REPUBLIC OF KENYA

MINISTRY OF INTERIOR & COORDINATION OF NATIONALGOVERNMENT

KENYA VOLUNTARY REVIEW REPORT ON IMPLEMENTATION OF THE GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION (GCM)

Updated May 2022

National Coordination Mechanism on Migration (NCM)

For the Government of Kenya

List of Acronyms

GCM-Global Compact for Safe, Orderly and Regular Migration

NCM-National Coordination Mechanism on Migration

KNCHR- Kenya National Commission on Human Rights

MDAs- Ministries, Departments and Agencies

CTiP -Counter-Trafficking In Persons

TWG- Technical Working Group

SAGAs- Semi-Autonomous Government Agencies

IGAD -Intergovernmental Authority on Development

FAO- Food and Agriculture Organization

IOM- International Organization for Migration

HAART – Awareness against Human Trafficking

ASMAK- Association of Skilled Migrant Agencies in Kenya

AKAPEA- Association of Kenyan Private Employers

MUSANED-program to protect domestic workers by the MOL from the Kingdom of Saudi Arabia

EAC- East African Community

PWDs- Persons with Disabilities

NRM- National Referral Mechanism

JOC- Joint Operation Committees

BCOCC- Border Control & Operations Coordination. Committee

BMS- Border Management Secretariat

BMC- Border Management Committee

BLAs-Bilateral Labour Agreements

NEA-National Employment Authority

NITA- National Industrial Training Authority

MoU- Memorandum of Understanding

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PROGRESS ON GLOBAL COMPACT ON MIGRATION IMPLEMENTATION

Section 1: Introduction

The Global Compact on Migration (GCM) is the first comprehensive UN framework adopted through inter-governmental negotiations to enhance international cooperation in global migration governance. It is grounded in the principles of state sovereignty, responsibility sharing, non-discrimination, human rights, whole of government and whole of society approach. GCM recognizes a multi-stakeholder and multilayer approach in optimizing the overall benefits of migration, addressing its risks and challenges for individuals and communities in countries of origin, transit, and destination.

Following the adoption of the GCM by UN Member States in December 2018, UN Member States committed to implement its 23 objectives that provide important reflections on future migration governance and move towards attainment of safe, orderly, and regular migration. By adopting the GCM Member States a committed to review of the progress of implementing the Global Compact in the framework of the UN through a State-led approach and with the participation of all relevant stakeholders.

Recognizing that most international migration is regional in nature, the GCM invited UN Regional Economic Commissions (RECs) to review the implementation of the GCM within the respective regions, every four years, beginning in 2020 with the participation of all relevant stakeholders. On this note, the Economic Commission for Africa (ECA) in partnership with the International Organization for Migration (IOM) and the African Union Commission, jointly convened regional multi-stakeholder consultation meetings in 2020 and 2021, culminating in the first African Regional meeting to review progress in the implementation of the GCM on 31 August and 1 September 2021.

Additionally, considering that international migration requires a forum at the global level through which Member States can review the implementation progress the International Migration Review Forum (IMRF) was established to serve as the primary intergovernmental global platform for Member States to discuss and share progress on the implementation of all aspects of the GCM, every four years beginning in 2022. In

preparing for the African Regional Review and the International Migration Review Forum (IMRF) Member States were invited to undertake/update Voluntary GCM Reviews with the participation of stakeholders.

Section 2: Methodology

In preparation for the African Regional Review for GCM in 2021, the Kenya National Coordination Mechanism on Migration (NCM) - a government-led migration coordination platform took the overall responsibility of organizing the drafting of the Voluntary GCM Review Report in late 2020. The NCM first organized a one-day NCM stakeholder's consultative workshop on October 29, 2020, where thematic discussions were held to synthesize key information that fed into the Voluntary GCM Review Report.

The stakeholders drawn from Government, partners, civil society organizations, the academia, private sector, faith-based organizations, Council of Governors, County Assemblies Forum, and Trade Unions attended. The government side was composed of the Ministry of Interior, Ministry of Labour (state department for labour and counter trafficking in persons secretariat), Ministry of Foreign Affairs, State Department for Youth, Ministry of Health (state department for public health), Department of Immigration and the National Registration Bureau, KNCHR and Refugee Affairs Secretariat, and National Employment Authority. NCM spearheaded the process supported by IOM Kenya Country Office.

Following the consultation, the NCM constituted a Technical Working Group to work on the final document for 3 days from 3-6 November 2020. The composition of the TWG was drawn mainly from government and academia. Specific Ministries represented in the TWG were Interior, Labour, Foreign Affairs, Health, Youth and Gender. The Departments involved were, the Immigration and National Registration Bureau, while Agencies included the Counter Trafficking in Person Secretariat (CTiP), the National Employment Authority and Kenya National Commission on Human Rights (KNHCR) and Academia. The consultations took the shape of a wholesome approach to all the objectives without zeroing on a few areas of priority.

