



Governing Body

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Institutional Section

INS

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Reports of the Committee on Freedom of Association

413th Report of the Committee on Freedom of Association

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► Introduction

1. The Committee on Freedom of Association (CFA), set up by the Governing Body at its 117th Session (November 1951), met at the International Labour Office, Geneva from 19 to 21 March 2026 under the chairmanship of Professor Evance Kalula.
2. The following members participated in the meeting: Mr Benedicto Ernesto Bitonio Jr (Philippines) (virtually), Mr Akira Isawa (Japan), Mr Pascal Appréderisse (France), Mr Sandro Lunard Nicoladeli (Brazil), Mr Siphon Ndebele (South Africa) and Ms Ramatoulaye Niang (Senegal); Employers' group Vice-Chairperson, Mr Thomas Mackall, and members, Mr Juan Mailhos, Mr Kaizer Moyane, Ms Miriam Pinto, Mr Atul Sobti and Mr Fernando Yllanes; Workers' group Vice-Chairperson, Ms Amanda Brown, and members, Mr Anthony Baah, Ms Sylvia Choo, Mr Gerardo Martínez, Mr Magnus Norddahl and Mr Jeffrey Vogt.

* * *

3. Currently, there are **96** cases before the Committee in which complaints have been submitted to the governments concerned for their observations. At its present meeting, the Committee examined **15** cases on the merits, reaching conclusions in **one** definitive report, **four** reports in which the Committee requests to be kept informed of developments and interim conclusions in **ten** cases; the remaining cases were adjourned for the reasons set out in the following paragraphs. The Committee recalls that it issues "definitive reports" when it determines that the matters do not call for further examination by the Committee beyond its recommendations (which may include follow-up by the government at national level) and the case is effectively closed for the Committee, "interim reports" where it requires further information from the parties to the complaint and "reports in which it requests to be kept informed of developments" in order to examine later the follow-up given to its recommendations.

Examination of cases

4. The Committee appreciates the efforts made by governments to provide their observations on time for their examination at the Committee's meeting. Effective cooperation with the Committee's procedures supports the efficiency of the Committee's work and enables it to carry out its examination in the fullest knowledge of the circumstances in question. The Committee therefore urges governments to send information relating to cases in **paragraph 7**, and any additional observations in relation to cases in **paragraphs 9 and 10**, as soon as possible to enable their treatment in the most effective manner. Communications received after **13 April 2026** will not be taken into account for cases examined at its next session in the absence of compelling circumstances in the judgment of the Committee.

Serious and urgent cases which the Committee draws to the special attention of the Governing Body

5. The Committee considers it necessary to draw the special attention of the Governing Body to Cases Nos 2318 (Cambodia), 2508 (Islamic Republic of Iran), 2923 (El Salvador), 3263 (Bangladesh) and 3269 (Afghanistan) because of the seriousness and urgency of the matters dealt with therein. The Committee recalls in this regard that, in accordance with paragraph 54 of its procedures, it considers as serious and urgent those cases involving human life or

personal freedom, or new or changing conditions affecting the freedom of action of a trade union movement as a whole, cases arising out of a continuing state of emergency and cases involving the dissolution of an organization.

Case examined by the Committee in the absence of a government reply

6. The Committee deeply regrets that it was obliged to examine the following case without a response from the Government: 3269 (Afghanistan).

Urgent appeals: Delays in replies

7. As regards Cases Nos 2254 (Bolivarian Republic of Venezuela) and 3249 (Haiti), the Committee observes that despite the time that has elapsed since the submission of the complaints or the issuance of its recommendations on at least two occasions, it has not received the observations of the Governments. The Committee draws the attention of the Governments to the fact that, in accordance with the procedural rules set out in paragraph 17 of its 127th Report, approved by the Governing Body, it may present a report on the substance of these cases at its next meeting if the observations or information have not been received in due time. The Committee accordingly requests the Governments to transmit or complete their observations or information as a matter of urgency.

Observations requested from governments

8. The Committee is still awaiting observations or information from the Governments concerned in the following cases: 3448 (Guinea-Bissau), 3452 (Argentina), 3472 (El Salvador), 3473 (Bolivarian Republic of Venezuela), 3476 (Burkina Faso), 3497 (Costa Rica), 3498 (Algeria), 3500 (Costa Rica), 3501 (Argentina), 3502, 3503 and 3504 (Colombia), 3506 (Romania), 3510 (Mali), 3511 (Guatemala) and 3513 (Argentina). If these observations are not received by its next meeting, the Committee will be obliged to issue an urgent appeal in these cases.

Partial information received from governments

9. In Cases Nos 2265 (Switzerland), 2761 (Colombia), 3023 (Switzerland), 3074 (Colombia), 3184 (China), 3271 (Cuba), 3383 and 3384 (Honduras), 3413 (Plurinational State of Bolivia), 3419 (Argentina), 3425 (Eswatini), 3445 (El Salvador), 3453 and 3454 (Mexico), 3459 (Honduras), 3461 (Guatemala), 3462 (Mexico), 3470 (Colombia), 3475 and 3480 (Argentina), 3484 and 3491 (Paraguay), 3493 (Honduras), 3496 (Peru), 3509 (Brazil) and 3518 (Peru), the Governments have sent partial information on the allegations made. The Committee requests all these Governments to send the remaining information without delay so that it can examine these cases in full knowledge of the facts.

Observations received from governments

10. As regards Cases Nos 2609 (Guatemala), 3148 (Ecuador), 3157 (Colombia), 3179 (Guatemala), 3185 (Philippines), 3203 (Bangladesh), 3218 (Colombia), 3233 (Argentina), 3258 (El Salvador), 3277 (Bolivarian Republic of Venezuela), 3321 (El Salvador), 3337 (Jordan), 3358 (Argentina), 3395 (El Salvador), 3405 (Myanmar), 3423 (Colombia), 3434 (Algeria), 3451 (Bolivarian Republic of Venezuela), 3458 (Republic of Korea), 3468 (Saudi Arabia), 3471 (Colombia), 3485 (Argentina), 3486 (India), 3492 (Colombia), 3499 (Panama), 3507 (Ecuador), 3508 (Peru) and 3512 (Ecuador), the Committee has received the Governments' observations and intends to examine the substance of these cases as swiftly as possible.

New cases

11. The Committee adjourned until its next meeting the examination of the following new cases which it has received since its last meeting: Cases Nos 3514 (Spain), 3515 (Colombia), 3516 (Argentina), 3517 (Spain), 3519 (Argentina), 3520 (Bangladesh), 3521 (Türkiye), 3522 (France), 3523 (Peru) and 3524 (New Zealand) since it is awaiting information and observations from the Governments concerned. These cases relate to complaints submitted since the last meeting of the Committee.

Admissibility of complaints

12. In accordance with the decision taken in its March 2021 report (GB.341/INS/12/1), the Committee has decided, based on its criteria for filtering out complaints for which it considered it would not be in a position to provide pertinent recommendations under its mandate (including the time elapsed since the alleged matters occurred; the treatment and follow-up of the matter at national level (that is, ongoing consideration by independent bodies); insufficient evidence or support of the freedom of association violation alleged and its consideration at international level or absence of a link to freedom of association or collective bargaining), that it was not in a position to provide pertinent recommendations under its mandate with respect to **one** complaint received between November 2025 and March 2026 and therefore decided not to examine it.

Voluntary conciliation

13. In its March 2021 report (GB.341/INS/12/1), the Committee decided to adopt a similar approach of optional voluntary conciliation for complaints as has been adopted with respect to representations under article 24 of the ILO Constitution. In June 2024, the Committee took note that the parties in Case No. 3466 (Chile), the Federation of National Congress Associations (FEDACON), the National Association of Fiscal Employees (ANEF) and the Single Central Organization of Workers of Chile (CUT), and the Government agreed to refer the dispute to voluntary conciliation at the national level. The parties have so far been engaged in the conciliation process.
14. In November 2025, the Committee took note that the parties in Case No. 3467 (Zimbabwe), the Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ) and the Public Services International (PSI) and the Government agreed to refer the dispute to voluntary conciliation at the national level. In its communication dated 27 January 2026, the Government informs of the initial steps of the national conciliation process in this case and indicates that the tripartite stakeholders have agreed that this process should be allowed to continue. The parties continue to engage in the conciliation process.
15. In November 2025, the Committee also took note that the parties in Case No. 3494 (Chile), the National Inter-company Union of Industrial Construction and Related Activities (SINACIN) and the Government, as well as the parties in Case No. 3489 (Chile), the National Association of Fiscal Employees of the Chilean Public Ministry (ANF) and the Government agreed to refer the disputes to voluntary conciliation at the national level. The parties have so far been engaged in the conciliation processes. The Committee recalls that the ILO fully supports the resolution of disputes at national level and is available to assist the parties in this regard.
16. The Committee recalls that the parties in Case No. 3482 (Chile), the National Union of Intercompany Workers (SME) and the Government had referred the dispute to voluntary conciliation at the national level. The Committee takes note of a communication dated

26 January 2026 from the Government of Chile indicating that, within the framework of the conciliation process, an agreement has been reached on the matters that gave rise to the case. The Committee takes note of the text of the agreement and, in light of the foregoing, considers that the case is closed.

Article 24 representations

17. The Committee has received certain information from the Government of Chile with respect to one of the article 24 representations presented in 2023. The Committee intends to examine it as swiftly as possible.
18. The Committee is awaiting the Governments' full replies in respect of the article 24 representations concerning Argentina (two representations presented in 2021), Chile (one representation presented in 2023 and three representations presented in 2024), Serbia and Sudan.
19. The Committee notes that the parties in one article 24 representation concerning Chile (presented in 2024), one representation concerning Canada (2024) and one concerning Uruguay (2024) remain engaged in a voluntary conciliation procedure.
20. The Committee draws the Governing Body's attention to the report presented by its committee appointed according to the Standing Orders under article 24 of the Constitution to examine a representation against the Government of Uruguay for 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), (GB.356/INS/19/4).

Transmission of cases to the Committee of Experts

21. The Committee draws the legislative aspects of Cases Nos 3263 (Bangladesh), 3406 (China – Hong Kong Special Administrative Region) and 3465 (Serbia) as a result of the ratification or applicability 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), to the attention of the Committee of Experts on the Application of Conventions and Recommendations.

► Cases in follow-up

22. The Committee examined **three** cases in paragraphs **23** to **34** concerning the follow-up given to its recommendations and concluded its examination with respect to and therefore closed **two** cases: 3375 (Panama) and 3392 (Peru).

Case No. 3027 (Colombia)

23. The Committee last examined this case concerning allegations of anti-union liquidation of a company in the agri-food sector at its March 2024 meeting [see 405th Report, paras 276–308]. On that occasion, the Committee requested the Government to examine with the social partners the necessary measures to strengthen the mechanisms for protecting freedom of association in the event of liquidation of companies. The Committee requested the Government to keep it informed in this regard.

24. The complainant organization submitted additional information in communications dated 15 April and 9 September 2024. The Government submitted its observations in communications dated 4 May 2024 and 18 February 2026.
25. In its two communications, the complainant organization reiterates its previous allegations that the liquidation of a company in the agri-food industry (hereinafter “the company”) was driven by anti-union motivations and that its production activities continue to be carried out by another company with which the company merged, in the same plant, with the same machinery, but with non-unionized personnel.
26. In its communication of 4 May 2024, the Government stated that the information it had previously provided to the Committee remained fully valid. In its communication of 18 February 2026, the Government indicates that: (i) at the request of the complainant organization, a meeting was held on 17 February 2026 at the Ministry of Labour, with the Deputy Minister of Labour Relations and Inspection, during which a detailed review of the case and the Committee’s recommendations was conducted; (ii) the Ministry of Labour is drafting a decree on preventive measures that incorporates guidelines for the Supervisory Authority for Companies on liquidation processes; (iii) in light of the Committee’s previous recommendations requesting a thorough investigation into the possible anti-union nature of the dismissal of unionized workers from the company in conjunction with its liquidation [see 376th Report of the Committee, para. 300.b)], the possibility of reopening the requested investigation to determine whether acts of anti-union discrimination have taken place has been arranged; and (iv) the Government will inform the Committee of the results of the investigation and of any regulatory measures that may be adopted.
27. *The Committee takes due note of the information provided by the Government regarding the conduct of a new investigation into the facts of the present case and the preparation of a decree on preventive measures in liquidation proceedings. The Committee requests the Government to keep it informed of any developments in this regard.*

Case No. 3375 (Panama)

28. The Committee last examined this case concerning a situation of competing lists of claims and a dispute over representativeness in a pineapple-exporting enterprise at its June 2022 meeting [see 399th Report, paras 230–247]. On that occasion, the Committee requested both the Government and the complainant organization to: (i) indicate whether the Union of Agroindustry and Related Industry Workers of Panama (SITAIP) had had the opportunity to challenge in court the labour administration’s decision concerning the dispute over representativeness and, if so, to provide information on the outcome of those proceedings; and (ii) provide information on the outcome of the investigations carried out by the Office of the Ombudsperson into the allegations of favouritism towards the Ananas Trading Inc. Panama S.A. Workers’ Union (SITRAATI). The Committee also requested the Government to indicate the reasons for which the Ministry of Labour and Employment Development (MITRADEL) had decided to suspend the strike action initiated by SITAIP.
29. The Government submitted its observations in a communication dated 29 December 2023. Regarding the conflict between SITAIP and SITRAATI, the Government reiterates that it was up to SITRAATI to negotiate the list of claims, as it had the largest number of workers affiliated at the time. It also indicates that, after receiving a request for mediation from SITAIP, the Office of the Ombudsperson issued a resolution dated 16 August 2022, in which: (i) it concluded that the claim raised a substantive debate unrelated to the subject matter of mediation, and (ii) it specified that it could only receive requests for mediation or complaints relating to conflicts

between the public administration and individuals, and that the background to the claim was a labour dispute between a private enterprise and its workers. With regard to the strike initiated by SITAIP, the Government indicates that MITRADEL decided to suspend this procedure due to legal defects affecting the list of claims that was being processed, ordering the return of that list on 6 November 2019. The Government also reports that the above-mentioned enterprise ceased operations more than two years ago.

30. *Taking note of the above, the Committee expects that the Government will duly take its previous recommendations into account in the future. In these circumstances and noting that it has not received any further information from the complainant organization since the complaint was lodged, the Committee considers that this case does not call for further examination and is closed.*

Case No. 3392 (Peru)

31. The Committee last examined this case concerning allegations of harassment and subsequent dismissal of Mr Luis Rolando Samán Cuenca, General Secretary of a brewery workers' union, as a result of social media posts during the COVID-19 pandemic, at its meeting in June 2024 [see 407th Report, paras 383–404]. On that occasion, the Committee expected that the proceedings pending final judgment (on aggravated defamation and nullity of dismissal) would be resolved without delay, taking into account the criteria set out in its conclusions in relation to the freedom of expression of trade union organizations and its scope, and requested the Government to keep it informed in this regard.
32. The Government transmitted its observations in communications dated 7 April and 24 July 2025, which contain information provided by the company regarding the aforementioned proceedings pending final judgment. With regard to the proceedings on aggravated defamation, according to the information provided by the Government, the company indicates that, by resolution dated 10 March 2025, the Second Permanent Single-Member Criminal Court of Ate issued an order declaring the criminal action time-barred in favour of Mr Samán Cuenca, thereby concluding the criminal proceedings in all respects without a ruling on the merits of criminal liability. With respect to the proceedings concerning the nullity of dismissal, the company indicates that, by decision dated 8 July 2024, the Fourth Transitional Constitutional and Social Law Chamber of the Supreme Court of Justice of the Republic declared the cassation appeal filed by the company inadmissible.
33. *With regard to the proceedings for aggravated defamation, the Committee recalls that Mr Samán Cuenca had been acquitted at first and second instance in 2021, but that the Supreme Court of Justice had overturned these judgments on procedural grounds and ordered a new judgment to be handed down. In this regard, the Committee takes due note of the issuance of an order declaring the criminal action time-barred in favour of Mr Samán Cuenca.*
34. *With respect to the proceedings for nullity of dismissal, the Committee recalls that the claim filed by the worker had been upheld in the first and second instances, and that the reinstatement of Mr Samán Cuenca in the company had been ordered, which the company had complied with temporarily while the cassation appeal filed by the company was being resolved. Noting that this appeal was dismissed in 2024, the Committee trusts that Mr Samán Cuenca has been permanently reinstated in the company. In these circumstances, the Committee considers that this case does not call for further examination and is closed.*

Status of cases in follow-up

35. Finally, the Committee requests the Governments and/or complainants concerned to keep it informed of any developments relating to the following **50** cases.

Case No.	Last examination on the merits	Last follow-up examination
2096 (Pakistan)	March 2004	October 2020
2177 (Japan)	June 2025	–
2183 (Japan)	June 2025	–
2603 (Argentina)	November 2008	November 2012
2637 (Malaysia)	March 2009	October 2024
2715 (Democratic Republic of the Congo)	November 2011	June 2014
2797 (Democratic Republic of the Congo)	March 2014	–
2807 (Islamic Republic of Iran)	March 2014	June 2019
2871 (El Salvador)	June 2014	June 2015
2976 (Türkiye)	June 2013	November 2025
2889 (Pakistan)	March 2016	October 2020
2925 (Democratic Republic of the Congo)	March 2013	March 2014
3011 (Türkiye)	June 2014	November 2015
3018 (Pakistan)	June 2023	–
3046 (Argentina)	November 2015	–
3054 (El Salvador)	June 2015	–
3062 (Guatemala)	October 2024	–
3078 (Argentina)	March 2018	–
3098 (Türkiye)	June 2016	November 2017
3100 (India)	March 2016	–
3167 (El Salvador)	November 2017	–
3182 (Romania)	November 2016	–
3183 (Burundi)	March 2017	March 2025
3202 (Liberia)	March 2018	–
3248 (Argentina)	October 2018	–
3257 (Argentina)	October 2018	–
3289 (Pakistan)	June 2018	October 2020
3313 (Russian Federation)	November 2021	–
3315 (Argentina)	March 2025	–

Case No.	Last examination on the merits	Last follow-up examination
3325 (Argentina)	November 2025	–
3339 (Zimbabwe)	March 2022	–
3242 (Paraguay)	March 2025	–
3360 (Argentina)	March 2023	–
3368 (Honduras)	November 2023	–
3369 (India)	November 2022	–
3374 (Bolivarian Republic of Venezuela)	October 2021	October 2024
3380 (El Salvador)	October 2024	–
3401 (Malaysia)	March 2022	June 2025
3424 (Cambodia)	October 2024	–
3427 (Togo)	November 2023	–
3430 (Republic of Korea)	June 2023	–
3436 (Republic of Korea)	October 2024	–
3437 (Ecuador)	October 2023	November 2025
3438 (Peru)	October 2024	–
3439 (Republic of Korea)	March 2024	–
3449 (Mexico)	October 2024	–
3457 (Republic of Korea)	November 2025	–
3463 (Argentina)	November 2025	–
3479 (Malaysia)	November 2025	–
3495 (Ecuador)	November 2025	–

36. The Committee hopes that these Governments will quickly provide the information requested.

37. In addition, the Committee has received information concerning the follow-up of Cases Nos 1787, 2362 and 2434 (Colombia), 2528 (Philippines), 2566 (Islamic Republic of Iran), 2583 and 2595 (Colombia), 2656 (Brazil), 2684 (Ecuador), 2699 (Uruguay), 2706 (Panama), 2716 (Philippines), 2723 (Fiji), 2753 (Djibouti), 2755 (Ecuador), 2758 (Russian Federation), 2763 (Bolivarian Republic of Venezuela), 2852 (Colombia), 2882 (Bahrain), 2896 (El Salvador), 2902 (Pakistan), 2946 (Colombia), 2948 (Guatemala), 2949 (Eswatini), 2952 (Lebanon), 2954 (Colombia), 2979 (Argentina), 2980 (El Salvador), 2982 (Peru), 2985 (El Salvador), 2987 (Argentina), 2995 (Colombia), 3006 (Bolivarian Republic of Venezuela), 3020 (Colombia), 3022 (Thailand), 3024 (Morocco), 3030 (Mali), 3032 (Honduras), 3043 (Peru), 3059 (Bolivarian Republic of Venezuela), 3061 (Colombia), 3067 (Democratic Republic of the Congo), 3069 (Peru), 3075 (Argentina), 3076 (Maldives), 3095 (Tunisia), 3097 (Colombia), 3103 (Colombia), 3131 and 3137 (Colombia), 3139 (Guatemala), 3150 (Colombia), 3164 (Thailand), 3171 (Myanmar), 3172 (Bolivarian Republic of Venezuela), 3180 (Thailand), 3188 (Guatemala), 3191 (Chile), 3194 (El Salvador), 3210 (Algeria), 3220 (Argentina), 3236 (Philippines), 3240 (Tunisia), 3272 (Argentina),

3278 (Australia), 3279 (Ecuador), 3283 (Kazakhstan), 3285 (Plurinational State of Bolivia), 3287 (Honduras), 3288 (Plurinational State of Bolivia), 3316 (Colombia), 3317 (Panama), 3323 (Romania), 3341 (Ukraine), 3342 (Peru), 3343 (Myanmar), 3347 (Ecuador), 3359 (Peru), 3364 (Dominican Republic), 3385 (Bolivarian Republic of Venezuela), 3397 (Colombia), 3402 (Peru), 3404 (Serbia), 3407 (Uruguay), 3408 (Luxembourg), 3410 (Türkiye), 3412 (Sri Lanka), 3415 (Belgium), 3421 (Colombia), 3440, 3477 (Peru) and 3478 (Türkiye) which it will examine as swiftly as possible.

Closure of follow-up cases

38. In its November 2018 report (GB.334/INS/10), the Committee informed the Governing Body that, from that moment onwards, any cases in which it was examining the follow-up given to its recommendations, for which no information has been received either from the government or from the complainant for 18 months since the last examination of the case would be considered closed. At its current session, the Committee applied this rule to the following case: No. 3388 (Albania).

Case No. 3269

Interim report

Complaint against the Government of Afghanistan presented by

- the National Union of Afghanistan Workers and Employees (NUAWE)

supported by

- the International Trade Union Confederation (ITUC)

Allegations: The complainant organization denounces violations of trade union rights by the Government, in particular the issuance of a unilateral decision on confiscation of trade union premises and property without a court order

39. The Committee last examined this case (submitted in March 2017) at its June 2024 meeting, when it presented an interim report to the Governing Body [see 407th Report, paras 57–74, approved by the Governing Body at its 351st Session (June 2024)].¹
40. The International Trade Union Confederation (ITUC) presented additional information in a communication dated 17 February 2026.
41. At its meeting in November 2025 [see 412th Report, para. 7], the Committee made an urgent appeal to the de facto authorities indicating that, in accordance with the procedural rules set out in paragraph 17 of its 127th Report, approved by the Governing Body, it could present a

¹ [Link to previous examination.](#)

report on the substance of the case, even if the requested information or observations had not been received in due time. To date, the de facto authorities have not sent any information.

42. Afghanistan has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), or the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

A. Previous examination of the case

43. At its June 2024 meeting, the Committee made the following recommendations [see 407th Report, para. 74]:
- (a) The Committee firmly urges the de facto authorities to ensure that the matters first giving rise to this complaint, in particular as regards the confiscation of the complainant's properties, are addressed without delay. It expects a rapid decision of the Courts concerning the legal claim of the National Union of Afghanistan Workers and Employees (NUAWE) in this regard and requests the de facto authorities to provide detailed information on the status of the court proceedings and indicate any steps taken to comply with the final decision once it is made.
 - (b) The Committee urges the de facto authorities to provide detailed observations on the allegations concerning the freezing of the union's bank accounts without judicial authorization, the failure to renew the union's licence rendering its operations illegal, as well as the serious allegations contained in the International Trade Union Confederation (ITUC) communication of May 2022 on threats against trade unionists forcing their exile and the confiscation, in March 2022, of the NUAWE's properties and documents, including in the provinces. The Committee also requests the de facto authorities to provide its observations on the latest communication of the NUAWE, dated April 2024, indicating that none of the Committee's previous recommendations were implemented.
 - (c) The Committee urges the de facto authorities to clarify whether the 2016 decree can indeed lead to administrative intervention in or control over trade union affairs and whether, in particular, administrative suspension or dissolution of a trade union could be a possible consequence of the review undertaken and, if so, invites the de facto authorities to amend the 2016 decree to ensure that this is not possible.
 - (d) In light of the current circumstances in the country, the Committee requests the de facto authorities to take all necessary measures to ensure that all workers' and employers' organizations may carry out their legitimate trade union activities in a climate that is free from violence, pressure and threats of any kind.
 - (e) Recalling the importance attached to social dialogue in the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), the Committee once again recalls that the technical assistance and support of the Office is available in this regard with a view to the effective implementation of recommendations (a) to (d).
 - (f) The Committee draws the Governing Body's attention to the serious and urgent nature of this case.

B. Additional information from the complainants

44. In a communication dated 17 February 2026, the ITUC submitted supplemental information regarding the case, detailing alleged violations of trade union rights by the de facto authorities. The complainant deplores the current situation in the country, asserting that there is no respect or protection for labour rights and civil liberties. The ITUC reports that trade unions are effectively banned, with leaders forced into exile and union members subjected to attacks. Furthermore, the complainant denounces the fact that women are prohibited from working

and participating in trade union activities and are facing gender-based violence and harassment.

45. The ITUC provides specific details regarding the illegal seizure of movable and immovable assets belonging to the National Union of Afghan Workers and Employees (NUAWE), emphasizing that these assets are the collective property of the workers. Specifically, the ITUC reports the seizure of a three-story building with an approximate area of 1,000 square meters located in Dehmazang, Kabul city. The complainant states that this building was purchased more than 40 years ago using workers' membership contributions and that the NUAWE holds official legal ownership documents. According to the allegations, the de facto authorities have deliberately destroyed this building without providing any official explanation or accountability to the union. In addition, the complainant asserts that more than 100 residential apartments belonging to the NUAWE have been confiscated and are currently being misappropriated. The ITUC adds that the de facto authorities have intensified threats and coercion against the union to force the handover of all relevant documents.
46. Furthermore, the complainant alleges that the organizational structure of the NUAWE has been hijacked and unlawfully taken over by the de facto authorities. The ITUC reports that the de facto authorities have imposed Mr Mawlawi Abdulmatin Mawlawi Zada as the head of the union, noting that he has never been a member of the NUAWE and that his appointment is contrary to the union's constitution. The complainant expresses deep concern that the new leadership has subjected former union members to threats, harassment, and intimidation, placing their personal safety at imminent risk. Mr Mohammad Wahid, a former employee and union member, and Mr Abdul Wasi Nouri, the elected head of Panjshir Province, are formally identified as individuals currently facing these threats. Consequently, the ITUC urges the Committee to direct the de facto authorities to unconditionally return all NUAWE property and ensure that workers' organizations can operate in a climate free from violence and pressure.

C. The Committee's conclusions

47. *The Committee deeply regrets that, for the third time in succession, the de facto authorities have not provided any response to its recommendations, despite having been requested several times to do so, including through an urgent appeal. In fact, the de facto authorities have not provided any response since they seized control of Afghanistan. The Committee reminds the de facto authorities that they remain answerable for their actions affecting the respect, promotion and realization of the fundamental principles on freedom of association in Afghanistan and that it is in the context of exercising its mandate meaningfully that the Committee seeks the cooperation of the de facto authorities.*
48. *Under these circumstances and in accordance with the applicable procedural rule [see 127th Report, approved by the Governing Body at its 184th Session (1971), para. 17], the Committee is obliged to present a new report on the substance of the case without being able to take account of the information that it hoped to receive.*
49. *Once again, the Committee reminds the de facto authorities that the purpose of the whole procedure established by the International Labour Organization for the examination of allegations of violations of freedom of association is to ensure respect for trade union rights in law and in practice. The Committee urges the de facto authorities to cooperate with it in discharging the obligation to realize the fundamental principles of freedom of association for which they remain responsible.*
50. *The Committee recalls that this long-standing case concerns allegations of confiscation by the State authorities, by virtue of a decree dated 31 August 2016, of legitimately acquired trade union premises and property without a court order, including attempts at violent takeover and occupation*

of the NUAWÉ offices by the police and the armed forces, as well as the freezing of the union's bank accounts, failure to renew its licence and the hindering of freedom of expression and the press.

51. During its last examination of the case, the Committee noted the complainant's report of April 2024 informing that despite attempts by union representatives to engage with the *de facto* authorities in Kandahar and Kabul to address the confiscation of union properties and other outstanding issues, these meetings yielded no results. The Committee further noted that none of its previous recommendations had been implemented: the union's bank accounts remained frozen without judicial authorization, its licence was not renewed, and the 2016 decree (which, in addition to ordering the seizure of the complainant's premises and their transfer under state ownership, gave mandate to the Ministry of Justice to review the continuation of the activities of the NUAWÉ) continued to threaten the union's existence. The Committee also noted with concern that the NUAWÉ leadership, including Mr Qaderi (the signatory of the complaint before the Committee), remained in exile due to threats, while those remaining in the country faced a climate of intimidation that paralysed legitimate trade union activities.
52. The Committee notes the additional information provided by the ITUC in a communication dated 17 February 2026, which raises serious allegations regarding the violation of trade union rights by the *de facto* authorities. The Committee notes with deep concern the statement that the current situation in the country is characterized by a lack of respect for labour rights and civil liberties, where trade unions are effectively banned, leaders are in exile, and women are prohibited from participating in work or trade union activities while facing gender-based violence.
53. Regarding the allegations concerning trade union property, the Committee notes the specific information provided regarding the illegal seizure and destruction of assets belonging to the NUAWÉ. The Committee observes the allegation that a three-story building in Dehmazang, Kabul, which was purchased over 40 years ago through workers' membership contributions, has been deliberately destroyed by the *de facto* authorities without any official explanation or accountability. The Committee further notes the allegation that more than 100 residential apartments belonging to the NUAWÉ have been confiscated and are currently being misappropriated, and that the union faces intensified coercion to hand over ownership documents. In this regard, the Committee must emphasize once again that a climate of violence, in which attacks are made against trade union premises and property, constitutes serious interference with the exercise of trade union rights; such situations call for severe measures to be taken by the *de facto* authorities (see **Compilation of decisions of the Committee on Freedom of Association**, sixth edition, 2018, para. 289).
54. The Committee further notes with deep concern the allegations that the organizational structure of the NUAWÉ has been hijacked by the *de facto* authorities. The Committee observes that the *de facto* authorities have reportedly imposed Mr Mawlawi Abdulmatin Mawlawi Zada as the head of the union, despite the fact that he has never been a member of the NUAWÉ and that this appointment violates the union's constitution. The Committee firmly recalls that the public authorities should refrain from any interference which might restrict the exercise of the right of workers' organizations to elect their own representatives freely, whether as regards the holding of trade union elections, eligibility conditions or the re-election or removal of representatives (see **Compilation**, para. 590).
55. Finally, the Committee expresses its deep concern regarding the allegations of threats, harassment, and intimidation directed against former union members by the newly imposed leadership. The Committee notes the specific reports that the safety of Mr Mohammad Wahid, a former employee and union member, and Mr Abdul Wasi Nouri, the elected head of Panjshir Province, is at imminent risk. The Committee must recall that freedom of association can only be exercised in conditions in which fundamental human rights, and in particular those relating to human life and personal safety,

*due process and the protection of premises and property belonging to workers' and employers' organizations, are fully respected and guaranteed (see **Compilation**, para. 83).*

56. *The Committee notes with deep regret the lack of responsiveness from the de facto authorities and the absence of any concrete measures to resolve the long-standing grievances of the NUAWÉ, particularly regarding the restitution of confiscated property and the guarantee of safety for trade union leaders and members. The Committee observes with grave concern that this prolonged inaction has in fact been exacerbated by actions further undermining freedom of association, including more recent destruction and confiscation of property, hijacking of the union organizational structure, and increased harassment, and has worsened conditions, forced union leaders to remain in exile, and effectively paralysed the activities of the NUAWÉ. This has deprived workers of their legitimate right to representation and collective defence of their interests.*
57. *The Committee firmly urges the de facto authorities to take immediate measures to ensure the physical safety of union leaders and members, to ensure that the NUAWÉ may carry out its legitimate activities in a climate free from interference, violence, and coercion, and to take immediate steps to discharge the obligation to realize freedom of association, for which they remain responsible. The Committee is obliged to refer the de facto authorities to its conclusions from its last examination [see 407th Report, paras 62–74] and to recall its previous recommendations.*

The Committee's recommendations

58. **In the light of its foregoing interim conclusions, the Committee invites the Governing Body to approve the following recommendations:**
 - (a) **The Committee deeply regrets that, since it last examined this case, the de facto authorities have not provided their observations, although they have been invited on several occasions, including by means of an urgent appeal. The Committee is obliged to refer the de facto authorities to its conclusions from its last examination and to recall its previous recommendations.**
 - (b) **The Committee firmly urges the de facto authorities to take immediate measures to ensure the physical safety of union leaders and members, to ensure that the NUAWÉ may carry out its legitimate activities in a climate free from interference, violence, and coercion, and to take immediate steps to discharge the obligation to realize freedom of association, for which they remain responsible..**
 - (c) **The Committee draws once again the Governing Body's attention to the serious and urgent nature of this case.**

Case No. 3263

Interim report

Complaint against the Government of Bangladesh presented by

- the International Trade Union Confederation (ITUC)
- IndustriALL Global Union (IndustriALL) and
- UNI Global Union (UNI)

Allegations: The complainant organizations allege serious violations of freedom of association rights by the Government, including arbitrary arrest and detention of trade union leaders and activists, death threats and physical abuse while in detention, false criminal charges, surveillance, retaliation, intimidation, acts of anti-union discrimination and interference in union activities, as well as excessive use of police force during peaceful protests and the lack of investigation of these allegations

59. The Committee last examined this case (submitted in February 2017) at its October–November 2024 meeting, when it presented an interim report to the Governing Body [see 408th Report, paras 172–209 approved by the Governing Body at its 352nd Session]. ²
60. The International Trade Union Confederation (ITUC) provided additional information in a communication dated 2 October 2025.
61. The Government provided its observations in communications dated 12 and 14 November 2025 and 3 February 2026.
62. Bangladesh has ratified 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).

A. Previous examination of the case

63. At its October–November 2024 meeting, the Committee made the following recommendations on the matters still pending [see 408th Report, para. 209]:
 - (a) The Committee urges the Government to ensure that a thorough, independent and impartial investigation is conducted into allegations of excessive use of force against minimum wage protestors in Gazipur in November 2023, and to keep it informed of the process and outcome of this investigation. It also urges the Government to provide information as to the outcome of the investigations already initiated on the circumstances of death of four workers during the protests.

²[Link to previous examination.](#)

- (b) The Committee invites the complainant to provide details regarding the four leaders of independent unions arrested in relation with minimum wage protests of November 2023 and the charges they have faced. It further requests the Government to indicate whether any workers or union leaders remain in detention in relation to the protests, to provide information on any criminal cases filed against workers in this regard and to ensure the release of any workers detained for exercising their trade union activities. The Committee further requests the Government to drop any charges against Mr Miya that would be based on his exercise of legitimate trade union activities, including organization of public demonstrations in protest to the minimum wage measures taken by the Government, and to provide information on the status of the criminal case filed against him.
- (c) The Committee requests the Government to continue to provide details on the functioning of the CFA Case Monitoring Committee, the efforts undertaken to expedite the resolution of the pending cases and the results achieved.
- (d) The Committee urges the Government to ensure full consultation of all relevant social partners in relation to the Bangladesh Labour Act amendment process and to keep it informed of any developments in this respect.
- (e) The Committee urges the Government to ensure that the circumstances of the deaths of seven protesting workers in the power plant construction site in Banshkhali, Chattogram on 17 April 2021, as well as the incidents in factories D, E and F, and the death of the worker killed during the 2018–19 minimum-wage protests are thoroughly investigated, and do all in its power to ensure that the investigations lead to the clarification of facts and identification and punishment of perpetrators. It further requests the Government to keep the Committee informed of the steps taken in this regard and the outcome thereof. The Committee further requests the Government to provide information on the outcome of its initiative to establish a dedicated investigatory body in this regard within the Ministry of Home Affairs.
- (f) The Committee once again urges the Government to take the necessary steps to ensure that an independent inquiry into the allegations of ill-treatment of trade unionists arrested and detained in the aftermath of the 2016 Ashulia strike is instituted without further delay. It requests the Government to keep it informed of the steps taken in this regard.
- (g) The Committee expects the Government to take adequate measures to accelerate the handling of the remaining cases filed against workers in the aftermath of the 2016 Ashulia strike and the 2018–19 minimum wage protests, and to provide information on the status and outcome of those proceedings. It further requests the Government to ensure that no worker or trade unionist is charged and prosecuted for exercising their legitimate trade union activities, including the right to freedom of assembly, and to provide information on the status and outcome of the pending cases against workers of factories E and F and the SS power plant in Banshkhali.
- (h) The Committee expects that the trial of Secretary-General of the BGIWF and 23 other union leaders and members and workers of factories G and H will be rapid and that they will benefit from all the safeguards of a normal judicial procedure. It requests the Government to keep it informed of the status of the cases.
- (i) The Committee urges the Government to take any measures in its power to ensure that the case concerning Ms Chowdhury's complaint of anti-union discrimination is concluded without further delay and to provide information on the status and outcome of the case. It further requests the Government to take all the necessary measures to ensure that the procedures of examination of complaints of anti-union discrimination are prompt and impartial and considered as such by the parties concerned. The Committee further requests the Government to provide information on whether the Labour Court order concerning anti-union practices in factory C has become final and been implemented.
- (j) The Committee urges the Government to ensure that the avenues for processing complaints of retaliation, surveillance, intimidation and harassment of workers for the

exercise of their trade union activities referred to by it are widely known, including to this Committee, and effective access to these mechanisms is available to all.

- (k) The Committee urges the Government to provide copies of the curriculum for in-service training of police officers regarding labour and human rights and civil liberties.
- (l) The Committee expresses the firm hope that the conclusions and recommendations it has been making in this case over many years will assist the current and future Governments to take steps towards the development of a constructive and harmonious industrial relations climate where freedom of association can be exercised free from violence, intimidation and fear.
- (m) The Committee draws the attention of the Governing Body to the serious and urgent nature of this case.

B. The complainant's additional allegations

- 64. In its communication dated 2 October 2025, the ITUC alleges the occurrence of new cases of anti-union violence, ongoing challenges to registration, the continued absence of effective protection against anti-union discrimination, both in law and in practice, and legislative gaps in the proposed amendments to the Bangladesh Labour Act (BLA).
- 65. In particular, the complainant alleges that, despite the 2023 change in government, there has been little change in the prevailing approach of the police who continue to view labour protests as political agitation and use restrictive measures and excessive force to control them. In this regard, the complainant alleges that, in response to a labour protest in Narayanganj in April 2024 demanding payment of unpaid salaries, the police used batons, tear gas, water cannons and rubber bullets. In September 2024, workers' protests over unpaid benefits in Ashulia developed into a violent clash between the protesters and the police, resulting in 1 worker being shot dead and 20 others injured. A week later, two minor workers were shot while participating in a protest against a factory closure. In May 2025, paramilitary forces, Special Weapons and Tactics (SWAT) units and Rapid Action Battalion (RAB) units were deployed in the area of ministries to prevent rallies by civil servants who were staging a days-long protest against an ordinance permitting the Government to dismiss employees via show-cause notices, bypassing formal disciplinary procedures. Furthermore, in June 2025, the National Board of Revenue (NBR) was declared an essential service in response to a sit-in protest and work stoppage by staff who were objecting to NBR restructuring. The complainant further alleges that although the interim government established a temporary grievance committee to address the root causes of labour unrest, which reached an 18-point tripartite agreement on the garment sector in September 2024, concerns remain regarding the enforcement of this agreement, since labour protests have persisted, with workers demanding payment of outstanding benefits and compensation for factory closures, and protesting against employers' non-compliance with the tripartite agreement.
- 66. The complainant further alleges that registration of trade unions remains difficult, with persistent obstacles encountered both in the online and offline systems, including deliberate postponement and obstruction to union registration by labour officers, and that the Government's training on registration is merely ceremonial, with no consultation or involvement of the unions. In this regard, the complainant points to the concrete situation of the Ship Building Workers' Union, which has been awaiting registration for 14 years. The case has been before the courts since the initial rejection of registration in August 2011, and although the High Court recently confirmed the union's registration, it referred to an incorrect name; the union therefore reapplied for registration with the correct name but it was again refused, on the grounds that the application was incomplete. Even when the necessary

documents were provided, an on-site inspection was conducted, followed by an objection to the registration from the Ministry of Labour. The union's appeal against the refusal of its registration is currently pending.

