltenango.

On 16 July 2025, the Supreme Court of Justice approved the creation of four driver positions for the labour justice administration's Auxiliary Services Centre to enhance coverage

and expedite the delivery of notifications and the conduct of reinstatement proceedings, verifications, demands for payment, seizures and so on.

**Expeditious processing and enforcement of judicial decisions:**

- (i) **Digitization of reinstatement and verification orders.** The Supreme Court of Justice introduced software at the unit for the enforcement and verification of reinstatements that allows the court to be informed in real time of compliance with reinstatement orders through electronic devices. This ensures the immediate updating of the electronic case file, the geolocation of the enforcement officer, and certainty as to the date, time and place of the proceedings.

Reinstatement orders in the Court Management System have been digitized since 19 June 2025, thus reducing processing times from six working days to an instant. As result of the implementation of this software, the number of digitally processed reinstatements has increased. Previously, 279 reinstatements were processed over a period of 35 working days; since the implementation of the software, 420 reinstatements were completed within the same period, representing a 66 per cent increase and showing an average rise in daily proceedings from 7 to 12.

- (ii) **Introduction of an electronic dashboard:** Since January 2025, an electronic dashboard has been implemented to expedite the collection of statistical information and key indicators for taking management decisions, with the following benefits: (a) continuous monitoring of the performance and productivity of the various courts; (b) timely identification of possible areas for improvement and the immediate adoption of corrective measures; (c) optimization of resource management and allocation of work tasks; and (d) modernization of monitoring and evaluation processes, promoting transparency and efficiency.

**Building the technical and legal capacities of judges in labour matters through lifelong and specialized training.**

- (i) **Workshop on the analysis of Decree No. 12-2022 amending the Act regulating electronic notifications in the judiciary.** In March 2022, a workshop was held for labour and social welfare judges with the aim of providing a tool to optimize the use of electronic notifications and the electronic processing of judicial case files.
- (ii) **Workshop on criteria for the admissibility assessment of claims in labour and social welfare matters.** The workshop was held in April 2022 and was intended to enhance the expertise of staff of the collegial court of first instance for the admission of claims and the court of first instance for labour offences, with competence in the admission of claims.
- (iii) **Pilot project on electronic attachment and travel restriction modules.** In May and June 2022, a pilot project was implemented to introduce the electronic attachment and travel restriction modules within the Court Management System. Through these modules, official orders for the registration, renewal or lifting of interim attachment or travel restriction measures were generated and transmitted electronically to banks within the national financial system and to the Guatemalan Migration Institute. This has now become an established reality.
- (iv) **New personal notification system for the labour and social welfare branch.** In August 2022, judges of the Chamber of Constitutional Protection and Preliminary Proceedings of the Supreme Court of Justice presented the new personal notification system for the labour and social welfare branch, as part of the modernization of the justice system in the

Department of Guatemala. Through this new system, using the application and an electronic device, notification slips can be printed on the spot within seconds in a practical, secure and accurate manner, and the corresponding judicial proceedings are updated immediately.

- (v) **International Congress on Labour Law 2023.** This Congress was held in May 2023 with the principal objective of exchanging knowledge and experiences between national and international experts in the field of labour law.
- (vi) **Twenty-first Ibero-American Congress on Labour and Social Security Law.** This event took place on 24, 25 and 26 August 2023. It was attended by prominent figures who addressed hugely important topics such as part-time work, wages, the influence of artificial intelligence on labour relations, digital labour rights and other crucial matters.
- (vii) **International Congress on Labour Law 2024.** This Congress took place in August 2024, bringing together prominent national and international legal experts who shared their knowledge and experiences in labour law and the resolution of cases in this field.
- (viii) **Specialized lecture series on labour matters for labour judges.** The lecture series was launched on 28 February 2025 to enhance specialized training for the labour branch of the judiciary in areas such as the case law of the Supreme Court of Justice, the Constitutional Court and the Inter-American Court of Human Rights, with emphasis on the interpretation and application of labour regulations. It also covers the analysis of social welfare cases and the application of legal doctrine with a human rights approach, underscoring the protection of the fundamental rights of workers.
- (ix) **Training provided by the Constitutional Justice Institute of the Constitutional Court for staff of Section XI of the Chamber of Constitutional Protection and Preliminary Proceedings of the Supreme Court of Justice – a specialized course in constitutional justice in *amparo* matters.** On 21, 22 and 23 May 2025, a specialized course in constitutional justice in *amparo* matters was held in the courtroom of the Constitutional Court, covering viability criteria, case analysis, analysis of the contested action and grievances raised, the search and analysis of case law, and the Constitutional Court's decision consultation system.
- (x) **Digitization of reinstatement and verification orders to reduce case processing times.** Reinstatement orders in the Court Management System have been digitized since 19 June 2025, thus reducing processing times from six working days to an instant. This increases the speed and cost efficiency of procedures.
- (xi) **International Congress on Labour Justice.** This Congress took place on 25 and 26 August 2025, with the participation of 230 labour and social welfare judges. It covered international labour standards and fundamental rights at work.
- (xii) **Introductory course on international labour standards.** This course was given by Dr Pablo Arellano, a specialist in labour relations and social dialogue and an ILO delegate, on 14 August 2025.
- (xiii) **Specialized constitutional justice course on *amparo* matters.** The Constitutional Justice Institute of the Constitutional Court ran this course on 21, 22 and 23 May 2025. It covered viability criteria, case analysis, analysis of the contested action, grievances and case law analysis, and was aimed at staff of Section XI of the Chamber of Constitutional Protection and Preliminary Proceedings.

(xiv) **Specialized lecture series on labour matters for labour judges.** The lecture series was launched on 28 February 2025 with the aim of enhancing specialized training for the labour branch of the judiciary in case law issues, with emphasis on the interpretation and application of labour regulations, analysis of social welfare cases and the application of legal doctrine with a human rights approach.

(xv) **Training courses offered by the School of Judicial Studies.** The judiciary's School of Judicial Studies offered various training courses on labour matters to judiciary staff from 14 October 2024 to 26 June 2025.

| No. | Description 2024                                                                                                                                                                        | From       | To         |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|
| 1   | Course on the calculation of employment benefits                                                                                                                                        | 18/10/2024 | 23/10/2024 |
| 2   | Workshop on personal and professional development strategies                                                                                                                            | 07/11/2024 | 28/11/2024 |
| 3   | Workshops on handling complaints of workplace and sexual harassment and applying the protocol for preventing, addressing and punishing workplace and sexual harassment in the judiciary | 28/11/2024 | 28/11/2024 |
| 4   | Workshops on handling complaints of workplace and sexual harassment and applying the protocol for preventing, addressing and punishing workplace and sexual harassment in the judiciary | 29/11/2024 | 29/11/2024 |
| 5   | Workshops on handling complaints of workplace and sexual harassment and applying the protocol for preventing, addressing and punishing workplace and sexual harassment in the judiciary | 29/11/2024 | 29/11/2024 |
| 6   | Course on good practices to enhance work performance                                                                                                                                    | 16/04/2024 | 18/04/2024 |
| 7   | Course on good practices to enhance work performance                                                                                                                                    | 18/04/2024 | 18/04/2024 |
| 8   | Course on good practices to enhance work performance                                                                                                                                    | 16/04/2024 | 16/04/2024 |

| No. | Description 2025                                                                                                                                                       | From       | To         |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|
| 1   | Course on the use of artificial intelligence tools in the labour sector                                                                                                | 06/06/2025 | 06/06/2025 |
| 2   | Course on strategies to optimize work performance                                                                                                                      | 21/05/2025 | 28/05/2025 |
| 3   | Second workshop on labour mediation offered by the Directorate for Alternative Dispute Resolution to all staff at its various mediation centres throughout the country | 23/04/2025 | 25/04/2025 |
| 4   | Administrative versus labour contracting                                                                                                                               | 27/03/2025 | 27/03/2025 |
| 5   | Course on labour law and procedure                                                                                                                                     | 17/06/2025 | 26/06/2025 |
| 6   | Motivational course on teamwork and worker engagement                                                                                                                  | 26/03/2025 | 26/03/2025 |
| 7   | Strategies to optimize work performance                                                                                                                                | 04/04/2025 | 04/04/2025 |
| 8   | Good practices programme to enhance work performance                                                                                                                   | 24/04/2025 | 15/05/2025 |
| 9   | Workshop on applicable international labour conventions and case law                                                                                                   | 24/04/2025 | 28/04/2025 |

### ISO 9001:2015 certification

The regional mixed chambers of the Appeals Court in the departments of Alta Verapaz, Huehuetenango and Quiché have been certified to ISO 9001:2015 standard, which reflects their commitment to quality and efficiency in the management of labour proceedings. It ensures that these courts operate with standardized, orderly and structured procedures that comply with the established legal time frames for efficient judicial management without delays.