Once finalized, the Kenya Voluntary GCM Report was submitted to the UN Network on

Migration (UNNM) as part of the preparations for the African Regional Review for GCM. Kenya together with other countries in Africa was featured in the UNNM website platform and the report was taking into consideration for the development of the African Regional Review Conference Report. The report (ECA/GCM/2021/1) reviews progress in the implementation of the GCM in Africa, highlights key challenges and lessons learned, and discusses several opportunities for African States to achieve safe, orderly, and regular migration as envisaged in the Global Compact.

In preparation for the first International Migration Review Forum (IMRF) Kenya through the NCM, once again took the overall responsibility to update the Voluntary GCM Review. The NCM, in collaboration with IOM, in its role of coordination and secretariat of the Kenya UN Network on Migration, organized in May 9th 2022a one-day multi-stakeholder consultation for the GCM implementation, follow-up and review process. The consultation gathered more than 60 representatives from different Ministries, Department, and Agencies, whose mandate is related to migration; County Government officials; UN Agencies; Civil Society Organizations (CSOs); Faith-Based Organizations (FBOs); and academia. The consultation served as a platform for multi-stakeholders to discuss on the progress made so far on the 23 objectives of the GCM, as well on the challenges, successes and lesson learnt when implementing the GCM.

This report, therefore, represents a joint statement by both state and non-state actors in migration governance in Kenya. The report was built upon the Voluntary GCM Review Report submitted by Kenya on late 2020, and taking into consideration the inputs provided by multi-stakeholders in the consultation in May 9th. The report provides comprehensive processes, updates, and status of the implementation of GCM objectives and principles in Kenya. While highlighting key policies, institutional frameworks/mechanisms, good practices and challenges concerning migration management in the country. Finally, this report was presented to stakeholders for validation and adoption.

Section 3: Government Framework in Implementation of GCM

1.0 The Government collaboration in a Whole of Society Approach in Implementation of the GCM

The government of Kenya has adopted a whole of government and whole of society approach in implementing GCM objectives and principles. Executive Order No. 1 of 2019, established an inclusive framework (Committee of Cabinet) for the Co-ordination and Implementation of National Government Development Programs and Projects. The Cabinet Committee is composed of all Cabinet Secretaries, the Attorney General and Head of Public Service under the leadership of the Cabinet Secretary for Interior and Coordination of National Government. The committee considers reports from technical and regional committees that supervise the county development committee.

These committees are multi-sectoral and include whole of government (MDAs), Semi-Autonomous Government Agency (SAGAs) and the local community. These implementation committees' membership is drawn from stakeholders with migration related mandates.

The government collaborates with state and non-state actors including both regional and international partners in implementing migration related projects and the GCM. The partners include: Intergovernmental Authority on Development (IGAD), International Organization for Migration (IOM), Food and Agriculture Organization (FAO), German International Cooperation (GIZ) while non-state actors include among others Trace Kenya, HAART, BLUE HEART, Stop Traffic Kenya, Association of Skilled Migrant Agencies of Kenya (ASMAK), Kenya Association of Private Recruitment Agencies (KAPEA).

2.0 Mainstreaming GCM into Development Agenda

- The Government of Kenya is implementing the Big 4 Agenda for development whose pillars are – Universal Health, manufacturing, affordable housing and food security which are all relevant to GCM.
- The ongoing Agricultural Sector Reforms increased in 2020 to boost agricultural

production and improve food security in the country.

- The Affordable Housing Program, which targets to add half a million housing units annually into the housing industry has currently registered interest from over 300,000 people, the first batch was completed in 2019.

- The Big 4 Agenda is founded on the Vision 2030, a development plan adopted in 2012; the plan is to direct Kenya's development to the year 2030. The vision is in pursuit of three pillars viz: economic pillar meant to transform the country economically, the social pillar that aspires to a cohesive society with equitable development and the political pillar that seeks to pull politics to the center Kenyan society.

- These development programs are subject of implementation complemented by regional and global agenda such as African agenda 2063 and the agenda on sustainable development specifically agenda 10.7.

- These developments although adopted earlier than 2018, have pivotal impact on the implementation of GCM.

- Other national development initiatives implementing the GCM include, Youth Empowerment (Kazi Mtaani Project), and the Buy Kenya Build Kenya Initiative – adopted in 2019 which seeks to nurture and encourage production and consumption of locally manufactured goods, creating employment opportunities and increased revenue partly helping in addressing some of the drivers of migration. Generally, global migration agenda is mainstreamed into Kenya's development pursuit.

3.0 Migration Governance Policies adopted post-GCM

- The adoption of GCM created new policy developments that required policy review. Those policies at different stages of development had to be reviewed to conform to GCM.

- The ongoing process of developing a Labour Migration Management Bill and National Labour Migration Policy 2020 to boost labour migration management. The bill and policy are at the Cabinet level for adoption.

- The Registration of Persons Act 2011 is currently undergoing review through

Registration of Persons Amendment Bill 2019, to include the third gender/third sex into the register of persons in compliance with recommendations of a taskforce established by a judicial order on inclusion of the third sex marker into national register.