67. Regarding the Committee's previous recommendations, the complainant provides details on the four unionists it alleged had been arrested and detained following the 2023 minimum wage protests. Mr Babul Hossain, General Secretary of the Bangladesh Garment Workers' Solidarity (BGWS) was arrested in November 2023 on false charges of arson and vandalism but was granted bail and released in January 2024 with his lawyer claiming that he had been arrested without any specific charges or allegations. Three other unionists – Mr Mohammad Jewel Miya, leader of the Bangladesh Independent Garment Workers Federation (BIGWUF), Mr Mizanur Rahman, organizer of the Akota Garments Workers Federation (AGWF) and Mr Amzad Hossen Jewel – were arrested in October and November 2023 and later released on bail but remain under remand, facing serious criminal charges of attempted murder, alongside 700–800 other unnamed persons.
68. The complainant further alleges the continued absence of effective protection against anti-union discrimination, both in law and in practice, pointing, in particular, to the long-standing anti-union discrimination cases filed by 22 members of the Grameenphone Employees Union (GPEU) and the lack of support from the Government to conclude these cases. The complainant alleges that the Government neither investigated the anti-union discrimination practices at the workplace nor facilitated the use of alternative dispute settlement mechanisms despite the union's willingness to do so. There has therefore been no effective enforcement mechanism of the Labour Court's decisions, even though these were upheld by the Supreme Court. As a result, the cases of the union's President, Mr Omer Faruk, Vice President, Mr Muhammad Rasulul Amin and communication secretary, Ms Adeeba Zerin Chowdhury, are still pending, 15 years after their dismissal, with the company having filed several petitions to obstruct the hearings.
69. Finally, the complainant points to the BLA amendment process, indicating that while the participation of trade unions has been more inclusive, several crucial gaps remain to align the BLA with Conventions Nos 87 and 98, particularly in relation to trade union registration, the definition of workers, protection against anti-union discrimination and intervention in trade union activities, as well as on the right to strike and the need to strengthen labour courts.

C. The Government's reply

70. In its communications dated 12 and 14 November 2025 and 3 February 2026, the Government provides its observations on the Committee's previous recommendations and replies to the complainant's additional allegations.
71. Regarding the Committee's previous recommendations on the allegations stemming from the November 2023 minimum wage protests (excessive use of police force, detention and criminal charges against trade unionists), the Government indicates that two cases were filed in connection with the death of four workers during the protests, which are currently under investigation by the police. It further states that the four unionists arrested for their involvement in the 2023 minimum wage protests – Mr Babul Hossain, Mr Mohammad Jewel Miya, Mr Mizanur Rahman and Mr Amzad Hossen Jewel – were released from prison. While the criminal cases against Mr Hossain and Mr Miya were settled (one was closed due to lack of evidence and in the other the plaintiff withdrew the complaint), the cases against Mr Jewel and Mr Rahman remain pending but both accused were granted bail and were released from prison. The Government adds, more broadly, in relation to the criminal cases filed against

workers in the aftermath of the labour protests, that the CFA Case Monitoring Committee remains steadfast in resolving long-standing cases in an expedited manner by actively monitoring progress, reviewing updates, identifying areas for coordination and maintaining close communication with relevant individuals and organizations. All of the 45 cases filed after the 2023 minimum wage protests have been settled showing the interim Government's unwavering commitment to addressing pending cases. The Government provides the relevant judicial decisions in Bangla.

72. With regard to investigations into the incidents in the SS power plant construction site in Banshkhali, Chattogram, in factories D, ³ E ⁴ and F ⁵ and during the 2018–19 minimum wage protests, which resulted in the death of numerous workers and injuries to many others, the Government indicates that, in each case, the inquiry was duly conducted by the relevant authority and the investigation report was submitted to the court. In particular, the Government indicates that: (i) two cases remain under investigation concerning the SS power plant construction site incident; (ii) in relation to protests at factory D, one case was concluded and one is pending regarding the death of a worker; and (iii) a case is under trial concerning the incident at factory E. The Government further affirms, in relation to the above incidents, as well as the alleged ill-treatment of arrested unionists following the 2016 Ashulia strike, that it remains vigilant in case of wrongdoings by law enforcement agencies, including through the CFA Case Monitoring Committee, and that any investigations in the criminal system are fully conducted by different branches of the police, in line with the Code of Criminal Procedure. The Government also states that any police officer involved in an offence while discharging their duty is subject to departmental proceedings and disciplinary action.
73. With regard to the remaining cases pending against workers following the 2016 Ashulia strike, the 2018–19 minimum wage protests and in relation to incidents in factories E, F, G ⁶ and H ⁷ and the SS power plant construction site, the Government states that : (i) of the ten cases originally filed against workers after the 2016 Ashulia strike, only one case remains pending and is expected to be finalized soon; (ii) of the 36 cases originally filed in the aftermath of the 2018–19 minimum wage protests, one additional case was closed with all defendants acquitted since the Committee's previous examination of the case; only three cases are therefore pending; (iii) the case filed against workers by factory E is currently on trial while the case filed by factory F was settled in January 2026 without framing any charges; (iv) two cases filed against the General Secretary of the Bangladesh Garment and Industrial Workers' Federation (BGIWF) and 23 other union leaders and members of factories G and H were settled; and (v) two cases filed against workers of the SS power plant are under investigation by the police.
74. With regard to the judicial proceedings following the complaint of anti-union dismissal of Ms Adeeba Zerin Chowdhury, Communication Secretary of the Grameenphone Employees Union (GPEU), the Government informs that the trials of almost all plaintiffs had been completed and that Ms Chowdhury's cross-examination is scheduled to continue in February 2026. The Government adds that the case concerning anti-union practices in factory C ⁸ was transferred to another court and is pending. As to the more general concerns of a lack of

³ Lenny Fashions and Lenny Apparels.

⁴ Tivoli Apparels Ltd.

⁵ Goriyang Fashions Ltd.

⁶ Crossline Factory Pvt. Ltd.

⁷ Crossline Knit Fabrics Ltd.

⁸ Dhaka Hides and Skin Ltd.

protection against acts of anti-union discrimination raised by the complainant, the Government reiterates that it has instituted a standard operating procedure (SOP) for handling complaints of anti-union discrimination, which ensures that all cases are examined promptly, impartially and in a manner that is considered fair and credible by all parties concerned. The Government also emphasizes, in relation to the accessibility of complaint mechanisms for anti-union discrimination, that the SOP ensures transparency and procedural integrity and has been disseminated through labour offices, tripartite platforms and awareness initiatives to ensure that workers, employers and stakeholders – including this Committee – are well informed of their rights and the avenues available for redress. In this respect, the Government expresses its commitment to ensuring that all affected individuals have effective access to redress mechanisms and indicates that the latest BLA amendments introduce in the law a prohibition on the blacklisting of workers and unionists. Furthermore, the Ministry of Home Affairs, in collaboration with the ILO, is actively reviewing and updating the existing training curriculum and developing new modules reflecting international labour standards which, once updated, will be provided to the Committee.

75. As to the legislative review of the BLA, the Government indicates that extensive consultations were held through tripartite bodies, including the Tripartite Consultative Council (TCC) and the Tripartite Law Review Committee (TLRC), which had been reformed to ensure genuine workers' and employers' representation. After consensus was reached on most of the key issues, the BLA amendment was approved by the Advisory Committee of the Cabinet Division, sent for final vetting and promulgated through gazette notification on 17 November 2025. The BLA is therefore currently in force and, following national elections, the Ordinance will be placed before Parliament for endorsement as an Act. In reply to the complainant's allegations that there are legislative gaps in the proposed amendments, the Government asserts that the Office has provided technical assistance throughout the amendment process and that the recommendations of the Committee of Experts on the Application of Conventions and Recommendations (Committee of Experts) were the main focus of the amendment, in addition to issues raised by stakeholders and development partners. The Government highlights some of the proposed changes, which include a prohibition on blacklisting, increased penalties for anti-union discrimination, provision of compensation to workers and a simplification of the registration process.
76. Regarding the registration process and the persistent obstacles to registration alleged by the complainant, the Government indicates that the BLA amendment proposes to simplify the registration process by removing unnecessary and restrictive requirements, lowering the threshold for forming a trade union and reducing the amount of information, documents and meetings required. It also establishes a committee to review and oversee trade union registration, including cases of rejection. According to the Government, both online and offline application processes continue to operate so as to facilitate registration and steps are being taken to make the online system more user-friendly. Concerning the concrete allegations of delayed registration of the Ship Building Workers' Union, the Government provides details on the reasons for rejecting the application, which it considers was conducted in line with the requirements set out in the BLA, both when the application was rejected in 2011 and in 2025. The reasons for refusal included lack of support of the required number of workers to establish a trade union, failure to submit proof of being employed in the specific industry of the group of establishments and submission of false information.
77. In relation to the complainant's latest allegations on the use of force to restrain and control protests in 2024, the Government indicates that, since 2023, it has acted swiftly to respond to numerous factory closures and worker unrest, extending financial support and initiating

broad-based consultations with all stakeholders, so as to stabilize the situation. In particular, through the Government's active facilitation, employers and workers reached a consensus on an 18-point set of demands, culminating in a joint declaration signed in September 2024. According to the Government, this important milestone paved the way to restoring industrial peace, addressing several critical concerns, including non-payment or delayed payment of wages and service benefits.

78. The Government concludes by stating that it is working to develop the necessary legal and administrative framework to prevent the recurrence of serious violations of freedom of association and to ensure appropriate remedial measures, including increased penalties for related offences.

D. The Committee's conclusions

79. *The Committee recalls that this case concerns allegations of serious violations of freedom of association rights by the Government, in particular through the action of police forces in the aftermath of a strike in garment factories in Ashulia in December 2016, including arbitrary arrest and detention of trade union leaders and activists, death threats and physical abuse while in detention, false criminal charges, surveillance of trade unionists, intimidation and interference in union activities. The complainants also alleged continued excessive use of police force during peaceful protests in December 2018 and January 2019, April and June 2021, February 2022, November 2023 and various instances in 2024, as well as criminal cases pending against workers who had participated in these protests. Additional allegations refer to systematic repression of trade union rights, including through anti-union acts by the employers, obstacles to registration, police violence and criminalization of trade union activities.*
80. *The Committee notes the complainant's additional allegations, including the use of force by the police to suppress workers' protests, persistent obstacles to registration and lack of protection against anti-union discrimination, as well as the Government's replies to these allegations and to the Committee's previous recommendations.*
81. *The Committee notes more specifically that the complainant alleges restrictive measures and excessive use of police force to control three labour protests in 2024. The complainant alleges police in April 2024 used batons, tear gas, water cannons, and rubber bullets. It alleges a protest in September 2024 developed into a violent clash between protesters and police, resulting in a worker being shot dead and 20 others injured. It alleges that two minors were shot while participating in a protest two weeks later. The Committee notes that the Government does not address these concrete incidents but instead emphasizes that it has acted swiftly to respond to worker unrest since 2023, extending financial support, initiating consultations with all stakeholders and facilitating the adoption of an 18-point tripartite agreement aimed at restoring industrial peace and addressing critical concerns including non-payment of wages and other benefits in the garment sector. The Committee notes that the complainant acknowledges the efforts of the interim Government to address the root causes of labour unrest in the garment sector but raises concerns as to the enforcement of the September 2024 tripartite agreement, alleging that continuing protests against persistent violations of labour rights suggest a failure to enforce the agreement. The complainant further alleges that the Government deployed paramilitary forces, SWAT units and Rapid Action Battalion units in 2025 to a days-long protest in the area of government ministries.*
82. *The Committee welcomes the Government's role in assisting the social partners to reach the 18-point agreement on critical labour issues that the Committee trusts will help achieve harmonious labour relations in the garment sector. The Committee further notes that, although workers continue to protest issues since the September 2024 agreement was reached, there have been no reports of*

violence against them. The Committee trusts that, with the Government's facilitation, the tripartite 18-point agreement will be implemented by all stakeholders in good faith so as to contribute to addressing the root causes of labour unrest and developing and nourishing harmonious labour relations in the garment sector. However, the Committee regrets that the Government has failed to provide any information regarding any concrete actions taken to investigate the incidents in 2024 alleged by the complainant, which resulted in deaths of and injuries to protesting workers, or to ensure accountability and redress for the victims. The Committee encourages the Government to investigate such incidents promptly and requests it to provide information on any concrete measures taken to investigate those incidents and the result thereof.

83. Regarding the Committee's previous recommendations, the Committee recalls that it had requested the Government to conduct independent and impartial investigations in relation to allegations of excessive use of force during several incidents, which resulted in the death of or injury to workers, including the 2018–19 minimum wage protests, the November 2023 minimum wage protests, incidents in the SS power plant construction site in Banshkhali, Chattogram and in factories D, E and F (recommendations (a) and (e)). In this regard, the Committee notes the updates provided by the Government, indicating in particular that: (i) two cases were filed in connection with the death of four workers during the November 2023 protests, which are currently under investigation by the police; (ii) two cases are under investigation concerning the power plant construction site incident; (iii) one case was concluded and one is pending regarding the death of a worker in relation to protests at factory D; and (iv) a case is under trial concerning the incident at factory E. While taking due note of the update on the pending court cases, the Committee observes that the Government does not provide any new concrete information as to the investigation into the death of a worker during the 2018–19 minimum wage protests or on the alleged use of excessive force that caused injuries to protesting workers in factory F (besides referring to a case filed by the management against the workers). The Committee also regrets to observe the lack of information on the Committee's previous request to conduct a thorough, independent and impartial investigation into the allegations of excessive use of force by the police during the November 2023 protests, separate from the individual court cases initiated into the death of the four workers, so as to determine the justification for the action taken by the police and to determine responsibilities. In particular, it is regrettable that the Government does not elaborate on the previously reported initiative to establish a dedicated investigatory body in this regard within the Ministry of Home Affairs but simply indicates that investigations of wrongdoing by the police are done by a separate police branch in line with the Code of Criminal Procedure and that any police officer involved in an offence while discharging their duty is subject to departmental proceedings and disciplinary action. The Committee recalls in this regard once again that in cases in which the dispersal of public meetings by the police has involved loss of life or serious injury, the Committee has attached special importance to the circumstances being fully investigated immediately through an independent inquiry and to a regular legal procedure being followed to determine the justification for the action taken by the police and to determine responsibilities [see **Compilation of decisions of the Committee on Freedom of Association**, para. 104]. In view of the above, the Committee urges the Government once again to ensure that a thorough, independent and impartial investigation is conducted into the allegations of excessive use of force against minimum wage protesters in Gazipur in November 2023 and to keep it informed of the process and the outcome thereof. The Committee trusts that the Government will pursue the initiative to establish a dedicated investigatory body in this regard within the Ministry of Home Affairs, as previously reported, so as to contribute to speedy and transparent fact-finding and oversight of the use of force by law enforcement agencies when addressing labour protests. The Committee further requests the Government to provide information on the progress made in the individual court cases currently pending in relation to the above incidents, including to provide the

lacking information on the investigations into the 2018–19 minimum wage protests and incidents in factory F.

84. *With regard to the arrest and detention of, and charges pending against, trade unionists following the 2023 minimum wage protests, the 2018–19 minimum wage protests, the 2016 Ashulia strike and the incidents in the SS power plant construction site and in factories E, F, G and H (recommendations (b), (g) and (h)), the Committee notes the Government's indication that: (i) none of the four unionists previously arrested in relation to the 2023 protests are currently detained; cases against Mr Hossain and Mr Miya were settled while cases against Mr Jewel and Mr Rahman are pending, with the accused currently on bail; (ii) all of the 45 cases filed after the 2023 protests have been settled; (iii) of the 36 cases originally filed in the aftermath of the 2018–19 minimum wage protests, only 3 are pending; (iv) out of 10 cases filed against workers after the 2016 Ashulia strike, only 1 case remains pending and is expected to be finalized soon; (v) 2 cases filed against workers of the SS power plant are under investigation by the police; (vi) the case filed by factory E against workers is currently before the courts while the case filed by factory F was settled in January 2026 without framing any charges; and (vii) two cases filed against the General Secretary of the BGIWF and 23 other union leaders and members of factories G and H were settled. The Committee takes note of this update and welcomes the closure of several cases. The Committee remains concerned, however, that some cases filed against workers in the aftermath of the above incidents have been pending for years, even as long as a decade. It should be recalled in this regard that the Committee has always attached great importance to the principle of prompt and fair trial by an independent and impartial judiciary in all cases, including cases in which trade unionists are charged with political or criminal offences. Justice delayed is justice denied [see **Compilation**, paras 176 and 170]. In this context, the Committee welcomes the commitment expressed by the interim Government to addressing long-standing cases pending against workers, in particular through the CFA Case Monitoring Committee, that the Government indicates actively monitors progress, identifies areas for coordination and maintains close communication with relevant individuals and organizations (recommendation (c)). The Committee requests the Government to provide further details as to the structure, functioning and achievements of the CFA Case Monitoring Committee and expects the Government to continue to ensure that is fully operational by providing adequate financial and human resources, as well as the necessary training. In view of the complainant's concerns that several unionists still face serious criminal charges following their involvement in the 2023 protests, the Committee trusts that these proceedings, as well as the other cases pending against unionists in relation to the above incidents, will be concluded without delay and requests the Government to keep it informed of their outcome.*
85. *Regarding the allegations of ill-treatment of unionists while in detention following the 2016 Ashulia strike (recommendation (f)), the Committee recalls that since its very first examination of this case, it has repeatedly requested the Government to institute an independent inquiry into the serious allegations of death threats, physical abuse and beatings of trade unionists in custody [384th Report, para. 169(a); 388th Report, para. 204(b); 392nd Report, para. 287(d), 400th Report, para. 109(b), 401st Report, para. 196(b) and 408th Report, para. 209(f)], and to keep it informed of the steps taken in this regard. The Committee regrets that the Government does not provide any concrete updates in this regard but simply affirms in general terms that it remains vigilant in case of wrongdoings by law enforcement agencies. In these circumstances, the Committee is bound to repeat the request it has been making since its very first examination of the case.*
86. *Concerning lengthy judicial proceedings following the complaint of Ms Adeeba Zerin Chowdhury, the GPEU Communication Officer, who alleged she was dismissed on anti-union grounds together with 22 other members of the Grameenphone Employees Union (recommendation (i)), the Committee notes that the complainant alleges the continued absence of effective protection against acts of anti-union discrimination, pointing in particular to a lack of action from the Government to conclude*

these lengthy anti-union discrimination proceedings, either through facilitation of alternative dispute settlement or by investigating the alleged practices at the workplace. While the complainant emphasizes that the cases have been pending for more than 15 years after the unionists' dismissal, with the company allegedly obstructing the judicial proceedings, the Government does not address this delay. The Government indicates that the hearings of cases of almost all plaintiffs were completed and that Ms Chowdhury's cross-examination is scheduled to continue in February 2026. The Committee notes that the Government adds, in relation to previously alleged anti-union practices at factory C, that the court case was transferred to another court and is currently pending. The Committee further notes the Government's assertion that the SOP for handling complaints of anti-union discrimination ensures prompt, impartial and credible examination of complaints, that the latest BLA amendment introduces a prohibition on blacklisting and that the Government remains committed to ensuring effective access to redress for all concerned individuals. The Committee takes due note of the efforts reported by the Government to tackle anti-union discrimination practices in the country, including through legislative amendments and ensuring accessible complaint procedures. The Committee also notes, however, the concerns raised by the complainant about the Government's lack of action to finalize the case of Ms Chowdhury and 22 other unionists who have been awaiting resolution of their cases for more than 15 years. The Committee is therefore obliged to recall that cases concerning anti-union discrimination should be examined rapidly, so that the necessary remedies can be really effective; an excessive delay in processing such cases constitutes a serious attack on the trade union rights of those concerned [see **Compilation**, para. 1139]. In light of the above, the Committee urges the Government once again to take any measures in its power to ensure that the case concerning Ms Chowdhury's complaint of anti-union discrimination, as well as those of the 22 other unionists, are concluded without further delay and to provide information on the status and outcome of these cases, as well as of the pending case of anti-union discrimination in factory C. The Committee further trusts that the adoption of the SOP on the handling of anti-union discrimination cases, together with the latest amendments to the BLA and adequate training of relevant officials, will contribute to the efficient handling of and redress for such complaints.

87. Regarding the previously reported development of a curriculum for in-service training of police officers (recommendation (k)), the Committee notes the Government's indication that, in collaboration with the Office, it is actively reviewing and updating the existing training curriculum and developing new modules reflecting international labour standards, which will be provided to the Committee once updated. Taking due note of this initiative and recalling that the link to the curriculum previously provided by the Government was dysfunctional, the Committee trusts that the curriculum will be updated without delay so as to provide a strong foundation for police officers on civil liberties as well as labour and human rights. The Committee requests the Government to provide copies of, or hyperlinks to, the updated curriculum, once available.
88. As to the allegations of continued obstacles to trade union registration, the Committee notes that according to the complainant, trade union registration, both through the online and offline systems, is characterized by deliberate postponements and obstruction by labour officers, while the Government asserts that both systems are functioning and adds that the ongoing BLA amendment removes unnecessary and restrictive requirements to registration, lowers the threshold for forming a trade union and reduces the amount of information, documents and meetings required, thus simplifying the registration process. The Committee further notes with concern the case of the Ship Building Workers' Union, whose registration was refused several times and has been pending for 14 years, as well as the Government's reply in this respect, indicating that the union's registration was rejected in line with the applicable legal requirements. The Committee does not have sufficient information at its disposal to assess the repeated refusal of registration of the Ship Building Workers' Union.. Recalling that a long registration procedure constitutes a serious obstacle to the establishment of organizations and amounts to a denial of the right of workers to establish

organizations without previous authorization [see **Compilation**, para. 463], the Committee welcomes the reported simplification of registration proposed in the BLA amendment and trusts that its implementation will minimize any arbitrary obstruction to registration and will facilitate trade union registration in practice. The Committee requests the Government to provide further details on the new registration requirements and their application in practice, once the BLA amendment is fully adopted, to the Committee of Experts, to which it refers this legislative aspect of the case. The Committee further requests the Government to ensure that the application for registration of the Ship Building Workers' Union is assessed by the competent authorities without delay and its registration granted, should the basic requirements be objectively fulfilled.

89. Regarding the legislative review of the BLA (recommendation (d)), the Committee notes the information provided by the Government that extensive consultations were held through reformed, genuinely tripartite bodies, that consensus was reached on most of the key issues, that the BLA amendment was promulgated through gazette notification in November 2025 and that, after the February 2026 general elections, it will be placed before Parliament for endorsement. While welcoming the promulgation of the Ordinance, as well as the Government's continued cooperation with the Office to address some of the concerns previously raised by the Committee of Experts, the Committee understands, from publicly available information, that should the Ordinance amending the BLA not be endorsed by the Parliament within 30 days after it has been laid before it, the Ordinance and thus the BLA amendment will lapse (article 93(2) of the Constitution of Bangladesh). In view of the above and further recalling that the Conference Committee on the Application of Standards and the Committee of Experts have, for numerous years, been examining the compatibility of national legislation with the Conventions on freedom of association ratified by Bangladesh, the Committee requests the Government to provide any further updates on the endorsement of the Ordinance by the Parliament, as well as a copy of the BLA as finally amended, to the Committee of Experts, to which it refers this legislative aspect of the case.
90. Finally, taking due note of the Government's commitment to developing the necessary legal and administrative framework to prevent the recurrence of serious violations of freedom of association and to ensure appropriate remedial measures, the Committee expresses the firm hope that the conclusions and recommendations it has been making in this case over many years will assist the current and future Governments to take steps towards the development of a constructive and harmonious industrial relations climate where freedom of association can be exercised free from violence, intimidation and fear.

The Committee's recommendations

91. In the light of its foregoing interim conclusions, the Committee invites the Governing Body to approve the following:
 - (a) The Committee encourages the Government to promptly investigate the new reported incidents of police violence in 2024 and requests the Government to provide information on any concrete measures taken to investigate those incidents and the results thereof. The Committee trusts that, with the Government's facilitation, the September 2024 tripartite 18-point agreement will be implemented by all stakeholders in good faith so as to contribute to addressing the root causes of labour unrest and developing and nourishing harmonious labour relations in the garment sector.
 - (b) The Committee urges the Government once again to ensure that a thorough, independent and impartial investigation is conducted into the allegations of excessive use of force against minimum wage protesters in Gazipur in November

2023 and to keep it informed of the process and the outcome thereof. The Committee trusts that the Government will pursue the initiative to establish a dedicated investigatory body in this regard within the Ministry of Home Affairs, as previously reported, so as to contribute to speedy and transparent fact-finding and oversight of the use of force by law enforcement agencies when addressing labour protests. The Committee further requests the Government to provide information on the progress made in the individual court cases currently pending in relation to the above incidents (the November 2023 minimum wage protests, the 2018–19 minimum wage protests, incidents in the SS power plant construction site in Banshkhali, Chattogram and in factories D, E and F).

- (c) The Committee requests the Government to provide further details as to the structure, functioning and achievements of the CFA Case Monitoring Committee and expects the Government to continue to ensure that it is fully operational by providing adequate financial and human resources, as well as the necessary training. The Committee trusts that all proceedings pending against unionists in relation to the above incidents (the 2023 minimum wage protests, the 2018–19 minimum wage protests, the 2016 Ashulia strike and the incidents in the SS power plant construction site and in factories E, F, G and H) will be concluded without delay and requests the Government to keep it informed of their outcomes.
- (d) The Committee once again urges the Government to take the necessary steps to ensure that an independent inquiry into the allegations of ill-treatment of trade unionists arrested and detained in the aftermath of the 2016 Ashulia strike is instituted without further delay. It requests the Government to keep it informed of the steps taken in this regard.
- (e) The Committee urges the Government once again to take any measures in its power to ensure that the case concerning Ms Adeeba Zerin Chowdhury's complaint of anti-union discrimination, as well as those of the 22 other unionists, are concluded without further delay and to provide information on the status and outcome of these cases, as well as of the pending case of anti-union discrimination in factory C. The Committee further trusts that the adoption of the standard operating procedure on the handling of anti-union discrimination cases, together with the latest amendments to the Bangladesh Labour Act (BLA) and adequate training of relevant officials, will contribute to the efficient handling of and redress for such complaints.
- (f) The Committee trusts that the curriculum for in-service training of police officers will be updated without delay so as to provide a strong foundation for police officers on civil liberties as well as labour and human rights. The Committee requests the Government to provide copies of or hyperlinks to the updated curriculum, once available.
- (g) The Committee trusts that the implementation of the simplified registration procedure included in the BLA amendment, as reported by the Government, will facilitate trade union registration in practice and minimize any arbitrary obstruction to registration. The Committee requests the Government to provide further details in this regard to the Committee of Experts on the Application of Conventions and Recommendations (Committee of Experts), to which it refers this legislative aspect of the case. The Committee further requests the Government to ensure that the application for registration of the Ship Building Workers' Union is

assessed by the competent authorities without delay and its registration granted, should the basic requirements be objectively fulfilled.

- (h) The Committee requests the Government to provide any further updates on the endorsement by the Parliament of the Ordinance amending the BLA, as well as a copy of the BLA as finally amended, to the Committee of Experts, to which it refers the legislative aspects of the case.
- (i) The Committee expresses the firm hope that the conclusions and recommendations it has been making in this case over many years will assist the current and future Governments to take steps towards the development of a constructive and harmonious industrial relations climate where freedom of association can be exercised free from violence, intimidation and fear.
- (j) The Committee draws the attention of the Governing Body to the serious and urgent nature of this case.

Case No. 2318

Interim report

Complaint against the Government of Cambodia presented by the International Trade Union Confederation (ITUC)

Allegations: The complainant organization denounces the murder of three trade union leaders and the continuing repression of trade unionists in the country

- 92. The Committee has already examined the substance of this case (submitted in January 2004) on numerous occasions since June 2005, and most recently at its March 2025 meeting where it issued an interim report, approved by the Governing Body at its 353rd Session [see 409th Report, paras 90–108].⁹
- 93. The Government provided its observations in written communications dated 16 September 2025 and 6 February 2026.
- 94. Cambodia has ratified 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).

A. Previous examination of the case

- 95. In its previous examination of the case, the Committee made the following recommendations [see 409th Report, para. 108]:
 - (a) The Committee firmly urges the Government to ensure that the reinvestigation report submitted by the police on the murder of Chea Vichea contributes to bringing this long-

⁹ [Link to previous examination.](#)

standing case to a conclusion and to ensuring that the perpetrators and the instigators of this heinous crime are brought to justice. The Committee requests the Government to provide a copy of the reinvestigation report and to keep it informed of progress made in the judicial proceedings, including to provide the relevant judgment.

- (b) The Committee urges the Government to provide all available information about the investigation into the circumstances of the murder of Hy Vuthy, including clarification as to the role played by Mr Phal Vannak and the outcome of the investigation which led to his conviction, as well as a copy of the Court of First Instance decision convicting Mr Phal Vannak.
- (c) The Committee firmly expects that, in the event an investigation into the alleged acts of ill-treatment and torture against Born Samnang and Sok Sam Oeun is requested by any of the parties to the National Commission on Reviewing the Application of the International Labour Conventions Ratified by Cambodia (NCRILC), the Government will take steps to ensure that such investigation is carried out without delay.
- (d) The Committee expects the Government to keep it duly informed of any concrete action undertaken by the NCRILC to resolve the outstanding issues of this case and to effectively implement the Committee's recommendations.
- (e) The Committee once again draws the Governing Body's attention to the serious and urgent nature of this case.

B. The Government's reply

- 96. In its communications dated 16 September 2025 and 6 February 2026, the Government provides observations regarding the outstanding recommendations of the Committee, specifically submitting judicial decisions and status updates concerning the murders of the trade union leaders.
- 97. Regarding the murder of Chea Vichea, the Government submitted Supreme Court Judgment No. 239, dated 25 September 2013. The Government indicates that the Supreme Court overturned the previous conviction by the Court of Appeal (Judgment No. 114 "KR II" of 27 December 2012). The Supreme Court found that the confession of the accused, Born Samnang, was inconsistent with the evidence and obtained under duress, and therefore lacked evidentiary value. Furthermore, the Court noted significant irregularities in the forensic evidence and the confiscation of the alleged murder weapon, concluding that the procedures violated the rights of the accused. Consequently, the Supreme Court acquitted both Born Samnang and Sok Sam Oeun of premeditated murder, ordered their release, and relieved them of any civil liability. Notably, the Court ordered the Prosecutor to cooperate with the Phnom Penh Municipal Court to continue the investigation to identify the actual perpetrator of the murder of Chea Vichea.
- 98. In its latest communication, the Government adds that the Phnom Penh Municipal Police has completed the reinvestigation into this case and submitted the report to the Prosecutor's Office of the Phnom Penh Court of First Instance. Judicial proceedings are currently ongoing in the case. The Government asserts that although the reinvestigation faced challenges – including the passage of time, witness relocation, and limited cooperation from the victim's family – it was conducted with the highest diligence. Regarding the Committee's request for a copy of the reinvestigation report, the Government states that it cannot be provided, as the Code on Criminal Procedures prohibits the dissemination of accusatory materials to protect the presumption of innocence and maintain the confidentiality of the judicial investigation.
- 99. Regarding the allegations of ill-treatment towards the wrongfully convicted individuals in this case, Born Samnang and Sok Sam Oeun, the Government states that to date, neither individual has filed a formal complaint of torture with the competent judicial authorities. The Government

emphasizes that the judiciary cannot initiate proceedings in the absence of a formal complaint from alleged victims and that the National Commission on Reviewing the Application of International Labour Conventions Ratified by Cambodia (NCRILC) does not possess the mandate to initiate such criminal complaints.

- 100.** Regarding the murder of Hy Vuthy, the Government reports that the Phnom Penh Court of First Instance received and registered Criminal Case No. 2055 on 2 September 2010 against the accused, Mr Chan Sophon and Mr Phal Vannak. On 23 March 2012, the Court rendered Criminal Judgment No. 39, finding both accused guilty of premeditated murder committed on 24 February 2007. Both individuals were sentenced to 18 years of imprisonment in accordance with Article 3 of the Law on Aggravating Circumstances of Felonies. Following this judgment, the President of the Trial Chamber issued Arrest Warrant No. 184 against Mr Phal Vannak on 5 April 2012. The Government further indicates that a formal Notification of the Default Judgment was issued on 7 July 2017. However, according to the report of the Trapeang Thloeng police station, attempts to locate the convict have been unsuccessful, and he was not found to be residing in the village. The Government also provided Criminal Judgment No. 06 “K.B”, dated 6 February 2014, issued by the Phnom Penh Court of First Instance whereby it examined the case against the accused, Chan Sophon. The decision noted that during the hearings, the accused denied the charges, stating he was working in Kampong Speu province at the time of the incident and had no knowledge of the crime. The Court found that testimonies from the victim’s wife and various witnesses did not provide evidence linking Chan Sophon to the murder. Citing insufficient evidence to support the charge under Article 3 of the Law on Aggravating Circumstances of Crimes, the Court acquitted Chan Sophon and ordered the revocation of the arrest warrants previously issued against him. However, the Government reports that, despite the acquittal of Chan Sophon, Phal Vannak remained convicted in absentia by the Phnom Penh Court of First Instance and sentenced to 18 years of imprisonment. An arrest warrant remains in force against him. The Government affirms that the General Commissariat of National Police and immigration authorities are intensifying their search to locate him and enforce the judgment.
- 101.** Regarding the murder of Ros Sovannareth, the Government submits Appeal Judgment No. 66 “KR.SV”, dated 1 July 2019, issued by the Court of Appeal. This judgment followed a decision by the Supreme Court (Judgment No. 25 dated 2 March 2011), which had previously reversed a conviction and ordered a retrial. The Government’s documentation indicates that the Criminal Chamber of the Court of Appeal attempted to summon witnesses for the retrial but was unable to locate them. However, relying on previous testimonies from witnesses who identified the shooter from photographs, the Court of Appeal maintained that there was consistent evidence that the accused, Thach Saveth (known as Chan Sopheak), committed the crime. Consequently, the Court of Appeal convicted Thach Saveth of premeditated murder under Article 3 of the Law on Aggravating Circumstances of Crimes and sentenced him to 15 years of imprisonment. The Government takes due note of the progress in this case, stating that the perpetrator has been brought to justice and is serving his prison term.
- 102.** Finally, the Government highlights the role of the NCRILC, which met most recently on 26 August 2025, reaffirming the tripartite commitment to addressing the matters raised in the present case and monitoring the implementation of the Committee’s recommendations. The Government noted that representatives of trade unions and employers’ associations expressed support for the mechanism and that it continues to meet regularly to monitor implementation progress.

C. The Committee's conclusions

103. *The Committee recalls that it has considered this serious and urgent case on numerous occasions which relates, inter alia, to the murder of Chea Vichea (January 2004), Ros Sovannareth (May 2004) and Hy Vuthy (February 2007), all three of whom were leaders of the Free Trade Union of Workers of the Kingdom of Cambodia (FTUWKC), and to the prevailing situation of impunity with regard to acts of violence against trade unionists. The Committee appreciates the efforts of the Government to provide the requested judicial decisions in relation to the cases examined.*
104. *In relation to the reinvestigation of the murder of Chea Vichea (recommendation (a)), the Committee notes the Government's latest indication that the Phnom Penh Municipal Police have completed the reinvestigation into this case and submitted the report to the Prosecutor's Office of the Phnom Penh Court of First Instance. The Committee notes that the Government asserts that this reinvestigation was conducted with the highest diligence despite challenges such as the passage of time, witness relocation and alleged limited cooperation of family members. The Committee also notes the Government's statement that it cannot provide a copy of the reinvestigation report due to procedural confidentiality rules. While taking note of the submission of the police report to the Prosecutor, the Committee must reiterate its deep regret that, more than 20 years after the murder of Chea Vichea and over a decade since the Supreme Court ordered a reinvestigation in 2013, no concrete results have yet been achieved in identifying and prosecuting the actual perpetrators and instigators of this crime. The Committee therefore firmly urges the Government to ensure that the judicial proceedings that result from the reinvestigation by the Phnom Penh Municipal Police are expedited without further delay and to keep it informed of any progress made, including the issuance of any court decisions.*
105. *With regard to the allegations that Mr Born Samnang and Mr Sok Sam Oeun (who were wrongfully convicted for Chea Vichea's murder and acquitted by the Supreme Court in September 2013) had been tortured and ill-treated, the Committee notes the Government's reiteration that neither individual has filed a formal complaint and that the judiciary cannot initiate proceedings in the absence of such a complaint. The Committee also notes the Government's clarification that the NCRILC does not possess the mandate to initiate criminal complaints. The Committee recalls that the Supreme Court Judgment No. 239 of 25 September 2013, provided by the Government, explicitly found that the confession of Born Samnang was obtained under duress and lacked evidentiary value. It recalls in this regard that Cambodia ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 1992, and in 2007 also ratified the Optional Protocol to the CAT, which focuses on the prevention of torture through monitoring detention centres. Guaranteeing appropriate remedies, including accountability and redress in instances of torture, is fundamentally necessary to prevent a situation of impunity that is prejudicial to the exercise of trade union activities. However, regarding the specific allegations concerning Born Samnang and Sok Sam Oeun, the Committee notes the absence of any indication that acts of torture were related to the exercise of trade union rights. In light of this, the Committee will not pursue the examination of this aspect of the case..*
106. *Concerning the investigation and judicial proceedings relating to the murder of Hy Vuthy (recommendation (b)), the Committee notes the detailed information provided by the Government regarding the role of Mr Phal Vannak. The Committee notes that, according to the Government, the Phnom Penh Court of First Instance rendered Criminal Judgment No. 39 (default judgment) on 23 March 2012, finding both Mr Chan Sophon and Mr Phal Vannak guilty of premeditated murder and sentencing them to 18 years of imprisonment. The Committee further notes that while Mr Chan Sophon was subsequently acquitted by Judgment No. 06 "K.B" of 6 February 2014 due to insufficient evidence, Mr Phal Vannak remains convicted in absentia. The Committee observes that an arrest*

warrant (No. 184) was issued for Mr Phal Vannak on 5 April 2012 and a Notification of the Default Judgment was issued on 7 July 2017, yet the convict remains at large. The Committee expresses its deep concern that, despite a conviction rendered more than a decade ago, the perpetrator has not been apprehended, and the judgment has not been enforced. This prolonged delay in the execution of a judicial decision reinforces a climate of impunity in turn reinforcing a climate of fear and uncertainty highly detrimental to the exercise of trade union rights. The Committee expects the Government to report on the specific efforts made by the authorities to ensure that the judicial decision is finally enforced.

- 107.** Finally, the Committee notes the information regarding the role of the NCRILC, which met most recently on 26 August 2025, reaffirming the tripartite commitment to addressing the matters raised in the present case before it. While acknowledging the Government's engagement with this mechanism, the Committee must express its deep concern that despite the time that has elapsed since the establishment of this body in 2018, there has been no tangible progress in identifying and punishing the instigators of the murders of Chea Vichea and Hy Vuthy, nor in providing redress to those wrongfully convicted. The Committee expects the Government to continue utilizing the tripartite mechanism of the NCRILC to strictly monitor these cases and to keep it informed of concrete actions taken for their resolution, thereby moving beyond procedural updates to actual results addressing impunity.

The Committee's recommendations

- 108.** In the light of its foregoing interim conclusions, the Committee invites the Governing Body to approve the following recommendations:
- (a) The Committee firmly urges the Government to ensure that the judicial proceedings resulting from the reinvestigation by the Phnom Penh Municipal Police on the murder of Chea Vichea are expedited without further delay and to keep it informed of any progress made, including the issuance of any court decisions.
 - (b) The Committee expects the Government to report on the specific efforts made by the authorities to ensure that the judicial decision convicting Mr Phal Vannak for the murder of Hy Vuthy is finally enforced.
 - (c) The Committee expects the Government to continue utilizing the tripartite mechanism of the National Commission on Reviewing the Application of the International Labour Conventions Ratified by Cambodia (NCRILC) to strictly monitor the pending cases and to keep it informed of concrete actions taken for their resolution, thereby moving beyond procedural updates to actual results addressing impunity.
 - (d) The Committee once again draws the Governing Body's attention to the serious and urgent nature of this case.

Case No. 3406

Interim report

Complaint against the Government of China – Hong Kong Special Administrative Region**presented by**

- the International Trade Union Confederation (ITUC) and
- the International Transport Workers’ Federation (ITF)

Allegations: The complainants allege intimidation and harassment of workers in the context of public protests in 2019, a crackdown on civil liberties with the adoption of the National Security Law in 2020, the prohibition of public gatherings under the Prevention and Control of Disease (Prohibition on Group Gatherings) Regulation, adopted as part of the anti-COVID-19 measures in 2020 and prosecution of trade union leaders for their participation in demonstrations

- 109.** The Committee last examined this case (submitted in March 2021) at its March 2025 meeting, when it presented an interim report to the Governing Body [see 409th Report, approved by the Governing Body at its 353rd Session, paras 109–160].¹⁰
- 110.** The Government of China transmitted the observations of the Government of the Hong Kong Special Administrative Region (HKSAR) in a communication dated 30 January 2026.
- 111.** China has declared the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), applicable in the territory of the HKSAR with modifications. It has declared the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), applicable without modifications.