**Inter-institutional coordination between the judiciary and the Public Prosecutor's Office.** On 6 August 2025, a bilateral meeting was held to exchange feedback on judicial criteria applied in proceedings heard by the collegial peace court in criminal matters concerning offences of non-compliance with labour and social welfare decisions.

The judiciary helps resolve cases by expanding coverage through the new courts and chambers of the Labour and Social Welfare Appeals Court, and through the implementation of other mechanisms to expedite proceedings, as noted above.

Lastly, the judiciary has stated that it will continue strengthening institutions, harmonizing criteria, expanding coverage, expediting the processing of cases and the enforcement of decisions, building the technical capacities of judges handling labour matters, and engaging in inter-institutional coordination activities with the Public Prosecutor's Office.

All the actions mentioned above demonstrate the judiciary's progress in meeting the commitments undertaken by the State of Guatemala to implement the road map.

### Union registration:

*"Trade union registration still remains far from a purely administrative process. Trade unions still report delays in the registration process and the rejection of some applications for arbitrary reasons. Trade unions also report delays or arbitrary rejection of documents updating trade union leadership and membership information. Such acts have a significant impact on the ability of trade unions to exercise their rights under law."*

The General Directorate of Labour is currently being strengthened at the institutional level through campaigns promoting freedom of association and the Guide to Freedom of Association, so that trade union organizations can understand their rights and obligations and the requirements for registering trade unions and executive committees. This helps ensure that the files submitted by the organizations are free of irregularities, thereby streamlining their processing. It is also worth pointing out that trade union organizations can be provisionally registered within 24 hours. The Directorate is being strengthened internally through the recruitment of staff – particularly the appointment of the three heads of the departments comprising the General Directorate (the Labour Registry, Worker Protection and National Wage Departments), as well as a deputy director for the Labour Registry Department – and through the modernization of work tools, which helps expedite the processing of trade union registrations.

### Steps taken by the General Directorate of Labour to promote the Guide to Freedom of Association

- Since December 2024, the General Directorate has provided various trade union organizations with copies of the Guide to Freedom of Association in paper and electronic formats. The Guide is also permanently available for consultation on the Ministry of Labour and Social Welfare's website.

- In August and September 2025, action was taken to publicize a series of videos to promote the rights and responsibilities of trade union organizations. The videos will be published on social networks and the Ministry of Labour and Social Welfare's website.
- On 10 September 2025, the most representative trade union organizations were invited to attend a workshop on issues relating to the registration of trade unions' legal personality, with the participation of Carlos Linares, the ILO National Coordinator. The workshop was intended to disseminate the contents of the Guide and allow an exchange of experiences regarding the registration procedure.
- Technical assistance is provided in person, over the telephone and by email. It should be noted that all trade unionists appearing at the General Directorate of Labour are assisted. A physical space is even provided for them to complete their paperwork. They can make any inquiries they deem necessary to be resolved on the spot, and they can also be provided with a computer if required.
- The General Directorate of Labour, in accordance with its functions and powers, conducts the corresponding analysis of each incoming request. It should be noted that the progress of each file depends on the party concerned, namely the trade union organization. For example, the Directorate may issue a decision requesting the fulfilment of certain requirements. Some trade unions comply as soon as possible, while others take months to do so, which delays the registration process. Some trade unions make mistakes when specifying the address for notifications, which delays notification of any decision. When no progress has been made on a file for six months, the file is archived in accordance with section 5 of Decree No. 119-96 on the Administrative Disputes Act. Two cases are offered as examples below. One took 25 days to process, and the other took six years.

| POSITIVE CASE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | NEGATIVE CASE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>On 19 February 2024, the Workers' Union of Reforestadora de Palmas de El Petén, S.A., and affiliated and associated companies (SITRAREPSA), submitted an application to the General Directorate of Labour for recognition of legal personality and approval of its constitution. The application was granted on 14 March 2024.</p> <p><b>Comment:</b> In analysing the file of the trade union mentioned above, processing was carried out quickly and expeditiously partly because there were no prior issues to remedy, and the file could therefore be processed entirely by the Directorate.</p> | <p>On 15 May 2019, the Trade Union of the Ministry of Social Development (UNSIMIDES) submitted an application to the General Directorate of Labour for recognition of legal personality and approval of its constitution. The file was reviewed and, on 27 May 2019, a decision was issued requesting compliance with certain requirements. The final requirement was fulfilled six years later, on 8 April 2025. Furthermore, the designated place for notifications did not exist.</p> <p><b>Comment:</b> In this case, progress depended on the applicant; the General Directorate of Labour rendered its decision in good time. Currently, cases are archived after six months of inactivity, in accordance with section 5 of the Administrative Disputes Act.</p> |

#### Grounds for refusing registration, from 2022 to date

| GROUND FOR REFUSAL                                          | LEGAL BASIS/LABOUR CODE                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The application is submitted more than 20 days late         | Section 218(a): "A written application is to be submitted on plain paper directly to the General Directorate of Labour or through the nearest labour authority, within 20 days of the constituent assembly of the trade union. The application must indicate a place for receiving notifications" |
| The legal minimum number of workers or employers is not met | Section 216: "The written consent of 20 or more workers is required to form a workers' union, and a minimum of five employers is required to form an employers' organization"                                                                                                                     |

|                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(a) The deed of establishment is not signed by the members present;</p> <p>(b) There is a mismatch between the number of members present and the number of signatures on the deed;</p> <p>(c) The deed is not signed in the margin by the interim general secretary; or</p> <p>(d) The draft constitution is not signed by all members of the interim executive committee or in the margin by the interim general secretary.</p> | Section 218(b): "The original and a copy of the deed of establishment and the constitution must be enclosed with the application, signed on every page by the general secretary and signed at the end by all members of the interim executive committee;"                                                                                                                                                                          |
| The trade or economic activity or identification of the founding members are omitted from the deed of establishment.                                                                                                                                                                                                                                                                                                                | Section 220(a): "Full name, profession, trade or economic activity, and identification card numbers of its founding members, as well as a clear and concise expression of their desire to form the union"                                                                                                                                                                                                                          |
| Authorization to the members of the executive committee to accept, at their discretion and on behalf of the union, any amendments indicated by the General Directorate of Labour is omitted                                                                                                                                                                                                                                         | Section 220(c): "Authorization to the members of the executive committee to accept, at their discretion and on behalf of the union, any amendments indicated by the General Directorate of Labour or, where applicable, by the Ministry of Labour and Social Welfare, and, in general, to carry out the procedures referred to in section 218"                                                                                     |
| A clear and concise declaration by the members of the interim executive committee indicating that they are of Guatemalan origin and workers at the company or companies is omitted                                                                                                                                                                                                                                                  | Section 220(d): "A clear and concise declaration by the members of the interim executive committee indicating that they are of Guatemalan origin and workers at the company or companies, in case of a company union, or that they work in the relevant profession, trade or economic activity, in the case of craft or independent unions. The interested parties may also provide any other information that they deem relevant" |

### Grounds for rejecting documents to update trade union leaders' information

| GROUND FOR REFUSAL                                                                                                                                  | LEGAL BASIS/LABOUR CODE                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The application is submitted more than 10 days late                                                                                                 | Section 218(d): "Inform the General Directorate of Labour, within ten days following the election, of the changes to [the trade union's] executive committee or advisory board" |
| The trade union's constitution regarding the procedure for the election and registration of the executive committee and advisory board is breached. | The trade union's constitution                                                                                                                                                  |

Updated statistical information for 2022, 2023 and 2024, and from 1 January to 30 August 2025, on the number of trade union registration applications compared to the number of trade unions registered each year (regardless of the year in which the application was received).

| Year | Applications | Registrations |
|------|--------------|---------------|
| 2022 | 34           | 22*           |
| 2023 | 89           | 44*           |
| 2024 | 66           | 41*           |
| 2025 | 31           | 5*            |

\*The number of registered trade unions corresponds to the applications received between 2022 and 2025.

