



# INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

[Website](#) [X](#) [YouTube](#) [LinkedIn](#)

---

## Press Release

Unofficial

No. 2026/15

21 May 2026

### *Right to Strike under ILO Convention No. 87*

#### **The Court gives its Advisory Opinion and responds to the question posed by the International Labour Organization**

THE HAGUE, 21 May 2026. The International Court of Justice has today given its Advisory Opinion on the *Right to Strike under ILO Convention No. 87*.

It is recalled that on 10 November 2023, at its 349th *bis* (Special) session, the Governing Body of the International Labour Office, acting in accordance with Article 37, paragraph 1, of the Constitution of the International Labour Organization (ILO) and Article IX, paragraph 2, of the Agreement between that Organization and the United Nations, adopted a resolution by which it decided to request the International Court of Justice to render an advisory opinion.

In its resolution, the Governing Body, stating that it is “[c]onscious that there is serious and persistent disagreement” among the Organization’s tripartite constituents on the interpretation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), with respect to the right to strike, decided, in accordance with Article 37, paragraph 1, of the ILO Constitution,

“[t]o request the International Court of Justice to render urgently an advisory opinion under Article 65, paragraph 1, of the Statute of the Court, and under Article 103 of the Rules of Court, on the following question:

*Is the right to strike of workers and their organizations protected under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)?”*

The request for an advisory opinion was transmitted to the Court by the Director-General of the International Labour Office by a letter dated 13 November 2023. During the written phase of the proceedings, 31 written statements and 15 written comments on those written statements were filed in the Registry by States and organizations. Subsequently, the United Kingdom withdrew its written statement, and the United States withdrew its written statement and its written comments. The Court held public hearings in the proceedings from 6 to 8 October 2025, during which 18 States and 5 organizations presented oral statements.

In its [Advisory Opinion](#), the Court:

“(1) Unanimously,

*Finds* that it has jurisdiction to give the advisory opinion requested;

(2) Unanimously,

*Decides* to comply with the request for an advisory opinion;

(3) By ten votes to four,

*Is of the opinion* that the right to strike of workers and their organizations is protected under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

IN FAVOUR: *President* Iwasawa; *Vice-President* Sebutinde; *Judges* Bhandari, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi;

AGAINST: *Judges* Tomka, Abraham, Xue, Hmoud.”

\*

President IWASAWA appends a separate opinion to the Advisory Opinion of the Court; Vice-President SEBUTINDE appends a declaration to the Advisory Opinion of the Court; Judges TOMKA, ABRAHAM and XUE append dissenting opinions to the Advisory Opinion of the Court; Judge BHANDARI appends a declaration to the Advisory Opinion of the Court; Judges NOLTE and GÓMEZ ROBLEDO append separate opinions to the Advisory Opinion of the Court; Judge CLEVELAND appends a declaration to the Advisory Opinion of the Court; Judge TLADI appends a separate opinion to the Advisory Opinion of the Court; Judge HMOUD appends a dissenting opinion to the Advisory Opinion of the Court.

---

A summary of the Advisory Opinion appears in the document entitled “[Summary 2026/2](#)”, to which summaries of the opinions and declarations are annexed. This summary and the full text of the Advisory Opinion are available on the [case page](#) on the Court’s website.

---

Earlier [press releases](#) relating to this case, including the history of the proceedings, are available on the Court’s website.

---

*Note:* The Court’s press releases are prepared by its Registry for information purposes only and do not constitute official documents.

---

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and specialized agencies.

---

Information Department:

Ms Monique Legerman, First Secretary of the Court, Head of Department: +31 (0)70 302 2336

Ms Joanne Moore, Information Officer: +31 (0)70 302 2337

Mr Avo Sevag Garabet, Associate Information Officer: +31 (0)70 302 2481

Email: [media@icj-cij.org](mailto:media@icj-cij.org)