A. Previous examination of the case

- 112.** At its March 2025 meeting, the Committee made the following recommendations [see 409th Report, para. 160]:
- (a) The Committee firmly urges the Government of the Hong Kong Special Administrative Region (HKSAR), in consultation with the social partners, to monitor and provide information on the impact that the National Security Law (NSL) has already had and may continue to have on the exercise of freedom of association rights so that the Committee has available to it all necessary information to examine the impact of this legislation in practice.
 - (b) The Committee urges the HKSAR Government to review the Safeguarding National Security Ordinance (NSO) in consultations with the social partners and reminds the Government of

¹⁰ [Link to previous examination.](#)

the possibility to avail itself of ILO technical assistance in this regard. It requests the HKSAR Government to provide detailed information on the measures taken to that end.

- (c) The Committee firmly urges the HKSAR Government to take all appropriate measures to ensure that Mr Lee Cheuk Yan is not prosecuted and not imprisoned for having exercised legitimate trade union activities and requests the Government to provide information on all measures taken to that end. The Committee urgently requests the HKSAR Government to provide precise information regarding the activities that have entailed Mr Lee Cheuk Yan's indictment for "incitement to subversion", as well as concerning the developments of the proceedings against him, including the Court's judgment once rendered. It further urges the HKSAR Government to take all possible measures to enable Mr Lee Cheuk Yan's release pending his next trial and to facilitate a speedy decision of his case.
- (d) The Committee requests the HKSAR Government and the complainants to indicate whether the court decision in the case of Ms Carol Ng and Ms Winnie Yu was appealed, and to indicate the foreseeing release date considering that both activists were detained pending trial.
- (e) The Committee requests the HKSAR Government to confirm that there are no decisions adopted and no judicial measures pending concerning Ms Elizabeth Tang.
- (f) The Committee urges the HKSAR Government to provide detailed information on the situation involving Mr Christopher Mung and other trade unionists without further delay.
- (g) The Committee requests the HKSAR Government to provide information on the outcome of the appeal filed in August 2023 by the Department of Justice against the acquittal of Ms Jackie Chan Hung-sau, ex-member of HKSWG's Executive Committee.
- (h) The Committee requests the HKSAR Government to provide information on the outcome of the case Ms Kar Yue Cheng, as well as to carry out an independent investigation into the alleged dismissal of Ms Selina Cheng, the Hong Kong Journalists Association chairperson, and to provide detailed information thereon.
- (i) In light of the issues raised in respect of the NSL and NSO, the Committee recalls that it expects that the NSL and related regulations will not be applied with respect to normal trade union and employer organization interactions and activities, including as regards their relations with international organizations of employers and workers. The Committee firmly urges the HKSAR Government in consultation with the social partners to take all necessary measures, including legislative, to ensure, in law and in practice, the full enjoyment of trade union rights in a climate free of violence, threats and pressure in the HKSAR and to provide detailed information on all steps taken to that end.

B. The Government's reply

- 113.** By its communication dated 30 January 2026, the Government of China transmits the observations of the HKSAR Government on the Committee's previous recommendations.
- 114.** At the outset, the HKSAR Government points out that fundamental rights and freedoms are fully protected in the HKSAR in accordance with the Constitution of the People's Republic of China (PRC) and the Basic Law of the HKSAR. The HKSAR Government considers that the Committee should fairly and objectively perform its duties, respect the independent adjudication power of the HKSAR courts, and prevent anyone from abusing the Committee's mechanism to interfere with the ongoing legal proceedings.
- 115.** The HKSAR Government once again recalls that article 27 of the Basic Law stipulates that Hong Kong residents shall have freedom of association, and the right and freedom to form and join trade unions, and to strike. Article 18 of the Hong Kong Bill of Rights Ordinance also guarantees that everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of their interests. The Law of the PRC on Safeguarding National Security in the HKSAR (NSL) (enacted by the Central PRC Government in

2020 and promulgated by the HKSAR Government soon after) and the Safeguarding National Security Ordinance (SNSO) (enacted by the HKSAR in 2024, as per its constitutional duty) improved the legal system and enforcement mechanisms for safeguarding national security; they are compatible and complementary, jointly establishing a comprehensive and effective legal system for safeguarding national security and stability in the HKSAR. Implementation of the relevant legislation has enabled the livelihood and economic activities of the Hong Kong community. The business environment has been restored and is continuously improving. The Government reiterates that the HKNSL and the SNSO clearly stipulate that human rights shall be respected and protected in the HKSAR, and that the rights and freedoms, including the freedoms of speech, of the press, of publication, of association, of assembly, of procession and of demonstration, that Hong Kong residents enjoy under the Basic Law, and the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, shall be protected in accordance with the law. However, these rights and freedoms are not absolute and members of trade unions, like everyone else, have an obligation to abide by all laws.

- 116.** The HKSAR Government indicates that during the SNSO legislative process, it conducted public consultations, including with trade unions. Over 13,000 submissions were received, of which 98.6 per cent showed support and provided positive comments, fully reflecting strong public support for the legislative exercise and the aspiration of the people. Thirty trade unions (including, the Hong Kong Federation of Trade Unions, the Hong Kong Construction Industry Employees General Union and the Hong Kong Construction Industry Bar-bending Workers Union) showed clear support for the legislation to ensure that Hong Kong could address the evolving national security risks and challenges effectively and safeguard national security.
- 117.** The HKSAR Government considers that offences stipulated in the NSL and the SNSO clearly define their elements, penalties, exceptions and defences. These laws prevent, suppress and punish acts and activities that endanger national security, in accordance with the principle of the rule of law. Additionally, they target an extremely small minority of people and organizations that pose a threat to national security, while protecting the lives and property of the public. Law-abiding people including trade unionists will not engage in acts and activities that endanger national security and will not unwittingly violate the law and therefore have no reason to be worried.
- 118.** The HKSAR Government indicates that the concerns regarding the SNSO expressed by several United Nations Special Rapporteurs and the International Trade Union Confederation (ITUC) are based on misinterpretation of the relevant laws and points out that individuals properly exercising union rights and strike-related rights will not contravene the SNSO. The Government refers to its 2024 reply provided to the Office of the High Commissioner for Human Rights in this respect.
- 119.** The HKSAR is a society underpinned by the rule of law and has always adhered to the principle that “laws must be obeyed and lawbreakers be held accountable”. The HKSAR law enforcement agencies have been taking law enforcement actions based on evidence and strictly in accordance with the law in respect of the acts of the persons or entities concerned, paying no regard to the political stance, background or occupation of the person or organization involved. The HKSAR police take all necessary measures in accordance with the law to bring to justice individuals who have absconded overseas and allegedly committed offences under the HKNSL. The HKSAR Government emphasizes that such actions are fully justified, necessary and legitimate and that endangering national security is a very serious offence.

- 120.** The HKSAR Government explains that pursuant to article 63 of the Basic Law, the Department of Justice is responsible for criminal prosecutions and independently makes prosecutorial decisions according to the law, free from any interference. All prosecutorial decisions are based on objective analysis of all admissible evidence and applicable laws. All cases, including those mentioned in the Committee's recommendations, are handled strictly on the basis of evidence and in accordance with the law.
- 121.** The HKSAR Government reiterates that suspected criminal activities should not be conflated with lawful trade union activities. Under the fundamental principle of the rule of law and equality before the law, any suggestion that persons (such as trade unionists) or organizations with certain backgrounds should be immune from legal sanctions for their illegal acts and activities is tantamount to granting such persons or organizations privileges to break the law and is totally contrary to the rule of law. Furthermore, the HKSAR Government indicates that it safeguards independent judicial power and fully supports the judiciary in exercising its judicial power independently, safeguarding the due administration of justice and the rule of law. All cases are handled strictly on the basis of evidence and in accordance with the law. Any attempt by any country, organization, or individual to interfere with the judicial proceedings in the HKSAR by means of political power, in order to procure a defendant's evasion of the criminal justice process, is a blatant act undermining the rule of law of the HKSAR and should be condemned.
- 122.** Regarding the cases mentioned in the Committee's recommendations, the HKSAR Government indicates that since the legal proceedings involved are still ongoing, it is inappropriate for any person to comment on the cases concerned in an attempt to interfere with the court to exercise judicial power independently, which might otherwise constitute perverting the course of justice.
- 123.** The HKSAR Government expresses its firm commitment to upholding trade unions' rights to organize activities to promote and defend occupational interests of their members. It disagrees with the allegation that the right to freedom of association has been drastically curbed since the enactment of the HKNSL and points out that the increase of 52.7 per cent of registered trade unions and trade union federations from 928 as at December 2019 to 1,417 as at November 2025 bears testimony to the HKSAR residents' free exercise of the rights to freedom of association and to organize.
- 124.** The Registry of Trade Unions (RTU) of the Labour Department of the HKSAR Government administers the Trade Union Ordinance (TUO) to foster sound trade union management and trade unionism. While enjoying the right to freedom of association, the operations of a trade union must comply with the HKNSL, the SNSO, the TUO and its regulations, other relevant laws of Hong Kong, and the registered trade union rules. If a trade union contravenes the relevant laws or its rules, the RTU will follow up accordingly. Depending on the circumstances, the RTU may give verbal advice or issue inquiry/advisory/warning letters to the trade union concerned, and/or refer the case to relevant law enforcement agencies. In case of serious non-compliance, the RTU may cancel the trade union's registration in accordance with the law.
- 125.** The HKSAR Government indicates that the RTU ensures that the rights of trade unions are exercised within lawful bounds. The TUO provides for the requirements for trade unions applying for registration and the RTU is obliged to register all eligible applications. In the event of refusal of any application for registration of a trade union or cancellation of the registration of a trade union, the TUO requires the RTU to inform the applicant/trade union concerned of the ground for refusal or cancellation. The TUO further sets out the channels for appealing against the decisions of the RTU. As for the dissolution, the trade union concerned must obtain

the consent of sufficient voting members as specified in its union rules. The entire process of deciding and proceeding with dissolution is initiated by the trade union itself and is free from any interference by the RTU. The registration regime under the TUO is transparent and objective, providing full protection of trade union rights.

126. The HKSAR Government reiterates that the rights and freedoms of Hong Kong residents to form and join trade unions remain unchanged after the implementation of the HKNSL. For reasons set out in its response, the HKSAR Government submits that the allegations against it are untrue and unsubstantiated. The isolated incidents mentioned in this case are associated with either suspected unlawful activities, not related to the exercise of trade union rights, or voluntary decisions of the trade unions concerned without interference from the HKSAR Government. The HKSAR Government indicates that it will continue to attach great importance to fulfilling the obligations under Convention No. 87 as applied to the HKSAR and appeals to the Committee to consider putting an end to the examination of this case.

C. The Committee's conclusions

127. *The Committee recalls that the pending issues in this case involve allegations of crackdown on civil liberties with: (1) the adoption of the HKSNSL in 2020 and of the SNSO in 2024; and (2) prosecution, sentencing and imprisonment of trade union leaders initially for their participation in demonstrations of intimidation and harassment of workers in the context of public protests in 2019, and subsequently under the NSL.*
128. *The Committee recalls that it had previously requested the HKSAR Government, in consultation with the social partners, to monitor and provide information on the impact that the HKNSL has already had and may continue to have on the exercise of freedom of association rights so that the Committee has available to it all necessary information to examine the impact of this legislation in practice. The Committee notes that the HKSAR Government reiterates that the HKNSL is necessary for restoring the HKSAR's stability and further reiterates that one must observe the law in force in exercising his or her rights, including freedom of association and the right of peaceful assembly. The HKSAR Government affirms that any arrest and prosecution are directed against the criminal act, irrespective of whether a person is a trade union activist. The Committee once again notes with regret that the HKSAR Government provides no information on measures taken to consult the social partners concerning this critical issue and to monitor the impact of the NSL on the exercise of freedom of association rights. With regard to the Committee's request to review the SNSO in consultation with the social partners, the Committee notes that according to the Government, the concerns expressed in relation to the SNSO are based on misinterpretation of its provisions and that offences stipulated in the NSL and the SNSO clearly define their elements, penalties, exceptions and defences. The Government further indicates that these laws prevent, suppress and punish acts and activities that endanger national security in accordance with the principle of the rule of law and that they target an extremely small minority of people and organizations that pose a threat to national security, while protecting the lives and property of the public. The Committee recalls that its request to review the SNSO in consultation with the social partners was based on the Committee's consideration of several of its provisions and on the alleged use of the SNSO to prosecute trade union leaders, as referred to below. The Committee regrets to note what appears to be the absence of intention to review the SNSO in consultation with the social partners and recalls that the membership of a State in the International Labour Organization carries with it the obligation to respect in national legislation freedom of association. The Committee recalls that in exercising freedom of association rights, workers and their organizations should respect the law of the land, which in turn should respect the principles of freedom of association [see **Compilation of decisions of the Committee on Freedom of Association**, sixth edition, 2018, para. 66]. The Committee urges the*

Government to provide it with detailed information on the steps taken to engage with the social partners to assess, monitor and address any impact of the NSL and the SNSO on freedom of association in practice. The Committee reminds the Government of the possibility of availing itself of ILO technical assistance in this regard, if necessary. The Committee refers the legislative aspects of the SNSO to the Committee of Experts on the Application of Conventions and Recommendations (CEACR).

129. *The Committee recalls that it had previously noted with deep concern the ITUC allegation that following the entry into force of the HKNSL, as of 1 August 2024, 301 people had been arrested in “cases involving suspected acts or activities that endanger national security” including those arrested under the criminal law and the SNSO, and 157 persons out of the 176 charged have been convicted. According to the ITUC, under the national security legislative framework, the conviction rate of national security crimes was at 89 per cent and most of the charges were in relation to speeches and publications made. While noting that the HKSAR Government once again generally reiterates that the unlawful acts for which persons were convicted were unrelated to the activities of trade unions or defending labour rights, and that they were convicted by an independent court, the Committee recalls that over the last five years since it first examined this case, the Committee examined numerous instances of reprisals under the HKNSL against trade unionists in the HKSAR for having exercised their legitimate trade union activities such as demanding that civil liberties and fundamental human rights be recognized to them.*
130. *In particular, the Committee recalls that it had firmly urged the HKSAR Government to take all appropriate measures to ensure that Mr Lee Cheuk Yan, ex-General Secretary of the Hong Kong Confederation of Trade Unions (HKCTU), was not prosecuted and not imprisoned for having exercised legitimate trade union activities and requested the Government to provide information on all measures taken to that end. The Committee also urgently requested the HKSAR Government to provide precise information regarding the activities that have entailed Mr Lee’s indictment for “incitement to subversion”, as well as concerning the developments of the proceedings against him, including the Court’s judgment once rendered. It further urged the HKSAR Government to take all possible measures to enable Mr Lee’s release pending his next trial and to facilitate a speedy decision of his case. The Committee recalls from the previous examinations of the case that in October 2022, Mr Lee completed serving his sentence of 20 months of imprisonment for charges of participation in four unauthorized demonstrations, but that he was not released and remained in preventive detention pending trial on the new charges under the HKNSL. The Committee notes with deep regret that once again, the HKSAR Government provides no specific information on concrete measures it has taken to ensure that Mr Lee is not prosecuted and not imprisoned for having exercised legitimate trade union activities. It therefore reiterates its previous request. The Committee understands that Mr Lee’s latest trial began in January 2026 and urges the HKSAR Government to provide precise information concerning the activities that have entailed Mr Lee’s latest indictment, as well as any development concerning the proceedings, including the court judgment once rendered.*
131. *The Committee recalls that according to the ITUC, on 19 November 2024, Ms Carol Ng and Ms Winnie Yu, ex-Chairpersons of the HKCTU and of the Hospital Authority Employees’ Alliance (HAEA), respectively, were sentenced to prison terms of four years and five months, and six years and nine months, respectively. The Committee requested the Government and the complainants to indicate whether the court decision was appealed, as well as the foreseen release date of Ms Carol Ng and Ms Winnie Yu considering they were detained pending trial. The Committee regrets that neither the HKSAR Government, nor the complainants, provide no information on the current situation of the two trade union leaders and reiterates its request.*
132. *The Committee recalls that it requested the HKSAR Government to confirm that there were no decisions adopted and no judicial measures pending concerning Ms Elizabeth Tang, General*

Secretary of the International Domestic Workers' Federation (IDWF). The Committee recalls that Ms Elizabeth Tang was arrested on 9 March 2023 on suspicion of collusion with a foreign country to endanger national security but later released on a bail and that her passport was later returned to her. The Committee regrets that the HKSAR Government provides no information in this respect. It therefore reiterates its previous requests.

133. The Committee recalls the allegation that following an arrest warrant issued on the basis of charges of secession, in July 2023, the HKSAR Secretary for Security cancelled the passport of Mr Christopher Mung Sui Tat, ex-HKCTU Chief Executive currently in exile in the United Kingdom, and that on 12 June 2024, Mr Christopher Mung and six other self-exiled human rights defenders and trade unionists were named by the Secretary for Security as absconders under article 89 of the SNSO. The Committee urges the HKSAR Government to provide detailed information on the situation involving Mr Christopher Mung and other trade unionists without further delay. Regretting the absence of the HKSAR Government's specific observations in this respect, the Committee reiterates its previous request.
134. The Committee recalls the ITUC allegation concerning Ms Jackie Chan Hung-sau, ex-Executive Committee member of the Hong Kong Social Workers' General Union (HKSWGUG) who, while she has been acquitted of charges of riots, may lose her professional licence if convicted on the appeal filed by the Department of Justice in August 2023. The Committee requested the HKSAR Government to provide information on the outcome of the appeal filed in August 2023 by the Department of Justice. The Committee understands that the Court of Appeal has overturned the initial acquittal and convicted her for rioting. Regretting the absence of the HKSAR Government's specific observations in this respect, the Committee requests the Government provide a copy of the judicial decision.
135. The Committee recalls that according to the ITUC, on 17 July 2024, Ms Selina Cheng Kar-Yue (Ms Cheng), the newly elected chairperson of the Hong Kong Journalists Association (HKJA) was fired by the newspaper of which she was an employee. The Committee noted that according to the HKSAR Government, the RTU made inquiries with the HKJA in respect of its activities which were suspected to be inconsistent with its rules. The RTU considered the HKJA's replies and relevant facts in an objective and prudent manner before taking any follow-up action in accordance with the TUO. The HKSAR Government further indicated that Ms Cheng approached the Labour Department on 12 November 2024 to complain against the company for the alleged dismissal due to her participation in the HKJA, that investigation into the suspected offences in respect of anti-union discrimination has been completed and that the Department of Justice was examining the case and will decide whether there is sufficient evidence to prosecute the employer concerned. The Committee requested the Government to provide information on the outcome of this case, as well as to carry out an independent investigation into the alleged dismissal of Ms Cheng and to provide detailed information thereon. Regretting the absence of the HKSAR Government's specific observations in this respect, the Committee reiterates its previous request.
136. The Committee observes with deep regret that since the first examination of this case in May 2021, following the adoption of the HKNSL, the situation of trade union rights and respect for civil liberties necessary for the independent trade union movement to develop, shows no signs of improving and that with the adoption of the new legislation – the SNSO – the space for trade unions to conduct their legitimate activities has further shrunk. The Committee once again firmly urges the Government in consultation with the social partners to take all necessary measures, including legislative, to ensure, in law and in practice, the full enjoyment of trade union rights in a climate free of violence, threats and pressure in the HKSAR and to provide detailed information on all steps taken to that end.
137. With regard to the Government's request to put an end to the examination of this case, the Committee recalls that when a case, such as this one, is classified as interim, this is because the

Committee requires certain information from the Government or the complainant relating to particular aspects of the case in order to be able to make substantive rulings on these questions. While welcoming the observations provided by the HKSAR Government, the Committee regrets that these are limited to the reiteration of previously made general statements and further regrets the absence of detailed replies to its queries and recommendations. The Committee expects the HKSAR Government to provide all requested information without further delay.

The Committee's recommendations

138. In the light of its foregoing interim conclusions, the Committee invites the Governing Body to approve the following:

- (a) The Committee urges the Government to provide it with detailed information on the steps taken to engage with the social partners to assess, monitor and address any impact of the National Security Law and the Safeguarding National Security Ordinance (SNSO) on freedom of association in practice. The Committee reminds the Government of the possibility of availing itself of ILO technical assistance in this regard, if necessary. The Committee refers the legislative aspects of the SNSO to the Committee of Experts on the Application of Conventions and Recommendations.
- (b) The Committee firmly urges the HKSAR Government to take all appropriate measures to ensure that Mr Lee Cheuk Yan is not prosecuted and not imprisoned for having exercised legitimate trade union activities and requests the Government to provide information on all measures taken to that end. The Committee urgently requests the HKSAR Government to provide precise information regarding the activities that have entailed Mr Lee's indictment for "incitement to subversion", as well as concerning the developments of the proceedings against him, including the Court's judgment once rendered.
- (c) The Committee requests the HKSAR Government and the complainants to indicate whether the court decision in the case of Ms Carol Ng and Ms Winnie Yu was appealed, and to indicate the foreseeing release date considering that both activists were detained pending trial.
- (d) The Committee requests the HKSAR Government to confirm that there are no decisions adopted and no judicial measures pending concerning Ms Elizabeth Tang.
- (e) The Committee urges the HKSAR Government to provide detailed information on the situation involving Mr Christopher Mung and other trade unionists without further delay.
- (f) The Committee requests the HKSAR Government to provide a copy of the judicial decision in the appeal filed in August 2023 by the Department of Justice against the acquittal of Ms Jackie Chan Hung-sau, ex-Executive Committee member of the Hong Kong Social Workers' General Union.
- (g) The Committee requests the HKSAR Government to provide information on the outcome of the case of Ms Selina Cheng Kar-Yue, the Hong Kong Journalists Association chairperson, as well as to carry out an independent investigation into her alleged dismissal, and to provide detailed information thereon.
- (h) The Committee firmly urges the HKSAR Government in consultation with the social partners to take all necessary measures, including legislative, to ensure, in law and in practice, the full enjoyment of trade union rights in a climate free of violence,

threats and pressure in the HKSAR and to provide detailed information on all steps taken to that end.

- (i) The Committee expects the HKSAR Government to provide all information requested above without further delay.

Case No. 3352

Report in which the Committee requests to be kept informed of developments

Complaint against the Government of Costa Rica presented by

- the Confederation of Workers Rerum Novarum (CTRN)
- the Costa Rican Workers' Movement Confederation (CMTIC)
- the Juanito Mora Porras Social Confederation – ANEP (CSJMP)
- the Single Confederation of Workers (CUT)
- the Costa Rican Education Workers' Union (SEC)
- the National Educators' Trade Union Association (ANDE) and
- the Association of Secondary School Teachers (APSE)

Allegations: the complainant organizations allege that various legislative reforms promoted by the Government are contrary to collective bargaining and the right to strike and that anti-union acts have been committed during protests against those proposals

- 139.** The complaint is contained in a joint communication from the Confederation of Workers Rerum Novarum (CTRN), the Costa Rican Workers' Movement Confederation (CMTIC), the Juanito Mora Porras Social Confederation – ANEP (CSJMP), the Single Confederation of Workers (CUT), the Costa Rican Education Workers' Union (SEC) and the National Educators' Trade Union Association (ANDE), dated 16 November 2018, as well as a communication dated 9 November 2018 from the Association of Secondary School Teachers (APSE).
- 140.** The Government sent its replies in communications dated 17 March 2020, 29 September 2021, 14 February 2023, 23 April 2024 and 21 April 2025.
- 141.** Costa Rica has ratified 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).

A. The complainants' allegations

- 142.** In their joint communication dated 16 November 2018, the complainant organizations allege:
 - (i) that Bill No. 20580 on strengthening public finances, introduced in 2018, was not subject to social dialogue and affects the right to collective bargaining in the public sector by imposing ceilings on remuneration, removing matters from pay negotiations and eliminating bargaining

entities such as the public sector salary negotiation committee; (ii) that, on the occasion of the strike against Bill No. 20580 organized on 26 September 2018, the right to free protest was restricted, with the obstruction and detention of vehicles carrying individuals travelling from rural areas to the capital to protest, strikers were threatened, actions were taken to persuade them to desist from the strike and return to work, and other acts were carried out with the intention of discrediting the acts of protest and the trade union movement itself; (iii) that the Oil, Chemical and Allied Industries Workers' Union (SITRAPEQUIA) was accused of instigating the performance of acts of sabotage of oil pipelines and multiple-product pipelines, and disciplinary proceedings were initiated against four of its leaders (the general secretary, the disputes secretary, the education secretary and a trade union representative); and (iv) that, in response to the strike, Bill No. 21049 to provide legal certainty regarding strikes and related procedures was introduced, amending various sections of the Labour Code, regulating the content of statutes, limiting the right to strike and even prohibiting this right in services that should not be considered essential services, permitting punishment for exercising the right to strike, criminalizing protests and establishing new grounds for the dissolution of trade unions when freedom of transit of citizens is affected.

- 143.** In its communication dated 9 November 2018, the APSE alleges that: (i) various sections of Bill No. 20580, by reforming the Act on Salaries in the Public Administration, impose the termination of collective agreements in the public sector and provide for their renegotiation, subjecting any new agreement to the provisions of the Act and Government regulations; (ii) the Government has issued other directives and executive decrees that also violate collective bargaining on salaries in the public sector by unilaterally regulating the exclusivity bonus (Decree No. 41161-H), allowing restructuring of public institutions only where it entails no new expenditure (Decree No. 41162-H), prohibiting the creation of new bonuses or pay incentives and increases in existing bonuses and incentives (Directive No. 003-H), and blocking the automatic extension of collective agreements in public institutions beyond their expiration date and requiring them to be renegotiated (Directive No. 009-H); (iii) through Decree No. 41167-MTSS-H of June 2018, the Government unilaterally suspended the 2007 Bargaining Agreement of the public sector salary negotiation committee and unilaterally set salary readjustments in 2018 and 2019, as well as suspending the application of Decree No. 35730-MTSS, which created the public sector salary negotiation committee; (iv) as a result of the strike carried out in September 2018, which was declared illegal in the first instance, there were acts of violence and hostility towards the strikers as well as boycotts of the strike action, threats of punishment and cuts in trade union leave, measures taken to prevent strikers from complying with or desisting from the strike action and to persuade them to return to work, and calls for the replacement of striking workers in the supervision of secondary school examinations; (v) Bill No. 21049, which amends various articles of the Labour Code, provides for the absolute prohibition of strike action in essential services, establishes rules concerning exceptions for the classification of strikes in the public sector even in non-essential services, unreasonably shortens the time frames for responding to requests for classification of strikes and appealing rulings handed down, allows for salary reductions from the start of strike action if the strike is declared illegal, allows for strikes to be suspended if they affect the interests of the citizenry, and adds new grounds for the dissolution of trade unions when the freedom of transit of individuals is affected.

B. The Government's reply

- 144.** In its communications dated 17 March 2020, 29 September 2021, 14 February 2023, 23 April 2024 and 21 April 2025, the Government submitted its observations, indicating the

following: (i) Bill No. 20580 was approved in December 2018 as Act No. 9635 on strengthening public finances, and Bill No. 21049 was approved in January 2020 as Act No. 9808 to provide legal certainty regarding strikes and related procedures, and both laws are currently in force; (ii) as it addresses measures concerning the restructuring of public finances to support economic stability through the adoption of actions to reduce public spending, Act No. 9635 provides for the reduction and regulation of certain elements of public sector salaries, but only for individuals who enter the public service following the entry into force of the Act, and given that the Act otherwise addresses tax-related measures that do not have a bearing on trade union activities, it should not be subject to review by the Committee; (iii) the Bill was subject to social dialogue with the participation of trade union organizations and was submitted for an advisory opinion on its constitutionality, and in Ruling No. 2018-19511 it was determined that there were no constitutional irregularities in its form or content; (iv) following the adoption of the Bill as Act No. 9635, as a result of a subsequent constitutional review, 30 claims of unconstitutionality were filed, 20 of which have already been resolved and, in one of those cases, a full vote is pending with a view to determining the constitutionality of various sections that would impose restrictions on collective bargaining with regard to salary bonuses, compensation and incentives in the public sector; (v) the suspension in 2018 of the 2007 Bargaining Agreement of the public sector salary negotiation committee was a temporary measure intended to control public spending without detriment to workers' rights, and the negotiation committee resumed its activities in the second half of 2019; (vi) the aim of the renegotiation of collective agreements was to undertake a comprehensive review of the terms of those agreements to eliminate abusive privileges and should give rise to new agreements that entail significant cost savings; and (vii) the other decrees and directives adopted in 2018 that were mentioned in the complaint also constituted urgent measures taken to curb public spending.

145. As regards the alleged violation of the right to strike as a result of the first-instance ruling declaring the strike in the education sector to be illegal, the Government indicates that this ruling was overturned by Ruling No. 2019-0039 of the Labour Court of Appeal of the Second Circuit, which ultimately declared the strike to be legal.
146. As regards Act No. 9808 to provide legal certainty regarding strikes and related procedures, the Government indicates that: (i) the Bill in question was subject to consultations with trade union organizations and employers' organizations; (ii) as a result of the prior constitutional review, the reference to certain services classified as essential was removed from the Bill as it had not been subject to consultation (certain legal services, the removal, post-mortem examination and release of bodies of deceased individuals, and emergency forensic medical services, including the necessary auxiliary services) and the grounds for the dissolution of trade unions was also removed; (iii) two subsequent constitutional review actions are yet to be resolved; (iv) Act No. 9808 was the result of a broad process of dialogue with trade union organizations and is in line with the principles established by the Committee as regards limitations on the right to strike; and (v) following the adoption of Act No. 9808, between January 2020 and 2023, the Ministry of Labour and Social Security dealt with four strikes, the courts handed down nine rulings concerning reviews and, in terms of collective bargaining, 474 collective agreements were registered during that period, covering more than 164,000 workers on average per year, which indicates, according to the Government, that the right to strike and the right to collective bargaining have not been affected.

C. The Committee's conclusions

147. *The Committee observes that, in the present case, the complainant organizations allege violations of freedom of association and collective bargaining arising from: (i) the introduction of Bill No. 20580, subsequently adopted in December 2018 by the Legislative Assembly as Act No. 9635 on strengthening public finances, as well as other decrees and directives of the Government that also reportedly affect the right to collective bargaining regarding public sector salaries; (ii) the introduction of Bill No. 21049, which amended various sections of the Labour Code, subsequently adopted in January 2020 by the Legislative Assembly as Act No. 9808 to provide legal certainty regarding strikes and related procedures; and (iii) various events occurring in 2018 during the strikes carried out by several trade union organizations against Bill No. 20580. The Committee notes that the Government, for its part, states that: (i) both laws mentioned above were subject to due consultation and respect the right to collective bargaining and the right to strike; (ii) it had been necessary in 2018 to take urgent measures to curb public spending; and (iii) the strike in the education sector in 2018 was ultimately declared to be legal by the judiciary.*
148. *As regards the allegations relating to Bill No. 20580, adopted as Act No. 9635, the Committee observes that they form part of the allegations contained in the complaint submitted in 2016 by several of the complainant organizations under article 24 of the Constitution of the ILO. In this respect, the Committee takes note of the [report of the ad hoc tripartite committee](#) approved by the ILO Governing Body in June 2025. The Committee notes that the ad hoc tripartite committee requested the Government, in consultation with the relevant social partners, to review the existing normative framework, such that, taking due account of the specific characteristics of collective bargaining in the public sector, it guarantees a significant space for collective bargaining on working and employment conditions of public sector workers who are not engaged in the administration of the State, including with regard to remuneration. The Committee therefore refers to those conclusions and recommendations.*
149. *As regards the allegations of further violations of collective bargaining of an economic nature in the public sector that reportedly occurred in 2018, the Committee takes note that the Government indicates that the provisions establishing the suspension of the 2007 Bargaining Agreement of the public sector salary negotiation committee constituted temporary measures intended to control public spending without detriment to workers' rights and that the public sector salary negotiation committee resumed its activities in the second half of 2019. The Committee takes due note of these distinct elements and in particular of the resumption of the work of the public sector salary negotiation committee. As regards the suspension in 2018 of the 2007 Bargaining Agreement of the public sector salary negotiation committee, while taking due note of the Government's indications that it constituted a temporary measure to control public spending, the Committee notes the unilateral nature of the suspension and recalls in this regard that mutual respect for the commitment undertaken in collective agreements is an important element of the right to bargain collectively and should be upheld in order to establish labour relations on stable and firm ground [see **Compilation of decisions of the Committee on Freedom of Association**, sixth edition, 2018, para. 1336] and that adequate mechanisms for dealing with exceptional economic situations can be developed within the framework of the public sector collective bargaining system [see **Compilation**, para. 1481]. The Committee requests the Government to duly take these elements into account in future.*
150. *As regards Bill No. 21049, which gave rise to Act No. 9808 to provide legal certainty regarding strikes and related procedures, the Committee takes note that the complainant organizations allege that the Bill provides for the absolute prohibition of strike action in essential services, establishes rules concerning exceptions for the classification of strikes in the public sector even in non-essential*

services, unreasonably shortens the time frames for responding to requests for classification of strikes and appealing rulings handed down, allows for salary reductions from the start of strike action if the strike is declared illegal and not from the point at which the final decision is made, allows for strikes to be suspended if they affect the interests of the citizenry even when they do not involve essential services, and adds new grounds for the dissolution of trade unions when the freedom of transit of individuals is affected.

151. *The Committee takes note that, for its part, the Government indicates that Act No. 9808 was subject to consultations with trade union organizations and employers' organizations and that, as a result of the prior constitutional review, the reference to certain services classified as essential was removed from the Bill as it had not been subject to consultation (certain legal services, the removal, post-mortem examination and release of the bodies of deceased individuals, and emergency forensic medical services, including the necessary auxiliary services) and the grounds for the dissolution of trade unions was also removed, and that two subsequent constitutional review actions are yet to be resolved. The Committee observes that the adoption of Act No. 9808 was subject to broad discussions, including on proposed amendments to the Labour Code not provided for in the original text of Bill No. 21049, and takes note that the proposed amendment to section 350 of the Labour Code, which provided for the dissolution of trade unions if it was proven in court that they had organized or incited their members to obstruct the freedom of transit of citizens, was ultimately withdrawn from the final text of Act No. 9808.*
152. *The Committee notes the allegations concerning Act No. 9808 to provide legal certainty regarding strikes and related procedures, as well as the Government's observations indicating that the Act was subject to consultations with the social partners and to constitutional review, within the framework of which amendments were introduced to the text initially proposed. The Committee further observes that the legislation has been examined by the competent national authorities, including judicial bodies, in the exercise of their functions.*
153. *In this context, the Committee emphasizes, first of all, that the right to strike is one of the essential means through which workers and their organizations may promote and defend their economic and social interests [see **Compilation**, para. 753]. The Committee also recalls that it has acknowledged that the right to strike can be restricted or even prohibited in the public service or in essential services in so far as a strike there could cause serious hardship to the national community and provided that the limitations are accompanied by certain compensatory guarantees [see **Compilation**, para. 827]. The Committee also highlights that what is meant by essential services in the strict sense of the term depends to a large extent on the particular circumstances prevailing in a country. Moreover, this concept is not absolute, in the sense that a non-essential service may become essential if a strike lasts beyond a certain time or extends beyond a certain scope, thus endangering the life, personal safety or health of the whole or part of the population [see **Compilation**, para. 837].*
154. *While duly noting the amendments introduced to the content of Act No. 9808 prior to its adoption, the Committee observes that several aspects thereof may raise issues of compatibility with the principle of freedom of association, in particular those relating to the limitation of the duration of certain strikes, the impossibility of calling repeated strikes on the same grounds, as well as the extension of the services considered essential or of vital importance in which the right to strike may be prohibited or restricted.*
155. *On the basis of the foregoing, the Committee invites the Government, in consultation with the representative organizations of employers and workers, to evaluate and review the content of Act No. 9808 with a view to ensuring its full conformity with the principle of freedom of association, taking into account national conditions. The Committee invites the Government to keep it informed of any relevant developments, including decisions adopted by the competent judicial authorities.*

- 156.** *The Committee takes note of the allegations of various anti-union acts (restrictions on the right to protest, threats and pressure on strikers to return to work in the absence of a definitive ruling on the legality of the strike, disciplinary procedures against four trade union leaders and calls from the Ministry of Education for striking workers to be replaced) that were alleged to have taken place in 2018 during the strike action carried out by various trade union organizations against Bill No. 20580. The Committee takes note of the Government's observations in which it indicates that the declaration of the illegality of the strike in the first instance was overturned by Ruling No. 2019-0039 of the Labour Court of Appeal of the Second Circuit, which ultimately declared the strike to be legal, and observes that the Government has not commented on the other elements of the allegations by the complainant organizations. While taking due note of the information provided regarding the judicial decision concerning the strike that took place in the education sector, the Committee requests the Government and the complainant organizations to report on the current status of the four leaders of SITRAPEQUIA who were reportedly subject to a disciplinary process as a result of their participation in strike action in 2018.*
- 157.** *The Committee invites the Government to seek technical assistance from the Office to facilitate social dialogue and thereby address the recommendations of this case.*

The Committee's recommendations

- 158.** In the light of its foregoing conclusions, the Committee invites the Governing Body to approve the following recommendations:
- (a) as regards the allegations concerning Act No. 9635 on strengthening public finances, the Committee refers to the relevant recommendations and conclusions of the report of the ad hoc tripartite committee approved by the ILO Governing Body in June 2025 in relation to a complaint submitted under article 24 of the Constitution of the ILO, in which the Government was requested, in consultation with the relevant social partners, to review the existing normative framework, such that, taking due account of the specific characteristics of collective bargaining in the public sector, it guarantees a significant space for collective bargaining on working and employment conditions of public sector workers who are not engaged in the administration of the State, including with regard to remuneration;
 - (b) the Committee requests the Government to ensure that, in future, exceptional economic situations that may arise are dealt with within the framework of the public sector collective bargaining system;
 - (c) the Committee invites the Government, in consultation with the representative organizations of employers and workers, to evaluate and review the content of Act No. 9808 with a view to ensuring its full conformity with the principle of freedom of association, taking into account national conditions. The Committee invites the Government to keep it informed of any relevant developments, including decisions adopted by the competent judicial authorities;
 - (d) the Committee requests the Government and the complainant organizations to report on the current status of the four leaders of the Oil, Chemical and Allied Industries Workers' Union who were reportedly subject to a disciplinary process as a result of their participation in strike action in 2018; and
 - (e) the Committee invites the Government to seek technical assistance from the Office to facilitate social dialogue and thereby address the recommendations of this case.

Case No. 2923

Interim report

Complaint against the Government of El Salvador presented by

- the Union of Municipal Workers of Santa Ana (SITRAMSA) and
- the Autonomous Confederation of Salvadorian Workers (CATS)

Allegations: The complainant organizations allege the murder of a trade union official

- 159.** The Committee last examined this case at its June 2024 meeting, when it presented an interim report to the Governing Body [see 407th Report, paras 163–171, approved by the Governing Body at its 356th Session (June 2024)].¹¹
- 160.** The Government of El Salvador sent its observations in communications of 12 September 2024 and 30 January 2026.
- 161.** El Salvador has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Workers' Representatives Convention, 1971 (No. 135), and the Labour Relations (Public Service) Convention, 1978 (No. 151).

A. Previous examination of the case

- 162.** At its meeting in June 2024, the Committee made the following recommendations [see 407th Report, para. 171]:
- (a) The Committee, deploring the absence of information on tangible progress towards the resolution of the case more than 14 years since the murder, firmly urges the Government and all the competent authorities to make, in a coordinated manner and as a matter of urgency and priority, all the necessary efforts to expedite and conclude the investigations under way in order to identify and punish as soon as possible both the instigators and the perpetrators of the murder of Mr Victoriano Abel Vega, while ensuring the protection of all witnesses who could be instrumental in the resolution of the case. In this regard, the Committee once again urges the Government to take all appropriate measures so that the competent authorities are provided with the required human and financial resources and that they ensure that when conducting the investigations, special attention is paid to exchanging appropriate information with the complainant organizations in the present case with a view to clarifying whether this crime is of an anti-union nature. The Committee requests the Government to provide specific information on the concrete measures taken in this respect.
 - (b) Firmly expecting to receive information that shows that tangible progress has been made, the Committee is bound to reiterate its request to the Government to keep it informed of any progress in the investigation and criminal proceedings.
 - (c) The Committee once again draws the Governing Body's attention to the serious and urgent nature of this case.