### **Proposals under the road map to resolve and prevent incidents relating to the allegations**

The General Directorate of Labour is working on campaigns to promote the rights and responsibilities of trade union organizations and on the dissemination of videos explaining common errors and failures to meet requirements in the registration of unions and executive committees, and the authorization of record books, receipt books and membership rolls. These efforts aim to publicize the requirements in order to avoid mistakes and thereby strengthen the registration procedures. In addition, a 24-hour time frame has been introduced for the provisional registration of trade union organizations.

Work is also being carried out to create a section for the General Directorate of Labour on the Ministry's website that could include a digital version of the registration forms and a checklist for the registration of trade unions and executive committees, and the authorization of record books, receipt books and membership rolls.

### **Union busting in the maquila and agricultural sectors:**

*"The maquila sector and agricultural sector are among the most important for the country and are the sources of significant export earnings. However, union busting is endemic in these sectors. As a result of dismissals, retaliatory closures, and rampant outsourcing meant to frustrate organizing, the unionization rate in the sector is below 1 per cent and the approval of only one collective agreement covering a maquila enterprise is known in the entire country."*

The Government of Guatemala provides the following information from the General Labour Inspectorate (IGT) of the Ministry of Labour and Social Welfare. In accordance with the legal mandate under section 278 of the Labour Code, the Inspectorate ensures compliance with labour legislation through its labour inspectors who conduct inspections of their own initiative, in response to a complaint and as part of the execution of focused, regionalized and strategically coordinated operational plans. At the national level, they have the power to enter workplaces during the working day to carry out inspection, prevention and verification procedures. If labour law violations are found, the corresponding administrative penalty as established by law is imposed.

Through the General Labour Inspectorate, the **Ministry of Labour and Social Welfare** received 217 trade union complaints in 2024 and 2025, though none made direct reference to the term “union busting”.



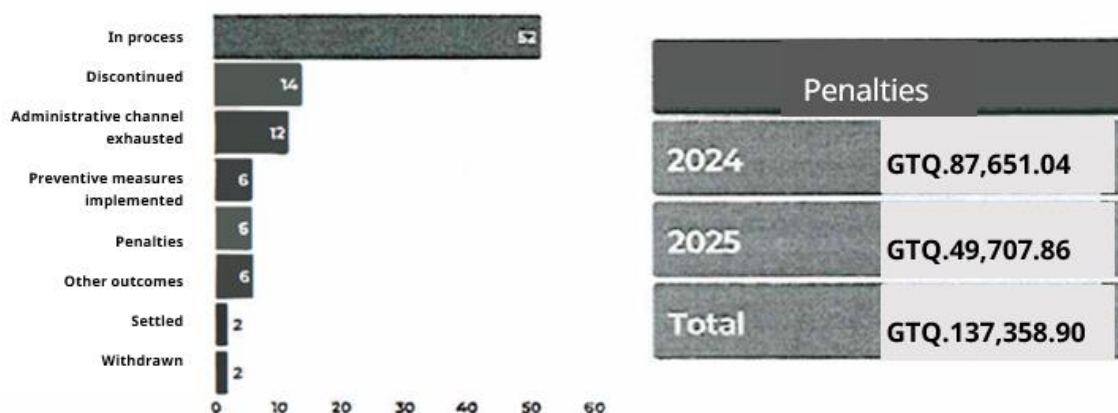
Source: IGT, Ministry of Labour and Social Welfare, as at 31 July 2025.

**Trade union complaints** received by department (2024 and 2025)

| No. | Department     | 2024 | 2025 | Total |
|-----|----------------|------|------|-------|
| 1   | Alta Verapaz   | 8    | 5    | 13    |
| 2   | Baja Verapaz   | -    | 2    | 2     |
| 3   | Chimaltenango  | 3    | 3    | 6     |
| 4   | Chiquimula     | 6    | 6    | 12    |
| 5   | El Progreso    | 1    | -    | 1     |
| 6   | Escuintla      | 5    | -    | 5     |
| 7   | Guatemala      | 63   | 35   | 98    |
| 8   | Jalapa         | 1    | 12   | 13    |
| 9   | Jutiapa        | 1    | 2    | 3     |
| 10  | Petén          | 2    | 2    | 4     |
| 11  | Quetzaltenango | 4    | 2    | 6     |
| 12  | Retalhuleu     | 3    | -    | 3     |
| 13  | Sacatepéquez   | 5    | -    | 5     |
| 14  | San Marcos     | -    | 1    | 1     |
| 15  | Santa Rosa     | 14   | -    | 14    |
| 16  | Sololá         | 1    | 1    | 2     |
| 17  | Suchitepéquez  | -    | 1    | 1     |
| 18  | Totonicapán    | 1    | -    | 1     |
| 19  | Zacapa         | 11   | 16   | 27    |
|     | Total          | 129  | 89   | 217   |

Source: IGT, Ministry of Labour and Social Welfare, as at 31 July 2025.

### Outcomes of the **trade union complaints** filed with the **General Labour Inspectorate**:



Source: IGT, Ministry of Labour and Social Welfare, as at 31 July 2025.

In the exercise of its responsibilities regarding freedom of association, the Inspectorate carries out promotional and outreach campaigns to strengthen the protection of labour rights. In this context, it coordinated the publication of an awareness-raising campaign in the country's highest circulating print newspaper, *Nuestro Diario*, on 13 May 2024. The campaign's central message was "with freedom of association, we all benefit", and its objective was to raise awareness of the importance of freedom of association in the workplace by highlighting aspects such as social dialogue and the improvement of working conditions, businesses and employment. It achieved nationwide coverage and reached **982,989 readers**. It was aimed at the entire population, including both employers and workers, without restriction to any specific sector, thereby also encompassing the maquila sector. In 2024, 150 acrylic posters were designed in order to raise awareness of the significance of freedom of association through a gender-based and multicultural approach. These visual materials were distributed and strategically displayed in the departmental offices of the General Labour Inspectorate to expand its outreach and raise public awareness of labour rights and the importance of social dialogue.

On 31 May 2025, the publication of an awareness-raising campaign was coordinated in the country's highest circulating print newspaper, *Nuestro Diario*. The campaign's central message was "with freedom of association, we all benefit", and its objective was to raise awareness of the importance of freedom of association in the workplace by highlighting aspects such as social dialogue and the improvement of working conditions, businesses and employment. It achieved nationwide coverage and reached 980,833 readers. Promotional and outreach campaigns on freedom of association are planned to continue in the last quarter of the year.

**Dialogue forums.** Trade union organizations have approached the General Labour Inspectorate to request a dialogue forum. Employers are summoned to engage in dialogue, with the Inspectorate's involvement, to attempt to resolve disputes arising between workers and employers.

