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**International Centre for Trade Union Rights:**

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ICTUR was founded to  
defend and extend trade union rights and  
to raise awareness of these rights and their violation  
around the world

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**Attn:**

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**CC:**

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Central Organisation of Trade Unions Kenya (COTU-K)

**February 2017**

Dear President Uhuru Kenyatta,

The International Centre for Trade Union Rights wishes to express its serious concerns at the sentencing of seven trade union leaders by a Kenyan court.

ICTUR understands that on 13 February 2017, seven officials from the Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU) were sentenced to one month in jail, after the government and the union failed to reach an agreement in an on-going dispute. It is understood the KMPDU members are on strike since December 2016 over the government's failure to implement a 2013 collective agreement concluded with the union covering increases in basic salaries, working conditions, job structures, criteria for promotions and issues of understaffing in state hospitals.

ICTUR welcomes the news that on 15 February 2017 the Court of

Appeal ordered the officials' release from jail, in order for negotiations to continue. However, the threat of the KMPDU leaders' imprisonment has undoubtedly significantly harmed the capacity of those individuals to now participate freely in the negotiations, and thereby to represent the interests of the unions' members.

The imposition of a jail sentence against these union leaders constitutes a violation of the principles of freedom of association, enshrined not only in the International Labour Organisation Convention 98 - which has ratified – but also the 2010 Kenyan Constitution, which further guarantees freedom of association (Article 41, Chap. 4, Pt. 2).

The ILO's Committee on Freedom of Association has stated that 'authorities should not resort to arrests and imprisonment in connection with the organization of or participation in a peaceful strike; such measures entail serious risks of abuse and are a grave threat to freedom of association' (*Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, Fifth Edition, 2006, paras. 668, 671). Moreover, the Committee has noted that in such cases, it is 'incumbent upon the government to show that the measures it had taken were in no way occasioned by the trade union activities of the individual concerned'. (*ILO Digest*, para. 94)

ICTUR calls on the government to ensure that the charges against these union leaders are dropped in order for the negotiations with the KMPDU to continue on free and equal terms between the bargaining partners. ICTUR further encourages the government to undertake all necessary measures to ensure the fundamental freedoms of workers to join and form unions and to take action in defence of their interests. ICTUR will report these incidents in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'D. Blackburn', followed by a horizontal line extending to the right.

Daniel Blackburn, Director

