



Governing Body

358th Session, Geneva, 9–19 November 2026

Institutional Section

INS

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Nineteenth item on the agenda

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

1. At its 355th Session (November 2025), the Governing Body examined a report of the Officers on a complaint concerning non-observance by Guatemala of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), submitted under article 26 of the ILO Constitution by several Workers' delegates to the 111th Session (2023) of the International Labour Conference.¹
2. Having considered the document submitted by the Officers, the Governing Body: (a) requested the Government of Guatemala to continue intensifying its efforts to implement Conventions Nos 87 and 98; (b) requested the Office to continue expanding its technical assistance programme to ensure further progress in the implementation of the referred Conventions; (c) strongly encouraged the international community to contribute to the above-mentioned technical assistance programme by providing the necessary resources; and (d) decided to defer to its 358th Session (November 2026) the decision to consider further action in respect of the complaint submitted under article 26.
3. The Director-General informed the Government of Guatemala of the decision adopted by the Governing Body and requested it to provide information on the issues raised in the complaint. In a communication dated 17 September 2026, the Government sent its observations (the full text will be provided in the appendix²).

¹ GB.355/INS/10(Rev.1).

² The English translation of the appendix will be published at a later stage in a revised version of this document. The Spanish version of the document contains the original report submitted by the Government in Spanish.

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

► I. Summary of the observations provided by the Government

5. The Government states that it has continued implementing actions within the framework of the freedom of association road map, designed to strengthen the protection of freedom of association, collective bargaining, social dialogue, interinstitutional coordination and access to labour justice. It also highlights the technical assistance provided by the ILO, in particular as part of the project to promote decent work in Guatemala.
6. With regard to the situation of anti-union violence and impunity mentioned in the complaint, the Government indicates that, after the new Public-Prosecutor took up office in May 2026, coordination was strengthened between the Public-Prosecutor's Office and the Ministry of Labour and Social Welfare (MTPS), in order to follow up on the cases of homicide communicated to the ILO supervisory authorities. According to data provided by the Public Prosecutor's Office: (i) 30 cases of the murder of trade union leaders and members resulted in judgments being handed down, including two new convictions; (ii) in five cases, the criminal proceedings were terminated; (iii) 53 cases have been discontinued; (iv) in seven cases, arrest warrants have been issued; (v) one case was dismissed; and (vi) nine cases are at the investigation stage. The Government adds that the technical union round table of the Public-Prosecutor's Office held six meetings between August 2025 and April 2026. It also prepared a regional analysis of the murder cases communicated to the ILO, which identifies Guatemala and Izabal as the departments with the highest concentration of cases.
7. In relation to the protection of trade union leaders and members threatened, the Government indicates that the MTPS and the Ministry of Interior strengthened their coordination and are about to complete the revision, with trade union participation, of the "Protocol on Prevention and Emergency Response for Human Rights Defenders and Trade Union Members". The Government indicates that between January 2025 and August 2026, 86 risk analysis applications were dealt with, of which 75 gave rise to perimeter security recommendations and two to personal security recommendations. Likewise, Ministerial Agreement No. 288-2022 on the authority for analysing acts against union leaders and members is being revised with a view to the adoption of a new instrument in 2027. Finally, the 1543 hotline for dealing with threats against human rights defenders, trade union members and journalists recorded 12 offences relating to union members in 2025, and four between 1 January and 15 August 2026.
8. With regard to the allegations of anti-union dismissals, the Government indicates that the judicial authority has adopted measures to strengthen the enforcement of reinstatement rulings, including: (i) the creation, between August 2025 and August 2026, of 14 new courts in labour-related matters; (ii) an increase in the human resources of the courts in labour-related matters; (iii) the digitization and implementation of electronic records to improve follow-up on reinstatement orders; (iv) the updating of harmonized jurisdictional criteria for labour matters; (v) coordination with the MTPS, the Public Prosecutor's Office and the ILO; and (vi) training in international labour standards. Likewise, between 1 September 2025 and 31 August 2026, in order to hear cases relating to the offence of failure to observe labour and social welfare

resolutions, the collegial peace court in criminal matters: (i) settled 339 of the cases brought during that period, with 64 still to be settled, and (ii) in addition, settled 338 cases brought previously.