**Maquila sector**

| <b>2024</b>                                                                                                                                                                                                                                              | <b>Status</b>                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| H S Apparel, S.A. and Workers' Union of H S Apparel, S.A.                                                                                                                                                                                                | Agreements between the parties:<br>(1) To have better communication<br>(2) To grant trade union leave<br>(3) To commit to equality, respect and no reprisals |
| <b>2025</b>                                                                                                                                                                                                                                              | <b>Status</b>                                                                                                                                                |
| Denimville, S.A., and the workers' group                                                                                                                                                                                                                 | Ended without agreement                                                                                                                                      |
| Koa Modas, S.A. and the Workers' Union of Koa Modas and affiliated and associated companies<br>(SITRAKOAMODASAC), Workers' Union of Koa Modas and other affiliated and associated companies<br>(SITRAKOMSA) and non-unionized workers of Koa Modas, S.A. | Ended without agreement                                                                                                                                      |
| Hoosier Manufacturing Company Ltd and the Workers' Union of Hoosier Manufacturing Company Ltd and other affiliated and associated companies (SITRAHOOSIER)                                                                                               | Ongoing                                                                                                                                                      |
| Hoosier Manufacturing Company Ltd and the Employees' Union of Hoosier Manufacturing Company Ltd and other affiliated and associated companies (SIEMHOOSIER)                                                                                              | Ongoing                                                                                                                                                      |

**Agricultural sector**

| <b>2024</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Status</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Workers' Union of Empresa Bananera del Atlántico, S.A., Agropecuaria Tunico, S.A., and other companies belonging to the same economic unit in the Morales Municipality, Department of Izabal (SITRABAT)<br>Workers' Union of Empresas Arrendadoras el Real y Aloha, S.A., Agrícola Industrial, S.A., and other companies belonging to the same economic unit of the Morales Municipality, Department of Izabal (SITRAGSA)<br>Agrícola Galimoralense, S.A.<br>Trade Union of Workers of Guatemala (UNSITRAGUA)<br>Distribuidora Mareste, S.A. – Luis Eduardo Morales<br>Compañía de Desarrollo Bananero de Guatemala, S.A.<br>(invited participant) | Ongoing       |

| 2025                                                                                                                                                                              | Status                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| Workers' Union of Bananeros de Escuintla de la Empresa Frutera del Pacifico, S.A., and other affiliated and associated companies (SITRABE) and Empresa Frutera del Pacifico, S.A. | Ended without agreement |
| Workers' Union of Hacienda San Juan El Horizonte Empresa La Exacta, S.A., (SITHJEXACTA) and Hacienda San Juan Horizonte, Empresa La Exacta, S.A.                                  | Ongoing                 |

**Inter-institutional action in the maquila sector.** Through the General Labour Inspectorate, the Ministry of Labour and Social Welfare has taken action to ensure compliance with labour law. It has conducted inspections of textile and clothing companies as part of the first phase of Plan Makira 2025 in conjunction with the Office of the Superintendent for Tax Administration, the Ministry of the Economy, the Guatemalan Social Security Institute, the Office of the Attorney-General and the National Civil Police.

As part of the plan, labour inspectors have conducted inspections in the Departments of Guatemala and Escuintla to verify compliance with labour law and workers' occupational safety and health conditions. They have requested the support of a technical specialist in the field to this end. At workplaces with trade union organizations, the support of workers' representatives has been requested to participate in the proceedings. During this process, they found non-compliance at five of the ten workplaces visited, and they are in the process of issuing administrative penalties. Operational actions taken *ex officio* will be replicated through focused and regionalized operations in the maquila and agricultural sectors. The first will be coordinated at workplaces based on: **(a)** the employer records of the maquila sector held by the Ministry's Statistics Directorate, according to the location specified in the employer's report pursuant to section 61(a) of the Labour Code; and **(b)** the records held by the Ministry of the Economy of companies engaged in the maquila sector that have received benefits under Decree No. 29-89 on the Promotion and Development of Export and Maquila Activities Act. Complaints received regarding dismissals in the maquila sector, disaggregated by geographical location, amount received in the course of this year and the outcome to date, are set out in the table below:

| Department    | 2025      |
|---------------|-----------|
| Alta Verapaz  | 2         |
| Chimaltenango | 4         |
| El Progreso   | 2         |
| Escuintla     | 6         |
| Guatemala     | 48        |
| Sacatepéquez  | 7         |
| Zacapa        | 1         |
| <b>Total</b>  | <b>70</b> |

These cases are currently being processed for the imposition of the corresponding penalties.

In 2025, the following complaints were received regarding the closure of maquila enterprises:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| Company name:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | KOA MODAS, S.A. |
| Number of workers:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 756             |
| Actions taken by the Ministry of Labour and Social Welfare through the General Labour Inspectorate:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| <p><b>DIALOGUE FORUM</b></p> <p>At the request of the workers, the General Labour Inspectorate held several round-table meetings with the aim of ensuring that the employer fulfilled its labour obligations in view of the imminent closure of operations. During these meetings, an agreement was reached to create a commission tasked with monitoring the sale of the assets of Koa Modas, S.A., the proceeds of which were to be used to cover the payment of non-waivable work benefits, such as compensation for all workers. Several purchase proposals were received, but none were accepted as they did not cover the work benefits payment, including compensation, in full. Accordingly, the administrative process was deemed exhausted and, through the Directorate for the Promotion of Compliance with Labour Law, legal proceedings were instituted before the competent judicial authorities in order to ensure compliance with labour obligations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| <p><b>INSPECTION PROCESS:</b></p> <p>(1) A complaint by a group of non-unionized workers is received.</p> <p>(2) A file containing the merits of the case is opened and the labour inspector visits the workplace to verify the claims made.</p> <p>(3) The inspection process is carried out with the support of the institutions comprising the rapid response group handling the possible closure of operations in accordance with the legislation applicable to these cases.</p> <p>(4) The employer is informed of the requirement to pay work benefits and compensation to the workers. The employer does not comply, the workers deem the administrative process to be exhausted and the case is referred to the departmental delegation to decide on the penalty.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| Company name:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | HOOSIER, S.A.   |
| Actions taken by the Ministry of Labour and Social Welfare through the General Labour Inspectorate:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| <p>Through the departmental delegation of Guatemala, the General Labour Inspectorate received a complaint on 4 August 2025 regarding the potential closure of operations at Hoosier Manufacturing, which engages in maquila activities. As a result, two cases were opened. In one case, the inspections were carried out only by labour inspectors, and in the other, inter-institutional action was taken in accordance with Ministerial Agreement No. 160-2013 of the Ministry of Labour and Social Welfare, on instructions for the formation of a rapid response group in case of a potential closure by companies in receipt of benefits under Decree No. 29-89 of the Congress of the Republic of Guatemala on the Promotion and Development of Export and Maquila Activities Act. In the first case, IGT-0101-9862-2025, inspection, prevention and verification procedures were carried out involving non-unionized workers and representatives of unionized workers and the workers' union of Hoosier Manufacturing Company Ltd. It was established that the company had not ceased operations but had instead dismissed a large group of workers – 339 in total. The labour inspectors ascertained that all workers would be paid full compensation and work benefits, and that the trade union leaders, suspended staff, workers on holiday leave and pregnant women had not been subject to unfair dismissal. During the proceedings, the trade union leaders were always on hand to provide support and to confirm all the documents. They stated that the documentation submitted by the employer was in accordance with the law and they raised no objections. The group of labour inspectors assigned to the case determined that the employer had complied with the precautionary measures set out in the document of 4 August 2025. Inspection, prevention and verification procedures were also carried out in the second case, IGT-0101-9994-2025, on 8 and 26 August 2025, confirming compliance with the proceedings conducted in case IGT-0101-9862-2025. The rapid response group comprised staff from the Guatemalan Social Security Institute, the Office of the Superintendent for Tax Administration, the Ministry of the Economy and the Office of the Human Rights Ombudsman, who carried out the relevant procedures in accordance with their respective legal mandates. As a result of this complaint, the General Labour Inspectorate provided timely support in accordance with labour law, safeguarding the workers' rights and, in particular, ensuring that, through administrative proceedings, all workers dismissed without just cause received the compensation and other work benefits to which they were legally entitled, and that the jobs of the trade union leaders, suspended staff, workers on holiday leave and pregnant women were respected. Inter-institutional proceedings were also conducted with the agencies comprising the rapid response group.</p> |                 |