¹¹ [Link to previous examination.](#)

B. The Government's reply

163. In communications of 12 September 2024 and 30 January 2026, the Government reports that: (i) the Attorney-General's Office, in the context of the investigation that it is conducting with regard to the murder of trade union official Mr Victoriano Abel Vega, assigned the proceedings to the Elite Division against Organized Crime of the National Civil Police; and (ii) the Ministry of Labour and Social Welfare is continuously monitoring the progress in this investigation. The Government also reiterates that, since this is a homicide case, the findings of the investigation are subject to limited access by the parties, in accordance with the provisions of section 76 of the Code of Criminal Procedure. The Government states that it will report on the details of the investigation once its conclusions are available

C. The Committee's conclusions

164. *The Committee recalls that, on numerous occasions, it has considered this serious case, which refers to the murder, on 16 January 2010, of Mr Victoriano Abel Vega, general secretary of the Union of Municipal Workers of Santa Ana (SITRAMSA), who, according to the complainant organizations, had already received death threats for his union activities.*
165. *The Committee recalls that, according to the information previously provided by the Government, the Specialized Prosecutorial Unit for Extortion and Organized Crime of the Attorney-General's Office had reopened the investigation into those accused of the crime of aggravated homicide against Mr Vega and that instructions had been issued to the Central Investigations Division of the National Civil Police of San Salvador to interview possible witnesses to the homicide and to take the respective statements, and that the investigation in question was ongoing. In this regard, the Committee notes that the Government states that: (i) the Attorney-General's Office assigned the proceedings to the Elite Division against Organized Crime of the National Civil Police; and (ii) the Ministry of Labour and Social Welfare is continuously monitoring the progress in the investigation, the findings of which are subject to limited access by the parties, in accordance with the Code of Criminal Procedure.*
166. *The Committee duly notes the involvement of the Elite Division against Organized Crime of the National Civil Police in the investigations. The Committee deeply regrets, however, that despite more than 15 years having passed since the murder of Mr Vega, no tangible progress has yet been made to identify and punish those responsible for this serious crime. The Committee recalls once again that it is important that all instances of violence against trade union members, whether these be murders, disappearances or threats, are properly investigated. Furthermore, the mere fact of initiating an investigation does not mark the end of the Government's work; rather, the Government must do all within its power to ensure that such investigations lead to the identification and punishment of the perpetrators [see **Compilation of decisions of the Committee on Freedom of Association**, sixth edition, 2018, para. 102].*
167. *In the light of the above and noting once again with concern that a situation of impunity also persists in another case involving the murder of a leader of a union from another municipality (see Case No. 3395, 412th Report of the Committee, paras 237–247), the Committee firmly urges the Government and all the competent authorities to make, in a coordinated manner and as a matter of urgency and priority, all the necessary efforts to expedite and conclude the investigations under way in order to identify and punish as soon as possible both the instigators and the perpetrators of the murder of Mr Victoriano Abel Vega, while ensuring the protection of all witnesses who could be instrumental in the resolution of the case. In particular, the Committee urges the Government to take all appropriate measures so that the competent authorities, including the Elite Division against Organized Crime of the National Civil Police, are provided with the required human and financial resources and that they ensure that, when conducting the investigations, special attention is paid to*

exchanging appropriate information with the complainant organizations in the present case, to the extent permitted by law, with a view to clarifying whether this crime is of an anti-union nature. The Committee once again urges the Government to provide specific information on the concrete measures taken in this respect. Firmly expecting to receive information as soon as possible that shows that tangible progress has been made, the Committee once again urges the Government to keep it informed of any progress in the investigation and criminal proceedings.

The Committee's recommendations

168. In the light of the foregoing conclusions, the Committee invites the Governing Body to approve the following recommendations:

- (a) The Committee, deeply deploring the absence of tangible progress towards the resolution of the case despite more than 15 years having passed since the murder, firmly urges the Government and all the competent authorities to make, in a coordinated manner and as a matter of urgency and priority, all the necessary efforts to expedite and conclude the investigations under way in order to identify and punish as soon as possible both the instigators and the perpetrators of the murder of Mr Victoriano Abel Vega, while ensuring the protection of all witnesses who could be instrumental in the resolution of the case. In particular, the Committee urges the Government to take all appropriate measures so that the competent authorities, including the Elite Division against Organized Crime of the National Civil Police, are provided with the required human and financial resources and that they ensure that, when conducting the investigations, special attention is paid to exchanging appropriate information with the complainant organizations in the present case, to the extent permitted by law, with a view to clarifying whether this crime is of an anti-union nature. The Committee once again urges the Government to provide specific information on the concrete measures taken in this respect.
- (b) Firmly expecting to receive information that shows that tangible progress has been made, the Committee once again urges the Government to keep it informed of any progress in the investigation and criminal proceedings.
- (c) The Committee once again draws the Governing Body's attention to the serious and urgent nature of this case.

Case No. 3488

Report in which the Committee requests to be kept informed of developments

Complaint against the Government of Ecuador presented by

- **Public Services International (PSI)**
- **the Ecuadorian Confederation of Unitary Class Organizations of Workers (CEDOCUT) and**
- **the Trade Union of Workers of the Public Hydrocarbon Company of Ecuador - EP Petroecuador (SINTEP)**

Allegations: The complainant organizations allege that the imposition of disciplinary sanctions and dismissal proceedings against the Secretary-General of the Trade Union of Workers of the Public Hydrocarbon Company of Ecuador - EP Petroecuador (SINTEP)

- 169.** The complaint is contained in a communication dated 12 December 2024 submitted by Public Services International (PSI), the Ecuadorian Confederation of Unitary Class Organizations of Workers (CEDOCUT) and the Trade Union of Workers of the Public Hydrocarbon Company of Ecuador - EP Petroecuador (SINTEP).
- 170.** The Government sent its observations on the allegations in communications dated 10 January, 26 February, 22 April and 4 August 2025 and 28 January 2026.
- 171.** Ecuador has ratified 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).

A. The complainant's allegations

- 172.** In a communication dated 12 December 2024, the complainant states that: (i) SINTEP's constitution was approved via Ministerial Agreement No. MDT-2024-015 of 25 January 2024, and Mr David Esteban Almeida Campana has acted as SINTEP's Secretary-General since its founding; (ii) Mr Almeida Campana, who is also a leader of the National Association of Energy and Petroleum Company Workers (ANTEP), worked at EP Petroecuador (hereinafter "the public company") as a drilling supervisor until 3 December 2024, when he was formally dismissed for having granted, in his capacity as trade union leader, an interview to the Radio Pichincha radio station on 4 September 2024 in which he stated his opposition to the Government's intention to privatize the Sacha oil field. According to the complainants, during the interview he said:

[...] they want to give the Sacha field, for example, to the private sector by doing business away from the public eye, without being transparent about what they're doing and what's happening.

[...] Right now we know, because the oil industry is small, that there's a push to do it, and it's being done under the table, behind people's backs without letting them know what's being done, and also using the policy and procedure that they used for the famous barges, that is,

talking to people who might participate in that process before launching it publicly and being open to receive bids. And that might be happening right now because, like I said, the oil industry is so small that we know when someone visits a field, when private investors are wandering around facilities, and lastly we know that the intention could even be for Petroecuador to return the field to the Ministry so it can be put to tender.

173. The complainants indicate that: (i) on 12 September 2024, Mr Almeida Campana was notified by means of Memorandum No. PETRO-GTH-2024-4841-M that disciplinary proceedings were being launched against him with the aim of applying a “visto bueno” (authorization of dismissal) decision which, under Ecuadorian legislation, leads to dismissal without compensation on the grounds set out in article 172(2) of the Labour Code: “gross indiscipline or disobedience of legally approved internal regulations”; (ii) Mr Almeida Campana responded to the accusations through his lawyers, indicating that his statements had related to the Government’s public policy and had been made in the exercise of his freedom of expression and in his capacity as trade union leader and that, despite being contacted by him on many occasions, the public company had not responded to requests for clarification and evidence in relation to his dismissal; (iii) Mr Almeida Campana was denied the fair opportunity to defend himself before a labour-management committee established by the company under a collective agreement signed with the works council (CETRAPEP) to review the decision to terminate his contract; (iv) the “visto bueno” procedure, undertaken via the Ministry of Labour through the Labour Inspectorate, was launched without the requested evidence having been presented to the labour-management committee and despite Mr Almeida Campana’s admission to hospital on 21 and 24 October 2024 owing to a surgical procedure and the Labour Inspector’s denial of his requests to defer the hearings held on those dates as part of the proceedings.
174. The complainants indicate that the Labour Inspector issued a resolution confirming the “visto bueno” decision to terminate the contract, and that decision was upheld by the Regional Labour Director on appeal.
175. The complainants state that Mr Almeida Campana’s dismissal owed to the statements on the Government’s intention to privatize the Sacha oil field that he made during a media interview. They also state that according to the public company, those statements and the alleged divulgence of confidential information belonging to the company without the authorization of the general manager would violate article 35 of the company’s internal work regulations, which states that its workers must “keep confidential and protect” any assets entrusted to them in the form of “cash, foreign currency, cheques, documents, reports, letters, technical information, logs, statistics, operating and technological procedures, payroll, workers’ personnel files and others”, as well as article 44(7),(9), (16) and (17) of those regulations, which prohibit workers from making statements on such information to the media without the authorization of their manager. With regard to the reasoning of the Labour Inspector, they allege that he approved the dismissal by maintaining that Mr Almeida Campana should have limited his statements to matters pertaining to the organization over which he presides and refrained from referring to a state institution, whose image and institutional communications must be channelled only through bodies and units authorized by the general manager, thereby making freedom of association conditional on the employer’s authorization.
176. The complainants state that, under the aforementioned article 35 of the internal regulations, the obligation of confidentiality exists only in relation to specific documents in the worker’s possession, which did not occur in the case of Mr Almeida Campana since the public company itself, when launching the dismissal proceedings, indicated that his statements were not evidenced by any formal documents. The complainants also state that the prohibition on

making statements to the media or disclosing matters intrinsic to the company's activities must therefore be understood as limited to information obtained through the possession of confidential documents and must not be applied in a broad, unrestricted manner.

- 177.** The complainants also state that Mr Almeida Campana's dismissal was unjustified since: (i) the Labour Inspector, when applying and interpreting the company's internal regulations, did not consider the specific nature of the statements made by Mr Almeida Campana, who, as a trade union leader, was exercising his right to freedom of expression on public matters of general interest related to oil policy, without violating any confidentiality agreement; (ii) the obligation of confidentiality is not an absolute restriction on freedom of expression, but a measure intended to protect sensitive and strategic information in the worker's possession; and (iii) Mr Almeida Campana did not make use of any confidential information that had been entrusted to him in an official manner or that was contained in internal company documents since his statements on the negotiations surrounding the Sacha oil field were not based on privileged information and did not reveal confidential information. The complainants state that Mr Almeida Campana's public statements referred to general facts linked to oil field concessions and did not affect the company's security or operations in a tangible or immediate manner. Moreover, they state that the Labour Inspector's analysis fails to consider the principle of freedom of association, which protects trade union leaders' right to express opinions and concerns relating to business management, including in strategic sectors.
- 178.** The complainants state that the restrictive interpretation of the internal regulations and the subjection of freedom of association to the employer's authorization are incompatible with fundamental rights and violate Article 3 of Convention No. 87, Article 1 of Convention No. 98 and the ILO's 1970 resolution concerning trade union rights and their relation to civil liberties. Mr Almeida Campana's dismissal consequently constitutes an act of persecution intended to intimidate and silence a trade union leader and forms part of a pattern of trade union persecution similar to that suffered by trade union leader Mr Iván Bastidas, whose sanctions were overturned by the Ecuadorian courts and whose case was also brought before the Committee on Freedom of Association (Case No. 3367).
- 179.** Lastly, the complainants request: (i) Mr Almeida Campana's reinstatement to his post as drilling supervisor at EP Petroecuador; (ii) the recognition of the wages that he has not received, up to the date of his reinstatement; and (iii) an end to the use of the "visto bueno" procedure or any other procedure that allows for the dismissal of trade union leaders for expressing their opinions on public and/or economic policy through the media.

B. The Government's reply

- 180.** In communications dated 10 January, 26 February, 22 April and 4 August 2025 and 28 January 2026, the Government provides the following information on dismissals via the "visto bueno" procedure, indicating that:
- All companies, whether public or private, must submit their internal regulations – which create rights and obligations for employers and workers – to the Ministry of Labour for prior approval.
 - Under article 172 of the Labour Code, if any grounds on which an employer may terminate an employment contract are identified, the "visto bueno" procedure is launched via the Ministry of Labour. Furthermore, those grounds, set out in paragraph 2 of that article, include gross indiscipline or disobedience of legally approved internal regulations.

- Until March 2024, the “visto bueno” procedure could only take place via the Labour Inspector; since then, the Labour Inspector’s decisions may be appealed before the Regional Labour Director. Furthermore, the administrative decision does not preclude the right to appeal to the judiciary in order to challenge the “visto bueno” decision.
- If the labour judge rejects the “visto bueno” decision (ruling the dismissal unjustified), under articles 69, 111, 113 and 188 of the Labour Code, the company is ordered to pay the corresponding compensation. Should there exist a collective agreement between the employer and the worker, the company must also make the payment set out in the employment stability clause.

181. The Government also refers to the process of dismissing Mr Almeida Campana, indicating in that regard that:

- Mr Almeida Campana exercised his right to defence during the “visto bueno” procedure, enjoying the rights of due process.
- A complaint was lodged with the Office of the Public Prosecutor against the Minister of Labour, Ms Ivonne Elizabeth Nuñez Figueroa, for crimes of influence peddling and procedural fraud allegedly related to the “visto bueno” procedure. The Government indicates that on 9 January 2025, Ms Nuñez Figueroa and the Labour Inspector appeared before the Office of the Public Prosecutor to provide their accounts of the relevant facts. The Government also indicates that those proceedings remain in the investigation phase, and that responsibility has not yet been determined nor has the presumption of a crime been established that would justify the bringing of criminal charges or the launching of criminal proceedings.
- On 10 December 2024, Mr Almeida Campana challenged his dismissal with the labour court, but the claim was deemed inadmissible because it had not been filed at the court in his place of residence. On 18 December a new labour claim for unjustified dismissal was lodged and is pending before the labour court of the commune of Iñaquito in the Metropolitan District of Quito, Pichincha province.

182. With regard to the allegations contained in the complaint, the Government indicates that there is no evidence of the alleged trade union persecution, and a decision on the request for Mr Almeida Campana’s reinstatement and the payment of the applicable compensation will fall within the competence of the judicial authorities. Regarding the request for an end to be brought to the use of the “visto bueno” procedure in relation to the dismissal of trade union leaders, the Government indicates that it is an administrative procedure provided for by the Labour Code that cannot be repealed unilaterally by the executive branch.

183. In relation to the possible anti-union nature of Mr Almeida Campana’s dismissal, the Government attaches to its communication dated 4 August 2025 Memorandum No. MDT-DRTSPQ-2025-7415-M of 25 July 2025, issued by the Labour Inspector, who was responsible for the “visto bueno” procedure. The Memorandum indicates that:

- On 4 September 2024, Mr Almeida Campana participated in an interview on the *Punto Noticias* (News Point) programme on Radio Pichincha Multimedia in which he stated that the Government intended to put the Sacha oil field to tender to private companies through clandestine negotiations and without transparency. He indicated that conversations were allegedly taking place with possible investors in advance of any public announcement, practices that were being undertaken – according to him – behind citizens’ backs and as a

continuation of past policies, even suggesting that the Sacha oil field might be returned to the Ministry to be put to tender.

- Mr Almeida Campana's statements lack technical and legal substance since they were made in the absence of formal documents supporting his accusations against the management of the public company. His dismissal was based on article 35 of the public company's internal regulations – which prohibits workers from making statements to the media or disseminating information on the company's activities without written authorization from the general manager – as well as article 7(2)(2) of the Code of Ethics relating to the use of confidential and privileged information, in line with the confidentiality agreements signed by staff members. Furthermore, no significant formalities were omitted from the "visto bueno" procedure, which respected constitutional due process, confirming its validity.
- Under articles 157 and 169 of the Organic General Procedural Code, it falls to the parties to the "visto bueno" procedure to prove the statements made in their initial written submissions. The protective rights and the principles of the administration of justice set out in articles 75, 82 and 169 of the Constitution were observed. Moreover, in line with article 183 of the Labour Code and the jurisprudence of the then Supreme Court of Justice, "visto bueno" decisions may be appealed before the labour judge without the need in the legal system for the possibility of an administrative review of such decisions.

- 184.** In its communication dated 28 January 2026, the Government reiterates the observations contained in its previous communications and indicates that the Labour Inspectorate of Pichincha has concluded the "visto bueno" procedure in line with the provisions of the Labour Code and that the decision may only be appealed before the judiciary. The Government also submits Technical Report MDT-DRTSPQ-2025-00 regarding the Labour Administration's review of Mr Almeida's dismissal, which indicates that Mr Almeida claimed that the statements that led to his dismissal were made on behalf of his union organization, whereas they did not concern issues related to workers' rights or obligations and should have been limited to the organization chaired by Mr Almeida rather than referring to a state institution, particularly one in a strategic sector.

C. The Committee's conclusions

- 185.** *The Committee observes that the present case refers to the dismissal, on 3 December 2024, of Mr David Esteban Almeida Campana, an official at a public company in the oil sector, Secretary-General of SINTEP and leader of ANTEP, on the grounds of statements made on 4 September 2024 in a media interview in which he expressed criticism of the alleged intention of the Government of Ecuador to privatize an oil field.*
- 186.** *The Committee takes note that the complainants state that: (i) Mr Almeida Campana's statements which gave rise to the aforementioned dismissal procedure were made in the legitimate and regular exercise of freedom of expression on public policies, which belongs to the function of trade union representation; (ii) Mr Almeida Campana's full exercise of his right to defend himself against the accusations, both before the works council (CETRAPEP) established within the company and before the Labour Inspector during the "visto bueno" procedure, was not guaranteed; (iii) Mr Almeida Campana's statements did not violate the duty of confidentiality set out in articles 35 and 44 of the public company's internal regulations since they were not based on confidential documents or information entrusted to him; and (iv) the Labour Inspector's analysis neglected to consider freedom of association and the right of trade union leaders to express opinions on management and public policies and applied an overly restrictive interpretation of the internal regulations by making the trade union leader's freedom of expression subject to the employer's authorization.*

187. The Committee takes note that, for its part, the Government indicates that: (i) according to the report of the Labour Inspector, and as confirmed by the Regional Labour Director, Mr Almeida Campana made statements to the media on the public company's alleged granting of a concession for the Sacha oil field through clandestine negotiations, without producing documents supporting his assertions; (ii) his statements violated article 35 of the internal regulations (prohibition of unauthorized statements to the media) and article 7(2)(2) of the Code of Ethics (use of confidential or privileged information), and the termination of the employment relationship was therefore authorized; (iii) no significant formalities were omitted during the "visto bueno" procedure launched in Mr Almeida Campana's case, and due process was respected; (iv) there is no evidence of the alleged trade union persecution; (v) a criminal complaint of alleged influence peddling and procedural fraud during the "visto bueno" process was lodged against Ms Ivonne Nuñez, Minister of Labour, and that complaint is in the investigation phase; and (vi) legal action for unjustified dismissal brought by Mr Almeida Campana on 18 December 2024 is under way in the labour court of Iñaquito (Quito).
188. The Committee notes that it is clear from the above-mentioned details that: (i) the dismissal of Mr Almeida Campana, an official at the public company, SINTEP Secretary-General and ANTEP trade union leader, was based on statements that he made to the media; (ii) those statements referred to the alleged granting of an oil field concession to a private enterprise by the public company through clandestine negotiations; and (iii) according to the Government, Mr Almeida Campana's statements were not supported by documentation or based on specific information. The Committee takes note that in his report, the Labour Inspector deemed the dismissal to be justified owing to a violation of the duty of confidentiality and because Mr Almeida Campana had made statements to the media on a public company in a strategic sector without his manager's authorization. The Committee takes note that the complainants, for their part, consider that Mr Almeida Campana's statements were not based on confidential information entrusted to him, were wholly within the scope of his trade union activities and should not, therefore, have been sanctioned by dismissal.
189. While noting the substantial nature of the sanction imposed upon Mr Almeida Campana, SINTEP Secretary-General, the Committee observes that according to the information and appendices provided by the Government, the labour administration's examination of Mr Almeida Campana's dismissal which led to the "visto bueno" decision indicated that, although Mr Almeida claimed that the statements that gave rise to his dismissal were issued on behalf of his union, they did not address specific labour rights violations and that they should have been limited to the organization over which he presides and not refer to a state institution, particularly one in a strategic sector.
190. The Committee recalls that the right of workers' and employers' organizations to express opinions through the press or otherwise is an essential aspect of trade union rights [see **Compilation of decisions of the Committee on Freedom of Association**, sixth edition, 2018, para. 239]. The Committee further emphasizes that the occupational and economic interests which workers and their organizations defend do not only concern better working conditions or collective claims of an occupational nature, but also the seeking of solutions to economic and social policy questions and problems facing the undertaking which are of direct concern to the workers [see **Compilation**, para. 64]. Finally, the Committee recalls that it has held that the full exercise of trade union rights calls for a free flow of information, opinions and ideas, and to this end workers, employers and their organizations should enjoy freedom of opinion and expression at their meetings, in their publications and in the course of other trade union activities. Nevertheless, in expressing their opinions, these organizations should respect the limits of propriety and refrain from the use of insulting language [see **Compilation**, para. 236].
191. In the light of the foregoing, the Committee requests the Government to ensure that, when evaluating the legitimacy of the dismissal of trade union leaders and reflecting on the different aspects of such disputes, the labour administration takes due note of the above considerations on

the scope of freedom of association, which also includes the search for solutions to economic and social policy issues and to problems arising within the workplace that directly affect workers, as well as the role and scope of freedom of expression in the exercise of such rights..

- 192.** *Observing that no decision appears yet to have been rendered in the judicial proceedings brought in December 2024 against the dismissal of Mr Almeida Campana, the Committee expects that the case will be resolved rapidly and trusts that the present conclusions will be duly taken into consideration. The Committee requests the Government to keep it informed in this regard. The Committee also requests the Government to keep it informed of the status of the criminal complaint lodged in relation to the allegations in the present case.*

The Committee's recommendations

- 193.** In the light of its foregoing conclusions, the Committee invites the Governing Body to approve the following recommendations:
- (a) The Committee requests the Government to ensure that, when evaluating the legitimacy of the dismissal of trade union leaders and reflecting on the different aspects of such disputes, the labour administration takes due note of the above considerations on the scope of freedom of association, which also includes the search for solutions to economic and social policy issues, to problems arising within the company that directly affect workers, as well as to the role and scope of freedom of expression in the exercise of that right.
 - (b) The Committee hopes that the courts will render a decision rapidly on the dismissal of Mr Almeida Campana and trusts that the present conclusions will be duly taken into consideration. The Committee requests the Government to keep it informed in this regard. The Committee also requests the Government to keep it informed of the status of the criminal complaint lodged in relation to the allegations in the present case.

Case No. 3505

Interim report

Complaint against the Government of Guatemala presented by

- Education International and
- the Union of Education Workers of Guatemala (STEG)

Allegations: the complainants allege government interference in the process of collective bargaining with the Ministry of Education, the judicialization of that process and acts of criminalization, stigmatization and violence against trade unionists

- 194.** The complaint is contained in a joint communication from Education International and the Union of Education Workers of Guatemala (STEG) dated 21 May 2025 and in additional communications from the STEG dated 20 August and 22 October 2025.

- 195. The Government sent its observations in communications dated 25 September and 6 November 2025, as well as 21 January and 25 February 2026.
- 196. Guatemala has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Collective Bargaining Convention, 1981 (No. 154).

A. The complainants' allegations

- 197. In their communication dated 21 May 2025, Education International and the STEG allege that the process of negotiating the collective agreement on working conditions between the STEG and the Ministry of Education was infringed by several acts of interference and discrediting by the Government.
- 198. The complainants allege that on 30 April 2025 the President of the Republic held a press conference to address exclusively the situation with the STEG and announced, unilaterally, a wage adjustment amounting to 5 per cent of the base salary of workers in the national teaching profession, a decision made away from the negotiating table and accompanied by disparaging comments towards the trade union leaders, constituting undue intervention in the collective bargaining process.
- 199. They also allege that the Minister of Education declared publicly that the collective agreement in force contained illegal and unconstitutional provisions, illustrating, according to the complainants, a failure to recognize the institutional nature of collective agreements in line with national and international legislation. The complainants allege that several articles of the agreement signed in 2022 between the Government and the STEG and which the Government considers illegal, such as articles 20 and 21 on the quality of the services provided and training for Ministry of Education staff, are supported by the National Education Act. They state in that regard that it is neither unusual nor illegal for education sector trade union organizations to participate, together with the authorities, in the formulation of public policy and that, on the contrary, it is desirable for education systems to integrate teachers' voices since their daily experience in the classroom is key to building relevant policies.
- 200. The complainants go on to state that in May 2025 the Office of the Attorney General, at the Government's request, lodged a constitutional challenge to several clauses of the collective agreement in force, and in that regard they denounce the judicialization of the collective bargaining process.
- 201. Education International and the STEG also report a systematic campaign of criminalization and stigmatization against the trade union and its leaders, disseminated through anonymous social media accounts, government-funded media and other state media. They allege that, as well as hindering the legitimate participation of education sector organizations in the formulation of public policy, those actions jeopardize the physical and psychological integrity of trade union leaders and members in a context of violence that has been duly reported to the ILO supervisory bodies. In the complainants' view, this demonstrates that the Government is failing to fulfil its commitments under the road map on freedom of association and the indicators agreed with the ILO as part of the follow-up to a complaint submitted against it under article 26 of the ILO Constitution and that, on the contrary, it is attempting to discredit the Guatemalan trade union movement.

- 202.** In its communication dated 20 August 2025, the STEG states that in July and August 2025, respectively: (i) the Constitutional Court decided not to order the temporary suspension of the disputed articles of the collective agreement; and (ii) the Supreme Court ruled that the collective bargaining process was confidential, contrary to the Government's claims. The STEG alleges that, in the absence of legal outcomes in their favour, on two occasions the anti-riot forces of the National Civil Police hit, injured and stole from persons – mainly trade unionists – exercising their constitutional rights to protest and peaceful resistance in the Department of Izabal and in the Plaza de la Constitución in order to remove them without a court order. The STEG alleges that trade union persecution was also evident in several sanctions and dismissals and provides a provisional list in that regard.
- 203.** In its communication dated 22 October 2025, the STEG alleges that its headquarters was raided in September 2025; doors were forced, documents left in disarray and equipment destroyed in an act deemed premeditated and possibly linked to the negotiation of the collective agreement. The STEG also alleges that in addition to other attacks on trade unionists in Guatemala, on 30 September 2025 trade union leader Romelia Velásquez Funes, Secretary-General of the Pueblo Nuevo Municipal Trade Union in the municipality of Suchitepéquez, was murdered, and no significant progress has been made in the relevant investigations.

B. The Government's reply

- 204.** In its communication dated 25 September 2025, the Government states that the increase in teachers' wages and bonuses was based on article 78 of the Constitution, which requires the State to encourage the improvement of the teaching workforce's economic and social position. The increase was made official through government agreement No. 92-2025 and several ministerial agreements intended to adapt wages to the cost of living. According to the Government, this was a presidential decision applied by the competent ministries without consultation with the STEG since its aim was to benefit the teaching workforce directly.
- 205.** The Government indicates that after analysing the collective agreement on working conditions signed in 2022 between the previous Government and the STEG, the Ministry of Education found several provisions that could contradict the Constitution, mainly because they permit the STEG to interfere in decisions that fall exclusively under ministerial authority. It indicates in that regard that: (i) the Ministry of Education identified in articles 1, 20, 21, 45, 46, 47 and 62 of the agreement elements that grant the STEG the right to participate or make decisions in various processes relating to the determination of education programmes, Ministry of Education training and the regulation of joint boards as mechanisms to resolve matters arising from employment relations; (ii) during the negotiation of the new agreement, the Ministry of Education made several requests to harmonize these articles with the Constitution; (iii) since the STEG did not agree, the Minister of Education requested the intervention of the Office of the Attorney General; and (iv) on 6 May 2025, the Office of the Attorney General lodged a challenge to the constitutionality of the agreement in force with the Constitutional Court. The Government goes on to point out that: (i) its aim is to preserve the primacy of the Constitution and ensure that the managing role of the Ministry of Education is performed only by the highest authority, in line with article 23 of the Executive Branch Act; (ii) the challenge does not affect acquired rights or freedom of association and seeks simply to eliminate provisions that grant undue functions to the STEG; (iii) the challenge is pending in the Constitutional Court; and (iv) the lodging of the challenge has not halted collective negotiations on the new collective agreement, which are ongoing.

- 206.** The Government states that it has respected the trade union's rights during the collective bargaining process and that its official communications do not contain anti-union messages or messages of criminalization. It indicates that the attempts at discrediting mentioned by the trade union originate in anonymous accounts that are out of its control. It also rejects the accusation that it has orchestrated campaigns on social media or government-funded media, indicating that there is no proof of such acts. The Government maintains that it fully respects the freedom of expression established in the Constitution and states that the STEG is making unfounded, offensive statements and mounting disinformation campaigns in relation to official education projects.
- 207.** The Government indicates that since 29 February 2024 there have been numerous negotiation sessions between the Ministry of Education and the STEG, resulting in 55 meeting records and the adoption of 70 articles, although some matters have yet to gain consensus. It indicates that the Ministry of Education has acted with transparency and respect and adhered to the legal framework, endeavouring to ensure that the collective agreement does not contravene the Constitution. It cites as an example meeting record No. 9, in which the Ministry of Education argued against certain content proposed for inclusion in article 20 of the collective agreement since it related to matters that, under the Constitution and the Labour Code, fall exclusively within the scope of the Ministry of Education's administrative and technical functions. The Government points out that the STEG has not produced evidence of the arbitrariness and threats of which it is accusing the Ministry and that the meeting records signed by both parties demonstrate that such acts did not occur.
- 208.** The Government also states that during the negotiation of the collective agreement, the STEG acted in contravention of the Labour Code and regulations governing strikes: (i) on 19 May 2025 it convened a permanent assembly, which caused classes to be suspended for 50 days and affected the right to education of thousands of students, particularly in rural areas, as well as having additional consequences, such as preventing access to school meals; (ii) the STEG occupied public spaces in the Plaza de la Constitución and around the National Palace, obstructing freedom of movement and causing damage to a heritage building; and (iii) it blocked roads for four days, affecting mobility and the economy, even during an Orange Alert of seismic activity. The Government summarizes the applications for amparo (protection of constitutional rights) that it has lodged, indicating that many have been settled in its favour.
- 209.** In its communications dated 6 November 2025 and 21 January 2026, the Government states that its negotiators continue to analyse the STEG's requests. It reiterates that the Office of the Attorney General has lodged constitutional challenges to several articles of the collective agreement in force and that the Constitutional Court has yet to render a decision, preventing these matters from being settled definitively. Moreover, the Government indicates that the trade union's financial demands amount to more than double the Ministry of Education's annual budget, and it is therefore impossible to address them in full. It considers that the accusations contained in the present complaint are unfounded and a distortion of reality, affecting the most vulnerable group and amounting to a strategy geared towards spreading disinformation and discrediting institutions. Lastly, the Government reaffirms its commitment to continuing to negotiate the collective agreement in accordance with the national legal framework and ratified international Conventions on freedom of association and collective bargaining.
- 210.** In its communication of 25 February 2026, the Government indicates that: (i) with regard to the dismissals carried out and documented by MINEDUC, it cannot be determined whether any of the 28 workers listed are actually members of an executive committee or belong to the STEG and the National Teachers' Assembly; (ii) with regard to the murder of union leader Romelia

Velásquez Funes and the raid on the STEG union headquarters, based on information provided by the Public Prosecutor's Office, it can be established that both cases are under investigation; and (iii) according to the information provided by the Ministry of the Interior, police action during the demonstrations in the Department of Izabal and in the Plaza de la Constitución was carried out in accordance with the law, current protocols of action and in accordance with orders issued by judicial resolutions, with only one exchange of actions between a demonstrator and the police, in which the individual was neutralized using proportional force.

C. The Committee's conclusions

211. *The Committee observes that the present complaint refers to alleged violations of the right to collective bargaining in the public education sector, including the adoption of unilateral decisions by the executive branch outside the process of negotiating the new collective agreement on working conditions in the sector, the lodging of constitutional challenges to clauses of the collective agreement in force, public statements intended to discredit the leaders of the STEG and grave acts of violence against trade unionists. The Committee takes note that, for its part, the Government denies the alleged hindering of collective bargaining and highlights that it continues to be fully active in the process of negotiating the new collective agreement in the education sector and that it has not committed any act of anti-union violence.*
212. *The Committee takes note that the process of renegotiating the 2022 collective agreement between the STEG and the Ministry of Education began at the beginning of 2024.*
213. *The Committee notes that, according to the complainants, on 30 April 2025 the President of the Republic announced – unilaterally and separately from the negotiations with the STEG – a wage adjustment of 5 per cent applicable to teachers in the national teaching profession, and that on that occasion statements were made to discredit the STEG's leaders. The Committee takes note that the Government, for its part, states that the increase in teachers' wages and bonuses was based on article 78 of the Constitution, which requires the State to encourage the improvement of the teaching workforce's economic and social position, and that, according to the Government, this was a presidential decision intended to adapt wages to the cost of living without the need for prior consultation with the trade union since its aim was to benefit the teaching workforce directly.*
214. *The Committee also takes note of the Government's statements to the effect that the STEG's financial demands as part of the negotiation of the new collective agreement would amount to more than double the Ministry of Education's annual budget, and it is therefore impossible to address them in full, and that negotiations are ongoing. In view of the difficulties in reaching agreement in that regard that have been encountered since January 2024, the Committee understands that it may have been necessary to undertake a rapid re-evaluation of the teaching workforce's remuneration to address changes in the cost of living. The Committee highlights, however, that care must be taken to ensure that no unilateral action by the Government, while negotiations are under way, adversely affects the collective bargaining process.*
215. *In that regard, the Committee wishes to recall the importance which it attaches to the obligation to negotiate in good faith for the maintenance of the harmonious development of labour relations [see **Compilation of decisions of the Committee on Freedom of Association**, sixth edition, 2018, para. 1327]. In view of the above, and taking due note that negotiations on the new collective agreement are ongoing, the Committee requests the Government to avoid unilateral initiatives that could affect the proper conduct of that process.*
216. *The Committee goes on to note that in May 2025 the Office of the Attorney General, at the Government's request, lodged a constitutional challenge to several provisions of the collective agreement in force, alleging that they grant to the STEG powers that should fall exclusively to the*

Ministry. The Committee notes that, according to the complainants, such a step disregards the institutional nature of collective agreements in line with national and international legislation, and all the more so given that several articles of the agreement which the Government deems illegal, such as articles 20 and 21 of the agreement on the quality of the services provided and on Ministry of Education staff training, are supported by the National Education Act. The Committee takes note that, in the view of the STEG, the courts' examination of clauses of the collective agreements may have been used to exert pressure on or weaken the bargaining process. The Committee takes note that the Government, for its part, indicates that: (i) the Ministry identified phrases and provisions in articles, such as articles 1, 20, 21, 45, 46, 47 and 62, that grant the STEG the right to participate or make decisions in various processes relating, among others, to the determination of education programmes and Ministry of Education training; (ii) during the negotiation of the agreement, the Ministry of Education made several requests to harmonize these articles with the Constitution; and (iii) since the STEG did not agree, the Minister of Education requested the intervention of the Office of the Attorney General before the Constitutional Court. The Committee observes that the Government states in that regard that: (i) its aim is to preserve the primacy of the Constitution and ensure that the managing role of the Ministry of Education is performed only by the highest authority, in line with article 23 of the Executive Branch Act; (ii) the challenge does not affect acquired rights or freedom of association and seeks simply to eliminate provisions that grant undue functions to the STEG; (iii) the challenge is pending in the Constitutional Court.

217. The Committee takes note from the information provided that, in the complainants' view, the examination by a court of provisions of a collective agreement risks compromising the parties' autonomy and weakening the collective bargaining process (which they describe as the judicialization of collective bargaining), while in the Government's view, the clauses of a collective agreement should not limit the Ministry's authority in the sector, in line with article 23 of the Executive Branch Act, nor should they impose costs outside that sectoral framework, which would justify constitutional oversight. The Committee notes that in July 2025 the Constitutional Court decided not to order the temporary suspension of the disputed articles of the collective agreement, considering that the grounds set out in article 183 of the Act on Amparo, Habeas Corpus and Constitutionality (grave and irreparable harm) had not been met and that a decision on the substance of the matter by the Court remains pending.
218. The Committee takes due note of the preceding information. The Committee recalls that it has considered that, as regards the education sector, a distinction may be made between matters that essentially concern the determination of the broad lines of educational policy, which may be excluded from collective bargaining, and matters relating to conditions of employment, which should be subject to collective bargaining [see **Compilation**, para. 1303]. The Committee also emphasizes that it is preferable to resolve the issues raised in relation to the content of collective agreements on working conditions to the extent possible through collective bargaining. Noting the ongoing efforts to reach agreement on regulations on collective bargaining in the public sector that were verified by a recent joint mission of the ILO, the International Organisation of Employers and the International Trade Union Confederation as part of the application of the road map on freedom of association, the Committee encourages the parties to step up their efforts to reach a middle ground on the aspects of the collective agreement that are pending before the Constitutional Court. The Committee asks the Government to keep it informed concerning any developments in the proceedings under way before the Constitutional Court.
219. The Committee takes note of the allegations relating to campaigns to discredit the STEG's leaders disseminated via state networks and media, aggression and abuse on the part of the police when ejecting individuals from public places without court orders, the raiding of the STEG's headquarters in September 2025 and other acts of violence, including the murder of Ms Romelia Velásquez Funes,

Secretary-General of the Pueblo Nuevo Municipal Trade Union in the municipality of Suchitepéquez, in September 2025. The Committee notes the Government's indication that the facts relating to the murder of trade union leader Romelia Velásquez Funes and the raid on the STEG headquarters are under investigation, and that according to the information provided by the Ministry of the Interior, the police action during the demonstrations in the Department of Izabal and in the Plaza de la Constitución was carried out in accordance with the law, the protocols in force and in accordance with orders issued by judicial resolutions.

220. The Committee notes that the Government denies any campaign of stigmatization, attributes the attempted discrediting to unidentified accounts and considers that the trade union bears a share of the responsibility for its difficult relations with the Government (the suspension of classes for 50 days, blockages of roads and public spaces and failure to observe amparo orders). While observing the radically opposing views of the parties involved and that several investigations are currently under way, the Committee recalls that a climate of violence, such as that surrounding the murder or disappearance of trade union leaders, or one in which the premises and property of workers and employers are attacked, constitutes a serious obstacle to the exercise of trade union rights; such acts require severe measures to be taken by the authorities [see **Compilation**, para. 89]. Taking note of the [action reported by the Government in that regard as part of the Governing Body's examination of the complaint presented against the Government under article 26 of the ILO Constitution](#), the Committee requests the Government to redouble its efforts to guarantee an environment free from violence, stigmatization and threats against trade union members and to continue to provide information on the progress and results of the investigation into the raid on the STEG headquarters in 2025.
221. Deploing the murder of the municipal trade union leader Ms Romelia Velásquez Funes, which joins the long list of murders reported as part of Case No. 2609 [see 411th Report], the Committee refers to its conclusions in that case and urges 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 and that the instigators and perpetrators of such acts are sanctioned. The Committee requests the Government to provide information in that regard under Case No. 2609.
222. Lastly, the Committee takes note of the STEG's allegations that trade union persecution also gave rise to several sanctions and dismissals and of the provisional list submitted in that regard. Noting that, according to the Government, it could not be determined whether any of the 28 workers listed were actually members of an executive committee or belonged to the STEG and the National Teachers' Assembly, the Committee requests it to continue to provide information on the allegations relating to the numerous dismissals of workers affiliated to the STEG; the Committee also requests the STEG to provide additional information so as to gain greater clarity on the circumstances surrounding those allegations.

The Committee's recommendations

223. In the light of its foregoing interim conclusions, the Committee invites the Governing Body to approve the following recommendations:
- (a) While it understands the importance of responding rapidly to changes in the cost of living, and taking due note that negotiations on the new collective agreement in the education sector are ongoing, the Committee requests the Government to avoid unilateral initiatives that affect the proper conduct of those negotiations; the Committee also requests the Government to report on the outcome of those negotiations.

- (b) Recalling that it is preferable to resolve the issues raised in relation to the content of collective agreements on working conditions to the extent possible through collective bargaining, the Committee encourages the parties to step up their efforts to reach a middle ground on the aspects of the collective agreement that are pending before the Constitutional Court. The Committee asks the Government to keep it informed concerning any developments in the proceedings under way before the Constitutional Court.
- (c) Taking note of the action reported by the Government in that regard as part of the Governing Body's examination of the complaint presented against the Government under article 26 of the ILO Constitution, the Committee requests the Government to redouble its efforts to guarantee an environment free from violence, stigmatization and threats against trade union members and to provide information on the progress and outcome of the investigation into the raiding of the headquarters of the Union of Education Workers of Guatemala (STEG) in 2025.
- (d) Deploring the murder of the municipal trade union leader Ms Romelia Velásquez Funes, which joins the long list of murders reported as part of Case No. 2609, the Committee refers to its conclusions in that case and urges 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; the Committee requests the Government to provide information in that regard under Case No. 2609.
- (e) The Committee requests the Government to continue to provide information on the allegations relating to the numerous dismissals of workers affiliated to the STEG; the Committee also requests the STEG to provide additional information so as to gain greater clarity on the circumstances surrounding those allegations.

Case No. 3403

Report in which the Committee requests to be kept informed of developments

Complaint against the Government of Guinea presented by the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)

Allegations: The complainant organization alleges acts of anti-union discrimination and harassment against union officials and members, and interference in or refusal to hold representative elections on the part of management in several hotels and, more generally, in the hotel industry. The complainant organization also alleges the Government's failure to ensure respect for the right to freedom of association and collective bargaining in this case

- 224. The Committee examined this case (presented in 2021) at its October 2024 meeting, when it presented an interim report to the Governing Body [see 408th Report, paras 433–453, approved by the Governing Body at its 352nd Session (October–November 2024)].¹²
- 225. The complainant organization sent additional information in a communication dated 14 November 2025.
- 226. The Government sent its observations in a communication dated 29 January 2026.
- 227. Guinea has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Workers' Representatives Convention, 1971 (No. 135).