9. With respect to trade union registration, the Government indicates that the General Directorate of Labour has strengthened its institutional capacity and modernized its services through: (i) the creation of a specific space for trade union organizations on the institutional website, (ii) new electronic communication mechanisms; and (iii) better technical guidance for trade union organizations. It indicates that in 2026, 28 registration applications were received and six organizations were registered. The Government attributes the refusals mainly to non-observance of or failure to rectify legal and statutory requirements, and notes that administrative mechanisms exist to request the review of registration decisions. It adds that during 2025–26, 225 copies of the Guide to Freedom of Association were distributed, more than 1,530 consultations were held and more than 40 advisory meetings were held with trade union organizations.
10. With regard to the allegations of anti-union harassment in the maquila and agricultural sectors, the Government states that the General Labour Inspectorate has been strengthened through: (i) the hiring of 28 new inspectors between 2025 and July 2026; (ii) the continuation of processes to cover additional places; (iii) the acquisition of vehicles and technological tools to strengthen territorial coverage; and (iv) training activities, including for freedom of association and collective bargaining. Similarly, the Government indicates that: (i) the Single Protocol on Labour Inspection System Procedures contains a special investigation procedure for freedom of association and collective bargaining, which is being revised; (ii) within the “2025 Makira Plan”, interinstitutional inspections were conducted in ten textile and clothing sector enterprises, and failings were observed in five of them; and (iii) bipartite dialogue forums continued to be held to tackle labour disputes in the maquila and agriculture sectors.
11. As regards collective bargaining, the Government indicates that: (i) between 1 January 2025 and 31 August 2026, 30 collective agreements have been approved; (ii) the average processing time for the cases submitted and approved within the same year decreased by 66 calendar days in 2025 to 36 days in 2026; (iii) the MTPS produced a Guide to collective bargaining in the public sector and a Compendium of legal standards for the negotiation of collective agreements in state entities. Additionally, in March 2026 the ILO provided technical assistance in the context of the project to reform the standards applicable to the negotiation and approval of collective agreements. At the time this information was sent, the project enjoyed a broad level of consensus and was pending only the revision of one specific article.
12. In relation to the strengthening of social dialogue, the Government indicates that: (i) 14 meetings of the National Tripartite Committee on Labour Relations and Freedom of Association (CNTRLLS) have been held since the previous report; (ii) the mediator profile of the Subcommittee for Dispute Mediation and Settlement has been approved by consensus; (iii) a plan of action has been drawn up on the recommendations of the joint ILO-IOE-ITUC mission of August 2025; and (iv) the Freedom of Association Campaign, launched in 2024, has continued on social networks.
13. Regarding legislative reforms, the Government indicates that Bill No. 6674, which is intended to grant permanent legal recognition to the CNTRLLS, received a favourable ruling from the Labour Committee of the National Congress on 25 August 2026. Likewise, a coordination mechanism was set up between the Committee and the CNTRLLS for the tripartite consultation of labour law bills. As regards Bill No. 6162, relating to reforms of the Labour Code, the Act on Unionization and Regulation of Strike Action by State Employees, and the Criminal Code, the

Government indicates that it has a favourable ruling from the Labour Committee and remains pending to be heard by the Congress plenary. Finally, the reform of article 215(c) of the Labour Code remains part of the tripartite follow-up agenda, and the ILO has expressed its willingness to provide specialized technical guidance.

14. By way of conclusion, the Government considers that the institutional, normative and operative progress made allows the issues raised in the complaint to continue being monitored through the ILO's regular supervisory mechanisms. Finally, it requests the Governing Body to: (i) take note of the measures and progress communicated; (ii) recognize the value of the ILO's technical assistance and cooperation, particularly as part of the project to promote decent work in Guatemala; and (iii) declares the procedure launched under article 26 of the ILO Constitution closed and transmits the matter to the regular supervisory system.

► II. Other elements

15. At its meeting in November–December 2025, the Committee of Experts on the Application of Conventions and Recommendations (CEACR) examined the application by Guatemala of Conventions Nos 87 and 98. In its observation relating to the application of Convention No. 87, the CEACR, taking due note of the initiatives that were being undertaken, urged the Government, with the involvement of all the state authorities, the participation of the CNTRLLS and ILO technical assistance, to continue intensifying its efforts to overcome the persistent legislative and practical difficulties examined in the present comment and expected to be able to note substantial progress in the near future. In its observation relating to the application of Convention No. 98, the CEACR took due note that the Government continued to avail itself of ILO technical assistance to address, in consultation with the social partners, several of the serious difficulties concerning the application of the Convention that have been identified for many years. The Committee once again encouraged and once again urged the Government, with the participation of the CNTRLLS, to take all necessary legislative and practical measures to resolve these issues.
16. At its meeting in June 2026, the Committee on Freedom of Association examined Case No. 2609 relating to numerous allegations of murders and acts of violence against trade union leaders and members in Guatemala. In addition to making more specific recommendations, the Committee: (i) expressed once again its deep concern over the seriousness of this case, given the many instances of murder, attempted murder, assaults and death threats and the climate of impunity. The Committee is encouraged by the commitment shown by the State at the highest level to the protection of freedom of association and the actions taken in that respect and expects that they will soon lead to tangible progress; (ii) once again urged the Government and all the competent authorities to continue taking and intensifying the necessary measures to ensure the effective investigation of all acts of violence against trade union leaders and members, in order to determine the motives, responsibilities and punish the perpetrators and instigators of the acts, taking the trade union activities of the victims fully into consideration in the investigations; (iii) again urged the Government to take, in coordination with all the competent authorities, the necessary steps to increase significantly the effectiveness of measures to prevent anti-union violence and to protect members of the trade union movement who may be at risk, and (iv) drew the special attention of the Governing Body to the seriousness and urgent nature of this case.

17. Since the Governing Body meeting in November 2025, the Office has continued with activities to assist the implementation of the freedom of association road map, aimed in particular at the CNTRLLS and its subcommittees, the MTPS and social partners, together with the judicial authority. In this respect, the Office highlights the important contribution and support, since January 2026, of the project to promote decent work in Guatemala, financed by the European Union.
18. The different technical assistance activities included: (i) technical guidance for the CNTRLLS and its subcommittees; (ii) technical assistance and training within the process to reform the regulation and approval of collective agreements in the public sector; (iii) training on international labour standards and judicial use; and (iv) the continuation of technical assistance relating to enforcement of reinstatement rulings for dismissed trade union members.
19. In accordance with article 26 of the Constitution, it is for the Governing Body to take the necessary decisions concerning future action on this complaint.

► Draft decision

20. **The draft decision, together with any financial or other implications it may entail, shall be made available to the members of the Governing Body following its consideration by the Officers.**