- This was proceeded by the inclusion of the third gender marker into the national census 2019 that capture persons with "other gender" for the first time.
- Additionally, the Counter Trafficking in Persons Act, 2010 is undergoing review to address the gaps and infuse good practice including some of the aspirations of the GCM into the Act for efficient management of Trafficking.
- The Enactment of Data Protection Act, 2019 to protect personal data including data on migrants.
- Kenya has already undertaken the development of the 2nd phase of the National Migration Governance Indicators (MGI) and a report to that effect have been consolidated and submitted. Currently ongoing is the phase of the first ever local MGI Assessment for Mombasa and Nairobi Counties.
- The Kenya Country Migration Profile, which provides a detailed overview of Kenyan migration was updated and launched in 2019.
- The review of National Social Protection Policy in compliance to ILO social protection recommendations adopted in 2012 is in the process.
- The proposed National Migration Policy 2019 that seeks to provide a comprehensive approach to migration governance is at Cabinet level for consideration. The adoption of this policy will be a big boost to migration management given that Kenya operates without a tacit migration policy.

4.0 Policies and/or provisions in policies developed or incorporated in relation to women migrant workers, child migrants, undocumented migrants, or any other category of migrants

- The National Employment Authority launched an online/electronic platform for recruitment of domestic workers (MUSANED) from Kenya to Saudi Arabia for protection of domestic workers, majority of whom are women. There is a possibility of expansion of a similar platform to other countries receiving Kenyan domestic

labour, including other skills and professions.

- The National Employment Authority established a pre-departure training program for potential Kenyan migrant workers on life/work events in destination countries.

- The number of Labour Attachés seconded to missions abroad in Qatar, Saudi Arabia and & UAE increased to two each with possibility of increasing consular services personnel to Jordan, Lebanon, Yemen and Iraq.

- The government formed an inter-ministerial committee in charge of reviewing all the Bilateral Labour Agreements with the aim of enhancing the negotiating for both skilled and unskilled labour migrants from Kenya especially women migrants.

- The Kenya National Commission on Human Rights (KNCHR) has been engaging state and non-state actors to ratify the convention on Migrant Workers and Members of their Families to provide more protection to migrant workers in Kenya.

- The KNCHR has engaged 60 Recruitment Agencies with regard to empowering them to safeguard migrants' rights through adopting ethical recruitment and combating human trafficking.

- The ILO has been engaging Ministry of Labour on the implementation of Child and Forced Labour frameworks and capacity building of Kenya Governments officers on child labour, forced labour and violations of acceptable conditions of work – this is a 3-year project (2020 -2023).

5.0 Policies adopted due to regional migration dynamics

- Several policies already discussed above have regional influence in their development. An example is the proposed national migration policy that mainstreams both the IGAD regional migration policy framework and the revised AU migration policy framework and plan of action. These policy frameworks have greatly influenced the proposed policies.

- Similarly, harmonization of Labour migration policies in the East and Horn of Africa is ongoing with the aim of having a common approach on labour migration to eliminate policy variations that provide loopholes that are exploited by transnational criminal networks including perpetrators of trafficking and smuggling.

- Kenya is also a participant in the ongoing IGAD program on harmonization of migration data in the Region that seeks to provide a collective approach at migration data management.

- Being a member of the EAC, Kenya is working closely with the EAC Secretariat and the EAC Member States of on the ongoing g process of formulation of EAC Labour Migration Policy in line with the EAC regional integration aspirations.

- Kenya was also among the EAC Partner States who agreed to establish an EAC Regional Consultative Process (RCP) on Migration, in a Ministerial Session in Nairobi in March 2022.

- Additionally, Kenya actively participates in regional migration processes such as the IGAD Free Movement of Persons and Transhumance that resulted into the endorsement of IGAD Free Movement of Persons and Transhumance Protocol in Khartoum in 2020. Moreover, the validation of IGAD roadmap on implementation of the previously mentioned protocol.

- There is continuous engagement and dialogue between NCM and IGAD Secretariat on migration governance through a whole of government and whole of society approach. This has significant influence on present and future policy dimension.

6.0 Institutional Reforms to Respond to the GCM

- The adoption of GCM significantly enhanced understanding and appreciation of migration governance architecture globally and at regional and national level. The GCM automatically became the reference point and good practice.

- However, Kenya has sought to implement these aspiration through strengthening existing institutions and policy frameworks as opposed to creation of new structures.

- For instance, enhancement of the NCM through continuous mapping of relevant stakeholders and infrastructural support to boost GCM implementation.

- The adoption of online visa system applicable to all nationals wishing to visit Kenya, the enhancement of the Kenyan passport to e-passport to support safe, orderly and regular migration and improved border management strategies through modernization and digitization of most borders and border procedures in line with

GCM principles.

7.0 Regional, Sub-regional and Cross-regional Strategies, Frameworks, and Implementation Plans, Challenges and Gaps

- Various regional arrangements have sought to adopt implementation strategies in line with their priorities and peculiarities. For example, the AU action plan on the implementation of the GCM, the IGAD roadmap on free movement of persons within the IGAD region among others. Kenya has been instrumental at every stage of the development and implementation of these programs.