A. Previous examination of the case

- 228. During its previous examination of the case, in October 2024, the Committee made the following recommendations [see 408th Report, para. 453]:
 - (a) Noting that the employer has appealed against the labour court of Guinea's ruling of 31 March 2023 in favour of the hotel's trade union officials, Mr Amadou Diallo and Mr Alhassane Diallo, the Committee requests the Government to provide information on the outcome of the proceedings and to inform it of the court of appeal's ruling once it has been handed down.

¹² [Link to previous examination.](#)

- (b) The Committee requests the Government to conduct an independent investigation into the conditions of the dismissal of Mr Alhassane Sylla and Mr Mory Soumaoro, in November 2019, and to provide information on any legal proceedings initiated in this regard.
- (c) The Committee requests the Government and the complainant to provide information on Mr Sampil's situation and to indicate whether an appeal has been lodged against the labour court's ruling of 19 July 2021 concerning him.
- (d) The Committee requests the Government to give all appropriate instructions to ensure that the police are not used as an instrument of intimidation or surveillance of trade union members and to keep it informed of the action taken or envisaged in this regard.
- (e) The Committee requests the Government to take all necessary steps, in consultation with the social partners concerned, to ensure that the protection of trade union rights and protection against anti-union discrimination, in particular in the hotel sector, are fully guaranteed both in law and in practice. In this respect, the Committee urges the Government to ensure that, when Hotel 1 reopens, there is no anti-union discrimination in determining which employees may be recalled to work.
- (f) The Committee requests the Government to provide without delay its observations in response to the additional information and allegations contained in the latest communication from the complainant.

B. Additional information and allegations from the complainant

- 229.** In its communication dated 14 November 2025, the complainant organization submits new allegations of the ongoing violations of freedom of association and effective recognition of collective bargaining. The complainant alleges that, despite the Committee's previous recommendations, the Government has taken no specific measures to remedy the situation and that the labour inspectorate remains inactive in the face of the complaints filed.
- 230.** *Situation at the Sheraton Grand Conakry (reopened under the Radisson BLU brand) (hereinafter Hotel 1).* Regarding the situation at Hotel 1, the complainant alleges that the reopening of the establishment on 31 December 2024 was accompanied by systematic discriminatory practices aimed at preventing union members from returning to work. The complainant organization states that a list was drawn up identifying 30 members of the Federation of Hotel, Tourism, Restaurant and Catering, and Allied Workers Associations (FHTRC) for rehire, of which only two were hired, which it claims is evidence of a "blacklist" targeting unionized workers. Furthermore, the complainant organization reports that the last remaining union representative, Mr Faya Junior Mara, was dismissed in June 2025. Regarding the court proceedings relating to the 2022 dismissals, the complainant organization states that the employer is still refusing to pay the compensation owed to Mr Amadou Diallo and Mr Alhassane Diallo despite the court decisions on the subject, and that the appeal proceedings concerning Mr Ibrahima Kandet, Mr André Haba and Mr Mohammed Bangoura are still pending after the decisions in their favour in the first instance. The complainant organization emphasizes that only the case of Mr Sampil has been settled amicably.
- 231.** *Situation at the Onomo Conakry Hotel (hereinafter Hotel 2).* The complainant informs the Committee that 14 workers, who had previously been dismissed and forced to accept subcontracts because of their union membership, were reinstated to the hotel's direct staff in September 2025. However, the complainant alleges that this reinstatement did not go hand in hand with the full restoration of their rights. In particular, it alleges that these workers had not received any pay rise since their initial recruitment, did not receive the bonuses provided for in the collective agreement for that sector, and were not paid for overtime or night work. The complainant adds that the labour inspectorate, although informed of these failings, has refrained from taking any enforcement measures to ensure compliance with the law.

- 232.** *Situation at the Primus Kaloom Hotel (hereinafter Hotel 3).* The complainant states that no progress has been made in respect of the request to hold union elections, which dates back to February 2022. It denounces the continued obstruction by management and the silence of the labour inspectorate, which, it claims, have allowed the employer to maintain a total absence of trade union representation within the establishment for several years.
- 233.** In conclusion, the complainant reiterates its request to the Committee to call on the Government to ensure respect for freedom of association, particularly in the context of projects receiving funding from international development institutions. It requests the Committee to urge the Government to take prompt action to end anti-union discrimination, to ensure that free elections are held and to guarantee that the court decisions in favour of the dismissed workers are enforced. The complainant organization expresses growing concern about the emergence of a blacklisting practice aimed at excluding unionized workers from being rehired. It therefore reiterates its request to the Committee to call on the Government to remedy these violations of freedom of association without delay.

C. The Government's reply

- 234.** In its communication dated 29 January 2026, the Government starts by emphasizing its unwavering commitment to the principles of freedom of association and gives assurances that instructions have been conveyed to the labour inspection services to ensure compliance with ILO Conventions in the hospitality sector.
- 235.** *Situation at Hotel 1.* The Government states that the General Labour Inspectorate is diligently monitoring the dispute. It specifies that legal proceedings are ongoing before the competent authorities and that, in accordance with the principle of judicial independence, it cannot interfere in decisions on pending cases. The Government states that the recruitment process linked to the reopening of the establishment falls within the employer's contractual freedom, and affirms that no evidence of anti-union discrimination has been formally presented by the inspection services. The Government also highlights its mediation efforts to facilitate the settlement of statutory compensation.
- 236.** *Situation at Hotel 2.* The Government states that the 14 workers affected by the use of subcontracts were officially reinstated to the establishment's direct staff in September 2025. It claims that this regularization is the direct result of the intervention of the labour authorities, who demanded that the service-provider contracts be converted into permanent employment contracts. With regard to the claims relating to wages and the bonuses under the collective agreement, the Government affirms that a compliance audit is currently being carried out by the regional inspectorate to verify that all the wage supplements are correctly paid to those concerned.
- 237.** *Situation at Hotel 3.* The Government acknowledges that there has been a significant delay in organizing occupational elections. It attributes this situation to internal difficulties within the enterprise and to problems with the transmission of correspondence within the regional inspection services. The Government also states that a formal notice has been sent to the hotel management and that firm instructions have been given to the General Labour Inspectorate to immediately restart the pre-election process, in consultation with the social partners, with a view to setting a definitive election timetable and restoring worker representation within this establishment.

D. The Committee's conclusions

238. *The Committee recalls that this case concerns alleged acts of anti-union discrimination and harassment by the management of several hotel establishments targeting both the officials of the Federation of Hotel, Tourism, Restaurant and Catering, and Allied Workers Associations (FHTRC) and workers who have expressed support for the union. The Committee also recalls that the complainant organization alleges that the Government has failed to ensure respect for the right to freedom of association and collective bargaining in this case.*
239. *The Committee takes note of the additional information provided by the complainant in November 2025, as well as the observations submitted by the Government in January 2026. The Committee recalls in this regard that the purpose of the entire procedure is to ensure respect for freedom of association, both in law and in practice, and that, while this procedure protects governments against unfounded accusations, they must in turn recognize the importance of providing detailed replies to the allegations made against them in order to allow for an objective examination by the Committee. The Committee therefore welcomes the Government's reply and trusts that it will continue to cooperate fully, in line with its stated intention.*
240. *With regard to the situation at Hotel 1, the Committee notes with concern the complainant's allegations that a "blacklist" was drawn up to prevent the rehiring of unionized workers when the establishment reopened on 31 December 2024. The Committee notes in particular the allegation that, from a list that was drawn up identifying 30 union members for rehire, only two were hired, and that the last union representative, Mr Faya Junior Mara, was dismissed in June 2025. With regard to the legal proceedings relating to the 2022 dismissals, the Committee notes with concern the allegations that the employer is still refusing to pay the compensation owed to Mr Amadou Diallo and Mr Alhassane Diallo despite the court decisions on the subject, and that the appeal proceedings concerning Mr Ibrahima Kandet, Mr André Haba and Mr Mohammed Bangoura are still pending after decisions in their favour in the first instance. Furthermore, the Committee notes that the Government, for its part, invokes the employer's freedom of choice in hiring and states that the labour inspectorate has not provided any formal evidence of discrimination. In this regard, the Committee has already expressed the view that all practices involving the blacklisting of trade union officials or members constitute a serious threat to the free exercise of trade union rights and, in general, governments should take stringent measures to combat such practices. Furthermore, it recalls that workers face many practical difficulties in proving the real nature of their dismissal or denial of employment, especially when seen in the context of blacklisting, which is a practice whose very strength lies in its secrecy. While it is true that it is important for employers to obtain information about prospective employees, it is equally true that employees with past trade union membership or activities should be informed about the information held on them and given a chance to challenge it, especially if it is erroneous and obtained from an unreliable source. Moreover, in these conditions, the employees concerned would be more inclined to institute legal proceedings since they would be in a better position to prove the real nature of their dismissal or denial of employment (see **Compilation of decisions of the Committee on Freedom of Association**, sixth edition, 2018, paras 1121 and 1089). The Committee observes that employers have freedom of choice in hiring, provided no person shall be prejudiced in employment by reason of trade union membership or legitimate trade union activities, whether past or present. All acts of anti-union discrimination against workers in employment matters must be prohibited, and this protection is particularly necessary in this case. Consequently, the Committee urges the Government to exercise its authority to ensure that the General Labour Inspectorate conducts an investigation into the allegations of discrimination in hiring at the new hotel establishment presented to it.*

241. Regarding the legal proceedings relating to the 2022 dismissals (cases of Mr Amadou Diallo, Mr Alhassane Diallo, Mr Ibrahima Kandet, Mr André Haba and Mr Mohammed Bangoura), the Committee observes that, according to the complainant, the employer is refusing to comply with the court decisions in this regard and appeal proceedings are still pending. The Committee recalls once again that cases concerning anti-union discrimination should be examined rapidly, so that the necessary remedies can be really effective, and that an excessive delay in processing such cases constitutes a serious attack on the trade union rights of those concerned. It also recalls that justice delayed is justice denied (see **Compilation**, paras 1139 and 170). Consequently, the Committee urges the Government to ensure the swift and complete enforcement of the court decisions concerning the dismissed workers and to keep it informed of any developments in this regard (cases of Mr Amadou Diallo and Mr Alhassane Diallo). Furthermore, the Committee expects the pending court proceedings to conclude without further delay and the Government to keep it informed of their outcome (cases of Mr Ibrahima Kandet, Mr André Haba and Mr Mohammed Bangoura).
242. With regard to Hotel 2, the Committee notes with interest the information provided by the complainant and the Government confirming the reinstatement, in September 2025, of 14 workers who had previously been forced to accept subcontracts. The Committee observes that the Government attributes this regularization to the intervention of the General Labour Inspectorate. However, the Committee notes that the complainant alleges that these workers are still suffering financial losses, having received neither a pay rise since their initial recruitment, nor the bonuses provided for in the collective agreement, nor overtime pay. The Committee takes note of the Government's indication that a compliance audit is under way to verify these payments. The Committee recalls that, if it appears that the dismissals occurred as a result of involvement by the workers concerned in the activities of a union, the Government must ensure that those workers are reinstated in their jobs without loss of pay. In many cases, the Committee has requested the Government to ensure that the persons in question are reinstated in their jobs without loss of pay or compensation (see **Compilation**, paras 1169 and 1168). The Committee expects that the audit announced by the Government will quickly resolve the outstanding wage issues and urges the Government to keep it informed of the outcome of this audit and, if applicable, of the payments of the wages and benefits owed.
243. With regard to Hotel 3, the Committee notes with deep concern the continuing absence of trade union elections, despite the request made in February 2022. The Committee notes that the Government acknowledges the delay in this process and reports that a formal notice has been sent to the hotel management to organize the elections. The Committee recalls that the free choice of workers to establish and join organizations is so fundamental to freedom of association as a whole that it cannot be compromised by delays (see **Compilation**, para. 476). The Committee expects the Government to keep it informed of any new developments regarding the holding of union elections at Hotel 3, and the results thereof.
244. Generally speaking, while noting the mediation efforts mentioned by the Government, the Committee is concerned about the repeated allegations by the complainant organization regarding the inaction of the General Labour Inspectorate in response to complaints of anti-union discrimination in the hotel sector. In this regard, the Committee wishes to strongly reiterate that the basic regulations that exist in the national legislation prohibiting acts of anti-union discrimination are inadequate when they are not accompanied by procedures to ensure that effective protection against such acts is guaranteed. Where cases of alleged anti-union discrimination are involved, the competent authorities dealing with labour issues should begin an inquiry immediately and take suitable measures to remedy any effects of anti-union discrimination brought to their attention (see **Compilation**, paras 1140 and 1159). The Committee expects the Government to take prompt and appropriate measures to address the allegations of anti-union discrimination in the matter.

The Committee's recommendations

245. In the light of its foregoing conclusions, the Committee requests the Governing Body to approve the following recommendations:

- (a) The Committee urges the Government to exercise its authority to ensure that the General Labour Inspectorate conducts an investigation into the allegations of discrimination in hiring at the new hotel establishment presented to it, .
- (b) The Committee urges the Government to ensure the swift and complete enforcement of the court decisions concerning the dismissed workers and to keep it informed of any developments in this regard (cases of Mr Amadou Diallo and Mr Alhassane Diallo). Furthermore, the Committee expects the pending court proceedings to conclude without further delay and the Government to keep it informed of their outcome (cases of Mr Ibrahima Kandet, Mr André Haba and Mr Mohammed Bangoura).
- (c) The Committee expects that the audit announced by the Government will quickly resolve the outstanding wage issues at Hotel 2 and urges the Government to keep it informed of the outcome of this audit and, if applicable, of the payments of the wages and benefits owed.
- (d) The Committee expects the Government to keep it informed of any developments regarding the holding of union elections at Hotel 3, and the results thereof.
- (e) The Committee again requests the Government to take all necessary steps, in consultation with the social partners concerned, to ensure that the protection of trade union rights and protection against anti-union discrimination, in particular in the hotel sector, are fully guaranteed both in law and in practice.

Case No. 2508

Interim report

Complaint against the Government of the Islamic Republic of Iran presented by

- the International Trade Union Confederation (ITUC) and
- the International Transport Workers' Federation (ITF)

Allegations: The complainants denounce acts of repression against the local trade union at a city bus company, as well as the arrest and detention of large numbers of trade unionists

246. The Committee last examined this case (submitted in 2006) at its June 2025 meeting, when it presented an interim report to the Governing Body [see 411th Report, approved by the Governing Body at its 354th Session, paras 322–349].¹³

¹³ [Link to previous examination.](#)

- 247. The International Trade Union Confederation (ITUC) sent additional information in a communication dated 21 October 2025.
- 248. The Government has not provided any information on the measures taken to implement the recommendations of the Committee.
- 249. The Islamic Republic of Iran has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), nor the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

A. Previous examination of the case

- 250. At its June 2025 meeting, the Committee made the following recommendations [see 411th Report, para. 349]:
 - (a) Noting that three years after their arrest, Ms Kohler and Mr Paris remain in provisional detention, the Committee again firmly urges the Government to ensure that they are immediately released and to guarantee their safe return to their country and to keep it informed of the measures taken in this regard.
 - (b) The Committee again urges the Government to initiate the process of reviewing Chapter VI of the Labour Law and the By-law on the establishment, the scope of duties and powers, and the forms of operation of trade associations and their confederations, which provide the overarching framework for organizing in the country and to keep it informed of the efforts to amend the guidelines and procedures concerning arts, media and culture professional organizations, with a view to the abrogation of all provisions imposing a trade union monopoly at any level and their replacement with provisions that recognize the right of all workers, to establish and join organizations of their own choosing. It requests the Government to provide information on the steps taken in this respect and to communicate any draft drawn up or text adopted in the process.
 - (c) The Committee expresses the firm expectation that, with ILO technical assistance and in full consultation with representatives of workers and employers, the Iranian legislation will be rapidly brought into line with freedom of association. It further reiterates its previous request for information, as set out in its 403rd Report, paragraph 304(a).
 - (d) The Committee once again urges the Government to ensure that the Syndicate of Workers of Tehran and Suburbs Bus Company (SVATH) can function without hindrance through its de facto recognition pending legislative reform, and to take steps to ensure that its officials and members are not arrested, detained and prosecuted for legitimate trade union activities. The Committee requests the Government to keep it informed of the steps taken and the progress made in this regard.
 - (e) The Committee recalls the importance it attaches to the 1970 Resolution concerning Trade Union Rights and Their Relation to Civil Liberties and draws the Governing Body's attention to the serious and urgent nature of this case.

B. Additional information from the complainant

- 251. In a communication dated 21 October 2025, the ITUC alleges that, on 27 July 2025, Ms Cécile Kohler and Mr Jacques Paris were transferred to an undisclosed location for pretrial detention and were subsequently convicted and sentenced by the Iranian judiciary on 14 October 2025 for multiple offences, including espionage, conspiracy against national security and intelligence cooperation. The ITUC adds that they received concurrent terms of imprisonment of 32 years and 31 years, respectively.
- 252. The ITUC recalls that the matter concerning the arrest of Ms Cécile Kohler and Mr Jacques Paris was brought to the attention of the Committee on 7 May 2022 and reiterates its deep concern

regarding the conditions of their detention, which it considers amount to torture and have serious implications for their health. The ITUC strongly condemns the use of the judiciary and national security laws and processes to criminalize legitimate trade union and solidarity activities.

253. The ITUC once again requests the Committee to call on the Government to immediately release Ms Cécile Kohler and Mr Jacques Paris and ensure their safe return to their country.

C. The Committee's conclusions

254. *The Committee recalls that this case, lodged in 2006, concerns acts of repression against the Syndicate of Workers of Tehran and Suburbs Bus Company (SVATH), as well as the arrest, detention and condemnation of large numbers of trade union members and officials, including foreign trade unionists, and the inadequate legislative framework for the protection of freedom of association.*
255. *The Committee recalls that the Government previously indicated that Ms Cécile Kohler and Mr Jacques Paris were charged with the crime of "assembly and collusion with the intention of committing a crime against the security of the State", for having provided training to the members of Iranian teachers' unions on methods of organizing, on holding strikes and protests, and on methods of safe contacts and communications avoiding surveillance by intelligence services. The Committee further recalls that it had noted in its previous examination of this case that the acts attributed by the Government to Ms Kohler and Mr Paris fall within legitimate trade union activities for which no one should be arrested, detained, prosecuted or sentenced. It further recalls that, although the Committee had noted the Government's indication that efforts were being made to ensure that the above individuals receive pardons and amnesty, it had also expressed its regret over the absence of information regarding the nature of their trial or the due process guarantees afforded to the two trade unionists, including those set out in the International Covenant on Civil and Political Rights, and that it had observed that, three years after their arrest, the Committee had still not been informed of any conviction by a court of law or provided with a copy of any judicial decision in their case.*
256. *The Committee notes with deep concern the additional information submitted by the ITUC regarding the conviction and sentencing of Ms Kohler and Mr Paris on 14 October 2025, resulting in excessively long prison sentences of 32 and 31 years, respectively. In the absence of any information from the Government on the situation of Ms Kohler and Ms Paris, the Committee nevertheless notes, based on the information accessible on the public website of the [French Ministry for Europe and Foreign Affairs](#), that the two individuals were transferred to the French Embassy in Tehran on 4 November 2025, and that efforts by the French authorities are ongoing to ensure that they may return to their country as soon as possible. The Committee understands that the two trade unionists have been conditionally released after more than three years of detention, yet they remain prohibited from leaving the country while their safe return to France remains subject to bilateral negotiations between the Islamic Republic of Iran and France. The Committee wishes to recall in this respect that "the detention of trade unionists for reasons connected with their activities in defence of the interests of workers constitutes a serious interference with civil liberties in general and with trade union rights in particular", and that "[t]he Committee has drawn attention to the importance that it attaches to the principle set out in the Universal Declaration of Human Rights that everyone has the right to leave any country, including one's own, and to return to one's own country" [see **Compilation of decisions of the Committee on Freedom of Association**, sixth edition, 2018, paras 123 and 191]. Noting that Ms Kohler and Mr Paris were sentenced to very heavy prison terms and have been conditionally released after three years of detention, the Committee firmly urges the Government to set aside their sentences, ensure their unconditional release and guarantee their swift and safe*

return to their country. It requests the Government to provide information on all measures taken in this regard.

- 257.** *As regards the legislative framework for freedom of association, the Committee recalls that it previously noted the Government's indication that the labour law had not been revised, but that the Ministry was pursuing efforts to amend the regulations governing arts, media and cultural organizations. The Committee recalls that, throughout the examination of this case, it has noted that a trade union monopoly is enshrined not only in the provisions of the Labour Law, but also in the By-law on the establishment, the scope of duties and powers, and the forms of operation of trade associations and their confederations (the By-law), as well as the guidelines and procedures concerning arts, media and culture professional organizations [see 396th Report, paras 442–443]. The Committee once again urges the Government to initiate the process of reviewing Chapter VI of the Labour Law and the By-law which provide the overarching framework for organizing in the country and to keep it informed of the efforts to amend the guidelines and procedures concerning arts, media and culture professional organizations, with a view to the abrogation of all provisions imposing a trade union monopoly at any level and their replacement with provisions that recognize the right of all workers and employers to establish and join organizations of their own choosing. It urges the Government to provide information on the steps taken in this respect and to communicate any draft drawn up or text adopted in the process.*
- 258.** *Having previously noted that the bill for the ratification of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No.144), was still with Parliament and having taken due note of the Government's request for technical assistance, the Committee once again expresses the firm expectation that, with this assistance and in full consultation with the most representative workers' and employers' organizations, the Iranian legislation will be rapidly brought into line with freedom of association. It further reiterates its previous request for information, as set out in its 403rd Report, paragraph 304(a) concerning the possible ratification of Conventions Nos 98 and 144.*
- 259.** *In the absence of any information from the Government in relation to the functioning of the SVATH, the Committee once again urges it to ensure that the SVATH can function without hindrance through its de facto recognition pending legislative reform, and to take steps to ensure that its officials and members are not arrested, detained and prosecuted for legitimate trade union activities. The Committee requests the Government to keep it informed of the steps taken and the progress made in this regard.*
- 260.** *The Committee once again recalls the importance it attaches to the 1970 Resolution concerning Trade Union Rights and Their Relation to Civil Liberties and draws the Governing Body's attention to the serious and urgent nature of this case.*

The Committee's recommendations

- 261.** **In the light of its foregoing interim conclusions, the Committee invites the Governing Body to approve the following recommendations:**
- (a) **Noting that Ms Cécile Kohler and Mr Jacques Paris were sentenced to very heavy prison terms and have been conditionally released after three years of detention, the Committee firmly urges the Government to set aside their sentences, ensure their unconditional release and guarantee their swift and safe return to their country. It requests the Government to provide information of the measures taken in this regard.**

- (b) The Committee again urges the Government to initiate the process of reviewing Chapter VI of the Labour Law and the By-law on the establishment, the scope of duties and powers, and the forms of operation of trade associations and their confederations, which provide the overarching framework for organizing in the country and to keep it informed of the efforts to amend the guidelines and procedures concerning arts, media and culture professional organizations, with a view to the abrogation of all provisions imposing a trade union monopoly at any level and their replacement with provisions that recognize the right of all workers, to establish and join organizations of their own choosing. It urges the Government to provide information on the steps taken in this respect and to communicate any draft drawn up or text adopted in the process.
- (c) The Committee once again expresses the firm expectation that, with ILO technical assistance and in full consultation with the most representative workers' and employers' organizations, the Iranian legislation will be rapidly brought into line with freedom of association. It further reiterates its previous request for information, as set out in its 403rd Report, paragraph 304(a) concerning the possible ratification of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).
- (d) The Committee once again urges the Government to ensure that the Syndicate of Workers of Tehran and Suburbs Bus Company (SVATH) can function without hindrance through its de facto recognition pending legislative reform, and to take steps to ensure that its officials and members are not arrested, detained and prosecuted for legitimate trade union activities. The Committee requests the Government to keep it informed of the steps taken and the progress made in this regard.
- (e) The Committee once again recalls the importance it attaches to the 1970 Resolution concerning Trade Union Rights and Their Relation to Civil Liberties and draws the Governing Body's attention to the serious and urgent nature of this case.

Case No. 3456

Interim report

**Complaint against the Government of Panama
presented by**

- the National Confederation of United Independent Unions (CONUSI),
- the Single National Federation of Construction and Allied Workers (SUNTRACS) and
- the Building and Wood Workers' International (BWI)

Allegations: The complainant organizations allege the murders of four persons who were participating in protests, arbitrary detentions, acts of intimidation against trade union representatives, and the closure of SUNTRACS bank accounts in reprisal for its participation in protests against the decision to approve a mining concession contract

- 262.** The Committee examined this case at its March 2025 meeting, when it presented an interim report to the Governing Body (see 409th Report, approved by the Governing Body at its 353rd Session (March 2025), paras 260–285).¹⁴
- 263.** CONUSI and SUNTRACS submitted additional information in communications dated 14 February and 16 May 2025. In addition, communications were received from the BWI on 23 May and 15 September 2025.
- 264.** The Government sent its observations in communications dated 6 and 26 May 2025, 14 and 30 July 2025, 22 December 2025, and 12 and 14 January 2026
- 265.** Panama has ratified 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).

A. The complainants' allegations

- 266.** At its March 2025 meeting, the Committee made the following recommendations [see 409th Report, para. 285]:
- (a) The Committee requests the Government to: (i) provide information on the final outcome of the investigations and judicial proceedings relating to the deaths of four persons during the protests in November 2024; (ii) ensure that an investigation is conducted into the fire on SUNTRACS' premises in West Panama in order to identify the perpetrators and to provide information on its outcome; and (iii) ensure that SUNTRACS' leaders enjoy the necessary protection measures if they are exposed to situations of risk;
 - (b) The Committee requests the Government to: (i) indicate whether Decision No. 29 of the Public Prosecutor's Office of 30 August 2024 implies the closure of any criminal investigations against SUNTRACS for the alleged crime of money laundering; (ii) report on

¹⁴ [Link to previous examination.](#)

the outcome of the motu proprio criminal investigation against Jaime Caballero for the alleged offence against the administration of justice; and (iii) indicate whether there is any other criminal investigation under way against the trade union representatives referred to above and, if so, to provide information on the current status of these investigations;

- (c) The Committee requests the Government to, in the absence of a decision of a competent authority to the contrary and given the time that has elapsed since the trade union's bank accounts were closed and the impact this has on its ability to carry out its activities in defence of its members, adopt immediate measures in order to guarantee SUNTRACS full access to its funds and the functioning of its accounts in the financial system. The Committee also requests the Government, in consultation with the representative social partners and in order to fully guarantee the right of trade union organizations to organize their administration and activities, to ensure that any restrictions on the use of trade union funds or in the management of their bank accounts is based on an impartial and objective procedure, carried out by a body independent of the administrative authorities and, in all cases, subject to judicial oversight;
- (d) The Committee requests the Government to send its observations on the allegations contained in the communication from the complainant organizations of 14 February 2025.

B. The complainants' additional allegations and information

- 267.** In a communication dated 14 February 2025, the complainants allege that: (i) on 12 February, protests were carried out against Act No. 462 reforming the Basic Act on the Social Security Fund, hereinafter Act No. 462, which involved acts of violence against demonstrators, the detention of more than 500 SUNTRACS members without observance of the guarantees set forth in the Constitution, and the bringing of criminal proceedings against 71 of them on the grounds that they had committed serious offences; (ii) the accounts of SUNTRACS and of the cooperatives linked to the trade union with Caja de Ahorros remain closed; on 13 February 2025, SUNTRACS bank accounts in the National Bank of Panama were frozen indefinitely and the bank account of SUNTRACS' services cooperative, the Cooperativa de Servicios Múltiples SUNTRAC R. L., was closed; and (iii) although SUNTRACS does not use state funds for trade union education, the Government has ordered an audit in this area and the suspension of the use of education insurance funds for all trade unions in the country.
- 268.** In a communication dated 16 May 2025, SUNTRACS further alleges that in the context of the indefinite nationwide strike in the construction sector which began in April 2025 in protest against the adoption of Act No. 462, there have been detentions of strikers and targeted arrests of various leaders of SUNTRACS, including the International Relations Secretary, Jaime Alberto Caballero, who has been charged with serious financial crimes and money laundering and remains in detention. According to the complainant organization, 562 persons were arrested and brought before community justice centres or other judicial bodies before being released the following day, having been charged with various offences and required to post bail, without any explanation as to the reasons for their detention. The complainant organizations further allege that in the case of Jaime Alberto Caballero, the charges against him are a breach of financial reserve whose true objective is to affect his trade union activity. The complainant organizations attach copies of the cases filed against a series of measures adopted by the Government: an action for *amparo* [protection of constitutional rights] against Ministerial Resolution No. DM-063-2025 approving the procedure for the collection and payment of union dues; a complaint to the Office of the Attorney General against authorities of the Ministry of Labour and Workforce Development (MITRADEL) for the adoption of the aforementioned Ministerial Resolution No. DM-063-2025; two *habeas data* actions to obtain documentation related to the remittance of union dues, which has been requested but not provided by MITRADEL's Department of Social Organizations; and a complaint lodged with the

National Assembly against the President of Panama for the commission of various crimes against SUNTRACS.

- 269.** In communications dated 23 May 2025, the BWI states that: (i) the detention of Jaime Alberto Caballero was confirmed on 16 May 2025 and he remains in prison along with highly dangerous prisoners, pending the conclusion of investigations, and charges have been brought against other members of the executive committee of SUNTRACS acting as banking signatories, including Abdiel Betancourt, Finance Secretary; José Palacios, Control Secretary; and Ariel Rodríguez, Undersecretary for Audit; (ii) apparently as part of the investigation into Jaime Alberto Caballero, on 20 May 2025 the Office of the Special Prosecutor for Organized Crime raided the headquarters of SUNTRACS in the province of Chiriquí, and on 21 May armed police stormed the headquarters in San Miguelito and Avenida Perú in the capital; (iii) on 21 May 2025, the Panamanian Autonomous Cooperative Institute (IPACOOOP) requested the cancellation of the legal status of the Cooperativa de Servicios Múltiples SUNTRACS, R. L.; (iv) Saúl Méndez, General Secretary of SUNTRACS, has sought political asylum in the Embassy of the Plurinational State of Bolivia, in which context the Public Prosecutor's Office issued a detention warrant against him, as well as against the Secretaries of Defence of SUNTRACS, Genaro López and Erasmo Cerrud; other arrest warrants have been issued against the executive committee of SUNTRACS in relation to a case that was opened two years ago and was thought to have since been closed.
- 270.** In a communication dated 15 September 2025, the BWI added that: (i) on 15 April 2025, Ministerial Resolution No. DM-063-2025, which authorizes the Minister of Labour to withhold union dues deducted at source so that they can be used for conciliation instead of by trade unions, was adopted, resulting in CONUSI bringing criminal proceedings against the MITRADEL authorities for illegally withholding funds for trade union training – a claim that was declared inadmissible; (ii) on 13 May 2025, the Ministry of Public Security and the Office of the Special Prosecutor for Organized Crime brought charges against the Organization Secretary of SUNTRACS, Yamir Córdoba, for financial crimes and money laundering; (iii) on 17 July 2025, MITRADEL lodged an application with the judicial authorities seeking the dissolution of SUNTRACS on the grounds that the union had strayed from its original purpose and had engaged in extortion, violence, fraud, abuse of power and misappropriation of resources; and (iv) on 3 August 2025, IPACOOOP set up the liquidation board for SUNTRACS' services cooperative and on 12 August 2025, the Minister of the Office of the President, Juan Carlos Orillac, announced the cancellation of the cooperative's legal status.
- 271.** In the light of the events described above, the BWI alleges that: (i) the diversity and simultaneity of the measures adopted against SUNTRACS by various state entities – including MITRADEL, the Office of the Prosecutor-General, the state banks and the cooperatives supervisory body (IPACOOOP) – do not appear to be isolated incidents but instead a highly coordinated effort to dismantle SUNTRACS rather than address specific alleged violations through independent legal processes; (ii) the involvement of multiple state actors targeting different facets of the union's operations (its legal status, finances, leadership and membership), points to a centralized and coordinated strategy; (iii) the coherent public narrative of the executive branch, including President Mulino's statement about reducing SUNTRACS to its "minimum expression", reinforces the idea of a unified campaign; and (iv) the above raises serious concerns about the separation of powers and the rule of law, and about state institutions being used for political purposes to attack a specific organization perceived as a threat.

C. The Government's reply

- 272.** In a communication dated 6 May 2025, the Government indicates that: (i) SUNTRACS has been organizing public demonstrations that exceed trade union objectives, involve calls for alteration of the constitutional order, and lead to blockades of public roads, confrontations with police forces resulting in injuries and material damage to private and public property, and acts of vandalism that have been documented by the local press, as was the case with the protests held on 12 February 2025 against the reforms to the Social Security Fund by means of Act No. 462 (2025), which left 16 police officers injured and property damaged; (ii) as a result of the protests on 12 February 2025, almost 500 persons were arrested and later released, 83 of whom were charged with various offences; (iii) the actions of SUNTRACS undermine the exercise of the right to strike, as they are carried out without meeting the formal requirements for the exercise of this right, are undertaken for purely political purposes, cause disturbances of public order and cause serious harm to the population; (iv) the closure of SUNTRACS bank accounts constituted an autonomous decision by the banks on the basis of the banking services contract signed by the parties, over which the Government has no influence, even when a bank is state-owned; (v) regarding a request from SUNTRACS to the Panamanian Construction Industry Board (CAPAC) to remit union dues in cash or by cheque to two members of the executive committee of the trade union, and in response to a request for an opinion addressed by CAPAC to MITRADEL, the aforementioned Ministry has recommended that this be done through the procedure for the transfer of union dues to the MITRADEL Conciliation Fund, for which purpose, by Ministerial Resolution No. DM-063-2025, a transfer procedure has been implemented; the aforementioned resolution in effect creates an alternative procedure for the transfer of union dues in cases where it has not been possible to do so through the mechanisms established in the collective agreement, and whereby these amounts are received and managed by the MITRADEL Conciliation Fund; (vi) the process of adoption of Act No. 462 reforming the Basic Act on the Social Security Fund, was participatory and proposals were received from the workers; (vii) the rules governing the Education Insurance Fund, which includes the use of funds for trade union training, authorize MITRADEL to revise reports justifying training expenses or to suspend the allocation of funds if their use is not justified in accordance with the legislation; moreover, as the Comptroller General of the Republic is authorized to conduct audits, the process of auditing the use of insurance funds (and not SUNTRACS) is fully supported by existing regulations; and (viii) in their additional allegations, the complainant organizations introduce new facts that divert attention from the issues originally raised in the complaint.
- 273.** In a communication dated 26 May 2025 and in response to the recommendations made by the Committee to the 353rd Session of the Governing Body (March 2025), the Government indicates that:
- (a) According to information provided by the Office of the Attorney General dated 23 May 2025 (No. PGN-FSAL-128-2025):
 - (i) the person responsible for the murder of teachers Abdiel Díaz Chávez and Iván Rodrigó Mendoza has been convicted;
 - (ii) in the case of the culpable homicide of Tomas Milton Cerdeño García, the investigations have concluded following the termination of criminal proceedings as a result of the two defendants having paid reparations to the victim's family;
 - (iii) in the case of the fire at SUNTRACS' headquarters, the investigations have been closed due to the fact that those responsible have not been identified, despite investigations indicating that the fire at the headquarters was arson;

- (iv) SUNTRACS leaders have not been granted protection measures because, according to the Code of Criminal Procedure, such measures are reserved for victims, witnesses and collaborators in criminal proceedings, and SUNTRACS leaders do not meet any of those conditions;
 - (v) the proceedings against SUNTRACS in relation to the alleged commission of the offence of money laundering has been provisionally shelved by a decision of 30 August 2024, leaving open the possibility of the case being reopened in the future in the event that new elements arise to justify doing so, although the proceedings have not thus far been reopened and, therefore, there are no proceedings pending;
 - (vi) with regard to the proceedings against Jaime Caballero, the investigation into the alleged commission of the crime against the administration of justice has been provisionally closed and the investigations into the crimes against collective security and against the economic order are at the formal investigation stage, and the accused remains in custody; and
 - (vii) following a complaint submitted by 107 former workers involved in a construction project (Red Frog Beach) in the province of Bocas del Toro, an investigation is under way into the alleged commission of crimes against economic assets in the form of aggravated fraud against the economic order and against collective security and other crimes by other members of the executive committee of SUNTRACS, including Erasmo Cerrud and Genaro López, for whom arrest warrants have been issued. It is not possible to provide additional details on the facts under investigation or on the procedural status of the cases, in compliance with the legal duty of confidentiality that governs the Public Prosecutor's Office.
- (b) with regard to the closure of the accounts of SUNTRACS and its services cooperative, the Government indicates that:
- (i) the National Bank of Panama has reported in Note No. 2025-03000-01-40, dated 15 May 2025, that the closure of the SUNTRACS account was based solely on the banking services contract between the parties, and that it has refused the trade union's request for reconsideration of the closure;
 - (ii) Caja de Ahorros has reported in Note No. 2025-123-01-138, dated 15 May 2025, that it cannot provide information on the closure of the accounts of SUNTRACS' cooperative because, according to banking law, such information is restricted and can only be disclosed with the authorization of the account holder or at the request of a competent authority;
 - (iii) the Superintendency of Banks of Panama indicates that: the administrative complaint filed by SUNTRACS against Caja de Ahorros in which it requested the reopening of its bank account has been pending resolution in appeal proceedings since 27 March 2024; on 16 April 2025, SUNTRACS filed three new complaints relating to the closure of its accounts against the National Bank of Panama, Banco General S.A. and Multibank, respectively, which are ongoing; it is not aware of any resolution or of any administrative, judicial or regulatory provision that prevents SUNTRACS from opening a new account. However, the opening, closing or reopening of accounts is governed by the principle of contractual freedom, and any bank that opens or reopens an account must implement a rigorous due diligence analysis and verify the origin of the funds deposited.

274. In communications dated 14 and 30 July 2025, the Government reaffirms its commitment to the principles enshrined in the ILO Conventions and reiterates the information provided in its communications of 6 and 25 May 2025, adding that all investigations into trade union representatives of SUNTRACS relate to alleged property crimes, are not linked to the exercise of trade union rights and are conducted by the Public Prosecutor's Office in an independent manner and with respect for judicial guarantees. The Government adds that it remains open to dialogue with all social partners.
275. In communications dated 22 December 2025 (Notes Nos 0834.DM.2025 and 0835.DM 2025) and 12 and 14 January 2026 (Note No. 0025-DM-2026), the Government once again confirms the information transmitted in its previous communications and reiterates its commitment to freedom of association and to ILO standards. The Government regrets the overly general nature and unsubstantiated political focus of the allegations, in particular in relation to the supposedly anti-union nature of the actions of the criminal justice system. Lastly, the Government adds the following elements: (i) Act No. 462 reforming the Social Security Fund was the subject of a tripartite dialogue held in two stages (September–October 2024 and November 2024–February 2025), involving representatives of the country's trade union organizations, including the complainant organizations; (ii) MITRADEL does not interfere in the investigations conducted by the judicial authorities against various representatives of SUNTRACS, nor in the adoption of measures, such as preliminary detention, dictated by these authorities; (iii) in relation to the legal proceedings brought by the complainant organizations, an action for *amparo* brought against Ministerial Resolution No. DM-063-2025, which authorizes MITRADEL to withhold union dues deducted at source, was unanimously rejected by the Supreme Court of Justice; moreover, a complaint lodged with the National Assembly against the President of Panama has been shelved, while in other legal proceedings brought against MITRADEL authorities, MITRADEL has not yet been notified to provide information; (iv) pursuant to Act No. 17 of 1 May 1997, IPACOOOP has the legal authority to administratively cancel cooperatives when irregularities exist, and such procedure provides that cooperatives may exercise their right of defence and lodge appeals against the decisions issued; (v) Saul Méndez has left the country that had granted him political asylum and his whereabouts are unknown. The criminal proceedings against him and the INTERPOL warrant for his arrest relate to his possible involvement in criminal offences and do not constitute political or trade union persecution; (vi) one of the cases under investigation for alleged crimes against economic assets pertains to a complaint submitted against SUNTRACS, its cooperative and some of its leaders by former workers involved in a construction project in the province of Bocas del Toro, to whom the trade union allegedly failed to transfer property holdings granted by the developer as compensation for labour, instead using them as collateral to obtain a loan from its own cooperative; (vii) in application of Resolution No. DM-063-2025, on 24 November 2025 SUNTRACS received notification that cheques pertaining to union dues had been paid and were available for withdrawal, which did not occur; (viii) control measures in relation to the use of education insurance funds allocated to trade union training have been implemented following findings of non-compliance with the rules governing the transparent use of such funds and their use for training purposes. This situation has led to the suspension of the allocation of funds to trade union organizations which have committed such breaches; (ix) the criminal proceedings against Yamir Córdoba have moved from the indictment stage to the intermediate stage, with the oral stage still pending; (x) the application for the dissolution of SUNTRACS is not intended to affect workers' rights but rather to protect their interests and ensure that trade union organizations fulfil the function of legitimate representation; the application is based on provisions of domestic law and does not constitute interference in the functioning of trade union organizations; (xi) SUNTRACS' cooperative brought an action for

amparo against the order to conduct a comprehensive audit, which was declared inadmissible, and the cancellation of the cooperative's legal status is solely due to violations of the laws that regulate its activity, including Act No. 17 of 1997 regulating the operation of cooperatives and Act No. 23 of 2015 on the prevention of money laundering offences. These violations include not having a risk assessment matrix for money laundering, not having properly substantiated financial profiles, misappropriation of funds, and other allegations that the cooperative was unable to refute when exercising its right of defence as part of the administrative dissolution process.