### Promotion of collective bargaining:

*“The Government has failed to take tangible measures to effectively promote collective bargaining at all levels. There is a very low number of collective agreements in the country and low collective bargaining coverage. This is linked to the continued decline in union density. This is also*

*linked to the continued obstacles in law, such as the high minimum number to form a sectoral union, or any framework for collective bargaining at the sectoral level. While this issue has been identified in the roadmap and has been discussed for several years in tripartite consultations, there has been no progress on developing the legislation to give effect to these recommendations. At the same time, other practices frustrate collective bargaining, including the process of homologation of collective agreements. In the public and private sectors, the Government of Guatemala continues to impose reservations on agreed articles, claiming it is not possible to go beyond the rights contemplated in the law."*

The General Secretariat of the Ministry of Labour and Social Welfare provides the following information:

- **Updated statistics for 2022, 2023 and 2024, and from 1 January to 30 August 2025, regarding approved collective agreements on working conditions and information on the number of collective agreements on working conditions approved in the maquila and agriculture sectors from 2021 to date:**

- o In 2021: **12 agreements approved**

- Five collective agreements were in the public sector
- Seven collective agreements were in the private sector
- One was in the export sector and 11 were in **non-agricultural industry**

- o In 2022: **11 agreements approved**

- Nine collective agreements were in the public sector
- Two collective agreements were in the private sector
- All were in **non-agricultural industry**

- o In 2023: **14 agreements approved**

- Eight collective agreements were in the public sector
- Six collective agreements were in the private sector
- All were in **non-agricultural industry**

- o In 2024: **27 agreements approved**

- 14 collective agreements were in the public sector
- 13 collective agreements were in the private sector
- 23 collective agreements were in **non-agricultural industry**
- Three collective agreements were in the **agricultural industry**
- One collective agreement was in the **maquila industry**

- o In 2025 to date: **13 agreements approved**

- Nine collective agreements were in the public sector
- Four collective agreements were in the private sector
- All were in **non-agricultural industry**

- **Dialogue forum for the approval of collective agreements.**

The Government of Guatemala hereby reports that, on 11 August 2025, a dialogue forum for the approval of collective agreements was established. It comprises the Autonomous Popular Trade Union Movement of Guatemala, and the General Secretariat and Technical and Legal Advisory Council of the Ministry of Labour and Social Welfare, and is coordinated by Mr Homero Fuentes and the head of the International Labour Affairs Unit.

To date, two forum meetings have been held, on 11 August and 2 September this year. There was some consensus: (a) the technical opinion of the Technical Budget Directorate of the Ministry of Finance is not required for collective agreements negotiated in the municipalities; (b) regarding the term that may be used for severance pay or any other term that might be applied, the expression “financial compensation for voluntary separation” is recommended; (c) when changes to only a few articles are sought as part of a collective bargaining process, it is preferable to execute an addendum to the existing collective agreement rather than renegotiate the entire agreement; and (d) at the meeting held on 2 September, the parties discussed the acquired rights, but no consensus was reached concerning trade union leave. The third meeting will be held on 6 October 2025, when the issue of reservations to collective agreements will be discussed. The specific cases will be circulated in advance.

- **Regulations for the approval of collective agreements on working conditions in the public and private sectors**

In order to streamline the approval of collective agreements, work was begun on preparing two sets of regulations – one for the private sector and another for the public sector. In October, the technical assistance team for the creation of regulations for the processes of approval and denunciation of collective trade union agreements on working conditions of a given enterprise or production centre concluded in the private sector will arrive in Guatemala.

Regarding the regulation for the approval of collective agreements in the public sector, the Ministry of Labour and Social Welfare reported that the consultant Dr Pablo Topet, whose technical assistance had been requested by the International Labour Office, will arrive in October to seek consensus between workers’ representatives and the Government.

- **Proposals implemented by the General Secretariat under the road map to resolve and prevent incidents relating to the allegations:**

- Observance of the deadlines for the approval process
- Verification of the legal requirements for approval requests to streamline processing
- Ongoing communication between the General Secretariat and the Technical Council regarding approval processes

**Legislation:**

*“Not one law identified by the Committee of Experts in its reports under Conventions 87 and 98 has been amended since the first article 26 complaint was filed in 2012. After languishing for four years, the Government of Guatemala did submit a bill to Congress which reflected tripartite consensus on some of the laws identified by the Committee of Experts on the Application of Conventions and Recommendations (CEACR). However, the lack of any meaningful effort by the Government to seek its passage has meant that the bill has not been adopted and has no prospects of being adopted before the 25 June 2023 elections. This is despite an agreement signed by the Government in September 2022 to prioritize this issue (as well as sectoral bargaining, above). At that point, the next Government will need to start the process again, should it decide to do so.”*

The Government of Guatemala hereby reports that, on 2 September this year, Bill 5508 on the establishment of the National Tripartite Committee on Labour Relations and Freedom of Association (CNTRLLS) underwent its third reading by the Congress of the Republic. However, only 59 deputies voted in favour. As a majority of 81 votes are required to pass a law in Guatemala, the bill was not approved and the legislative process was thus concluded.

An extraordinary meeting of the CNTRLLS was called for 29 September this year to take a decision on the possibility of presenting the bill to Congress a second time, or to request the President of the Republic to issue a governmental order establishing the CNTRLLS. It should be noted that the CNTRLLS is currently established by a ministerial agreement, and that establishing it by a governmental order would elevate its status, since such orders are issued by the President of the Republic.

The Parliamentary Labour Commission (2024) issued a favourable decision, with amendments, concerning Bill 6162, which contains amendments to the Labour Code, the Act on Unionization and Regulation of Strike Action by State Employees, and the Criminal Code. Considering that only three of the seven articles proposed received a favourable opinion from the Commission, the CNTRLLS decided, at the meeting with the ILO, International Organisation of Employers (IOE) and International Trade Union Confederation (ITUC) mission and Congress, that it was necessary to request the plenary of Congress to arrange a discussion on the bill and, during the discussion, to request that the bill be returned to the Labour Commission (2025) to seek a favourable opinion on the seven articles of the bill. On 10 September 2025, the Executive Council of Congress was requested to include the reading of the 2024 opinion on the agenda as soon as possible.

#### **Outcomes of the freedom of association campaign**

The Government of Guatemala hereby reports that the Ministry of Labour and Social Welfare is conducting the freedom of association campaign with the aim of promoting respect for and bolstering freedom of association and collective bargaining. The campaign was launched in February 2024 and is currently being conducted through the Ministry's official social network accounts and in the mass media, including radio, press and television, in order to reach a broad and diverse population. It was approved by the CNTRLLS, which reinforces its legitimacy and relevance within the framework of social dialogue. The strategy has included the dissemination of informative videos and artwork.

Reach of the publications:

#### **Facebook: 97,626 people**

| <b>Date</b>  | <b>Reach</b>  | <b>Impressions</b> | <b>Engagements</b> |
|--------------|---------------|--------------------|--------------------|
| 04/03/2024   | 14 695        | 15 921             | 70                 |
| 06/03/2024   | 12 307        | -                  | 70                 |
| 11/03/2024   | 6 932         | 7 390              | 38                 |
| 13/03/2024   | 12 155        | -                  | 156                |
| 14/03/2024   | 10 959        | -                  | 153                |
| 20/03/2024   | 5 743         | 6 000              | 45                 |
| 26/03/2024   | 10 992        | 11 976             | 64                 |
| 09/06/2024   | 23 843        | 23 843             | 53                 |
| <b>Total</b> | <b>97 626</b> | <b>65 130</b>      | <b>649</b>         |