- Implementation of regional strategies is not without its challenges such as lack of resources to undertake a regional activity, lack of goodwill from member states due to different and competing priorities, divided loyalty due to overlapping regional memberships and internal socio-political and economic dynamics, which impedes implementation of GCM.

- The NCM has played a significant role in implementation of these programs through resource mobilization, providing collaboration platform, partnership support and direct participation in implementing some of these programs such as the migration data program.

- The NCM developed a 3-year implementation Action Plan of the GCM (2020-2022) that encompasses a whole of government and whole of society approach.

- The major challenge in implementation has been paucity of appropriate resources, , poor timing of some programs, lack of feedback, monitoring, and evaluation frameworks.

Section 4: Progress on Implementation of GCM Objectives

The government of Kenya through the Directorate of Immigration and Citizenship Services and by extension the National Coordination Mechanism on Migration (NCM) has adopted a whole of government and whole of society approach in developing the GCM implementation plan.

Objective 1: Collect and utilize accurate and disaggregated data as a basis for

evidence- based policies.

- Development and validation of the Standard Operating Procedures (SOPs) on migration data management by all NCM stakeholders.
- Finalization of the Memorandum of Understanding (MOUs) on data sharing, exchange, and dissemination. This will help in harmonization of migration data at national level, hence helping in formulating evidence-based policies.
- Kenya also updated their Migration Country Profile in 2018.
- Establishment of Kenya Institute of Migration Studies, a Center of Excellence offering Post Graduate Diploma in Migration Studies to migration practitioners in the IGAD Region.
- Enactment of Data Protection Act, 2019.
- Inclusion of migration questions in the 2019 National Population Census. The census questionnaire included numerous questions related to emigrants, including the country of the first destination, the reason for departure, and remittance.
- Roll out of Huduma (Service) registration, migrants included in the identification.
- Annual reporting on trafficking in persons by Kenya to Office to Monitor and Combat Trafficking in Persons, feeding into the US Trafficking in Person Report
- Report on remittance survey launched in December 2021 by Central Bank of Kenya.
- Kenya economic survey report launched in 2021, included data on registered refugees and asylum seekers.
- Kenya Demographic Health Survey 2022 conducted, includes a migration module.
- Economic Survey 2021 contains internal and international migration data.

Objective 2: Minimize the adverse drivers and structural factors that compel people to leave their country of origin

- The Government of Kenya in collaboration with IOM and FAO developed a guidance tool of mainstreaming migration into development planning in sectors such as agriculture, social protection and rural development.
- Kenya launched and enhanced two programs for youth namely Kazi Mtaani project now in phase three and Kenya youth employment opportunities program phase 5.

- Kenya through National Employment Authority has launched an online/electronic platform for recruitment of domestic workers (MUSANED) - this has enhanced protection of domestic workers who are destined for Gulf Cooperation Countries (GCC) labour markets (Qatar UAE and Saudi Arabia).
- Launching of Peace Building programmes for promoting peace in the coastal region through conducting peace dialogues, Prevention of violence and therefore address drivers of migration.
- Kenya is in the process of establishing a migrant welfare fund.
- Introduction of National Industrial Traineeship Programme

Objective 3: Provide accurate and timely information at all stages of migration

- Initiated activities to expand the scope of the Kenya Labour Migration Information Website," as a source of credible, factual, and reliable information for prospective Kenyan migrant workers seeking employment in the Kingdom of Saudi Arabia, United Arab Emirates, the State of Qatar and Jordan.
- Creation of E-visa, E-passports by the Directorate of Immigration and Citizen Services.
- Enhancement of E-citizen services through infrastructural investment such as internet.
- Digitization of identification and documentation for birth certificates and identity cards including - online application and payment for these services.
- Establishment of pre-departure training and county specific awareness creation.
- Enhancement of Huduma centers as information centers
- Updating of the pre-departure handbook to include all elements of labour migration.
- Training of private employment agencies on various migration issues including migrant protection by KNCHR.
- National Employment Authority (NEA) established a portal with the list of accredited Private Employment Agencies (PRAs)
- Establishment of oversight and community feedback mechanism on labour migrant workers by Ministry of Labour developed in 2021.

- Upgrade of the NEA Information Management System (NEAMIS) in 2022, enabling migrants to give feedback.
- Upgrade and digitalization of National Service Provider Directory for victims of trafficking (VOTs), to be hosted by KNCHR in Horn of Africa.
- Kenya is in the process of developing the Migration Governance Indicators (MGI) assessments at the national and local level (Mombasa and Nairobi).