The Committee's conclusions

- 276.** *The Committee recalls that the present case concerns allegations of the murders of four persons participating in protests, arbitrary detentions, acts of intimidation against trade union representatives, and the closure of 18 bank accounts of SUNTRACS – the main trade union in the country's construction sector – and its representatives by the Government and the state bank Caja de Ahorros, in reprisal for SUNTRACS' participation in protests against the decision to approve a mining concession contract through the adoption of Act No. 406. Subsequent to the Committee's initial examination of the case, the complainant organizations have provided additional information on the facts of the case and have submitted new allegations which, in turn, have been the subject of observations by the Government.*
- 277.** *The Committee notes that, in their additional submissions, the complainant organizations allege in particular that: (i) the protests held in February 2025 against Act No. 462 gave rise to acts of violence against the demonstrators and to the detention and criminal prosecution of numerous workers, including several SUNTRACS officials; (ii) in reprisal for the protest actions, several union leaders were charged with serious financial crimes and money laundering, resulting in SUNTRACS' International Relations Secretary being remanded in custody as a precautionary measure and in the General Secretary seeking political asylum; (iii) in May 2025, two SUNTRACS premises were stormed by armed police; (iv) despite the Committee's recommendations, SUNTRACS' lack of access to its bank accounts has worsened significantly; (v) SUNTRACS' lack of access to its financial resources is further exacerbated by a Ministerial resolution authorizing the Minister of Labour to withhold union dues deducted at source; (vi) although SUNTRACS does not use state funds for trade union education, the Government has ordered an audit of its funds in this area and has ordered the suspension of the use of education insurance funds for all trade unions in the country; (vii) on 17 July 2025, MITRADEL requested the judicial dissolution of SUNTRACS; (viii) in August 2025, IPACOOOP ordered the cancellation of the legal status of SUNTRACS' service cooperative. The Committee notes that, in the light of these elements, the complainant organizations allege that the diversity and simultaneity of the measures adopted against SUNTRACS by various state entities point to a centralized and highly coordinated effort to dismantle the trade union organization rather than to address specific alleged violations through independent legal processes, consistent with the President of the Republic's statement on reducing SUNTRACS to its "minimum expression".*
- 278.** *The Committee notes that, for its part, the Government, in addition to providing observations on the recommendations issued when the Committee first examined the case, states that: (i) the complainants' allegations have a political focus, are overly general and are unsubstantiated, in particular in relation to the supposedly anti-union nature of the actions of the criminal justice system; (ii) SUNTRACS's public demonstrations exceed trade union objectives and lead to blockades of public roads, acts of vandalism and confrontations with police forces; (iii) the investigations relating to the alleged property crimes of SUNTRACS leaders are not linked to the exercise of trade union rights and are conducted by the Public Prosecutor's Office in an independent manner and with respect for judicial guarantees; (iv) the closure of SUNTRACS bank accounts arises from the*

contractual freedom that governs the sector; (v) both the administrative dissolution of SUNTRACS' cooperative and the judicial request for the dissolution of the trade union are intended to protect workers from irregularities and from the trade union's failure to fulfil its representative function; and (vi) the dismissals of banana plantation workers occurred following their participation in a strike that had been declared illegal and the closure of the company due to economic losses resulting from the prolonged interruption of activities.

Allegations of anti-union deaths and violence examined by the Committee during its initial examination of the case

279. The Committee takes due note of the Government's indications that in the case of the deaths of teachers Abdiel Díaz Chávez and Iván Rodrióg Mendoza during the protests of November 2023, the investigations have culminated in the identification of the perpetrator and the imposition of the appropriate criminal sentence. The Committee also notes that the Government states that in the case of the death of Tomás Milton Cerdeño García, the criminal proceedings were terminated because the perpetrators paid financial reparations to the victim's family. The Committee notes that the complainants did not refer to this case explicitly in their allegations, and insofar as it understands that the death of Tomás Milton Cerdeña constituted culpable homicide in the context of a road traffic accident, the Committee will not pursue this aspect of the case.
280. The Committee notes with concern, however, that with regard to the fire on SUNTRACS' premises on 10 March 2024, – which, according to the authorities' investigations, was arson – the proceedings have been provisionally closed because it has not been possible to determine the responsibility of the persons under investigation. In this regard, the Committee recalls that it is important that investigations yield concrete results in order to determine reliably the facts, the motives and the persons responsible, in order to apply the appropriate punishments and to prevent such incidents recurring in the future [see **Compilation of decisions of the Committee on Freedom of Association**, sixth edition, 2018, para. 96]. While taking due note of the information provided concerning the investigation that took place, the Committee expects that every effort will continue to be made to identify and punish both the instigators and the perpetrators of the fire on SUNTRACS' premises. The Committee requests the Government to provide information on any new developments. Furthermore, with regard to its recommendation in this regard (recommendation (a)), the Committee notes that, according to the information provided by the Office of the Attorney General, no provision has been made to ensure that SUNTRACS leaders enjoy protection measures, as these are only granted to individuals who have the status of victim, witness or collaborator in the framework of criminal proceedings. In this regard, the Committee recalls that the rights of workers' and employers' organizations can only be exercised in a climate free from violence, pressure or threats of any kind against the leaders and members of these organizations, and it is for governments to ensure that this principle is respected [see **Compilation**, para. 84]. While taking due note of the legislation in place, the Committee reiterates the importance of the Government ensuring that trade union leaders are not exposed to risk and of reporting on the measures taken in this respect.

Allegations related to the protests of 12 February 2025

281. The Committee takes note of the complainants' allegations that the protests held on 12 February 2025 against the adoption of Act No. 462 gave rise to acts of violence against protesters, the arrest of more than 500 SUNTRACS members, and the bringing of serious criminal charges against some of the detainees. The Committee also notes that, for its part, the Government indicates that: (i) the demonstrations and strikes promoted by SUNTRACS are undertaken for political purposes rather than trade union objectives, cause disturbances of public order and cause serious harm to

the population; and (ii) all demonstrators detained in the protests were released, including the 83 demonstrators who were charged with the commission of various offences. In this regard, the Committee recalls that workers should enjoy the right to peaceful demonstration to defend their occupational interests [see **Compilation**, para. 208]. The Committee also highlights that, on the one hand, the principles of freedom of association do not protect abuses consisting of criminal acts while exercising protest action [see **Compilation**, para. 224] and that workers' organizations should respect legal provisions on public order and abstain from acts of violence in demonstrations [see **Compilation**, para. 221] and that, on the other, all allegations of violence against workers who are organizing or otherwise defending workers' interests should be thoroughly investigated and full consideration should be given to any possible direct or indirect relation that the violent act may have with trade union activity [see **Compilation**, para. 101]. In the light of the foregoing, the Committee requests the Government to provide detailed information on the results of the investigations into the 83 demonstrators who were charged with the commission of various offences in connection with the demonstrations of 12 February 2025.

Criminal investigations against SUNTRACS and its leaders; detention of leaders

- 282.** The Committee notes that the Government indicates that the investigation against SUNTRACS relating to the alleged commission of the offence of money laundering, launched in January 2024, was provisionally closed by a resolution of 30 August 2024 and has not been reopened, although it may be reopened in future should new elements emerge to justify doing so. The Committee further notes, however, that the Government indicates that criminal investigations are ongoing against: (i) the General Secretary of SUNTRACS, Saul Méndez, who was granted political asylum in the Plurinational State of Bolivia and, according to information provided by the Government, has since left that country and is the subject of an international arrest warrant; (ii) the International Relations Secretary, Jaime Caballero, who remained in preventive detention at the time of the Government's most recent communication; the Secretaries of Defence, Genaro López and Erasmo Cerrud, for whom arrest warrants have been issued; (iii) Abdiel Betancourt, Finance Secretary; José Palacios, Control Secretary; and Ariel Rodríguez, Undersecretary for Audit; all of whom acted as banking signatories for SUNTRACS; and (iv) the Organization Secretary of SUNTRACS, Yamir Córdoba, who has been charged with financial crimes and money laundering. The Committee further observes that: (i) in most of the cases mentioned above, the information provided by the Government contains no reference to the alleged acts, with the exception of a complaint submitted against SUNTRACS, its cooperative and some of its leaders by former workers involved in a construction project in the province of Bocas del Toro, in relation to the alleged commission of crimes against economic assets. The complainants allege that SUNTRACS failed to transfer property holdings granted by the developer to the workers as compensation for labour, instead using the holdings as collateral to obtain a loan from its own cooperative; and (ii) according to publicly available information, on 13 February 2026 the High Court of Appeal decided to modify the interim measure applicable to Jaime Caballero, converting his preventive detention into house arrest with electronic monitoring.
- 283.** In the light of the foregoing, the Committee recalls that while persons engaged in trade union activities or holding trade union office cannot claim immunity in respect of the ordinary criminal law, the arrest of, and criminal charges brought against, trade unionists may only be based on legal requirements that in themselves do not infringe the principles of freedom of association [see **Compilation**, para. 133]. The Committee emphasizes that in cases involving the arrest, detention or sentencing of a trade union official, it is incumbent upon the government to show that the measures it has taken have in no way been occasioned by the trade union activities of the individual concerned [see **Compilation**, para. 158]. In the light of the above, the Committee requests the Government to provide, without delay, detailed information on the reasons for and results of the various

investigations under way and, where applicable, on the sentences handed down in the respective proceedings.

284. The Committee also notes that the complainants allege that in the context of the investigations against Jaime Alberto Caballero, on 20 May 2025 the Office of the Special Prosecutor for Organized Crime raided SUNTRACS' headquarters ACS in the province of Chiriquí, and on 21 May of that year armed police stormed the headquarters in San Miguelito and Avenida Perú in the capital. The Committee observes that the Government states that arrests and searches of private homes were conducted as part of investigations into the commission of financial crimes but does not refer specifically to the allegations of raids on SUNTRACS' premises in the province of Chiriquí and at the headquarters in San Miguelito and Avenida Perú in the capital. In this regard, the Committee recalls that searches of trade union premises should only be made following the issue of a warrant by the ordinary judicial authority where that authority is satisfied that there are reasonable grounds for supposing that evidence exists on the premises material to a prosecution for a penal offence and on condition that the search be restricted to the purpose in respect of which the warrant was issued [see **Compilation**, para. 283].

SUNTRACS' access to bank accounts and to its financial resources

285. The Committee notes that the complainants state that, despite the recommendations made by the Committee in its previous examination of the case, the National Bank of Panama and other banks have ordered the closure of the bank accounts of SUNTRACS and its services cooperative. The Committee also notes that, for its part, the Government reiterates that the closure of SUNTRACS accounts constitutes an independent decision by the banks over which it has no influence; that complaints are currently being submitted to the Superintendency of Banks of Panama regarding the aforementioned closures; and that the state-owned Caja de Ahorros refuses to open new accounts. The Committee also notes that, according to information provided by the Government, the investigation against SUNTRACS for the alleged commission of crimes against the economic order in the form of money laundering has been provisionally closed since August 2024 and the Superintendency of Banks of Panama is not aware of any resolution or of any administrative, judicial or regulatory provision that prevents SUNTRACS from opening a new account. In the light of the foregoing, the Committee notes that: (i) the accounts of SUNTRACS and its services cooperative with various banks remain closed, without any intervention of an independent supervisory body of the banking system or a judicial body and despite the fact that the investigation against SUNTRACS for the alleged crime against the economic order in the form of money laundering has been provisionally shelved since August 2024; (ii) beyond the general principle of contractual freedom, there continues to be no mention of any specific legal or regulatory framework on which the decision to close the accounts was based; (iii) no information has been provided that links the banks' closure of, or refusal to open, the accounts with the ongoing investigations mentioned above; and (iv) complaints filed by SUNTRACS are currently before the Superintendency of Banks of Panama regarding the aforementioned. In this regard, the Committee reaffirms that provisions which restrict the freedom of trade unions to administer and utilize their funds as they wish for normal and lawful trade union purposes are incompatible with principles of freedom of association [see **Compilation**, para. 683] and that the general principle that there should be judicial control of the internal management of an occupational organization in order to ensure an impartial and objective procedure is particularly important in regard to the administration of trade union property and finances [see **Compilation**, para. 713].
286. In the light of the foregoing, recalling the decision of the Office of the Ombudsman of 30 September 2024 stating that the closure of SUNTRACS accounts was a clear violation of the trade union rights of that organization and recommending the reinstatement of all the trade union's

closed accounts, the Committee expects that the complaints filed before the Superintendency of Banks of Panama will be resolved promptly and that in the absence of a decision of a competent authority to the contrary, immediate measures will be taken in order to guarantee SUNTRACS full access to its funds and the functioning of its accounts in the financial system. The Committee requests the Government to provide information in this regard. The Committee further recalls its previous recommendation concerning the use of trade union funds and the management of their bank accounts.

287. The Committee takes note of the complainants' allegation that the adoption on 21 April 2025 of Ministerial Resolution No. DM-063-2025, which implements a procedure for the collection of union dues through MITRADEL's Conciliation Fund, would authorize the Government to withhold union dues deducted at source so that they can be used for other purposes. The Committee also notes that, according to the Government, the procedure in question facilitates the collection and remittance of union dues, with the dues collected by companies made available to SUNTRACS for withdrawal. The Committee also notes that an action for amparo against the aforementioned resolution was declared inadmissible by the Supreme Court of Justice. The Committee notes that the resolution in question authorizes employers to transfer to the Conciliation Fund of MITRADEL's General Labour Directorate the portion of union dues that could not be transferred to the relevant social organization in the manner agreed upon in the collective labour agreement. The Committee recalls that the deduction of trade union dues by employers and their transfer to trade unions is a matter which should be dealt with through collective bargaining between employers and all trade unions without legislative obstruction [see **Compilation**, para. 701].
288. The Committee also notes the complainants' allegation that despite the fact that SUNTRACS does not use state funds for trade union education, the Government has ordered an audit of its funds in this area and the suspension of the use of education insurance funds for all trade unions in the country. The Committee notes that, for its part, the Government indicates that the rules governing the Education Insurance Fund and the use of funds for trade union training authorize MITRADEL and the Comptroller General of the Republic to undertake supervisory actions, conduct audits (which in this case were not concerned with SUNTRACS) and even suspend the transfer of funds if their use is not justified in accordance with the legislation. The Committee recalls its finding that various systems of subsidizing workers' organizations have different consequences according to the form which they assume, the spirit in which they are conceived and applied and the extent to which the subsidies are granted as a matter of right, by virtue of statutory provisions, or at the discretion of a public authority. The repercussions which financial aid may have on the autonomy of trade union organizations will depend essentially on circumstances; they cannot be assessed by applying general principles: they are questions of fact which must be examined in the light of the circumstances of each case [**Compilation**, para. 686]. At the same time, the Committee recalls that the right of workers to establish organizations of their own choosing and the right of such organizations to draw up their own constitutions and internal rules and to organize their administration and activities presuppose financial independence. Such independence implies that workers' organizations should not be financed in such a way as to allow the public authorities to enjoy discretionary powers over them [**Compilation**, para. 680]. On the basis of the above, the Committee requests the Government to ensure that measures to control or suspend the use of the Education Insurance Fund for trade union training, and audits of the use of these funds by MITRADEL or the Office of the Attorney General, do not restrict the right of workers' organizations to freely conduct legitimate trade union activities and to organize their administration.

Administrative dissolution of SUNTRACS' services cooperative and application for judicial dissolution of SUNTRACS

289. The Committee notes that, according to the information provided by the complainants, in August 2025 IPACOOOP ordered the cancellation of the legal status of the Cooperativa de Servicios Múltiples SUNTRACS R.L. and that, according to the Government, IPACOOOP has the legal authority to effect administrative cancellations of cooperatives where serious irregularities are found – which, according to the information provided, was verified as being the case for the cooperative in question by means of an audit that identified breaches of Act No. 27 on the prevention of money laundering. The Committee also notes that an action for amparo brought against the acts providing for the cancellation was declared inadmissible by decision of the Plenary of the Supreme Court of Justice. Highlighting the importance of trade union cooperatives both for the development of trade union activities and for the benefits they provide to their members, and noting the highly conflictual relations between the Government and SUNTRACS in the context of which the cooperative was dissolved, the Committee requests the Government to: (i) provide further details on the motives for the administrative dissolution of the Cooperativa de Servicios Múltiples SUNTRACS R.L.; and (ii) report on whether the decision to dissolve the cooperative is being challenged in administrative or judicial proceedings and, if so, transmit information on the rulings handed down in any such proceedings.
290. The Committee notes that, on 17 July 2025, MITRADEL submitted a complaint to the judicial authorities requesting the dissolution of SUNTRACS on the grounds that the trade union had strayed from its original purpose and had engaged in extortion, violence, fraud, abuse of power and misappropriation of resources. The Committee observes that the complainants emphasize the importance of SUNTRACS as a spokesperson for workers at the sectoral and national levels and claim that the various elements of the present case indicate the existence of a highly coordinated effort by the Government to dismantle SUNTRACS. The Committee recalls that the dissolution of trade union organizations is a measure which should only occur in extremely serious cases; such dissolutions should only happen following a judicial decision so that the rights of defence are fully guaranteed [**Compilation**, para. 1002]. The Committee also recalls the principle that if it was found that certain members of the trade union had committed excesses going beyond the limits of normal trade union activity, they could have been prosecuted under specific legal provisions and in accordance with ordinary judicial procedure, without involving the suspension and subsequent dissolution of an entire trade union movement [see **Compilation**, para. 996]. In the light of the foregoing, the Committee requests the Government to keep it informed of the outcome of the proceedings requesting the dissolution of SUNTRACS and trusts that the findings of the present case will be duly taken into consideration. .
291. In the light of all the elements examined above, the Committee cannot fail to note with concern that, since November 2023, significant and increasing restrictions have been placed on SUNTRACS' capacity for action, despite the fact that SUNTRACS has not been the subject of any conviction – notwithstanding the various investigations and legal proceedings under way against several of its leaders. Moreover, the major constraints to which it is subject, notably the lack of access to bank accounts, are not based on judicial decisions or legal provisions.
292. In the light of the foregoing, the Committee urges the Government, while the various legal proceedings remain pending, to adopt all necessary measures to ensure that SUNTRACS, the main national construction union and signatory to the sectoral collective agreement since 1974, can exercise all its normal activities to further and defend the interests of its members. The Committee requests the Government to keep it informed in this regard.

The Committee's recommendations

293. In view of the foregoing interim conclusions, the Committee invites the Governing Body to approve the following recommendations:

- (a) While duly noting the information provided concerning the investigation that took place, the Committee expects that every effort will continue to be made to identify and punish both the instigators and the perpetrators of the fire on SUNTRACS' premises. The Committee requests the Government to provide information on any new developments.
- (b) taking due note of the legislation in place, the Committee reiterates the importance of the government guaranteeing that trade union leaders are not exposed to risk for performing legitimate trade union activities;
- (c) the Committee requests the Government to provide detailed information on the results of the investigations relating to the 83 demonstrators charged with various offences in connection with the demonstrations against Act No. 462, held on 12 February 2025;
- (d) the Committee requests the Government to provide, as a matter of urgency, detailed information on the reasons and results of the investigations under way against the leaders of SUNTRACS: Saul Méndez, General Secretary; Jaime Caballero, International Relations Secretary; Genaro López and Erasmo Cerrud, Secretaries of Defence; Abdiel Betancourt, Secretary of Finance; José Palacios, Control Secretary; Ariel Rodríguez, Undersecretary for Audit; and Yamir Córdoba, Organization Secretary, who has been charged with various offences and, where applicable, to transmit information on the sentences handed down in the respective proceedings;
- (e) the Committee requests the Government to provide detailed information on the allegations made by the trade union organizations concerning the raid on SUNTRACS' premises in the province of Chiriquí and at its headquarters in San Miguelito and Avenida Perú in the capital;
- (f) the Committee expects that the complaints filed before the Superintendency of banks of Panama will be resolved promptly and that in the absence of a decision by a competent authority to the contrary, immediate measures will be taken in order to guarantee SUNTRACS' full access to its funds and the functioning of its accounts in the financial system. The Committee requests the Government to provide information in this regard. The Committee further recalls its previous recommendation on the use of trade union funds and on the management of their bank accounts;
- (g) the Committee requests the Government to ensure that measures to control or suspend the use of funds from the Education Insurance Fund for trade union training, and audits of the use of these funds by MITRADEL or the Office of the Attorney General, do not restrict the right of workers' organizations to freely conduct legitimate trade union activities and to organize their administration;
- (h) the Committee requests the Government to: (i) provide further details on the motives for the administrative dissolution of the Cooperativa de Servicios Múltiples SUNTRACS R.L.; and (ii) report on whether the decision to dissolve the cooperative is being challenged in administrative or judicial proceedings and, if so, report on the rulings handed down in any such proceedings;

- (i) recalling that the dissolution of trade union organizations is a measure which should only occur in extremely serious cases, the Committee requests the Government to keep it informed in respect of the outcomes of the proceedings in which the dissolution of SUNTRACS is requested and trusts that the findings of the present case will be duly taken into account; and
- (j) the Committee urges the Government, while the various legal proceedings remain pending, to adopt all necessary measures to ensure that SUNTRACS, the main national construction union and signatory to the sectoral collective agreement since 1974, can exercise all its normal activities to further and defend the interests of its members. The Committee requests the Government to keep it informed in this regard.

Case No. 3464

Report in which the Committee requests to be kept informed of developments

**Complaint against the Government of Peru
presented by
Autonomous Workers' Confederation of Peru (CATP)**

Allegations: The complainant organization alleges the imposition of sanctions on a trade union leader after exercising a representative function, the refusal to provide appropriate facilities, a series of acts of anti-union discrimination and interference by an enterprise in the petroleum sector, and violation of a trade union's right to strike by the Government

- 294.** The complaint is contained in a communication dated 30 April 2024 from the Autonomous Workers' Confederation of Peru (CATP).
- 295.** The Government sent its observations in communications dated 17 July and 2 September 2024, 10 March and 22 July 2025, and 6 January 2026.
- 296.** Peru has ratified 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).

A. The complainant's allegations

- 297.** In its communication dated 30 April 2024, the Autonomous Workers' Confederation of Peru (CATP) alleges that the La Pampilla SAA oil refinery (hereinafter "the enterprise") imposed penalties on the then general secretary of the Refinería La Pampilla Single Union of Workers (SUTRELAPA) after exercising a representative function, committed various acts of anti-union discrimination and interference against the union, and refused to provide it with appropriate

facilities. It further alleges that the Ministry of Labour and Employment Promotion (MTPE) violated SUTRELAPA's right to strike by declaring two calls to strike inadmissible and one strike illegal, and delaying the determination of the minimum services.

Sanctions imposed on the then general secretary of SUTRELAPA

298. The complainant states that, in 2018, internal regulations for the enterprise's Occupational Safety and Health Committee (CSST) were imposed, requiring the workers' representatives to sign the minutes of each meeting. It claims that, in October 2018, Mr Jack Bory Chavarry Agurto, then general secretary of SUTRELAPA, who was acting as the workers' representative to the CSST, asked for items related to the physical and mental health of workers on extended workdays to be included on the CSST agenda, and expressed his opposition to the policy of keeping information handled by the CSST confidential. According to the complainant, these proposals were rejected, and Mr Chavarry Agurto was denied the possibility of having them reflected in the minutes, which led him to refrain from signing.
299. The complainant states that Mr Chavarry Agurto was subjected to disciplinary measures as a result, receiving warning letters dated 2 November and 5 December 2018, and a three-day suspension on 30 April 2019. It states that these penalties were imposed as retaliation for the oversight function performed by Mr Chavarry Agurto in his capacity as the workers' representative to the CSST by reporting issues arising at the refinery in order to protect the workers' life and health.
300. The complainant indicates that, in July 2019, SUTRELAPA instituted proceedings for *amparo* (remedy for the protection of constitutional rights) against the penalties, but the Sixth Constitutional Court of Lima, in a decision dated 9 April 2021, declared the application unfounded and determined that: (i) the right to freedom of association was unaffected since Mr Chavarry Agurto was acting as the workers' representative to the CSST and not as a leader of SUTRELAPA; (ii) the aforementioned internal regulations could require workers' representatives to sign the CSST minutes, despite disagreeing with their content; and (iii) the enterprise had the power to sanction Mr Chavarry Agurto in that context.
301. The complainant reports that this decision was upheld by the Lima Superior Court of Justice on 13 January 2022 and by the Constitutional Court on 4 September 2023. The complainant claims that the functions of both trade union representative and workers' representative to the CSST assumed by Mr Chavarry Agurto constitute forms of collective representation and are inseparable. It asserts that disciplinary sanctions should not have been imposed for acts that are part of the exercise of Mr Chavarry Agurto's functions as representative to the CSST.

Trade union leave and allowances

302. The complainant submits that, since the start of the collective bargaining processes with the enterprise, facilities had been agreed for members of the SUTRELAPA negotiating committee. It states that these facilities were maintained and even improved until the negotiations for the period 2016–17, including open trade union leave for up to one year and monthly travel expenses for the five members of the negotiating committee.
303. However, the complainant alleges that, from the 2018 collective negotiations onwards, the enterprise began to undermine the bargaining process by refusing to grant such facilities. It claims that the last valid agreement concerning the granting of leave remains the one concluded for the period 2016–17, since the collective agreement remains in force until it is amended, but that the enterprise attempted to have the agreement expire automatically in order to render its provisions null and void.

- 304.** The complainant reports that, in February 2018, SUTRELAPA instituted *amparo* proceedings concerning this matter, but the Seventh Constitutional Chamber of Lima declared the application inadmissible in 2023, determining that, as the collective agreement had been reached in 2018, the immediate collective negotiations had not been affected and there was therefore no need to rule on the substance of the matter. However, it indicates that SUTRELAPA appealed against this decision to the Lima Superior Court of Justice.
- 305.** The complainant further alleges that, for the 2023 and 2024 negotiations, the members of the SUTRELAPA negotiating committee did not have open leave; they only had leave granted at the enterprise's discretion, which prevented them from participating in the bargaining sessions and preparatory meetings with the other negotiators.

Staff in positions of trust

- 306.** The complainant indicates that, although the statutes of SUTRELAPA, which has minority union status, allow staff in positions of trust to become members provided that they are not managerial staff, the enterprise refuses to apply the collective agreements negotiated by SUTRELAPA to these workers. It also claims that, on 4 March 2016, the National Labour Inspection Supervisory Authority (SUNAFIL) found that at least 115 workers at the enterprise had been incorrectly classified as "staff in positions of trust", when they were in fact ordinary workers.
- 307.** The complainant states that the distinction drawn by the enterprise between workers covered by the agreement and workers not covered by the agreement, which corresponds to the distinction between ordinary workers (446) and workers in positions of trust or managerial posts (353), is intended to arbitrarily limit the scope of the trade union's membership. It claims that the distinction is discriminatory and anti-union, since it is based on the erroneous assumption that staff in positions of trust are excluded from the collective agreement, when in reality, if these workers are members, the agreement also applies to them. The complainant indicates that, in 2023, SUTRELAPA filed a complaint in this regard with SUNAFIL.

Extension of the agreement conclusion bonus

- 308.** The complainant states that SUTRELAPA negotiated collective agreements with the enterprise for the periods 2016–17, 2018–19 (through an arbitration award), 2020–21 and 2022 in which a financial benefit referred to as an "agreement conclusion bonus", intended solely for unionized workers in recognition of their participation in collective bargaining, was agreed. However, it claims that the enterprise unduly and unilaterally extended the benefit to non-union workers, which disincentivized membership and weakened the union. The complainant indicates that SUTRELAPA filed a complaint in this regard with SUNAFIL, which issued a notice of violation for anti-union practices on 13 September 2023.

Increases for workers not affiliated with SUTRELAPA

- 309.** The complainant alleges that, during the collective negotiation for the 2023 period, the enterprise committed an act of discrimination by providing an additional benefit to SUTRELAPA non-members. It claims that, between March and April 2023, the enterprise granted wage increases averaging 11.7 per cent to non-unionized staff, including 39 individual increases of between 10 and 33 per cent, whereas the last wage offer that the enterprise made to SUTRELAPA was barely a 6 per cent increase, which shows unjustified differential treatment.

Establishment of another union

- 310.** The complainant alleges that, on 20 December 2023, the enterprise announced and promoted by institutional email the establishment on 12 December 2023 of the Refinería La Pampilla Workers' Union (SINTRELAPA). It states that the enterprise initiated negotiations with this trade union under its control on 18 December 2023, and that the parties reached an agreement in record time on 22 December 2023. According to the complainant, the agreement provides for a 7.5 per cent pay increase applicable retroactively from 1 October 2023, although SINTRELAPA did not even exist then, and the extension of the agreed benefits to non-unionized staff with the aim of disincentivizing membership of SUTRELAPA. The complainant submits that the enterprise subsequently used this agreement with its puppet trade union to its benefit, informing SUTRELAPA that its final offer was a 7.5 per cent increase. It indicates that, on 12 March 2024, SUTRELAPA filed a complaint in this regard with SUNAFIL.

Dismissals of three unionized workers

- 311.** The complainant alleges that three SUTRELAPA members, Ms Evelyn Katina Chamorro Curi, Ms Erika Girón Champi and Ms Saray Iris Poma Gonzales, who had been hired by the enterprise on temporary contracts to perform permanent roles, were victims of discriminatory dismissal for their trade union membership.
- 312.** The complainant claims that Ms Chamorro Curi was dismissed on 25 February 2023 while she was pregnant, and that she appealed against this decision to the Ventanilla Labour Court on 28 March 2023. The complainant states that Ms Girón Champi was dismissed on 31 March 2023 after informing the enterprise of her trade union membership, and that she appealed against this decision to the Ventanilla Labour Court on 2 May 2023.
- 313.** Regarding Ms Poma Gonzales, the complainant claims that, after joining SUTRELAPA while she was pregnant, the enterprise pressured her, upon expiry of her temporary contract, not to report what would amount to discriminatory dismissal on the grounds of her pregnancy and to renounce her membership of SUTRELAPA, in exchange for receiving a new temporary contract at a later date. It submits that Ms Poma Gonzales was dismissed and that she appealed against this decision to the Ventanilla Labour Court on 9 May 2023.

Strike called in 2022

- 314.** With regard to the right to strike, the complainant claims that SUTRELAPA agreed to a 48-hour stoppage for 27, 28 and 29 June 2022 to protest against multiple breaches of the collective agreements on the part of the enterprise. It indicates that the measure was not enacted, as a strike termination agreement and a letter of agreement on collective bargaining were signed on 24 June. However, the MTPE, despite having been informed, declared the stoppage inadmissible in a resolution issued on 27 June 2022, after the agreements were signed, arguing that the grounds invoked did not constitute a legitimate defence of the rights and interests of the workers. The complainant indicates that SUTRELAPA appealed against this decision, but it was upheld by the MTPE in a resolution dated 6 July 2022.

Determination of minimum services

- 315.** The complainant claims that, on 30 January 2023, the enterprise submitted a proposal to the MTPE for the establishment of minimum services in the event of a strike for the 2023 period, and that SUTRELAPA expressed disagreement with the proposal on 28 February 2023. It also points out in this regard that article 68 of Supreme Decree No. 014-2022-TR, amending the Regulations of the Collective Labour Relations Act, provides that, in order to resolve

disagreements regarding minimum services, the administrative labour authority has 30 working days in which to make a decision and that it may avail itself of the support of an independent body to do so.

316. The complainant states that, on 26 July 2023, after the statutory deadline, the MTPE initiated the procedure and appointed the Centre for Expertise of the Engineers' Association of Peru (CIP) as an independent technical body to conduct the technical analysis. It submits that the CIP informed the enterprise that it would carry out a verification visit on 22 November 2023, and that the visit was conducted without notifying or involving SUTRELAPA. The complainant states that, since the technical report had not been submitted before the statutory deadline, SUTRELAPA requested, on 21 December 2023, the refund of the money paid for the report.
317. The complainant indicates that, on 15 February 2024, SUTRELAPA requested to withdraw from the procedure as it considered that there was bias in favour of the employer, but did not receive a timely response. It adds that SUTRELAPA then notified the MTPE of the application of negative administrative silence and requested the General Directorate of Labour of the MTPE to refrain from issuing a decision in the procedure. The complainant claims that the MTPE nevertheless made a decision on the disagreement, upholding the enterprise's proposal in its entirety.

Strike called in 2023

318. The complainant alleges that, on 24 July 2023, SUTRELAPA informed the enterprise and the MTPE that it would call a 48-hour strike for 10, 11 and 12 August 2023. However, on 4 August 2023, the MTPE declared the call to strike inadmissible, as the enterprise's activities constituted an essential service and a certain number of workers were therefore required to continue working during the strike. The complainant states that SUTRELAPA appealed against the decision on 9 August 2023, but was informed of the inadmissibility of the stoppage the following day, when it had already started. It adds that, in a resolution dated 16 August 2023, the General Directorate of Labour of the MTPE informed SUTRELAPA that the strike was illegal. The resolution was appealed on 21 August 2023 and upheld by the MTPE in a resolution notified on 25 August 2023.
319. In this regard, the complainant notes that article 83 of Decree Law No. 25593 provides that gas, fuels and transport are essential public services. However, it claims that this classification is insufficient to require a certain number of workers to continue working during the strike. According to the complainant, the stoppage would not have endangered the safety, health or life of the population, given that other enterprises in the Peruvian market could have substituted the refinery's production without causing shortages or cost increases. It adds that a 48-hour strike was organized at the enterprise in 2009 without affecting the population.

Sanctions imposed following the strike of 2023

320. The complainant claims that SUTRELAPA members took part in the strike and that, since it had been declared illegal by the MTPE, the enterprise initiated disciplinary proceedings against 113 members in September 2023 and imposed penalties on 32 of them, without complying with Supreme Decrees Nos 001-96-TR and 011-92-TR, which provide that only absences occurring after the employer has issued a formal notice may be considered unjustified. Such notice must be given by affixing a notice at the entrance to the workplace once the resolution declaring the strike illegal has become final or enforceable. It reports that SUTRELAPA lodged

an *amparo* appeal with the Ninth Constitutional Chamber of Lima on 14 September 2023, on which no decision has been rendered.

B. The Government's reply

- 321.** In its communications dated 17 July and 2 September 2024, the Government submits its observations on the allegations relating to the right to strike, forwards the enterprise's response to the allegations against it and reports on the outcomes of some of the judicial proceedings. In its communications of 10 March and 22 July 2025 and 6 January 2026, the Government provides updated information on the judicial proceedings.

Sanctions imposed on the then general secretary of SUTRELAPA

- 322.** According to the information forwarded by the Government on the allegations concerning Mr Chavarry Agurto, the enterprise states that it did not impose the internal regulations on the CSST; it was proposed and approved by a majority of CSST members. With regard to the minutes, it claims that the items proposed by Mr Chavarry Agurto were not included because they did not gain the support of the majority of CSST members. The enterprise adds that CSST members can register their disagreement in writing in the minutes, without this preventing them from signing. Concerning the penalties imposed, the enterprise claims that Mr Chavarry Agurto's rights were not violated because the disciplinary measures applied were objective, legal and without prejudice to his position as general secretary of SUTRELAPA, which was confirmed by the judicial decisions issued on the matter.

Trade union leave and allowances

- 323.** As for the allegations concerning trade union leave and allowances, the enterprise claims that the facilities were provided to the SUTRELAPA negotiating committee in 2016 as an act of good faith on a discretionary basis with the aim of contributing to the collective bargaining process; they were not intended to be permanent. It adds that the facilities mentioned in the minutes of the opening session of direct bargaining for the 2016 collective bargaining round were explicitly conditional upon the completion of this process and that the enterprise is under no legal obligation to continue providing them.
- 324.** With respect to the collective bargaining round for the period 2023–24, the enterprise submits that, in an act of good faith, it offered SUTRELAPA open trade union leave for up to one month for the five members of the negotiating committee, which would have taken effect from the start of the collective bargaining process. However, it indicates that the proposal was rejected by the SUTRELAPA representatives, arguing that they would not accept facilities other than those granted in the previous processes. The enterprise denies having restricted the participation of members of the negotiating committee, and points out that no evidence has been presented that they had been refused any leave requested for the bargaining sessions or preparatory meetings.

Staff in positions of trust

- 325.** Regarding the allegations relating to staff in positions of trust, the enterprise acknowledges SUNAFIL's finding of incorrect classification in 2016, but states that this in no way confirms the complainant's view that the enterprise intended to limit the scope of SUTRELAPA's membership. It submits that the classification of each post was made on the basis of objective criteria and guidelines that considered the nature of the posts and their real and direct relationship with the employer. The enterprise indicates that the complaint filed by SUTRELAPA

with SUNAFIL in 2023 concerned solely the extension of the benefits of the collective agreement to non-union workers and not to the classification of staff in positions of trust, and that no final decision has yet been made on the matter.

Extension of the agreement conclusion bonus

- 326.** As regards the alleged extension of the agreement conclusion bonus, the enterprise indicates that benefits were extended to non-unionized workers in response to the need to avoid wage inequalities. It states that it did not engage in anti-union practices, since it sought to guarantee its workers' right to equality rather than discourage membership of SUTRELAPA.

Increases for workers not affiliated with SUTRELAPA

- 327.** With regard to the wage increases allegedly granted to non-unionized workers during the collective negotiations with SUTRELAPA for the 2023 period, the enterprise states that its wage policy considers objective criteria such as length of service, performance, application of collective agreements, work experience, job responsibility, academic background and place of work, and that nothing precludes wage differentials, provided that they are duly justified. It adds that the 33 per cent increase granted to one worker was due to a promotion.

Establishment of another union

- 328.** Regarding the alleged establishment of a parallel trade union, the enterprise denies having been involved in SINTRELAPA's formation. It states that the union was established by eight workers, mostly firefighters, who had previously been expelled by SUTRELAPA for not taking part in the stoppage of 10, 11 and 12 August 2023, as they considered it extreme and dangerous. The enterprise points out that the workers formally notified SUTRELAPA of their withdrawal in a letter dated 11 October 2023.
- 329.** The enterprise also states that the 7.5 per cent wage increase was agreed with SINTRELAPA since it was a nascent trade union with a low number of members, which implied a lower financial impact. It adds that this same percentage was offered to SUTRELAPA, despite the fact that it was initially considering an increase of only 6 per cent, but SUTRELAPA decided to wait for an even higher offer. The enterprise maintains that the extension of the benefits agreed with SINTRELAPA to non-unionized staff does not constitute an anti-union practice because the collective agreement signed with SINTRELAPA allows such an extension, which is in line with the principle of equality.

Dismissal of unionized workers

- 330.** The enterprise denies the allegations of anti-union dismissals. It submits that, since Ms Chamorro Curi was hired as a substitute on a fixed-term contract, her contract was terminated when the regular worker returned. The Government, for its part, reports that the Ventanilla Labour Court declared the claim lodged by the worker to be unfounded, but that the appeals court annulled this judgment and ordered the Labour Court to issue a new ruling.
- 331.** In the case of Ms Girón Champi, the enterprise denies dismissal on anti-union grounds as her temporary contract duly expired. It states that, when the decision was made not to renew the contract, it had no knowledge of her SUTRELAPA membership. As for the appeal lodged by Ms Girón Champi, the enterprise indicates that no final or binding decision has yet been rendered by the judiciary.

- 332.** In the case of Ms Poma Gonzales, the Government indicates that the Ventanilla Labour Court declared the claim lodged by Ms Poma Gonzales to be unfounded, but that the appeals court annulled this decision and ordered the Labour Court to issue a new ruling.

Strike called in 2022

- 333.** As regards the allegations concerning the exercise of the right to strike, the Government submits that the General Directorate of Labour of the MTPE declared the 48-hour strike called by SUTRELAPA for 27, 28 and 29 June 2022 to be inadmissible, indicating that, according to the legislation in force at the time, namely article 63 of the Regulations of the Collective Labour Relations Act, a strike based on non-compliance with the provisions of a labour agreement was admissible only when a final judicial decision had not been complied with, which was not established in the present case. It further indicates that this decision was upheld by the MTPE after an application for review was filed by SUTRELAPA.