#### **Instagram: 15,952 users**

| <b>Date</b> | <b>Reach</b> | <b>Impressions</b> | <b>Engagements</b> |
|-------------|--------------|--------------------|--------------------|
| 04/03/2024  | 2 264        | 2 458              | 30                 |
| 06/03/2024  | 2 288        | 2 638              | 24                 |
| 11/03/2024  | 1 830        | 2 014              | 17                 |

|              |               |               |            |
|--------------|---------------|---------------|------------|
| 13/03/2024   | 2 738         | 3 172         | 65         |
| 14/03/2024   | 3 660         | 1 654         | 15         |
| 20/03/2024   | 2 050         | 2 552         | 24         |
| 09/06/2024   | 1 122         | 1 211         | 14         |
| <b>Total</b> | <b>15 952</b> | <b>15 726</b> | <b>189</b> |

**X: 2,434 impressions**

| Date       | Impressions | Likes | Comments | Shares | Engagements |
|------------|-------------|-------|----------|--------|-------------|
| 04/03/2024 | 385         | 1     | 0        | 1      | 9           |
| 06/03/2024 | 281         | 0     | 0        | 0      | 28          |
| 11/03/2024 | 332         | 0     | 0        | 2      | 6           |
| 13/03/2024 | 331         | 1     | 0        | 0      | 22          |
| 14/03/2024 | 394         | 0     | 0        | 1      | 46          |
| 20/03/2024 | 196         | 0     | 0        | 0      | 0           |
| 09/06/2024 | 515         | 3     | 0        | 0      | 8           |
| Total      | 2 434       | 5     | 0        | 4      | 119         |

#### Awareness-raising component

Audiovisual materials to raise awareness of workers' rights within the framework of freedom of association, posted in 2025.

On Facebook

| Date         | Views         | Reach         |
|--------------|---------------|---------------|
| 30/04/2025   | 18 418        | 20 084        |
| 01/05/2025   | 6 702         | 7 172         |
| 17/06/2025   | 8 154         | 8 172         |
| <b>Total</b> | <b>33 274</b> | <b>35 248</b> |

On Instagram

| Date         | Views        | Reach        |
|--------------|--------------|--------------|
| 30/04/2025   | 2 177        | 1 507        |
| 01/05/2025   | 1 513        | 976          |
| 17/06/2025   | 2 590        | 1 770        |
| 02/07/2025   | 1 154        | 831          |
| <b>Total</b> | <b>7 434</b> | <b>5 075</b> |

On TikTok

| Date       | Views | Reach |
|------------|-------|-------|
| 30/04/2025 | 7 867 | 154   |
| 01/05/2025 | 9 208 | 196   |

|              |                |              |
|--------------|----------------|--------------|
| 17/06/2025   | 121 000        | 2 671        |
| 02/07/2025   | 4 465          | 75           |
| <b>Total</b> | <b>142 540</b> | <b>3 096</b> |

On X

| <b>Date</b>  | <b>Views</b> | <b>Reach</b> |
|--------------|--------------|--------------|
| 30/04/2025   | 322          | 16           |
| 01/05/2025   | 361          | 18           |
| 17/06/2025   | 548          | 34           |
| 02/07/2025   | 321          | 19           |
| <b>Total</b> | <b>1 552</b> | <b>87</b>    |

Lastly, the Government of Guatemala respectfully requests the Governing Body to take note of the progress made in response to the complaint submitted on 16 June 2023 by various Workers' delegates against the Government of Guatemala under article 26 of the ILO Constitution.

Taking into consideration the progress mentioned, the Government reiterates its request to the international community to continue contributing to the technical assistance programme, particularly in the areas of social dialogue and dispute settlement.

It also requests the Governing Body defer to its 365th Session (March 2026) the decision to consider further action in respect of the complaint.

Maria Victoria Peneleu  
Vice-Minister of Social Welfare and Employment  
Officer in Charge

DM 2267-2025-MCRC-UDAIT-EEVH

Guatemala, 8 October 2025

**Ms Corinne Vargha,**  
**Director, ILO International Labour Standards**  
**Department,**  
**Geneva, Switzerland**

Dear Director,

I am writing to you with reference to official letter DM 2142-2025-MVCNP-UDAIT-EEVH of 24 September 2025, in which the Government of Guatemala submitted its progress report in relation to the complaint alleging non-observance 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 this regard and on the basis of information received from the judicial authorities on 1 October 2025, I wish to correct the information concerning reinstatements under the section entitled "Anti-union dismissals". The judicial authorities indicate that the data refers to the number of reinstatement proceedings and not to the number of cases resulting in reinstatement compared with the total reinstatement orders issued by the courts.

A reinstatement proceeding is understood to mean each procedural action within one case; that is, one case file may contain several proceedings. The number of proceedings is therefore substantially higher than the number of cases, as one worker whose reinstatement has been ordered may be the subject of various proceedings in the Auxiliary Services Centre within the labour justice administration before his or her effective reinstatement.

Consequently, the following corrected information is submitted, to replace the data in the table entitled "Reinstatement proceedings" of the communication dated 25 September 2025:

| Years 2019–2021                                             |              |
|-------------------------------------------------------------|--------------|
| Reinstatement orders                                        | <b>2 052</b> |
| Reinstatements carried out after acceptance by the employer | <b>1 331</b> |

The judicial authorities note that the collegial peace court in criminal matters that was established to consider cases of non-compliance with labour decisions has been operational since 10 February 2023. As at 20 August 2025, the court had received 1 130 cases, 714 of which had been settled.

After criminal proceedings were initiated, 182 reinstatements were recorded as having been carried out, 83 of which in the private sector and 99 in the public sector (of the latter, 60 were at the municipal level).

Moreover, as of the same date, 178 cases concerning non-compliance with labour decisions had resulted in convictions (30 of which in the private sector and 148 in the public sector; of those, 75 were at the municipal level).

The Government of Guatemala wishes to reaffirm, through the judicial authorities, its commitment to the principles of freedom of association and collective bargaining and to protection against anti-union dismissals.

I take this opportunity to renew to you the expression of my highest consideration.

(signed)

Miriam Catarina Roquel

Minister of Labour and Social Welfare,  
Ministry of Labour and Social Welfare

## ► Appendix II

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### Assessment of the joint ILO, IOE and ITUC mission, and identification of a series of priority actions to assist with the implementation of the road map on freedom of association

1. The purpose of the mission's visit at the request of the Government of Guatemala was to assist with the implementation of the road map on freedom of association.
2. The mission recalls that, in the previous visit by the ILO, the IOE and the ITUC in September 2022, a series of issues were identified, in conjunction with the CNTRLLS, that should be a priority focus of the ILO's actions and technical assistance in relation to the road map.
3. The mission also recalls that: (i) at the 111th Session of the International Labour Conference in June 2023, various Workers' delegates filed a complaint against the Government of Guatemala under article 26 of the ILO Constitution alleging non-observance of Conventions Nos 87 and 98; and (ii) when it examined the complaint in March 2025, the ILO Governing Body requested the Government of Guatemala to continue intensifying its efforts to implement Conventions Nos 87 and 98, and requested the Office to continue expanding its technical assistance programme to ensure further progress in the implementation of the referred Conventions.
4. The mission welcomes the ongoing commitment of the three national constituents to tripartite social dialogue within the framework of the CNTRLLS.
5. The mission has taken note of the Government's clear determination to make progress in the implementation of the road map, which has been reflected in the adoption of a number of concrete initiatives. At the same time, the mission has noted persistent structural problems that continue to seriously undermine the full exercise of freedom of association and collective bargaining. The mission observes that overcoming these challenges requires the involvement of all the state powers and competent public institutions.
6. While underscoring that the road map is fully applicable in its entirety, the mission notes the continued relevance of the seven areas of priority action identified by the joint ILO, IOE and ITUC mission in September 2022, and the importance of addressing certain additional topics, giving full consideration to the guidance provided by the ILO supervisory bodies.
7. The mission believes that, in accordance with the Governing Body decision of March 2025, there is both a need and an opportunity to expand and strengthen the technical assistance of the Office in relation to the points described below with a view to supporting the state authorities and social partners in their activities over the next 12 months. The mission highlights that, at its final meeting, it received comments and input from the CNTRLLS on the points mentioned.

