

Bujumbura, the 7th/09/2026



Ref. No COSYBU/PR/55/2026

To The Executive Secretary
East African Trade Union
Confederation(EATUC)
Arusha, Tanzania

**Subject: Concern and denunciation of measures
targeting Burundian migrant workers in the informal
sector in Kenya.**

Dear Executive Secretary,

The Confederation of Trade Unions of Burundi (COSYBU) is following with deep concern the situation of Burundian migrant workers carrying out their activities in Kenya, particularly in the informal sector, and wishes to draw EATUC's attention to the potential consequences of certain measures announced or envisaged with regard to foreign workers engaged in small-scale occupations.

According to recent public statements made by the Kenyan authorities, particularly those concerning small traders, street vendors, security guards, casual workers and other foreign workers, measures are being considered or implemented to put an end to their activities and, in some cases, to deport them from Kenyan territory.

COSYBU is particularly concerned that these measures appear to target a category of workers on the basis of their nationality and employment status, even though many of the Burundian workers concerned are nationals of an East African Community Partner State and contribute, through their work, to the Kenyan economy.

We are also concerned about the risk that general or collective measures may lead to expulsions without an individual assessment of the administrative, professional and family situation of the persons concerned, without an effective opportunity for them to assert their rights and without respect for the safeguards provided under national, regional and international law.

1. Commitments arising from East African regional integration

COSYBU recalls that Kenya and Burundi are both Partner States of the East African Community (EAC).

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Article 104 of the Treaty for the Establishment of the East African Community provides for cooperation among the Partner States with a view to ensuring the free movement of persons, workers and services, as well as the right of establishment and residence of citizens of the Community.

More specifically, Article 10 of the EAC Common Market Protocol guarantees the free movement of workers who are citizens of Partner States and provides for non-discrimination on the basis of nationality with regard to employment, remuneration and terms and conditions of employment.

These provisions constitute an important regional commitment to East African integration based on labour mobility, solidarity among peoples and the protection of workers' rights.

COSYBU therefore considers that any measure targeting migrant workers from Partner States must be compatible with the obligations arising from the EAC Treaty and the Common Market Protocol.

2. Safeguards provided under the African Charter on Human and Peoples' Rights

COSYBU also recalls that Kenya is a State Party to the African Charter on Human and Peoples' Rights.

Article 12 of the Charter guarantees, among other things, freedom of movement and provides that a non-national lawfully admitted into the territory of a State Party may only be expelled pursuant to a decision taken in accordance with the law.

The same provision prohibits the mass expulsion of non-nationals where such expulsions target groups on the basis, among other grounds, of their nationality, race, ethnic group or religion.

In this context, COSYBU calls for strict respect for the rule of law, procedural safeguards, the right to an effective remedy and human dignity in any expulsion measure, in accordance with the applicable international legal instruments concerning migrant workers. Furthermore, the relevant provisions on the rights of migrant workers do not prevent a country from granting persons who are residing or working irregularly in the country the right to remain and to be legally employed there.

COSYBU therefore considers that any removal operation must be conducted in strict compliance with individual safeguards, the law, the right to an effective remedy and human dignity.

3. Kenya's commitments within the framework of the International Labour Organization

We would also like to draw your attention to Kenya's international commitments concerning the protection of migrant workers.

Kenya has ratified ILO Convention No. 97 concerning Migration for Employment (Revised), 1949, as well as ILO Convention No. 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975. Both instruments are currently in force with respect to Kenya.

These commitments should be implemented in a manner that promotes labour migration governance based on dignity, non-discrimination, protection against abuse and respect for the fundamental rights of migrant workers.

COSYBU also recalls that workers in the informal economy, regardless of their nationality, remain workers and must benefit from the protection of fundamental human rights and fundamental principles and rights at work.

4. Our particular concern regarding Burundian workers

COSYBU fully recognises Kenya's right to regulate access to its territory, the employment of foreign nationals, economic activities and compliance with its national legislation.

However, the exercise of this right must be carried out in accordance with Kenya's regional and international commitments, without discrimination and without collective measures based solely on nationality or membership of a particular category of workers.

We are particularly concerned about the social and economic consequences that forced expulsions or repatriations of Burundian workers who have been living and working in Kenya for several years could entail.

Such measures could notably result in:

- the sudden loss of employment and livelihoods;
- the confiscation or loss of property and working tools;
- non-payment of wages, benefits or other acquired rights;
- separation of families;
- increased poverty and vulnerability;
- risks of discrimination, profiling and stigmatisation based on nationality; and
- deterioration of social relations among the peoples of the East African Community.

5. Towards an African trade union response based on solidarity

COSYBU considers that African regional integration cannot be limited to the free movement of capital and goods. It must also guarantee workers' mobility, the protection of their rights and their dignity.

Burundian workers who lawfully carry out activities in Kenya are citizens of the East African Community and should be regarded as actors in regional integration and not as a threat to Kenyan workers.

We are convinced that the protection of migrant workers is a collective responsibility of the African trade union movement.

6. COSYBU's appeal to EATUC and ITUC-Africa

In light of the foregoing, COSYBU respectfully requests the urgent intervention of the East African Trade Union Confederation and ITUC-Africa in order to:

1. **Publicly express their concern** to the Kenyan authorities regarding measures targeting Burundian migrant workers and other migrant workers in the region;
2. **Call upon the Government of Kenya to suspend any collective or discriminatory expulsion measures** targeting migrant workers from EAC Partner States;
3. **Demand that any expulsion measure be taken on an individual basis**, in accordance with the law, following an assessment of the personal, family and administrative situation of each person concerned and with access to appropriate legal remedies;
4. **Call for respect for the rights of migrant workers**, particularly the payment of wages, benefits and other acquired rights before any departure from Kenyan territory;
5. **Call upon the Government of Kenya to fully respect the EAC Treaty and the Common Market Protocol**, particularly the provisions concerning the free movement of workers and non-discrimination;
6. **Where appropriate, bring the matter before the relevant mechanisms of the EAC, the African Union and the ILO**, so that the situation may be examined within the framework of Kenya's regional and international obligations;
7. **Establish a regional trade union monitoring mechanism** to monitor the situation of Burundian migrant workers and other workers who are nationals of EAC Partner States affected by these measures.

COSYBU is therefore ready to work with EATUC, ITUC-Africa, Kenyan trade union organisations and the relevant regional institutions to promote a negotiated solution that respects human rights, labour rights and the commitments undertaken by the Partner States of the East African Community.

We kindly request you to treat this matter as urgent and to keep us informed of any initiatives that your organisation may consider taking in this regard.

Please accept, Dear Executive Secretary, the assurances of our highest consideration and distinguished trade union regard.

For the Confederation of Trade Unions of Burundi (COSYBU)

President

Célestin NSAVYIMANA



Copy for information:

- The President of COTU - Kenya
- The Secretary General of ITUC-Africa