Determination of minimum services

- 334.** Regarding the determination of minimum services in the event of a strike for the 2023 period, the Government confirms that the enterprise submitted its proposal on 30 January 2023 and that SUTRELAPA subsequently expressed its disagreement, calling into question the number of workers proposed, and the General Directorate of Labour of the MTPE therefore appointed the CIP as an independent technical body on 26 July 2023. It states that the CIP submitted its technical report on 29 December 2023 and that SUTRELAPA announced its withdrawal from the procedure on 15 February 2024, but that the procedure nevertheless continued owing to the enterprise's opposition as an interested third party and to the fact that the matter was of general interest.
- 335.** With respect to the negative administrative silence, the Government states that, pursuant to article 68 of Supreme Decree No. 014-2022-TR, trade union organizations that initiate an administrative procedure as holders of rights or interests may invoke it once the statutory deadline for the authority to issue a decision has expired. It claims, however, that SUTRELAPA did not file the relevant administrative appeals or bring a claim in the contentious-administrative jurisdiction to challenge the failure to issue a timely decision and that, accordingly, the obligation of the MTPE to issue a decision remained.
- 336.** The Government indicates that, on the basis of the CIP report, the MTPE issued a resolution dated 18 March 2024 determining that the stoppage of work in 32 positions would pose serious risks to the safety, health and life of the population, as it concerned an essential public service, whereas other positions were classified as indispensable but non-essential activities. The Government states that both the enterprise and SUTRELAPA submitted applications for review on 11 April 2024, and expressed their desire to resolve the dispute through informal meetings, which were arranged by the MTPE.

Strike called in 2023

- 337.** With regard to the strike called by SUTRELAPA for 10, 11 and 12 August 2023, the Government claims that the General Directorate of Labour of the MTPE declared the call to strike inadmissible in a resolution dated 31 July 2023, as SUTRELAPA had failed to comply with the obligation to present, together with the notice to strike, the list of workers who would continue providing the minimum services. It explains that this is a requirement when the strike affects essential public services, and that the enterprise's main activity is the manufacture of refined petroleum products, an essential service pursuant to article 83 of Decree Law No. 25593.

338. The Government also confirms that, on 10 August 2023, the MTPE declared the application for review filed by SUTRELAPA to be unfounded. It also mentions SUTRELAPA's disagreement with respect to the minimum services notified by the enterprise for the 2023 period, which was pending a decision at the time of notification of the call to strike, indicating that, pursuant to article 68-A of Supreme Decree No. 014-2022-TR, the declaration made by the employer in that regard must take effect until the disagreement is settled.

Sanctions imposed following the strike of 2023

339. With respect to the penalties imposed for the strike on 10, 11 and 12 August 2023, in the information forwarded by the Government, the enterprise states that it had the power to penalize the workers because they brought its activities to a standstill by participating in a strike that had been declared illegal and because their absences were unjustified. It further states that this failure to comply by the 113 members seriously affected its operations, as it provides an essential public service whose interruption endangers the facilities and the safety of the community.
340. For its part, the Government indicates that, even when a strike has been declared inadmissible or illegal, employers may not impose penalties or initiate disciplinary proceedings against workers that have exercised such a right until there is a final decision and the formal legal requirements have been met, such as the publication of the notice to return to work. It also reports that a decision on the *amparo* appeal lodged by SUTRELAPA on the matter remains pending.

C. The Committee's conclusions

341. *The Committee observes that this case concerns a series of allegations of violations of freedom of association and collective bargaining by an oil refining enterprise, as well as allegedly excessive restrictions on the right to strike imposed by the labour administration. The Committee notes that the complainant organization alleges in particular that: (i) the enterprise imposed penalties on the then general secretary of the SUTRELAPA trade union for his activities representing workers on the enterprise's Occupational Safety and Health Committee (CSST), refused to provide appropriate facilities to the aforementioned trade union's representatives, and committed various acts of anti-union discrimination and interference, including the dismissal of three of the union's members who had temporary contracts; and (ii) the MTPE violated SUTRELAPA's right to strike by declaring two calls to strike inadmissible, unduly delaying the determination of the minimum services and declaring one strike illegal. The Committee also notes that the Government, for its part: (i) forwards the observations of the enterprise, which denies that the acts of which it has been accused occurred for anti-union reasons; and (ii) maintains that the decisions taken by the MTPE in relation to the strikes were justified and that SUTRELAPA did not lodge the relevant appeals following the failure to meet the deadline for establishing the minimum services.*

Sanctions imposed on the then general secretary of SUTRELAPA

342. *With regard to the allegations of discriminatory penalties imposed on the then general secretary of SUTRELAPA, Mr Jack Bory Chavarry Agurto, the Committee notes that the complainant asserts that: (i) in October 2018, Mr Chavarry Agurto, as the workers' representative to the enterprise's CSST, asked for items related to the physical and mental health of workers on extended workdays to be included on the committee's agenda; (ii) after his proposals were rejected and he was denied the possibility of recording them in the minutes, Mr Chavarry Agurto refused to sign the minutes; (iii) based on the fact that his refusal to sign the minutes violated the internal rules of the CSST, Mr Chavarry Agurto received warning letters on 2 November and 5 December 2018, and a three-day suspension on*

30 April 2019; (iv) SUTRELAPA challenged these penalties in court, but the Sixth Constitutional Court of Lima, in the judgment of 9 April 2021, declared the application unfounded, determining that the right to freedom of association was unaffected since Mr Chavarry Agurto was acting as the workers' representative to the CSST and not as a trade union leader; and (v) this ruling was upheld by the Lima Superior Court of Justice on 13 January 2022 and by the Constitutional Court on 4 September 2023. The Committee also notes that, according to the information forwarded by the Government, the enterprise, for its part, submits that: (i) the matters proposed by Mr Chavarry Agurto were not included in the minutes because they did not receive the support of the majority of CSST members, and Mr Chavarry Agurto had the opportunity to register his disagreement in writing; and (ii) the disciplinary measures applied were objective, legal and without prejudice to Mr Chavarry Agurto's position as general secretary of SUTRELAPA, meaning that his rights were not violated, as confirmed by the judicial decisions issued in this regard.

- 343.** *The Committee notes that, in their examination of the complaint, the courts considered that: (i) it had not been established that the disciplinary sanction imposed on Mr Chavarry Agurto was due to his status as a union leader but rather to his refusal to sign the minutes of the CSST in his capacity as the workers' representative to the body; and (ii) it was not demonstrated, on the basis of the articles of the internal rules of the CSST, that Mr Chavarry Agurto did not have the opportunity to leave a written record of his disagreements. The Committee takes due note that, at the time of the events, Mr Chavarry Agurto was simultaneously acting as the general secretary of SUTRELAPA and the workers' representative to the CSST.*
- 344.** *The Committee emphasizes that the protection of workers' health and safety is an important element of trade union activity, as Peruvian law highlights by affording trade union organizations a significant role in this respect, including in holding elections to CSSTs. The means of action and safeguards inherent to freedom of association, such as freedom of opinion and expression and protection against anti-union discrimination, must therefore extend to trade union representatives when they are also exercising staff representation functions in health and safety matters.*
- 345.** *On the basis of the foregoing, the Committee requests the Government to ensure that, with a view to attaining a constructive dialogue, the representatives of the workers and the employer on the CSST are able to express their opinions freely without fear of being sanctioned for doing so.*

Trade union leave and allowances

- 346.** *As regards the enterprise's refusal to provide appropriate facilities to the representatives of SUTRELAPA, the Committee notes that the complainant alleges that: (i) during the initial collective bargaining processes between the parties, facilities were provided that included open trade union leave for up to one year and monthly allowances for members of the SUTRELAPA negotiating committee, but, in 2018, the enterprise began to refuse to grant such facilities; (ii) SUTRELAPA instituted amparo proceedings, but the Seventh Constitutional Chamber of Lima dismissed the claim in 2023, and SUTRELAPA appealed against this decision to the Lima Superior Court of Justice; and (iii) for the 2023 and 2024 negotiations, the members of the SUTRELAPA negotiating committee only had leave granted at the enterprise's discretion, which prevented them from participating in the bargaining sessions and preparatory meetings. The Committee also notes that the enterprise claims that: (i) as the facilities provided in 2016 were offered in good faith and were explicitly conditional upon the completion of the corresponding collective bargaining process, it was under no legal obligation to continue providing them; (ii) open trade union leave of up to one month was offered to the members of the SUTRELAPA negotiating committee for the period 2023–24, but this proposal was rejected; and (iii) the participation of the negotiating committee was not restricted at any bargaining session or preparatory meeting.*

- 347.** *The Committee takes note of the opposing views of the complainant and the enterprise regarding the facilities that should be provided to the members of the SUTRELAPA negotiating committee for the 2023–24 negotiations. The Committee observes that the dispute does not concern the refusal of trade union leave for the SUTRELAPA negotiating team, but rather the alleged reduction in the number of hours made available by the enterprise in comparison with previous collective bargaining processes. The Committee further notes that it lacks the details that would allow it to determine whether the enterprise has a legal obligation to maintain the amount of leave granted in previous stages of negotiation. Emphasizing the importance of direct dialogue for finding solutions in terms of trade union facilities that respond to the specific needs of both parties, the Committee invites the Government to take the necessary steps to promote dialogue between the enterprise and SUTRELAPA with a view to finding a negotiated solution to this dispute. The Committee also requests the Government to keep it informed of the outcome of the appeal lodged by SUTRELAPA with the Lima Superior Court of Justice.*

Staff in positions of trust

- 348.** *With regard to the alleged acts of anti-union interference contained in the complaint, the Committee notes that, according to the complainant: (i) although SUTRELAPA's statutes allow membership of staff in positions of trust, the enterprise refuses to apply the collective agreements negotiated by SUTRELAPA to this category of workers; (ii) in a decision of 4 March 2016, SUNAFIL concluded that at least 115 workers at the enterprise had been incorrectly classified as "staff in positions of trust", when they were in fact ordinary workers; (iii) the distinction drawn by the enterprise between workers covered and those not covered by the collective agreement, corresponding to 446 ordinary workers and 353 workers in positions of trust or managerial posts, is intended to restrict arbitrarily the scope of SUTRELAPA's membership; and (iv) in 2023, SUTRELAPA filed a complaint in this regard with SUNAFIL. The Committee notes that the enterprise, for its part, states that: (i) the incorrect classification determined by SUNAFIL in 2016 was not the result of an intention to restrict the scope of SUTRELAPA's membership, since each post was classified according to objective criteria, considering their nature and the direct relationship with the employer; and (ii) the complaint filed in 2023 concerned solely the extension of the benefits of the collective agreement to non-unionized workers and not to the classification of staff in positions of trust, and no final decision has yet been made on the matter.*
- 349.** *The Committee takes note of the diverging positions of the complainant and the enterprise with respect to the enterprise's alleged intention to restrict the scope of SUTRELAPA's membership by not applying the collective agreement to workers in positions of trust affiliated with SUTRELAPA and by adopting an excessively broad definition of those who would fall within this group. The Committee also observes that the complainant and the enterprise disagree on the subject matter of a complaint filed with SUNAFIL in 2023. The Committee notes at the same time that: (i) the enterprise does not deny having drawn a distinction between its ordinary workers and its workers in positions of trust with respect to the application of the collective agreements concluded with SUTRELAPA; and (ii) in a 2016 decision, SUNAFIL considered that 115 workers at the enterprise had been incorrectly classified as workers in positions of trust. In this respect, concerning the applicability of the collective agreement to workers in positions of trust affiliated with SUTRELAPA, the Committee recalls that the right to collective bargaining should be guaranteed to trade unions representing all kinds of workers and that the will expressed by the parties in their collective agreement should prevail with regard to the personal scope of the agreement. The Committee requests the Government to inform it of the outcome of the complaint filed with SUNAFIL in 2023 and expects that the complaint will be resolved as soon as possible.*

Extension of the agreement conclusion bonus

- 350.** Concerning the alleged extension to non-union workers of the agreement conclusion bonus agreed with SUTRELAPA, the Committee notes that the complainant alleges that: (i) in four collective agreements concluded for the periods 2016–17, 2018–19 (through an arbitration award), 2020–21 and 2022, the enterprise and SUTRELAPA agreed to include an “agreement conclusion” bonus, solely for unionized workers, in recognition of their participation in collective bargaining; (ii) the enterprise unduly and unilaterally extended this benefit to non-unionized workers, thus disincentivizing union membership; and (iii) SUTRELAPA filed a complaint with SUNAFIL, which issued a notice of violation for anti-union practices on 13 September 2023. The Committee notes that, while the enterprise, for its part, does not deny that the collective agreement provided that the bonus was focused on unionized workers, it maintains that it did not engage in anti-union practices since it intended to ensure equality between its workers rather than to discourage membership of SUTRELAPA.
- 351.** In relation to the applicability of the content of the collective agreements to non-unionized workers, the Committee recalls that, in a case in which some collective agreements applied only to the parties to the agreement and their members and not to all workers, the Committee considered that this is a legitimate option – just as the contrary would be – which does not appear to violate the principles of freedom of association, and one which is practised in many countries [see **Compilation of decisions of the Committee on Freedom of Association**, sixth edition, 2018, para. 1287]. In the context of the Peruvian legal system, the Committee observes that: (i) article 9 of the Collective Labour Relations Act provides that, in collective bargaining, the trade union that has the absolute majority of the workers within its field as members assumes the representation of all of them, even if they are not members, while the minority trade union represents only its members, unless it allies itself with other unions and they collectively have more than half of those workers as members; and (ii) pursuant to article 28 of the Regulations of the Collective Labour Relations Act, as amended in 2022, employers may not unilaterally extend the effects of the collective agreement to workers not included within its scope of application. The Committee understands that, on this basis, as SUTRELAPA is a minority trade union within the enterprise, SUNAFIL issued a notice of violation for anti-union practices in 2023.
- 352.** Hence, recalling that agreements should be binding on the parties [see **Compilation**, para. 1334] and that mutual respect for the commitment undertaken in collective agreements is an important element of the right to bargain collectively and should be upheld in order to establish labour relations on stable and firm ground [see **Compilation**, para. 1336], the Committee requests the Government, in accordance with the decision issued by SUNAFIL in 2023, to ensure that the personal scope of the collective agreement concluded by the parties in general, and the agreement conclusion bonus in particular, is fully respected.

Increases for workers not affiliated with SUTRELAPA

- 353.** With regard to the alleged acts of anti-union discrimination, the Committee notes that the complainant claims that, between March and April 2023, the enterprise granted wage increases averaging 11.7 per cent to non-unionized staff, including 39 individual increases of between 10 and 33 per cent, whereas the last wage offer made to SUTRELAPA was a 6 per cent increase, which constitutes unjustified differential treatment. The Committee also notes that the enterprise states that its wage policy is based on objective criteria, that there may be wage differentials provided that they are duly justified, and that the 33 per cent increase it granted was the result of a promotion. While stressing that the Committee is not competent to examine whether individual wage increases are justified, the Committee observes that, in a situation in which collective agreements are not applicable to all workers in an enterprise and there is a wage policy applicable to workers whose remuneration is not fixed by collective bargaining, it is important to ensure that such a policy neither

has a detrimental effect on collective bargaining processes nor discourages trade union membership. In the light of the above, the Committee requests the Government to take the necessary steps to ensure that the enterprise's wage policy does not have a detrimental effect on collective bargaining processes and trade union membership within the enterprise.

Establishment of another union

- 354.** *The Committee notes that the complainant alleges that: (i) SINTRELAPA, a trade union under the enterprise's control, was established on 12 December 2023; (ii) on 18 December 2023, the enterprise began negotiating with SINTRELAPA and, on 20 December 2023, it announced and promoted the union's establishment by institutional email; (iii) on 22 December 2023, they concluded an agreement in record time that provides for a 7.5 per cent pay increase applicable retroactively from 1 October 2023, when SINTRELAPA did not yet exist, and the benefits were extended to non-unionized staff with the aim of disincentivizing membership of SUTRELAPA; and (iv) on 12 March 2024, SUTRELAPA filed a complaint with SUNAFIL regarding the matter. The Committee notes that the enterprise, for its part, states that: (i) it was not involved in the formation of SINTRELAPA, which was created by eight workers who had previously been expelled from SUTRELAPA; (ii) the 7.5 per cent wage increase was agreed with SINTRELAPA since the union had recently been established and had a low number of members, which meant a lower financial impact; (iii) the same percentage increase was subsequently offered to SUTRELAPA, which rejected it; and (iv) the extension of the benefits agreed with SINTRELAPA to non-unionized staff does not constitute an anti-union practice because the collective agreement allows it.*
- 355.** *The Committee takes note of the opposing views of the complainant and the enterprise regarding the alleged control exercised by the enterprise over SINTRELAPA. While observing that it does not have sufficient information to comment on this matter, the Committee notes that the enterprise concluded a collective agreement with the above-mentioned trade union, which included a higher wage increase than the one proposed in the last offer to SUTRELAPA, in four days. Hence, the Committee requests the Government to take the necessary steps to guarantee equal treatment between the trade unions operating in the enterprise and to ensure bargaining in good faith. The Committee also requests it to keep it informed of the outcome of the complaint filed by SUTRELAPA with SUNAFIL in this regard.*

Dismissal of unionized workers

- 356.** *The Committee notes that the organization further alleges that: (i) three SUTRELAPA members on temporary contracts, Ms Evelyn Katina Chamorro Curi, Ms Erika Girón Champi and Ms Saray Iris Poma Gonzales were dismissed owing to their trade union membership; (ii) Ms Chamorro Curi was dismissed on 25 February 2023; (iii) Ms Girón Champi was dismissed on 31 March 2023, after having informed the enterprise of her union membership; (iv) Ms Poma Gonzales was pressured into leaving the trade union in exchange for a new temporary contract and was subsequently dismissed by the enterprise; and (v) all three members filed cases in the Ventanilla Labour Court. The Committee also notes that the enterprise denies the aforementioned allegations. The Committee further notes that, in the case of Ms Chamorro Curi: (i) the enterprise states that the employment relationship was terminated on the objective grounds that, at the end of contract, the regular worker whom Ms Chamorro was replacing returned; and (ii) the Government reports that the Ventanilla Labour Court declared the claim lodged by the worker to be unfounded, but the appeals court annulled this decision and ordered that a new ruling be issued. In the case of Ms Girón Champi, the Committee notes that the enterprise claims that the temporary contract simply expired, that it had no knowledge of her trade union membership when the decision was made not to renew the contract and that no decision has yet been issued on the judicial appeal filed. In the case of Ms Poma Gonzales, the*

Committee notes that the Government reports that the Ventanilla Labour Court declared the application unfounded, but the appeals court annulled this decision and ordered that a new ruling be issued.

- 357.** *The Committee takes note of the divergent versions expressed by the complainant and the enterprise concerning the termination of the employment relationship of the three workers and the reasons therefor. On the one hand, the complainant claims that the three workers were dismissed owing to their membership of SUTRELAPA and, on the other, the enterprise denies these allegations and claims in particular that the temporary contracts of Ms Chamorro Curi and Ms Girón Champi were not renewed, without any discrimination involved. Observing that lawsuits remain pending in all three cases, the Committee expects that they will be resolved as soon as possible in accordance with freedom of association principles, and requests the Government to keep it informed in this respect.*

Strike called in 2022

- 358.** *Concerning the alleged violation of the right to strike, the Committee notes that the complainant refers firstly to the declaration of inadmissibility of a call to strike in 2022, claiming that: (i) SUTRELAPA decided to organize a stoppage for 27, 28 and 29 June 2022 in response to several breaches of the collective agreements on the part of the enterprise, and disclosed this information to the MTPE; (ii) after signing a document ending the strike and a collective bargaining agreement, this measure was ultimately not taken; (iii) however, the MTPE still issued a resolution declaring the call to strike inadmissible, considering that the reasons given did not constitute a legitimate defence of the rights and interests of the workers; and (iv) SUTRELAPA appealed this decision, which was upheld by the MTPE on 6 July 2022. The Committee also notes that the Government indicates that the MTPE declared the call to strike inadmissible on the basis of the legislation in force at the time, since article 63 of the Regulations of the Collective Labour Relations Act provided that a strike based on non-compliance with collective agreements was admissible only when a final judicial decision had not been complied with. The Committee takes due note of the documents signed by the enterprise and SUTRELAPA. It also observes, based on publicly available information, that article 63 of the Regulations was repealed on 24 July 2022 by Supreme Decree No. 014-2022-TR. In these circumstances, the Committee will not pursue the examination of this aspect of the case.*

Determination of minimum services

- 359.** *The Committee notes that the complainant refers secondly to the determination of the minimum services, alleging that: (i) on 30 January 2023, the enterprise submitted a proposal to the MTPE to establish the minimum services in the event of a strike for 2023, and that SUTRELAPA expressed disagreement with the proposal on 28 February 2023; (ii) article 68 of Supreme Decree No. 014-2022-TR establishes that responsibility for resolving disagreements regarding minimum services lies with the administrative labour authority, which has 30 working days in which to issue its decision, and it may avail itself of the support of an independent body to do so; (iii) on 26 July 2023, after the statutory deadline, the MTPE initiated the procedure and appointed the CIP to conduct a technical analysis, and the CIP carried out a verification visit at the enterprise on 2 November 2023, without notifying the trade union in advance; (iv) on 15 February 2024, SUTRELAPA requested to withdraw from the procedure due to bias in favour of the employer, but it did not receive a timely response; and (v) SUTRELAPA then informed the MTPE of the application of negative administrative silence and requested that it abstain from issuing a decision in the procedure, but the MTPE did so regardless and upheld the enterprise's proposal in full.*
- 360.** *The Committee notes that the Government, for its part, claims that: (i) after the enterprise submitted the proposal on 30 January 2023, SUTRELAPA expressed its disagreement with respect to the suggested number of workers, and the MTPE therefore appointed the CIP as an independent*

technical body on 26 July 2023; (ii) the CIP submitted its technical report on 29 December 2023 and SUTRELAPA announced its withdrawal from the procedure on 15 February 2024; (iii) the procedure nevertheless continued, owing to the enterprise's opposition as an interested third party and to the fact that the matter was of general interest; (iv) in view of the failure to issue a timely decision, the invocation of administrative silence was admissible, but SUTRELAPA did not file the relevant administrative appeals or bring a claim in the administrative courts; and (v) based on the CIP report, the MTPE issued a resolution on 18 March 2024, but the enterprise and SUTRELAPA submitted applications for review on 11 April 2024 and expressed their desire to resolve the dispute through informal meetings, which were arranged by the MTPE.

- 361.** *The Committee notes that it is apparent from the above that the administrative labour authority was responsible for resolving the disagreement expressed by SUTRELAPA within 30 working days pursuant to article 68 of Supreme Decree No. 014-2022-TR, that the union withdrew from the procedure alleging bias and that more than a year passed before a decision was issued. The Committee also observes that no prior negotiations seem to have been held between the enterprise and SUTRELAPA. The Committee recalls that negotiations over the minimum service should be ideally held prior to a labour dispute, so that all parties can examine the matter with the necessary objectivity and detachment, and that any disagreement should be settled by an independent body, like for instance, the judicial authorities, and not by the ministry concerned [see **Compilation**, para. 876]. The Committee requests the Government to take the necessary steps to amend the legislation in force with a view to ensuring that the determination of minimum services is negotiated by the parties concerned and that any disagreement in that regard is settled by an independent body. The Committee also requests to be kept informed of the outcome of the informal meetings arranged by the MTPE between the enterprise and SUTRELAPA.*

Strike called in 2023

- 362.** *The Committee notes that the complainant refers thirdly to the declaration of inadmissibility of a call to strike and the subsequent declaration that the strike was illegal in 2023, claiming that: (i) on 24 July 2023, SUTRELAPA notified the enterprise and the MTPE that it would stage a strike on 10, 11 and 12 August 2023; (ii) in the resolution of 4 August, the MTPE declared this call to strike inadmissible, given that the enterprise's activities constituted an essential service and a certain number of workers were therefore required to continue working during the strike; (iii) SUTRELAPA challenged this resolution, which was upheld by the MTPE on 10 August 2023, when the strike had already started; (iv) on 16 August 2023, the MTPE informed SUTRELAPA that the strike was illegal, and the decision was appealed by the trade union and upheld by the MTPE on 25 August 2023; and (v) although article 83 of Decree Law No. 25593 provides that gas, fuel and transport are essential public services, the strike would not have endangered the safety, health or life of the population because other enterprises in the market could have substituted production without causing shortages or cost increases. The Committee notes that, for its part, the Government indicates that: (i) the MTPE declared the call to strike inadmissible, given that SUTRELAPA failed to meet its obligation to attach to its notice the list of workers who had to remain on duty for the minimum services – a requirement when the strike affects essential public services; and (ii) since the disagreement expressed by SUTRELAPA relating to the minimum services for the 2023 period had still not been settled at the time of the strike, the proposal made by the employer in that regard had to take effect temporarily, pursuant to article 68-A of Supreme Decree No. 014-2022-TR.*
- 363.** *The Committee notes that the enterprise's activities were classified as an essential service pursuant to article 83 of Decree Law No. 25593, and recalls in this respect that, in other cases, it did not consider the sectors of petroleum and transport in general to constitute essential services in the strict sense of the term [see **Compilation**, para. 842]. However, it also recalls that, given that the petroleum*

sector is a strategic service, of vital importance to the economic development of the country, nothing prevents a minimum service being imposed in this sector [see **Compilation**, para. 897].

364. While referring to its previous conclusions regarding the establishment of minimum services in the event of disagreement between the parties, the Committee observes that the strike staged by SUTRELAPA was declared illegal by the MTPE. In this respect, the Committee recalls that responsibility for declaring a strike illegal should not lie with the government, but with an independent body which has the confidence of the parties involved [see **Compilation**, para. 907], and that to declare a strike or work stoppage illegal, the judicial authority is best placed to act as an independent authority [see **Compilation**, para. 910]. The Committee requests the Government to take the necessary measures to amend its legislation so that the legality or illegality of a strike is declared by an independent body that has the confidence of the parties, and to keep it informed of any developments in this regard.

Sanctions imposed following the strike of 2023

365. With respect to the 2023 strike, the Committee notes that the complainant also alleges that: (i) after the strike was declared illegal, the enterprise initiated, in September 2023, disciplinary proceedings against 113 SUTRELAPA members who had taken part in the strike and penalized 32 of them, despite the fact that these absences did not meet the legal requirements to be considered unjustified; and (ii) SUTRELAPA lodged an amparo appeal with the Ninth Constitutional Chamber of Lima in this regard. The Committee also notes that the enterprise states that it could penalize these workers for unjustified absences as a result of their participation in a strike that was declared illegal and that seriously affected its operations. It further notes that the Government, for its part, indicates that: (i) even if a strike has been declared inadmissible or illegal, employers may not penalize the participants until there is a final decision and the formal legal requirements, such as the publication of a notice to return to work, have been met; and (ii) a decision on the amparo appeal lodged by SUTRELAPA remains pending.
366. The Committee takes due note of the Government's indication regarding the requirement for the formal legal requirements to be met in order to penalize the participants in a strike. The Committee also requests the Government to keep it informed of the outcome of the amparo appeal lodged by SUTRELAPA with the Ninth Constitutional Chamber of Lima.

The Committee's recommendations

367. In the light of its foregoing conclusions, the Committee invites the Governing Body to approve the following recommendations:
- (a) The Committee requests the Government to ensure that, with a view to attaining a constructive dialogue, the representatives of the workers and the employer on the Occupational Safety and Health Committee are able to express their opinions freely without fear of being sanctioned for doing so.
 - (b) The Committee invites the Government to take the necessary steps to promote dialogue between the enterprise and the Refinería La Pampilla Single Union of Workers (SUTRELAPA) with a view to finding a negotiated solution to their dispute over trade union leave. The Committee also requests the Government to keep it informed of the outcome of the appeal lodged by SUTRELAPA with the Lima Superior Court of Justice.
 - (c) The Committee requests the Government to inform it of the outcome of the complaint relating to staff in positions of trust filed with the National Labour

Inspection Supervisory Authority (SUNAFIL) in 2023 and expects that the complaint will be resolved as soon as possible.

- (d) The Committee requests the Government, in accordance with the decision issued by SUNAFIL in 2023, to ensure that the personal scope of the collective agreement concluded by the parties in general, and the agreement conclusion bonus in particular, is fully respected.
- (e) While stressing that it is not competent to examine whether individual wage increases are justified, the Committee requests the Government to take the necessary steps to ensure that the enterprise's wage policy applicable to non-unionized workers does not have a detrimental effect on collective bargaining processes and trade union membership within the enterprise.
- (f) The Committee requests the Government to take the necessary steps to guarantee equal treatment between the various trade unions operating in the enterprise and to ensure bargaining in good faith. The Committee also requests it to keep it informed of the outcome of the complaint filed by SUTRELAPA with SUNAFIL concerning the alleged establishment of a trade union under the enterprise's control.
- (g) The Committee expects that the lawsuits filed in relation to the alleged anti-union dismissals of Ms Evelyn Katina Chamorro Curi, Ms Erika Girón Champi and Ms Saray Iris Poma Gonzales will be resolved as soon as possible in accordance with freedom of association principles, and requests the Government to keep it informed in this respect.
- (h) The Committee requests the Government to take the necessary steps to amend the legislation in force with a view to ensuring that the determination of minimum services is negotiated by the parties concerned and that any disagreement in that regard is settled by an independent body. The Committee also requests to be kept informed of the outcome of the extra-procedural meetings arranged by the Ministry of Labour and Employment Promotion (MTPE) between the enterprise and SUTRELAPA.
- (i) The Committee requests the Government to take the necessary measures to amend its legislation so that the legality or illegality of a strike is declared by an independent body that has the confidence of the parties, and to keep it informed of any developments in this regard.
- (j) The Committee also requests the Government to keep it informed of the outcome of the amparo appeal lodged by SUTRELAPA with the Ninth Constitutional Chamber of Lima relating to the penalties imposed following the strike of 2023.

Case No. 3481

Definitive report

**Complaint against the Government of Peru
presented by**

– the General Confederation of Workers of Peru

Allegations: The organization alleges the imposition of disciplinary sanctions and dismissal proceedings initiated against the general secretary of the Cross-regional Federation of Mine, Metal and Steel Workers of Southern Peru

- 368.** The complaint is contained in a communication dated 12 June 2024 from the General Confederation of Workers of Peru.
- 369.** The Government sent its observations on the allegations in communications dated 19 November 2024, 11 and 12 December 2024, and 6 January 2026.
- 370.** Peru has ratified 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).

A. The complainant's allegations

- 371.** In a communication dated 12 June 2024, the complainant organization states that: (i) Mr Arturo Luque Andrade held the positions of general secretary of the Cross-regional Federation of Mine, Metal and Steel Workers of Southern Peru (Southern Cross-regional Federation) and Southern Regional Secretary of the National Mining Federation, and had also been elected workers' representative on the Occupational Safety and Health Committee of the Cerro Verde Mining Company PLC (the enterprise); (ii) Mr Luque received various anti-union sanctions from the enterprise; (iii) in November 2023, the enterprise sanctioned Mr Luque with one day of suspension without pay for having intervened in an occupational health and safety accident with the intention of safeguarding the health and physical integrity of the workers involved; (iv) in December 2023, he was again sanctioned, with two days' suspension without pay, for having absented himself from his post on 7 November 2023 in order to carry out trade union activities in his capacity as trade union leader. The complainant organization states that Mr Luque submitted his request for union leave to the enterprise's human resources department prior to his absence, but that it was only rejected once he was already attending the session in question.
- 372.** The complainant organization also alleges that (i) on 8 April 2024, Mr Luque was informed of his dismissal for "alleged breach of good faith in the workplace, repeated resistance to orders regarding his duties, insults and failure to keep his word", owing to an anonymous complaint stating that Mr Luque had allegedly made comments and expressed offensive and defamatory opinions about the enterprise and another trade union in a private workers' group on an electronic messaging application; (ii) Mr Luque's dismissal was illegal and violated his trade union immunity, as his comments were made in a private group for the communication of

trade union action to workers called “Cerro Verde Union”, protected by communication secrecy and in the framework of his trade union activity, and as the message attributed to him was not offensive to the enterprise and did not expressly mentioned it or any specific individual; and (iii) the dismissal was preceded by disciplinary sanctions which, taken together, constituted a campaign of anti-union action against Mr Luque.

B. The Government’s reply

373. In its various communications, the Government provides information on the actions of the National Labour Inspection Supervisory Authority (SUNAFIL), provides an update on the legal proceedings relating to the disciplinary sanctions imposed on Mr Luque and to his dismissal, and submits information provided by the enterprise regarding the allegations in the present case. With regard to the allegations, the enterprise states that:

- It has two unions, the Cerro Verde Workers’ Union (SUTRACV) and the Cerro Verde Union (SCV), with which it engages in dialogue and collective bargaining. It indicates that Mr Arturo Luque Andrade started to work at the enterprise on 2 April 2007, joined the SCV on 1 August 2008 and remained a member until his dismissal on 8 April 2024.
- Prior to the dismissal, the enterprise sanctioned Mr Luque on two occasions, on the basis of article 9 of the single consolidated text of the Productivity and Labour Competitiveness Act (LPCL). On the first occasion, on 22 November 2023, the enterprise sanctioned Mr Luque with one day of suspension without pay for having absented himself from his post without prior notice or authorization from his shift supervisor, putting the operation at risk and neglecting the tasks assigned to him, in contravention of articles 15, 27(a) and (b), and 30 of the internal labour regulations of the enterprise. It indicates that Mr Luque acknowledged that he had absented himself from his post without notice to observe and record an incident as he was a member of the occupational safety and health committee. The enterprise notes that the accident in question was already being managed by the responsible persons and that Mr Luque’s duties in the committee in question did not include observing and recording safety-related incidents.
- In a second situation, Mr Luque was sanctioned with two days’ suspension without pay for being absent from work without justification on 7 November 2023, in contravention of articles 27(a) and 30 of the internal labour regulations. According to the enterprise, Mr Luque justified his absence by alleging union activities that would be covered by a request for union leave, although he acknowledged that he had not submitted such a request to the human resources department with the necessary advance notice and formalities required under Peruvian law. The enterprise states that Mr Luque absented himself from work without confirmation of the authorization of the trade union leave, which would have disrupted the normal functioning of his work team.
- The enterprise maintains that the disciplinary measures imposed on Mr Luque were unrelated to his trade union activities, and were instead based on serious labour misconduct, and that his right of defence was respected at all times and he had the opportunity to present his defence before being sanctioned.
- With regard to the dismissal of the trade union leader, the enterprise states that on 11 March 2024 it received an anonymous email reporting that Mr Luque had made statements considered to be defamatory in an electronic messaging group, in which he criticized SUTRACV and made unsubstantiated accusations regarding alleged irregular negotiations between the union and the enterprise, messages that were allegedly shared

with a significant number of workers, thereby aggravating the alleged workplace offence. According to the enterprise, the message that led to the dismissal read as follows:

This cutracv trade union from the dark side is like kongress conducting its negotiations under the table with whoever suits it best and has its ally to bend the rules and laws with its sweet talk that snake oil salesman.

- The enterprise states that the message was clearly referring to alleged corruption and collusion between the enterprise and SUTRACV, despite not expressly mentioning the name of the enterprise and writing the name of the trade union differently. Furthermore, it indicates that the enterprise conducted an internal investigation, during which Mr Luque did not deny having written the messages. It states that the existence of the email containing the anonymous complaint was certified by a notary and that the content of the screenshots was confirmed by another worker who belongs to the messaging group, who voluntarily provided access to the messages in question and a statement to that effect.
- In light of the above, the enterprise states that Mr Luque's behaviour was classified as serious misconduct under national labour legislation, comprising insults, breach of promise and failure to comply with employment obligations and internal regulations, constituting a breach of good faith in the workplace. Consequently, the enterprise maintains that the dismissal was duly justified, on the basis of: legal grounds provided for in article 25(f) of the LPCL, which classifies any verbal or written insults and breaches of promise directed at the employer or other workers as serious misconduct by a worker; article 27(d) of the company's internal regulations, which considers it an obligation of all the workers in the enterprise to "show due respect and consideration to all workers in the enterprise", and article 30(d), which prohibits "disrespecting, threatening, insulting, defaming, assaulting or harassing their co-workers or any other worker, whether senior or junior"; as well as the principles of business conduct and those related to the compliance management system, with the dismissal not being related to Mr Luque's trade union status, also taking his disciplinary record into account.

- 374.** With regard to the judicial proceedings filed by Mr Luque, the enterprise states that the proceedings seeking the annulment of the worker's dismissal were declared unfounded in the second instance and the cassation appeal lodged by the plaintiff is pending before the Supreme Court of Justice of Peru. With regard to the judicial proceedings that contest both disciplinary sanctions, the enterprise states that, in the second instance, the Supreme Court of Justice of Arequipa upheld the validity of the disciplinary measure imposed in November 2023, due to abandonment of duties without authorization from the immediate superior, and considered that the sanction of the two-day suspension in December 2023, due to absence on union leave, should be set aside. It also states that it has lodged a cassation appeal, which is also pending before the Supreme Court.
- 375.** The Government provides information on the result of inspection activities carried out by SUNAFIL at the enterprise, which analysed the background of allegations of: (i) harassment and acts of hostility in relation to Mr Luque, in which no violation of the matters contained in the inspection order was detected; (ii) violation of freedom of association in relation to the granting of trade union leave to Mr Luque, in which it considered that the procedure for requesting the granting of trade union leave must take into account the advance notice with which the request is submitted and other conditions for granting it, so that the employer can plan for the worker's absence, a fact that had not been observed by Mr Luque, indicating that no violation of the matters contained in the inspection order had been detected; and (iii) violation of freedom of association in relation to the dismissal of Mr Luque, in which

SUNAFIL states that it does not have jurisdiction to issue rulings on the allegations relating to the dismissal, as judicial proceedings are under way.

C. The Committee's conclusions

- 376.** *The Committee observes that the present case relates to the dismissal on 8 April 2024 of Mr Arturo Luque Campana, an employee of a mining enterprise, general secretary of the Cross-regional Federation of Mine, Metal and Steel Workers of Southern Peru and a member of the SCV enterprise union, following statements made in a widely circulated private social media messaging group, in which he criticized alleged irregular negotiations between another trade union and the enterprise, in a context of inter-union conflict. The Committee observes that, in addition to the dismissal, the allegations refer to the existence of two previous disciplinary sanctions imposed on Mr Luque, which would prove the existence of an anti-union campaign against the leader.*
- 377.** *The Committee notes that the complainant organization alleges specifically that: (i) the statements made by Mr Luque, subject of the dismissal procedure mentioned, formed part of the legitimate and regular exercise of freedom of association; (ii) the message attributed to Mr Luque did not mention or expressly offend the enterprise or specific individuals; (iii) the dismissal was illegal and a violation of trade union immunity, having occurred due to messages posted in a "private group for the communication of trade union action" protected by communication secrecy and in the framework of the trade union activities of Mr Luque; and (iv) the dismissal was preceded by two unfounded disciplinary sanctions which, taken together, would constitute a campaign of anti-union action against Mr Luque.*
- 378.** *The Committee notes that, for its part, the Government: (i) sets out the enterprise's position regarding the circumstances of Mr Luque's dismissal; (ii) provides an update on the judicial proceedings filed by Mr Luque against the disciplinary sanctions imposed on him and his subsequent dismissal; and (iii) provides information about inspections carried out by SUNAFIL in the enterprise, in which SUNAFIL did not identify any irregularities, having decided not to rule on the dismissal given that judicial proceedings have been brought in this regard.*
- 379.** *The Committee notes that, according to the information provided by the Government, the enterprise states that: (i) prior to the dismissal, it sanctioned Mr Luque on two occasions in accordance with article 9 of the single consolidated text of the Productivity and Labour Competitiveness Act (LPCL), one for abandoning his post without prior notice or authorization to observe and record a safety-related incident, and the other for being absent from work on the grounds of trade union activities without being covered by trade union leave; (ii) following an internal investigation, the enterprise dismissed Mr Luque for having posted defamatory statements in a private messaging group criticizing the SUTRACV trade union and making baseless accusations of irregular negotiations and collusion with the enterprise, which were shared with a considerable number of workers; (iii) the dismissal is supported by article 25(f) of the LPCL, as Mr Luque's conduct violates the provisions of the enterprise's internal labour regulations, the relevant principles of business conduct and those related to the compliance management system; and (iv) concerning the two sets of legal proceedings brought by Mr Luque, the challenge to the sanctions imposed prior to the dismissal was partially upheld and the cassation appeal lodged by the enterprise is pending before the Supreme Court; the proceedings seeking the annulment of the dismissal and reinstatement were declared unfounded in the second instance and the cassation appeal lodged by Mr Luque is pending before the Supreme Court.*
- 380.** *The Committee duly notes this information. Regarding the legal action lodged by Mr Luque seeking the annulment of his dismissal, the Committee notes in particular that: (i) the court of first instance considered the dismissal to be anti-union in nature and declared it null and void; (ii) on*

22 January 2025, the Supreme Court of Justice of Arequipa overturned the first instance decision, considering that Mr Luque's dismissal for serious misconduct was justified; and (iii) Mr Luque lodged a cassation appeal before the Supreme Court against this decision, which is pending.