#### 1. Action against anti-union violence

##### 1(a) Prevention of and protection from acts of anti-union violence

It is noted that the Ministry of the Interior made efforts to: (i) reactivate the Ministry's trade union technical round table; (ii) adopt, in consultation with trade union organizations, the Protocol for the implementation of immediate and preventive security measures for trade union members, officers, activists and leaders, and labour rights activists, and on the provision of premises for their activities (hereinafter the Protocol for the implementation of security

measures); and (iii) strengthen the mechanism for reporting anti-union violence through the 1543 emergency hotline.

Note was also taken of the Committee on Freedom of Association's request to identify, with the participation of the social partners, the main risk areas for anti-union violence at the regional and sectoral levels, with a view to taking effective preventive measures.

**Second semester of 2025: (i) The Ministry of the Interior adopts the Protocol for the implementation of security measures, on the basis of input from the trade union organizations; and (ii) the revised version of the governmental order establishing the body responsible for analysing attacks against trade union leaders and trade unionists is adopted, on the basis of input from the social partners (responsible party: Ministry of the Interior).**

**From the second semester of 2025 and throughout 2026: (i) The trade union technical round table of the Ministry of the Interior is reactivated on a lasting basis; (ii) the Ministry of the Interior, the Public Prosecutor's Office and the Ministry of Labour and Social Welfare, in consultation with the CNTRLLS, establish a mechanism to map anti-union violence hotspots (responsible parties: Ministry of the Interior, Public Prosecutor's Office, Ministry of Labour and Social Welfare).**

#### **1(b) Action against impunity for acts of anti-union violence**

Note was taken of the Public Prosecutor's Office indication of: (i) the priority given to the investigation of acts of anti-union violence by its special investigation unit; (ii) the challenges faced in investigating older cases of murder of trade union members; and (iii) its interest in having greater clarity regarding the type of information requested by the ILO supervisory bodies in relation to the investigation of acts of anti-union violence. The mission also took note of the statement of the Public Prosecutor's Office that not all murders reported to the Office necessarily had an anti-union motive. The importance of having the social partners' views on the matter was emphasized. During the discussions held with the Ministry of the Interior and the Public Prosecutor's Office, the possibility was raised of incorporating a historical memory approach into the criminal response to the older cases of anti-union violence in order to give social recognition to the incidents, provide access to reparations and help end the phenomenon.

**Immediate action: Contact between the ILO and the Public Prosecutor's Office regarding the format of the information on anti-union violence required by the ILO supervisory bodies and concerning the collection and consolidation of data relating to the various murders reported to the Committee on Freedom of Association (responsible party: ILO).**

**Second semester of 2025 and throughout 2026: (i) The trade union technical round table of the Public Prosecutor's Office is reactivated on a lasting basis (responsible party: Public Prosecutor's Office); (ii) regular meetings between the Public Prosecutor's Office, the Ministry of the Interior and the CNTRLLS are re-established (responsible parties: Public Prosecutor's Office, Ministry of the Interior, CNTRLLS); and (iii) the Government considers, in consultation with the social partners, the possibility of establishing an inter-institutional commission for the historical memory of anti-union violence and reparation (responsible parties: Government, CNTRLLS, social partners).**

## 2. Legislative reform

### (a) Bill 5508 (providing legislative recognition of the CNTRLLS)

It was noted that: (i) at the time of the meeting between the mission and the Congress of the Republic, Bill 5508, presented in October 2018, had yet to undergo its third reading by Congress in plenary sitting; (ii) on the basis of its meeting with the mission, the first Vice-President of Congress, Mr Jorge Castro, promised to propose that the bill be considered by the plenary sitting of Congress as soon as possible.

At the time of finalizing the present document, the mission was informed that: (i) Bill 5508 had indeed been sent to Congress for the third reading in plenary sitting; and (ii) the bill had been rejected at the plenary sitting in the vote that took place on 2 September 2025.

**Immediate actions:** (i) The Government and the employers' and workers' representatives immediately intensify their lobbying efforts with Congress in order for Congress to once again consider a law recognizing the CNTRLLS as soon as possible (responsible parties: Government, social partners); and (ii) the ILO Office in San José actively supports these initiatives (responsible party: ILO).

### (b) Bill 6162 (right to organize in the public sector; essential services and strike: criminal sanctions that could affect the exercise of the right to strike)

It was noted that: (i) four of the bill's seven articles had been rejected by the opinion of the Parliamentary Labour Commission of October 2024; (ii) the CNTRLLS had decided that it would request, through one congressman, that the text be sent to the Labour Commission during the review of the bill by Congress in plenary sitting in order to obtain the approval of all seven articles of the bill agreed in a tripartite manner; and (iii) the Vice-President of Congress had promised to propose that the Executive Council of Congress include both bills on the agenda of the plenary.

**Immediate actions:** (i) The Government and the employers' and workers' representatives immediately intensify their lobbying efforts for Bill 6162 to be considered as soon as possible by the plenary of Congress and resent to the Parliamentary Labour Commission for review (responsible parties: Government, social partners); and (ii) the ILO Office in San José actively supports these lobbying efforts (responsible party: ILO).

**Short-term actions:** (i) The Government and the employers' and workers' representatives continue their lobbying efforts for the Parliamentary Labour Commission to issue a favourable opinion on all seven articles of the bill agreed in a tripartite manner and for the bill to be considered and adopted by Congress during the first semester of 2026 (responsible parties: Government, social partners, Parliamentary Labour Commission); (ii) the ILO Office assists with the organization of a joint workshop with the CNTRLLS and the Parliamentary Labour Commission on the contents of the bill (responsible party: ILO); and (iii) the Director of the ILO Office in San José continues offering his good offices (responsible party: ILO).

### (c) Tripartite agreements of August 2018 on guiding principles for reforming legislation on sectoral unions, sectoral bargaining and certain aspects of the right to strike

It is observed that: (i) tangible progress on the matter has yet to be made since the ILO, IOE and ITUC mission of September 2022; (ii) the need to amend section 215(c) of the Labour

Code on the requirements for forming sectoral unions has repeatedly been the subject of observations and recommendations by the CEACR and the Committee on Freedom of Association; and (iii) the review of section 215(c) of the Labour Code is one of the elements of the complaint submitted in June 2023 under article 26 of the ILO Constitution. The mission emphasizes the importance of the issue and the need to build on the agreements reached in 2018. The mission recalls that technical assistance is available from the Office.

**Actions in the second semester of 2025:** (i) The CNTRLLS retains this point as a priority in its work plan (**responsible party: CNTRLLS**); and (ii) the Office prepares a proposal on providing technical assistance and support and facilitating tripartite dialogue with the international social partners (**responsible party: ILO**).

**First semester of 2026:** Start of the implementation of technical assistance and bipartite and tripartite dialogues on the legislative reform concerning the above-mentioned points (**responsible parties: national constituents, CNTRLLS, ILO, IOE, ITUC**).

### 3. Trade union registration

Note is taken of the tangible efforts of the Ministry of Labour and Social Welfare to expedite the registration of trade union organizations, particularly through the provisional registration mechanism and the holding of technical round tables to resolve specific issues. At the same time, it is observed that the persistent bottlenecks must be examined and resolved in the light of ILO standards and comparative experience.

**Second semester of 2025: Organization of a workshop with the Ministry of Labour and Social Welfare and trade union confederations to identify the persisting cross-cutting bottlenecks with the in-person or online support of the standards specialist from San José and to determine the appropriate means of resolving them (responsible party: Ministry of Labour and Social Welfare).**

**First quarter of 2026: Organization of a follow-up workshop with the in-person or online support of the standards specialist from San José (responsible party: Ministry of Labour and Social Welfare).**

### 4. Negotiation and approval of collective agreements

#### (a) In the private sector

The consultation and the imminent adoption of a regulation for the approval of collective agreements in the private sector was noted. It was recalled that: (i) control should be restricted to ensuring the absence of serious flaws regarding form and ensuring compliance with the minimum standards laid down by the general labour legislation; and (ii) this formality must be as streamlined as possible. The mission recalls that technical assistance is available from the Office regarding the content of the regulation.