Objective 4: Ensure that all migrants have proof of legal identity and adequate documentation

- Digitalization of civil registration system to enhance registration of migrants Constitution and gazettement of a National Taskforce on Statelessness – (Mapping is ongoing to recognize the Shona and Pemba communities).
- Establishment of NIIMS and issuance of Huduma number to ensure that the that all migrants have legal identity for easy access to government services.
- Opening of new Missions in Ghana, Senegal and Djibouti; and strengthening issuance of e- passport to Kenyans diaspora in London, New York, Berlin, Pretoria, Dubai and Paris.
- Extension of Huduma number to all people in Kenya including migrants (the number is a unique identifier to all persons).
- Continuous digitalization of civil and national registration systems to enhance registration of migrants.
- The Shona community Recognized on 28th July 2021 and accorded certificates by government to 1647 persons.
- Introduction of electronic government and visa system.
- Huduma Bill - For everyone (including migrants) without discrimination for easier access to services.
- Continuous use of forensic lab to respond to fraud cases.
- Ongoing issuance of e-passport to Kenyans diaspora in London, New York etc. Kenyans in Diaspora continue receiving registration services in the diaspora.
- The Refugee Act (2020) was enacted and came into effect in February 2022 to facilitate the inclusion of Refugees in Kenya.

- 90% of Refugees registration is automated around the country.
- Automation of NEA services strengthened- have hotline number for migrants both local and international.

Objective 5: Enhance availability and flexibility of pathways for regular migration

- Formation of inter-ministerial committees in charge of reviewing the Bilateral Labour Agreements.
- Endorsement of process to adoptof the Protocol on Free Movement of Persons and Transhumance within the IGAD region.
- Introduction of online Visa and permits processing systems to reduce the processing time, increase predictability and transparency.
- Government extended amnesty to foreigners whose visas expired and migrant residents whose work permits expired during the Covid-19 period.
- Continuous investment in modernization of all borders through infrastructure upgrades, adoption of border technologies and surveillance systems.
- In 2021, Kenya signed health worker Bilateral Labour Agreement with United Kingdom (UK) to promote the growth of professionals working in the health sector through exchanges involving cancer research and treatment, COVID-19 vaccines, and genomic sequencing.
- Kenya among Partner States that establish an East African Community Regional Consultative Process on Migration (EAC-RCP) as a platform for information-sharing and policy dialogue dedicated to discussing specific migration issue(s) comprehensively among the EAC Partner States.
- Kenya successfully chaired and hosted the first and second conference of the Regional Ministerial Forum for Harmonization of Labour Migration (RMFM) on EHoA- portability of social protection, rights of migrant workers. IGAD & EAC region Labour Ministers met in Nairobi in January 2020 and March 2022 to harmonize labour migration policies in the region (Nairobi Process).
- Continuous visa regulations implementation to foster safe and hustle-free travel.

Objective 6: Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work

- Draft National Labour Migration Policy and Labour Migration Management Bill, 2020 are both at Cabinet level.
- The KNCHR has been engaging state and non-state actors to ratify the International Convention on Migrant Workers and Members of their Families.
- Continuous engagement of ILO and Ministry of Labour on the implementation of Child and Forced Labour frameworks.
- Training of migrant workers by NEA and National Industrial Training Authority (NITA).
- Training of licensed and registered private employment agencies on ethical recruitment by IOM on IRIS standards in March 2019.
- KNCHR engaged 60 Recruitment Agencies with regard to empowering them to safeguard migrants' rights through adopting ethical recruitment and combating human trafficking.
- The Government of Kenya has signed an BLA with Kingdom of Saudi Arabia in 2017, which became operationalize in 2019, for domestic workers.
- An MoU between Kenya and the Netherlands has been initiated on labour migration targeting skilled industrial workers.
- Reviewing the Regulation for Private Employment Agencies.
- Developed a system to capture Labour Migration Data within NEAIMS.
- Reviewing Code of Conduct for Foreign Recruitment Agencies to enhance their self- regulation
- ILO undertaking programs with NEA- helps in predeparture training, recording issues of complaints and normal enquiries
- COTU negotiated trade unions to trade unions agreements/cooperation with Gulf Cooperation Countries (GCC) based trade Unions.
- Educating returnees on their rights and how to access and use the NEA website.
- The Government of Kenya in collaboration with IOM is conducting training for PRAs under IRIS to ensure ethical recruitment

Objective 7: Address and reduce vulnerabilities in migration

- Initiated discussions on the establishment of migrant welfare fund
- Continuous issuance of work permits for EAC partners gratis Registration of Persons Amendment Bill 2019 (incomplete) Inclusion of third gender in the population Census, 2019
- Strengthening capacity building of Kenya Governments officers on child labour, forced labour and violations of acceptable conditions of work - 3-year project (2020-2023).
- Establishment of Victim Assistance Trust Fund by Counter Trafficking in Persons Secretariat (to be fully operational).
- County Action Plans (CAP) against violent extremism have been developed and operationalized in different counties (local level) in Kenya.
- In November 2021, the President enacted the new Refugees Act (2021) that opens access to education, livelihoods and integration opportunities for refugees living in Kenya.
- The Special Taskforce on Children Matters under the National Council of Administrative Justice is on the final stage of developing strategy on Justice for children, including children in the move.
- The Witness Protection Agency is developing the reciprocal regulations, addressing the issues of migrants as witnesses in crimes, including trafficking in persons.
- The Witness Protection Act is under amendment, addressing the issues of migrants as witnesses in crimes, including trafficking in persons.
- The Children Act under the process of amendment, addresses children on the move.
- Recognition of stateless communities, example the Shona community
- In Kajiado County, an Advisory Council Subcommittee on Child Labour and Counter Child Trafficking operationalized, subcommittee focuses on awareness creation and campaign against child labour and rescue.