- 381.** *The Committee observes that, in the aforementioned second instance ruling, the Supreme Court of Justice of Arequipa: (i) indicated that it had been proved that approximately 400 workers had had access to the message in question; (ii) indicated that, while Mr Luque was general secretary of the Cross-regional Federation of Mine, Metal and Steel Workers of Southern Peru, he was not, at the time of his dismissal, leader of the SCV enterprise union, but just a member, and consequently it considered that there was no evidence to suggest that his dismissal was in retaliation for trade union activity, for example conversations relating to a collective agreement; and (iii) considered that the worker made disparaging and offensive remarks, insinuating the existence of possible illegal arrangements, which constituted a lack of respect towards the employer, demonstrating a failure to comply with the basic duties of coexistence, discipline and hierarchical subordination, affecting workplace harmony and the principle of authority necessary for the employer to exercise management and organizational powers.*
- 382.** *The Committee observes that the information available indicates that: (i) the message that led to the dismissal of Mr Luque was sent to a private messaging group intended for communications of the SCV trade union, a mining enterprise trade union with several hundred members; (ii) the message expressed criticism of alleged negotiations under way with another enterprise trade union, calling into question in offensive terms the honesty of the process and its participants; (iii) while at the time of the events Mr Luque was just a member of the SCV, he was also performing the functions of general secretary of the Southern Cross-regional Federation and of Southern Regional Secretary of the National Mining Federation. The Committee also notes that, according to publicly available information, in the subsequent months the enterprise signed separate collective agreements with each of the trade unions (one with the SCV, the other with the SUCTRAV) and that the SCV contested the legality of the negotiations carried out with the SUCTRAV before the courts.*
- 383.** *The Committee observes that it appears from the above that, in a context of manifest collective bargaining tensions, Mr Luque, general secretary of a mining federation, made offensive comments to the members of the enterprise union of which he was a member, and in the framework of his union activities, in respect of the ongoing negotiations between another union and the enterprise.*
- 384.** *The Committee recalls that the full exercise of trade union rights calls for a free flow of information, opinions and ideas, and to this end workers, employers and their organizations should enjoy freedom of opinion and expression at their meetings, in their publications and in the course of other trade union activities. Nevertheless, in expressing their opinions, these organizations should respect the limits of propriety and refrain from the use of insulting language [see **Compilation of decisions of the Committee on Freedom of Association**, sixth edition, 2018, para. 236].*
- 385.** *While noting the substantial nature of the sanction (dismissal) imposed on Mr Luque, the Committee observes that it will be for the competent judicial authorities to weigh up the various circumstances of the case in conformity with the principles of freedom of association and stresses the relevance of the conclusions of the present case.*

The Committee's recommendations

- 386.** **In the light of its foregoing conclusions, the Committee invites the Governing Body to approve the following recommendations.**
- (a) **While noting the substantial nature of the sanction (dismissal) imposed on Mr Luque, the Committee observes that it will be for the competent judicial**

authorities to weigh up the various circumstances of the case in conformity with the principles of freedom of association and stresses the relevance of the conclusions of the present case.

- (b) The Committee considers this case closed, without requiring any further examination.

Case No. 3465

Interim report

Complaint against the Government of Serbia presented by

- the International Transport Workers' Federation (ITF)
- the Central Union of Aeronautical Stewardesses and Stewards (Jedinstveni sindikat stjuardesai stjuarda vazduhoplova (JSSSV)) of Serbia and
- the European Transport Workers' Federation (ETF)

Allegations: The complainants assert that the Government has failed to provide protection against interference in trade union activities and acts of anti-union discrimination carried out by a state owned enterprise

- 387.** The complaint is contained in a communication dated 8 May 2024, submitted by the Central Union of Aeronautical Stewardesses and Stewards (Jedinstveni sindikat stjuardesai stjuarda vazduhoplova (JSSSV)) of Serbia, the European Transport Workers' Federation (ETF) and the International Transport Workers' Federation (ITF).
- 388.** In the complainants' communication received on 30 August 2024, and the Government's communication dated 10 October 2024, the parties informed the Committee of their acceptance to refer the dispute to voluntary conciliation at the national level. In communications dated 2 and 15 April 2025, the Government and the complainants informed the Committee regarding the attempts of conciliation: The Government stated that it had engaged with the JSSSV in order to find an adequate solution, but that the conciliation process has not proved fruitful and that the complainants did not accept further mediation. The complainants stated that although a meeting had taken place on 19 March 2025, they were still awaiting any proposal from the Government in follow-up to that meeting. They added that at the end of a six-month postponement for voluntary conciliation between the parties, they considered that the process had been unsuccessful and expressed their desire to refer the matter back to the Committee. The Government provided additional information in a communication dated 9 July 2025.
- 389.** Serbia has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Workers' Representatives Convention, 1971 (No. 135).

A. The complainants' allegations

- 390.** In their communication dated 8 May 2024, the complainants assert that the Government has failed to provide protection against interference in trade union activities and acts of anti-union discrimination carried out by Air Serbia, a state owned enterprise (hereinafter: the airline company), thereby failing to comply with Conventions Nos 87 and 98. In their complaint, the complainants also make reference to the Workers' Representatives Convention, 1971 (No. 135).
- 391.** The complainants submit that the airline company was established in 2013, that the Government increased its share to 82 per cent in 2022, and that the company came under full ownership and control by the Government in November 2023. They add that since its establishment, JSSSV has been the only representative cabin crew union.

The alleged absence of bargaining in good faith by the airline company

- 392.** The complainants allege that the Government-appointed representative on the company's board of executive directors has been exercising influence and control over the leadership of the union. They state that a collective bargaining agreement existed prior to the COVID-19 pandemic, but that its benefits and protections had worsened with each renegotiation. They allege that in 2020, at the direction of the above-mentioned representative, the union leadership terminated the collective agreement due to the declared state of emergency in the country, and accepted a 25 per cent reduction in their basic salaries, while all pilots and cabin crew remained on the payroll. The complainants add that the company's profits nevertheless increased and that the airline company expanded its routes (owing in part to less strict pandemic-related travel restrictions in Serbia than in certain central European countries, a substantial Government bailout and a unique route offered by the airline company to Russian citizens which allowed them to travel out of Russia via Belgrade during the Russia-Ukraine war), while a shortage of staff required pilots and cabin crew to fly with minimum rest. Under conditions of overwork, unused leave and rising sick leave, workers continued to receive the reduced wages and remained without a collective agreement. The complainants maintain that these deteriorating conditions motivated workers to organize. In 2021 and 2022, younger members assumed leadership of the three unions representing cabin crew (JSSSV), pilots and air mechanics, formed an alliance, and demanded the right to bargain for safe, fair and sustainable working conditions, particularly adequate staffing, industry-standard annual leave and reduced working hours. The complainants contend that flight activity further intensified during the 2023 season resulting in excessive working hours, insufficient leave and the departure of many experienced pilots and cabin crew. They assert that the airline company did not engage in good faith bargaining with JSSSV, which remained the only organization with negotiation rights: discussions were brief, nearly all demands were rejected and union representatives were subjected to disrespectful and abusive treatment. In January 2023, the company presented a "take it or leave it" agreement, which the union unanimously voted against.
- 393.** The complainants allege that after January 2023, the airline company engaged in tactics to disrupt, weaken and ultimately dismantle the unions.

The alleged interference by the airline company through threats and intimidation to force workers to withdraw from the union

- 394.** The complainants allege that the airline company engaged in threats, intimidation and retaliation through: (i) the opening and withdrawal of vacancies to pressure workers to withdraw their union membership, (ii) the removal of union members from the list of workers

due for promotion, and (iii) pressuring union leaders to resign. The complainants assert that by April 2023, 40 per cent of the JSSSV, and 30 per cent of the pilots' union had withdrawn their membership, and all three presidents (of the JSSSV, the pilot's and the air mechanics union) had resigned. The complainants allege that: (a) the former JSSSV leader resigned under pressure following a company campaign spreading news that there would be no improvement in working conditions while she was leading the union; (b) the former president of the air mechanics union branch resigned for the same reasons, being associated with the JSSSV leader; and (c) the former president of the pilot's union resigned after union members were pressured to sign a petition demanding his resignation and after he had faced threats of dismissal for allegedly spreading misinformation in his labour inspection complaint about unused annual leave. The complainants add that the majority of members withdrew from the air mechanics union, and further allege that the subsequently elected president of the air mechanics union branch also resigned after receiving a dismissal notice (issued for a cumulative lateness of 15 minutes in October 2023), and after being verbally threatened with dismissal unless he stepped down from the union presidency within 24 hours. The complainants assert that this situation continues, with too few members to engage in negotiations, as workers have cause to fear demotion, non-renewal of their contracts and dismissal.

The alleged interference by the airline company in union elections

- 395.** The complainants allege that, in May and June 2023, new union elections resulted in the election of pro-company leaders across the worker branches. However, for the JSSSV, Ms Lena Dačić was elected as the cabin crew representative despite management pressure to vote for a late-submission candidate favoured by management. The complainants add that on 28 July 2023, the court imposed a provisional ban preventing Ms Dačić from serving as union president, a decision later upheld on appeal, following an allegedly baseless lawsuit by her opponent over a minor technicality in the union statute concerning the number of members on the board (they add that, at the time of their submission, the annulment proceedings regarding her election were still pending). They also allege that, in a disproportionate response, the union's bank accounts were frozen, paralysing all union activities.

The alleged acts of anti-union discrimination (transfers and dismissal)

- 396.** The complainants assert that Ms Dačić subsequently faced discrimination by the airline company, culminating in her dismissal, while she attempted to organize new elections and lift the ban from her role as union president. They allege that, on 28 September 2023, management summoned Ms Dačić to a meeting, pressured her to stop discussing union matters, warned her that the company would severely reprimand anyone spreading "artificial dissatisfaction" among staff, and demanded the closure of the union's mobile messaging app account. They add that she was asked if she "respects the authorities of this country", and that her opponent in the union election was also present at the meeting. The complainants assert that, one day after the meeting, the JSSSV Vice-President was transferred from cabin crew to the airline company's contact centre, and ten days later, the same measure was applied to Ms Dačić and three other union activists. Several of Ms Dačić's close colleagues were also called to meetings, apparently for similar transfers, but could not attend and have since been on sick leave. They add that meanwhile, more and more members have been withdrawing from the union. The complainants further assert that the company relied on Ms Dačić's expression of her views on social media to justify her dismissal on 11 November 2023, alleging that she had spread damaging misinformation about the company. The complainants state that Ms Dačić made a request on 30 October to the labour inspection regarding her transfer and that,

following her complaint made on 30 November 2023, the labour inspection authorities found no obvious rights violation in relation to her dismissal, as it was based on alleged non compliance with work-related obligations.

- 397.** The complainants state that on 8 November 2023, Ms Dačić and several of her colleagues filed a lawsuit before the High Court claiming that the airline company engaged in acts of anti-union discrimination (in relation to the above-mentioned transfers, Ms Dačić's dismissal as well as the denial of an anticipated promotion in her favour), which the airline company challenged as unfounded in its submission of 8 December 2023. The complainants argue that, consistent with the burden of proof under national law, the employer must demonstrate the absence of discrimination, and that the complainants argue that there are several indications of the existence of discriminatory intent, namely that: (i) the transfers occurred immediately after the meeting with Ms Dačić regarding her union activities; (ii) only union affiliated employees were affected; (iii) recruitment for cabin crew positions continued, and over 100 temporary cabin crew members with less than six months' experience were retained (contradicting the airline company's argument of a surplus); and (iv) the transferred employees were not provided with sufficient workstations to perform their duties and as a result, had not received training one month after their transfer, which the complainants argue demonstrates that there were no vacancies in the contact centre. Finally, although the airline company asserts that transfers came with a higher base salary, the complainants dispute this, noting that the loss of cabin crew allowances resulted in a threefold reduction in income. Concerning Ms Dačić's dismissal, the complainants argue that her rights to freedom of opinion and expression were violated by the manner of her dismissal, which they consider a direct response to ideas and information she had shared about the company in social media comments. They assert that worker representatives can only fulfil their duties if they are free to publicly criticize company policies that harm the interests of workers. The complainants indicate that the High Court rejected the urgent temporary measures the plaintiffs had sought, holding that there was no preliminary evidence of irreversible damage. They add that as of their submission, no final judicial decision had been issued.
- 398.** The complainants allege that the anti-union discrimination laws and the measures taken by the national authorities have failed to be effective and dissuasive in this case, including as regards the protection of Ms Dačić, who was terminated while effectively serving as the elected leader of the union, notwithstanding a temporary ban from exercising that role. They assert that the response from the labour inspectorate and other bodies empowered to protect the right to be free from discrimination has been inadequate and that the courts have failed to implement provisional measures that would protect workers and have even taken actions that have negatively impacted their circumstances.
- 399.** The complainants assert that the acts described amount to anti-union discrimination and resulted in the effective shutting down of the union. They allege that only one witness in the discrimination case against the airline company remains employed, having been demoted from purser to flight attendant despite having 30 years of experience. They assert that union activists now avoid organizing to prevent further victimization.
- 400.** The complainants refer to the applicable national legislation concerning anti-union discrimination, including section 188(1) of the Labour Code. They criticize that, in terms of remedy, there is no special provision for workers who have suffered acts of anti-union discrimination. They add that only the general compensatory (or reinstatement) measures for unlawful termination of employment relationship in section 191 of the Labour Code apply and argue that this is inadequate where anti-union discrimination falls short of outright dismissal.

B. The Government's reply

- 401.** The Government indicates that, in an effort to resolve the dispute peacefully, it convened a meeting on 19 March 2025 at the Ministry of Labour, Employment, Veteran and Social Affairs with representatives of the JSSSV. The National Coordinator of the ILO in Serbia and representatives of the Ministry of Construction, Transport and Infrastructure and the Agency for Peaceful Resolution of Labour Disputes also participated. According to the Government, the JSSSV representatives reiterated the allegations in their complaint and stressed that the court proceedings they had initiated were progressing too slowly.
- 402.** The Government indicates that it sought to identify space for further negotiations and therefore proposed mediation by the Agency for Peaceful Settlement of Labour Disputes, where an independent and impartial arbitrator could have assisted the parties in resolving the dispute, helped restore healthy labour relations and avoided costly court proceedings (which would have been suspended during the mediation). However, the JSSSV representatives declined to suspend the court proceedings, expressing doubt that the airline company would agree to mediation and stating that they preferred to await the outcome of the court proceedings. The Government further maintains that, when asked what measures by the authorities could contribute to resolving the dispute, the JSSSV representatives expressed appreciation for the meeting but stated that they had no specific proposal or request. The Government adds that the labour inspectorate conducted an inspection on 1 November 2023, following a report by the Confederation of Autonomous Trade Unions of Belgrade and the Trade Union of Transport and Communications of Belgrade, but found no irregularities concerning the transfer of the four trade union activists – Ms Dačić, Ms Dimitrov, Ms Durić and Ms Vuković – from cabin crew positions to the call centre.
- 403.** The Government emphasizes its commitment to respecting all ratified international labour standards, stating that it remains open to dialogue with the JSSSV and the ILO and that the Government and all national stakeholders will respect any court decision on the matter.

C. The Committee's conclusions

- 404.** *The Committee notes that the complainants allege the failure of the Government to provide protection against acts of interference in trade union activities and anti-union discrimination by the airline company, thereby failing to comply with Conventions Nos 87 and 98. It notes that, in their complaint, the complainants also make reference to the Workers' Representatives Convention, 1971 (No. 135). While noting that the Government refers to its attempts of voluntary conciliation with the complainants, as well as the conduct of a labour inspection into certain allegations made, and the pending outcome of the anti-union discrimination case before the High Court, the Committee observes that the Government does not provide any response to the specific allegations made by the complainants against the airline company. The Committee will therefore examine the substance of the case without the Government's response on the matters raised by the complainants, hoping that its conclusions may be useful to ongoing processes in advancing respect for the fundamental principles of freedom of association.*

The alleged absence of bargaining in good faith by the airline company

- 405.** *The Committee notes the complainants' following allegations: A collective bargaining agreement existed prior to the COVID-19 pandemic, which the union leadership agreed to terminate in 2020 in the context of the declared state of emergency in the country at the direction of the Government-appointed representative on the company's board of directors. Subsequently, the airline company did not engage in good faith bargaining with JSSSV, which remained the only*

organization with negotiation rights: discussions were brief, nearly all demands were rejected, and union representatives were subjected to disrespectful and abusive treatment. In January 2023, the company presented a “take it or leave it” agreement, which the union unanimously voted against.

406. The Committee understands from the complainants’ submission that, following the termination of the collective agreement in the context of the COVID-19 pandemic in 2020, no collective bargaining agreement has since been concluded that would cover workers at the airline company. It further notes that the Government, in its submission, does not indicate that the management of the airline company was among the representatives present at the voluntary conciliation meeting held between the Government authorities and the JSSSV.
407. At the outset, the Committee wishes to recall that the workers of state-owned commercial or industrial enterprises should have the right to negotiate collective agreements [see **Compilation of decisions of the Committee on Freedom of Association**, sixth edition, 2018, para. 1261]. The Committee recalls that it has made clear that both employers and trade unions should bargain in good faith and make every effort to come to an agreement, and satisfactory labour relations depend primarily on the attitudes of the parties towards each other and on their mutual confidence, and that the principle that both employers and trade unions should negotiate in good faith and make efforts to reach an agreement means that any unjustified delay in the holding of negotiations should be avoided [see **Compilation**, paras 1329 and 1330].
408. Noting that the Government has not provided any response in relation to the allegations made concerning collective bargaining at the airline company, the Committee requests the Government to provide its views and any measures taken in respect of these allegations, including information on the measures taken to foster a climate conducive to voluntary negotiation in good faith with a view to the parties reaching a mutually acceptable collective bargaining agreement.

The alleged threats and intimidation by the airline company to force workers to withdraw from the union

409. The Committee notes the complainants’ following allegations: The airline company opened and withdrew vacancies to pressure workers to withdraw their union membership, removed union members from the list of workers due for promotion and pressured union leaders to resign. By April 2023, 40 per cent of the JSSSV, and 30 per cent of the pilots’ union had withdrawn their membership, and all three presidents (i.e. those of the JSSSV, the pilot’s and the air mechanics union) had resigned following the exertion of pressure, intimidation and retaliation by the airline company. The majority of members also withdrew from the air mechanics union, and the subsequently elected president of the air mechanics union branch resigned under threat of dismissal. There are now too few members to engage in negotiations, as workers have cause to fear demotion, non-renewal of their contracts and dismissal.
410. While noting that the Government has not provided a response in relation to any of these allegations, the Committee recalls that direct threats and intimidation of members of a workers’ organization and forcing them into committing themselves to sever their ties with the organization under the threat of termination constitutes a denial of these workers’ freedom of association rights [see **Compilation**, para. 1100].
411. In this respect, the Committee also notes that the complainants indicate that the Labour Act does not contain any explicit provisions against acts of interference of workers’ and employers’ organizations in each other’s establishment, functioning and administration. Noting that the Committee of Experts on the Application of Conventions and Recommendations (CEACR) is already examining this issue, the Committee refers further examination of these legislative aspects to the CEACR.

412. Noting that the Government has not provided any response in relation to the alleged practices at the airline company, and considering the serious nature of these allegations concerning pressure on workers to renounce union membership, the resignation of several union presidents, and a climate perceived as discouraging workers from engaging in trade union activities, the Committee requests the Government to inform it of all necessary steps taken, including the conduct of investigations by the relevant authorities into these alleged practices, and if these allegations are found to be true, to take the appropriate remedial measures, with a view to promoting an environment conducive to the free exercise of trade union rights within the airline company, without any threats or intimidation.

The alleged interference by the airline company in union elections

413. The Committee notes the complainant's following allegations, in relation to which the Government has not provided a reply: The airline company interfered with union activities by pressuring workers to vote for a late-submission candidate in the elections favoured by management, as well as through the legal action brought by this candidate (over a technicality in the union statute considered to be minor by the complainants) against Ms Dačić who had been elected the cabin crew representative. These proceedings resulted in her provisional ban from serving as union president (at the time of the complainants' submission, the annulment proceedings regarding her election were still pending). The union's bank accounts were also frozen, paralysing all union activities.
414. Noting that the Government has not provided a response in relation to any of these allegations, the Committee recalls that "(f)reedom of association implies the right of workers and employers to elect their representatives in full freedom", and that "(t)he freezing of union bank accounts may constitute serious interference by the authorities in trade union activities" [see **Compilation**, paras 585 and 707].
415. Noting that the Government has not provided any response in relation to the alleged interference by the airline company in union elections, the Committee requests the Government to inform of all necessary steps taken to address the allegations, including a copy of the relevant court decisions concerning the proceedings to annul the decision confirming Ms Dačić's election, and to provide information on the legal basis and duration of the alleged freezing of the union's bank accounts. The Committee also requests the Government to provide information on the measures taken to guarantee that any future union elections at the airline company are conducted in full freedom without any undue interference.

The alleged acts of anti-union discrimination (transfers and dismissal)

416. The Committee notes the complainants' following allegations: Ms Dačić faced discrimination by the airline company, including through her transfer from cabin crew to the airline's contact centre and her dismissal, while she attempted to organize new elections and lift the ban from her role as union president. The airline company relied on her social media statements to justify her termination on 11 November 2023, alleging that she had spread damaging misinformation about the company. Following Ms Dačić's complaint made on 30 November 2023, the labour inspection authorities found no obvious right violation in relation to her dismissal, as it was based on alleged non compliance with work-related obligations. On 8 November 2023, Ms Dačić and several colleagues filed a lawsuit before the High Court against the airline company claiming that the company had engaged in acts of anti-union discrimination (including in relation to the transfers of Ms Dačić and several of her colleagues from cabin crew to the airline's contact centre and her dismissal), which the airline company challenged as unfounded in its submission of 8 December 2023. The High Court rejected the urgent temporary measures the plaintiffs had sought, holding that there was no preliminary evidence of irreversible damage. The complainants add that, as of their submission, no final judicial decision had been issued, that only one witness in the discrimination case remains employed, having

been demoted from purser to flight attendant despite having 30 years of experience, and that union activists now avoid organizing to prevent further victimization.

- 417.** *The Committee notes that the complainants allege that the anti-union discrimination laws and the measures taken by the national authorities have failed to be effective and dissuasive in this case. It notes that the Government, on the other hand, while it does not provide any information on the substance of the case, maintains that it had sought to identify space for further negotiations during the voluntary conciliation and had proposed mediation by the Agency for Peaceful Settlement of Labour Disputes, which the JSSSV representatives had declined as it involved the suspension of court proceedings, the outcome of which they preferred to await, and expressing doubt that the employer would agree to mediation. It notes that the Government states that the labour inspection services found no irregularities concerning the transfers of Ms Dačić and the four other trade unionists, and that all national stakeholders would respect the findings of the High Court.*
- 418.** *The Committee further notes that the complainants refer to the applicable national legislation concerning anti-union discrimination, including section 188(1) of the Labour Code, but allege that, in terms of remedy, there is no special provision for workers who have suffered acts of anti-union discrimination. They add that only the general compensatory (or reinstatement) measures for unlawful termination of employment relationship in section 191 of the Labour Code apply. They argue that this is inadequate where anti-union discrimination falls short of outright dismissal.*
- 419.** *The Committee understands that, more than two years after the submission of the anti-union discrimination case, the High Court has yet to render its decision. The Committee also notes that, while section 188(1) of the Labour Code prohibits placing employees in a disadvantageous position for representing a trade union or participating in trade union activities, the Labour Code appears to explicitly provide for sanctions and remedies only for anti-union dismissals (see sections 190(1) and 273(6)), and not for other acts of anti-union discrimination falling short of dismissal.*
- 420.** *Noting that the Government refers to the pending outcome of the anti-union discrimination case concerning Ms Dačić and the other trade unionists, and that the Committee does not have before it certain elements, such as the social-media content posted which the airline company allegedly relied upon for the dismissal, the Committee recalls that anti-union discrimination is one of the most serious violations of freedom of association as it may jeopardize the very existence of trade unions, and that no person should be prejudiced in employment by reason of legitimate trade union activities and cases of anti-union discrimination should be dealt with promptly and effectively by the competent institutions (see **Compilation**, paras 1072 and 1077). Moreover, concerning the alleged anti-union transfers, it recalls that protection against acts of anti-union discrimination should cover not only hiring and dismissal, but also any discriminatory measures during employment, in particular transfers, downgrading and other acts that are prejudicial to the worker [see **Compilation**, para. 1087]. In this respect, it also recalls that legislation should lay down explicitly remedies and penalties against acts of anti-union discrimination.*
- 421.** *Observing that judicial proceedings concerning the allegations of anti-union discrimination and anti-union dismissal by the airline company against Ms Dačić and the other trade unionists are still ongoing, the Committee expresses the firm hope that the relevant court proceedings are completed without delay and that a final decision is rendered as soon as possible. It requests the Government to provide information in this respect and to transmit a copy of the relevant court decision. Recalling that legislation should lay down explicitly remedies and penalties against acts of anti-union discrimination, it also requests the Government to provide information to the CEACR on the measures adopted, in law and in practice, to provide for effective protection against all anti-union discrimination acts falling short of dismissal.*

The Committee's recommendations

422. In the light of its foregoing interim conclusions, the Committee invites the Governing Body to approve the following recommendations:

- (a) Noting that the Government has not provided any response in relation to the allegations made concerning collective bargaining at the airline company, the Committee requests the Government to provide its views and any measures taken in respect of these allegations, including information on the measures taken to foster a climate conducive to voluntary negotiation in good faith with a view to the parties reaching a mutually acceptable collective bargaining agreement.
- (b) Noting that the Government has not provided any response in relation to the alleged practices at the airline company, and considering the serious nature of these allegations concerning pressure on workers to renounce union membership, the resignation of several union presidents, and a climate perceived as discouraging workers from engaging in trade union activities, the Committee requests the Government to inform it of all necessary steps taken, including the conduct of investigations by the relevant authorities into these alleged practices, and if these allegations are found to be true, to take the appropriate remedial measures, with a view to promoting an environment conducive to the free exercise of trade union rights within the airline company, without any threats or intimidation.
- (c) Noting that the Government has not provided any response in relation to the alleged interference by the airline company in union elections, the Committee requests the Government to inform it of all necessary steps taken to address the allegations, including a copy of the relevant court decisions concerning the proceedings to annul the decision confirming Ms Dačić's election, and to provide information on the legal basis and duration for the alleged freezing the union's bank accounts. The Committee also requests the Government to provide information on the measures taken to guarantee that any future union elections at the airline company are conducted in full freedom without any undue interference.
- (d) Observing that judicial proceedings concerning the allegations of anti-union discrimination and anti-union dismissal by the airline company against Ms Dačić and the other trade unionists are still ongoing, the Committee expresses the firm hope that the relevant court proceedings are completed without delay and that a final decision is rendered as soon as possible. It requests the Government to provide information in this respect and to transmit a copy of the relevant court decision. Recalling that legislation should lay down explicitly remedies and penalties against acts of anti-union discrimination, it also requests the Government to provide information to the Committee of Experts on the Application of Conventions and Recommendations (CEACR) on the measures adopted, in law and in practice, to provide for effective protection against all anti-union discrimination acts falling short of dismissal.
- (e) The Committee refers the legislative aspects of this case to the CEACR.

Case No. 3441

Interim report

Complaint against the Government of the Bolivarian Republic of Venezuela presented by

- the Federation of University Teachers' Associations of Venezuela (FAPUV)
- the Independent Trade Union Alliance Confederation of Workers (ASI Venezuela)
- the National Federation of Administrative Professionals and Technicians of the Universities of Venezuela (FENASIPRUV) and
- the Confederation of Workers of Venezuela (CTV)

Allegations: (i) the withholding by the Government of union dues and its failure to transfer them to the trade union organizations in the university sector; (ii) exclusion from and denial of the right to collective bargaining in the education sector, as well as favouritism in collective bargaining towards an organization close to the Government; and (iii) acts of persecution, intimidation and harassment by the Bolivarian National Intelligence Service (SEBIN) against Mr Julio García, a university teacher and president of the Carabobo College of Nursing

- 423.** The Committee last examined this case at its March 2025 meeting when it presented an interim report to the Governing Body [see 409th Report, paras 428–445, approved by the Governing Body at its 353rd Session (March 2025)].¹⁵
- 424.** The Federation of University Teachers' Associations of Venezuela (FAPUV) sent new allegations in a communication dated 5 March 2025.
- 425.** The Government sent its observations in a communication dated 9 March 2026.
- 426.** The Bolivarian Republic of Venezuela has ratified 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).

A. Previous examination of the case

- 427.** When it last examined the case, in March 2025, the Committee made the following recommendations [see 409th Report, para. 445]:
- (a) The Committee urges the Government to take specific action as soon as possible to resolve this urgent situation relating to the regularization of the payment of union dues. The Committee expects the Government to continue advancing with the working group,

¹⁵ [Link to previous examination.](#)

inform trade unions of the total amount of dues withheld and owed to date, and, when applicable, proceed with their payment. The Committee requests the Government and the complainants to keep it informed of any developments in this respect.

- (b) The Committee once again urges the Government to take the necessary measures to ensure that the most representative organizations in the university sector participate in collective bargaining on the working conditions of workers in this sector. The Committee requests the Government and the complainants to keep it informed of specific actions and progress made in this respect
- (c) The Committee firmly hopes that the Government will ensure full respect for Mr Julio García's trade union rights.
- (d) The Committee strongly encourages the Government to set up the national forum for social dialogue in the university sector to address and resolve the issues raised in this case. The Committee requests the Government and the complainants to keep it informed in this respect. The Committee reiterates its invitation to the Government to, in accordance with the decision of the Governing Body, continue to avail itself of the Office's technical assistance, especially through the assistance of the ILO Special Adviser on Social Dialogue.

B. The complainants' new allegations

- 428.** In a communication dated 5 March 2025, the FAPUV alleges that there has been no change in the situation that is the object of this complaint and states, in particular, that: (i) the Government continues to deduct and appropriate workers' union dues, without transferring them to the relevant trade union organizations; and (ii) neither the participation of the most representative organizations in the university sector in collective bargaining nor the situation of Mr Julio García were addressed in the meetings held after the last session of the Social Dialogue Forum. The complainant also alleges that police officers were present and committed acts of intimidation, as well as taking photographs and audiovisual recordings of attendees, during the university sector interunion assemblies held on 20 January and 11 February 2025 at the Central University of Venezuela and the Ezequiel Zamora Experimental University of Los Llanos, violating the free exercise of trade union activities.

C. The Government's reply

- 429.** In its communication of 9 March 2026, with regard to recommendation (a), on the regularization of the payment of union dues, the Government indicates that, through the Ministry of People's Power for the Social Process of Labour (MPPPST) and in coordination with the National Treasury, it is developing a technical working group aimed at establishing the administrative and financial mechanisms necessary to determine the dues withheld and to guarantee the provision and availability of resources for their payment. It also states its commitment to comply with the Committee's recommendations and maintains that there has been no confiscation or arbitrary withholding of union funds.
- 430.** With regard to recommendation (b), concerning the participation of the most representative organizations in the university sector in collective bargaining, the Government states that the organizations, Independent Trade Union Alliance Confederation of Workers (ASI Venezuela), National Federation of Administrative Professionals and Technicians of the Universities of Venezuela (FENASIPRUV) and Confederation of Workers of Venezuela (CTV), are in a situation of "electoral abeyance" (arrear with their internal elections) or have not completed the registration of their executive boards with the National Trade Union Register (RNOS), as provided for in the Basic Labour Act. The Government considers it legally unfeasible to address their collective bargaining claims while they do not regularize their legal situation. With respect

to the FAPUV, the Government indicates that, to date, this organization has refused to process its registration as a trade union organization before the RNOS.

- 431. As for recommendation (c), concerning full respect for the trade union rights of Professor Julio García, the Government indicates that the said citizen was acquitted of the charges brought against him in 2017, obtained his release and has continued to engage in his professional and union activity without impediment, in full exercise of his constitutional rights.
- 432. With regard to recommendation (d), concerning the establishment of a national forum for social dialogue for the university sector, the Government refers to what was indicated regarding the electoral arrears situation of the trade union organizations involved.

D. The Committee's conclusions

- 433. *The Committee recalls that the present case concerns: (i) the alleged withholding of union dues by the Government and its failure to transfer them to the trade union organizations in the university sector; (ii) the alleged exclusion from and denial of the right to collective bargaining in the education sector, as well as favouritism in collective bargaining towards an organization close to the Government; and (iii) alleged acts of persecution, intimidation and harassment by the Bolivarian National Intelligence Service (SEBIN) against Mr Julio García, a university teacher and president of the Carabobo College of Nursing.*
- 434. *The Committee notes that the complainant sent a communication containing new allegations on almost the same date as the Committee's last examination of the case. The Committee observes that, in essence, in that communication the complainant maintains that up to that date there had been no change in the situation.*
- 435. *With respect to the regularization of the payment of union dues (recommendation (a)), the Committee notes that, according to the complainant organization, the Government continued to deduct and appropriate workers' union dues, without transferring them to the relevant trade union organizations. The Committee notes that, in this regard, the Government indicates that the MPPPST and the National Treasury are currently developing a technical working group aimed at establishing the administrative and financial mechanisms necessary for the regularization of such payments. It also states that there has been no confiscation or arbitrary withholding of funds and attributes the alleged non-compliance to the lack of determination by the trade union organizations of the amount of union dues. The Government affirms its commitment to comply with the Committee's recommendations and to act in accordance with national legislation and the applicable international standards.*
- 436. *The Committee notes with concern that, from the foregoing, it follows that the situation regarding union dues remains unresolved. Taking due note of the actions that the Government states it is carrying out, as well as the commitment indicated with compliance with the Committee's recommendations and recalling that the withholding of union dues may constitute interference in trade union activities, the Committee once again urges the Government to take concrete actions as soon as possible to resolve without delay this urgent situation. The Committee firmly expects the Government to continue making progress with the working team, to indicate to the trade union organizations the amount of dues withheld and owed to date and, as appropriate, to proceed with their payment. The Committee requests the Government and the complainant organizations to keep it informed of any developments in this regard. The Committee also urges the Government, from now on, to ensure the timely deduction and payment of union dues.*
- 437. *The Committee notes that the complainant organization alleges that the participation of the most representative organizations in the university sector in collective bargaining (recommendation b))*

has not been addressed in the meetings held after the last session of the Social Dialogue Forum (in early 2024). The Committee notes that, in this regard, the Government indicates that: (i) to date the FAPUV has refused to apply for registration as a trade union organization with the RNOS; and (ii) the organizations, ASI Venezuela, FENASIPRUV and CTV, are in a situation of “electoral abeyance” or have not completed the registration of their executive boards with the RNOS, and therefore it is legally unfeasible to address their collective bargaining claims while they do not regularize their legal situation.

- 438.** *The Committee recalls that the Commission of Inquiry established under article 26 of the ILO Constitution to examine the observance by the Government of the Bolivarian Republic of Venezuela of Convention No. 87, among other Conventions, recommended that, in consultation with the representative organizations, measures be taken to eliminate electoral arrears and to reform the rules and procedures governing trade union elections, so that the intervention of the National Electoral Council (CNE) is really optional, does not constitute a mechanism for interference in the life of organizations, the pre-eminence of trade union independence is guaranteed in election processes and delays are avoided in the exercise of the rights and activities of employers’ and workers’ organizations. The Committee further notes that, in the periodic report adopted by the Governing Body in November 2025 on the developments relating to the Social Dialogue Forum to give effect to the recommendations of the Commission of Inquiry, several workers’ organizations indicated that serious deficiencies persist in trade union registration, including the lack of decisions on electoral autonomy, the non-publication of more than 2,000 electoral certifications, the suspension of trade union electoral processes, and delays in the RNOS due to structural problems. Likewise, the Committee recalls that in the action plan updated at the last session of the Social Dialogue Forum (February 2024) it was agreed to: (i) promote, through the MPPPST before the CNE, the unification of the criteria regarding the optional nature of its participation in the electoral processes of trade union organizations in the exercise of their autonomy and make this widely known in a clear manner, in accordance with its competences; and (ii) identify, by means of regular meetings, institutional formulas or processes to strengthen the functioning of the RNOS and continue to address particular cases submitted by workers’ organizations.*
- 439.** *The Committee firmly expects that the commitments undertaken in the action plan will be translated, without delay, into concrete measures that advance the implementation of the Commission of Inquiry’s recommendation concerning electoral arrears, address the problems outlined above, and thereby remove their adverse impact on participation in collective bargaining. The Committee once again urges the Government to take the necessary measures to ensure that the most representative organizations in the university sector participate in collective bargaining on the working conditions of the workers in that sector. The Committee asks the Government and the complainant organizations to keep it informed of the specific actions and progress made in this regard.*
- 440.** *As for recommendation (c), concerning full respect for the trade union rights of Professor Julio García, the Committee notes that the Government indicates that he was acquitted of the charges brought against him in 2017, obtained his release and has continued to engage in his professional activity without impediment, in full exercise of his constitutional rights. Not having received from the complainant organizations new information on his situation, the Committee reiterates its firm expectation that the Government will guarantee the full respect of his trade union rights.*
- 441.** *The Committee notes that the complainant, the FAPUV, also alleges that police officers were present and committed acts of intimidation, as well as taking photographs and audiovisual recordings of attendees, during the university sector interunion assemblies held on 20 January and 11 February 2025 at the Central University of Venezuela and the Ezequiel Zamora Experimental University of Los Llanos, violating the free exercise of trade union activities. The Committee regrets that the Government has not provided its observations in this regard. While requesting the*

Government to provide its observations, the Committee recalls that the right of occupational organizations to hold meetings in their premises to discuss occupational questions, without prior authorization and interference by the authorities, is an essential element of freedom of association and the public authorities should refrain from any interference which would restrict this right or impede its exercise, unless public order is disturbed thereby or its maintenance seriously and imminently endangered [see **Compilation of decisions of the Committee on Freedom of Association**, sixth edition, 2018, para. 203].

442. The Committee also recalls that, in its previous examinations of the case, it had invited the Government to avail itself of technical assistance from the Office, especially through the assistance of the ILO Special Adviser on Social Dialogue, who provided support in the country around two years ago. The Committee also strongly encouraged the Government to establish a national forum for social dialogue in the university sector where the issues raised in the case could be addressed. The Committee observes that in its November 2025 session, the Governing Body deeply regretted that, despite its repeated requests, the Government had not adopted the necessary measures to ensure that an ILO special adviser on social dialogue could provide support in the country. The Committee further notes that the Government recently informed the Governing Body of its intention to hold the fifth session of the Social Dialogue Forum in the second half of April 2026. Taking note of all the elements mentioned above, the Committee expresses its firm hope that, the pressing issues examined in this case will be dealt with within the framework of such dialogue, and that concrete progress will be made in adopting the necessary measures. The Committee also hopes that the technical assistance mentioned may be provided as soon as possible through the adviser and, in that context, it once again encourages the Government to establish a national forum for social dialogue for the university sector, with the technical assistance of the ILO, in order to follow up on the issues specific to this sector and raised in the present case.

The Committee's recommendations

443. In the light of its foregoing interim conclusions, the Committee invites the Governing Body to approve the following recommendations:
- (a) The Committee once again urges the Government to take concrete action as soon as possible to resolve without delay this urgent situation relating to the regularization of the payment of union dues. The Committee firmly expects the Government to continue advancing with the working group, inform trade unions of the total amount of dues withheld and owed to date, and, when applicable, proceed with their payment. The Committee requests the Government and the complainants to keep it informed of any developments in this respect. The Committee also urges the Government, from now on, to ensure the timely deduction and payment of union dues.
 - (b) The Committee firmly expects that the commitments undertaken in the action plan will be translated, without delay, into concrete measures that advance the implementation of the Commission of Inquiry's recommendation concerning electoral arrears and address the issues relating to trade union elections, and thereby remove their adverse impact on participation in collective bargaining. The Committee once again urges the Government to take the necessary measures to ensure that the most representative organizations in the university sector participate in collective bargaining on the working conditions of workers in this sector. The Committee requests the Government and the complainants to keep it informed of specific actions and progress made in this respect.

- (c) The Committee reiterates its firm hope that the Government will ensure full respect for Mr Julio García's trade union rights.
- (d) The Committee requests the Government to provide its observations on the allegations of police intimidation during the university sector interunion assemblies held in early 2025 at the Central University of Venezuela and the Ezequiel Zamora Experimental University of Los Llanos.
- (e) The Committee expresses its firm hope that the pressing issues examined in this case will be dealt with within the framework of the fifth session of the Social Dialogue Forum and that concrete progress will be made in adopting the necessary measures. The Committee expresses its firm hope that the technical assistance may be provided as soon as possible by the ILO Special Adviser on Social Dialogue and, in that context, once again strongly encourages the Government to establish a national forum for social dialogue in the university sector, with the technical assistance of the ILO, within which the issues specific to the sector and raised in the present case may be followed up and addressed.

Geneva, 26 March 2026

(Signed) Professor Evance Kalula
Chair

Points for decision:

paragraph 58	paragraph 245
paragraph 91	paragraph 261
paragraph 108	paragraph 293
paragraph 138	paragraph 367
paragraph 158	paragraph 386
paragraph 168	paragraph 422
paragraph 193	paragraph 443
paragraph 223	