**Second semester of 2025: After having finalized the consultation with the social partners, the Government adopts a regulation for the approval of collective agreements in the private sector that, in accordance with Convention No. 98 and the Collective Bargaining Convention, 1981 (No. 154), promotes and streamlines free and voluntary collective bargaining (responsible party: Ministry of Labour and Social Welfare).**

## (b) In the public sector

Note was taken of: (i) the highly sensitive nature of this matter and the existence of numerous related disputes; and (ii) the significant divergence of views between workers and the Government concerning concepts such as the scope of negotiations on financial matters, the definition of the employer party in the negotiations, the principles of legality and non-regression, acquired rights, the autonomy of the parties and the stewardship role of the public authorities. The existence of important observations by the ILO supervisory bodies was recalled, underscoring the need to review the applicable legislation concerning both the bargaining processes and the approval of collective agreements in the public sector.

Note was taken of the interest of the Government and workers in the analysis conducted by Professor Pablo Topet in October 2024 and of their willingness to continue receiving technical assistance from the Office.

**Second semester of 2025: A mission is carried out by Professor Topet to provide guidance on his analysis and to support the parties in building a normative framework that respects the right to collective bargaining and is suited to the specificities of the State, in accordance with Article 1(3) of Convention No. 154 (responsible party: ILO).**

**2026: ILO technical support in finalizing the draft regulations on collective bargaining and the approval of collective agreements in the public sector, and the preparation and implementation of a training programme for the various authorities and workers on collective bargaining the public sector in the light of ILO standards (responsible party: ILO).**

## 5. Collective labour relations in the municipal sector

The existence of numerous disputes between municipalities and trade union organizations, as observed by the ILO supervisory bodies, was noted. A number of cases of non-compliance with orders for the reinstatement of municipal workers were observed, which ultimately place a burden on the state budget. The mission's meeting with the Chairperson of the National Association of Municipalities served to highlight the importance of: (i) creating a stable channel for dialogue between the Association and the Ministry of Labour and Social Welfare; (ii) creating stable forums for social dialogue to address labour relations in the municipal sector; (iii) studying in greater detail the various challenges facing labour relations in the municipal sector and the exercise of freedom of association; and (iv) training the relevant municipal actors on freedom of association and collective bargaining.

**Immediate action: Follow-up by the Ministry of Labour and Social Welfare to the meeting with the Chairperson of the National Association of Municipalities with a view to creating a joint forum for dialogue to address issues of common interest, facilitate the settlement of disputes and decide on long-term action to improve labour relations in the municipalities sector (responsible party: Ministry of Labour and Social Welfare).**

**First semester of 2026: Preparation by the ILO of an analysis of labour relations in the municipal sector with specific recommendations (responsible party: ILO).**

**Second semester of 2026: Dissemination and discussion of the analysis and preparation by the Ministry of Labour and Social Welfare of an action plan in consultation with the National Association of Municipalities and trade union confederations (responsible parties: Ministry of Labour and Social Welfare, National Association of Municipalities, ILO).**

## 6. Role of the General Labour Inspectorate in the protection of freedom of association

Note was taken of a number of initiatives taken by the Ministry of Labour and Social Welfare to enhance the conduct of labour inspections, particularly with regard to freedom of association. These initiatives include: (i) the increase in the number of labour inspectors in 2025 and efforts to ensure their training and integrity; and (ii) the conduct of inter-institutional inspections in the maquila sector. The need to strengthen and continue these initiatives was observed. Note was also taken of the position expressed by trade union organizations regarding the need to ensure greater effectiveness of labour inspections in matters pertaining to trade union rights.

**Actions throughout 2025 and 2026: (i) Continue increasing the number of inspectors (responsible party: Ministry of Labour and Social Welfare); (ii) training by the ILO on freedom of association and collective bargaining in the light of ILO standards (responsible party: ILO); and (iii) preparing, with ILO technical support, a specific protocol for labour inspections concerning freedom of association (responsible parties: Ministry of Labour and Social Welfare, ILO).**

## 7. Legal protection against anti-union dismissals and enforcement of reinstatement orders

The significant steps taken by the Chamber of Constitutional Protection of the Supreme Court of Justice to streamline court proceedings in labour matters and improve the level of compliance with court-issued reinstatement orders were noted. Special note was taken of: (i) the results achieved by the collegial peace court in criminal matters, established in 2023, specialized in dealing with offences of non-compliance with court-issued reinstatement orders; (ii) the establishment of new labour and mixed chambers throughout the country; (iii) efforts to process the numerous *amparo* applications filed concerning labour matters in a more efficient and expeditious manner, including by harmonizing legal criteria; (iv) the use of artificial intelligence in managing case files; and (v) the ILO's participation in the training of judges.

Note was also taken of the importance of strengthening and redoubling these efforts to build on the initial results achieved, especially with regard to the time frames for obtaining final decisions on anti-union dismissals and compliance with court-issued reinstatement orders.

The analysis conducted by the Office in 2024 was recalled, which contains a number of findings and recommendations, relating in particular to inter-institutional coordination between the judiciary, the Public Prosecutor's Office and the Ministry of Labour and Social Welfare in matters pertaining to protection against anti-union discrimination.

**First semester of 2026: Reviewing, through a mission, the findings and recommendations of the ILO's analysis with the judiciary and other competent authorities and, on the basis of the discussion, determining subsequent support from the ILO (responsible parties: ILO, Ministry of Labour and Social Welfare, judiciary).**

**Throughout 2026: ILO training for judges on the use of international labour standards in court, and actions to include a permanent module on international labour standards and freedom of association in the judicial school's curriculum (responsible parties: ILO, judiciary).**

## 8. Awareness-raising campaign

The Ministry of Labour and Social Welfare's activities to promote freedom of association in various institutional and media forums were noted.

It is highlighted that the CEACR underscored the importance of expanding the awareness-raising campaign to reach sectors, characterized by a very low unionization rate, such as the agricultural, rural and maquila sectors.

It is recalled that, during the joint mission in 2022, the possibility was considered that the Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations, in connection with the human rights policy developed by the employers, might devise and disseminate awareness-raising and information materials among its members on the employers' role regarding the exercise of freedom of association. The possibility was also raised that the campaign might include promoting good practices with respect to collective labour relations (for example, through an annual award from the CNTRLLS).

**Action during the second semester of 2025: The CNTRLLS is invited to consider the points mentioned above (responsible party: CNTRLLS).**

## 9. Functioning of the CNTRLLS

### 9(a) General aspects

Note was taken of the improvement in the management of the discussions conducted by the CNTRLLS, of the strong commitment of the national constituents to this forum, and of the shared willingness to continue strengthening its operation and institutional framework, in particular through the adoption of Bill 5508.

Note was taken of the workers' request: (i) to ensure the functional and organizational independence of the CNTRLLS by granting it its own physical space and technical secretariat separate from the Ministry of Labour and Social Welfare; and (ii) for the ILO to continue building the capacities of the three sectors comprising the CNTRLLS.

**Actions throughout 2025 and in 2026: (i) The CNTRLLS continues considering potential improvements to its internal functioning (responsible party: CNTRLLS); and (ii) the ILO provides training to build the capacity of the three sectors comprising the CNTRLLS (responsible party: ILO)**

### 9(b) Subcommittee on dispute settlement

It was noted that, while a mediator profile had been determined, the subcommittee on dispute settlement was still not functioning. The options of having a single mediator or a pool of various qualified persons were given.

**Second semester of 2025: The CNTRLLS decides whether to opt for a single mediator or a panel of mediators (responsible party: CNTRLLS).**

**First semester of 2026: The CNTRLLS identifies the mediator or mediators of the subcommittee on dispute settlement (responsible party: CNTRLLS).**

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**The ILO, the IOE, the ITUC and the national tripartite constituents agree to hold three virtual follow-up meetings on these priority actions in the next 12 months (for instance, in November 2025, and May and September 2026).**