Objective 8: Save lives and establish coordinated international efforts on missing migrants

- The Government of Kenya has continued to strengthen its efforts in tracing/identifying and facilitating remains of deceased migrants and Kenya diaspora through Ministry of Foreign Affairs and Consular Services.
- Kenya embraced the MUSANED - an electronic platform developed Assessment of Public Employment Services and Active by Saudi Arabia to facilitate recruitment of domestic workers. MUSANED's benefits include ease of contracting, reduced recruitment costs and increased transparency
- Continuous pre-departure training for migrants (particularly migrant workers).
- Regulation of private employment agencies.
- Labour Migration bill and Labour Migration Policy in progress (at cabinet level).
- Nyumba Kumi Initiative (community policing initiative) successfully supported to trace migrants within Kenya.

Objective 9: Strengthen the transnational response to smuggling of migrants
- Strengthening of the Border Management Secretariat and Committees (BCCOC, BMS, BMC).
- Capacity building of law enforcement agencies on irregular migration.
- Establishment of e-gates and facial recognition systems at the entry points
- Awareness creation and establishment of migration County Focus groups by NCM, operationalized in 9 counties. Process is ongoing
- Awareness raining on trafficking persons and smuggling through national referral mechanism (NRM) guidelines disseminations in 18 counties - still ongoing
- Ongoing Mapping exercises on migrant hotspots areas (smuggling roots in Kenya)
- Establishment and operationalization of checkpoints along major smuggling roads within Kenya.
- Awareness creation on migrant rights, specifically differentiating smuggling and human trafficking rights in 17 counties by KNCHR.
- Sensitization of local leadership at the County and Subcounty Levels by NCM and establishment of County Migration Coordination Platforms. So far, these platforms have been established in nine counties.

Objective 10: Prevent, combat, and eradicate trafficking in persons in the

context of International Migration

- Kenya is under the process of implementing UNODC tool kit to combat trafficking in persons.
- Government of Kenya initiated the review of the CTiP Act, 2010.
- Government of Kenya finalized the regulations for CTiP Act, 2010to actualize access to the Victims Assistance Fund
- Allocation by government of Kenya increased to the Victims Assistance Fund was increased to $ 400,000.
- Dissemination of National Referral Mechanism (NRM) in 16 counties targeting 480 stakeholders for capacity building and awareness creation on prevention of Counter TiP in EHOA by partners (UNODC, Expertise France).
- Establishment of special unit for prosecution of transnational organized crime under Office of the Director of Public Prosecutions (ODDP).
- Establishment of safe houses/shelters by CSO's and NGOs to respond to migrants in distress and victims of trafficking.
- Operationalization of youth, women, PWDs funds (UWEZO) and promotion the linkages between various government funds.
- Developed the National plan of Action to Combat Trafficking in Persons 2021-2026 which is validated and awaiting launch.
- Counter trafficking in persons National Assistance Trust Fund Regulations were gazette in September 2020.
- The allocation to the National Assistance Trust Fund increased by Government to 20 million Kenyan shillings.
- The Counter Trafficking Person Advisory Committee members has been constituted in 2020-2025.
- Board of trustees of the National Assistance Trust Fund to assist persons trafficked has been gazette for 3 years - 2022-2025.
- Draft guidelines to assist victims of trafficking has been developed awaiting launch.
- SOPs developed for combating labour trafficking, advancing investigation and prosecution of irregular recruitments and trafficking in persons offenses, and awaiting launch.

- Second draft of MOU between Republics of Uganda and Kenya on prevention of human tracking in labour and employment is in place.
- Child protection information management system in place to capture data on child trafficking.
- A module has been produced to capture human trafficking disaggregated data and can be accessed by relevant users (NGOs, CSOs etc). This will go live in June 2022.
- Refurbishment of existing government facility to be a government run shelter for victims of trafficking has commenced.
- National referral mechanism dissemination to court users has been carried out in 19 counties.
- Development of minimum standards of care for victims of trafficking has commenced.
- 2020-2022,600 hundred victims of counter trafficking have been screened by the counter trafficking in persons secretariat and offered various services such as repatriation of156 victims of trafficking.
- Witness Protection Agency has enhanced stakeholder sensitization within the justice system on trafficking persons.
- Review of Witness Protection Act of 2006 has started.
- The Witness Protection Agency is developing protection reciprocal arrangement regulations.
- Roll-out of joint multi-agency assimilation training on CTIP
- Finalize a horn of Africa digital/Online directory for service providers targeting VOT and migrant in general.
- The draft Labour Migration bill 2022 undergoing finalization.
- Human Trafficking Study 2021 developed by National Crime Search Centre.
- Kenya Institute of Migration Studies (KIMS) to start short courses on issues of trafficking and smuggling for non-state actors and everyone working on migration sector.

Objective 11: Manage borders in an integrated, secure, and coordinated manner

- Facial recognition technology installation in Mombasa in addition to JKIA and Muhuru Bay
- Procurement of modern screening equipment's for Customs department at JKIA
- Establishment of the Forensic Document Examination laboratory at JKIA in 2019
- Provision of document authentication equipment for POEs.
- Exchange visits with regional members states Development of COVID-19 Transport Protocols
- Joint trainings on coordinated border management in the region organized by International Organisation for Migration
- Sensitization campaigns for both public officers and communities on border management and migration is ongoing under the NCM County Outreach Program.
- Enhancement of one stop border points (OSBPs) and construction of additional. such borders between Kenya and Ethiopia.
- Kenya and Ethiopia signed in 2021 an operational procedure manual for the Moyale One Stop Border Post aimed at boosting trade and movement between the two countries. The manual guides border officers in the implementation of border management operations.
- IGAD region Integrated boarder management training manual validated to support in capacity building.
- IGAD Regional Cross-border interagency working group on Immigration Border Management (IBM) established to strengthen cooperation.
- Joint Infrastructure development to enhance cooperation
- Joint cross boarder meeting by counties at borders- to improve collaboration between two states.
- The Government of Kenya with the support of development partners, including UNHCR and IOM does regular training to government officials on border points.
- In 2021, the Government of Kenya launched the Kenya Coordinated Border Management Programme for Government officers stationed at Kenya's points of entry and exit which includes a specialized curriculum that aims to enhance the whole-of-government approach between the agencies and ministries engaged in border management.

- Development of 5-year Strategic Plan for Border Management Secretariat
- Development of SoPs on coordinated border management for Air, Land and Maritime PoEs
- Improvement cooperation and engagement between border communities and authorities to facilitate cross border trade while ensuring compliance with border procedures and security
- Government of Kenya is in the process of developing 5-year Strategic Plan for Border Management Secretariat
- Government of Kenya is in the process of SoPs on coordinated border management for Air, Land and Maritime PoEs
- Kenya has improved cooperation and engagement between border communities and authorities to facilitate cross border trade while ensuring compliance with border procedures and security.
- Government of Kenya is piloting of Humanitarian Border Management through sensitization of officials and assessment in targeting border areas

Objective 12: Strengthen certainty and predictability in migration procedure for appropriate screening, assessment, and referral

- Migration to the digital application forum/procedures in the Directorate of Immigration and other government services hosted by the e-citizen platform.
- Capacity building of law enforcement and administration of justice sector players on alternatives to detention in migration management
- Increased capacity on consular services through trainings and deployment.
- Dissemination of National Referral Mechanism (NRM) Guidelines for assisting Victims of Trafficking to Counties.
- Better Migration Management (BMM) project is underway in last session of implementation to enhance migration management in Kenya.
- UNHCR booklet on migrants right promotes and upholds rights of refugees.
- IOM working with PRAs to disseminate labour migration information.

Objective 13: Use immigration detention only as a measure of last resort and

work towards alternatives

- Facilitated consular access to migrants in distress especially during COVID-19 period as well as government response to middle east migrant problem.
- Digitalization of stay regularization processes through Electronic Foreign Nationals Service System (EFNS).
- KNCHR conducted an assessment and launched report on the status of migrants in detention and with court cases with a view to advocate for alternatives to migrant detention.
- Continuous human rights training of all enforcement officers including police, immigration, customs, and Court Users Committee (CUCs).
- The National Council on the Administration of Justice (NCAJ) is implementing Court Users Committee (CUCs) trainings to facilitate access to universal justice services in the region.
- Two High level meetings to deliberate on alternatives of migrants facilitated by KNCHR.
- KNCHR Developed SOPS for monitoring the status of migrant in detention facilities,
- IGAD National Human Rights institutions dialogues on alternatives of migrant's detention in the region.

Objective 14: Enhance consular protection, assistance, and cooperation throughout the migration cycle

- Increased capacity on consular services through additional deployment of consular officers to all Kenya missions, specifically to countries with more immediate need like GCC.
- The Government of Kenya provided needy migrants with basic needs during the COVID -19 pandemic, for example, in China, India and Iran.
- The Government facilitated return of its migrants in distress during the COVID- 19 pandemic in countries such as China, India, Lebanon, Italy, UAE, Saudi Arabia, South Africa, USA, and Iraq.
- The Government negotiated for extension of visa for migrants whose visa had expired during Covid -19 for example in Thailand, South Korea, Malaysia, India, and China.

- Kenya continues to negotiate BLAs/MoUs with other countries which are key markets for labour migrants from Kenya.

- Enhanced registration of Kenyans in diaspora (migrants) during the COVID-19 pandemic, after they were smoked out the disease.

- Three Labour Attachés were appointed in the Kingdom of Saudi Arabia, the State of Qatar, and the United Arabs Emirates and they are charged with vetting potential employers, assisting in labour disputes, providing legal assistance on labour issues, ensuring the monitoring of the working conditions of migrant workers, and facilitating the repatriation of Kenyan workers when required. Predeparture orientation training that includes information on services offered at Consular Stations as well as development of training curriculum for migrant workers.

- Kenya is spearheading regional member states (for example IGAD and East African Community) for coordination and cooperation in Consular Services through the Regional Ministerial Forum for Labour Migration (Nairobi Process).

- Administrative automatic extension given to migrants in the country during Covid 19 pandemic.

- Kenya has successfully concluded Four (4) Bilateral Labour Agreements to assist migrants and is continuously mapping labour migration destinations.

- Sensitization of County Leadership and communities on labour migration procedures and processes.

- In 2019, the Central Organization of Trade Unions-Kenya (COTU-K) and the Kuwait Trade Union Federation (KTUF) signed a cooperative agreement to jointly address issues affecting workers who migrate from Kenya to Kuwait for employment.

Objective 15: Provide access to basic services for migrants

- Enhancement of (Huduma Services) registration to include accessibility by migrants.

- Migrants in Kenya continued to access non-discriminatory health services.

- All Health Protocols and Guidelines developed during the pandemic were non-discriminatory.

- The Government of Kenya facilitated access to universal health and mental health to returning migrants during the COVID -19 pandemic.
- The Government of Kenya and partners supported stranded migrants at all points of entry and exit upon commencement of lockdowns.
- The Government of Kenya facilitated access to basic services including health, education, food, clean water, shelter etc.

Objective 16: Empower migrants and societies to realize full inclusion and social cohesion

- Certification of trainers who offer pre-departure training and institutionalizing the training in Government accredited facilitates.
- Continuous vetting and registration of private recruitment agencies (PRAs).
- Issuance of work permits, student, and dependent passes to encourage family reunification, education etc.
- Continuous mapping and issuance of citizenship to stateless persons and descendant of migrants through implementation of the Citizenship and Immigration Act, 2011.
- Kenya through the Ministry of Labour is developing a coordination mapping tool for migrants in the diaspora.
- Kenya developed a new framework for ethical recruitment agencies for Private Employment Agencies as well as diaspora communities.
- Kenya has granted citizenship to migrants in the country who were previously Stateless and carries out continuous mapping of such communities.
- There is an ongoing process to review the Diaspora Policy.

Objective 17: Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration

- Continued enforcement of the Constitution of Kenya, 2010 and other existing laws that prohibits all forms of discrimination, hate speech, excitement, and prevention of torture,
- The KNCHR has continued to offer public outreach programs specially to border

communities prone to Trafficking in Persons (TiP) and Smuggling of Migrants (SoM).

- The IOM supported Border Management Committees (BMCs) to undertake safe migration campaigns on Kenya, Ethiopia, Uganda, Tanzania, and Somali borders.
- Inclusion of victims of trafficking in Kenya in complimentary report on the Convention to Eliminate All forms of Discrimination
- Risk assessment decision-making and response guidelines developed by National Counter Terrorism Center to help law enforcement to facilitate evidence led investigations and operations - developed in 2020.
- National Criminal Justice Conference successfully held in 2019 and 2022 capturing protecting on migrants.

Objective 18: Invest in skills development and development mutual recognition of skills, qualifications, and competencies

- The Government of Kenya established the Kenya Institute of Migration Studies (KIMS) anchored under the DIS, specifically under the National Coordination Mechanism on Migration (NCM) is hosted at the Population Studies and Research institute (PSRI) of University of Nairobi (UoN).
- In 2021, the Kenya Institute of Migration Studies (KIMS) also introduced a short course on Case Management for victims of trafficking, targeting middle level cadre migration practitioners.
- Mainstreaming migration and human rights module in trainings offered by Border Migration Management (BMM) coordination agencies.
- Digital portal for recognition of foreign qualifications for assessment
- Engaging NITA for such kind of recognition and quality skills for certification.

Objective 19: Create conditions for migrants and Diasporas to fully contribute to sustainable development in all countries

- Capacity building of Government officials on the importance of migration for sustainable development.
- Created an investment tool by Central Bank of Kenya for Kenya Diaspora (Diaspora

bonds).

- Review of the Diaspora Policy envisaged to create a conducive environment for migrants to contribute to sustainable development.

- Development of tailor-made investment packages to direct their remittances back into the country.
- Kenya is in an advanced stage of developing a National Migration Policy
- Kenya participated in the Global Diaspora Summit and committed to support diaspora engagement activities.

Objective 20: Promote faster, safer, and cheaper transfer of remittances and foster financial inclusion of migrants

- Created an investment tool by CBK for Kenya Diaspora (Diaspora bonds).
- The Central Bank of Kenya conducted a Diaspora Remittance Survey in December 2020 to gather information on remittance flows into Kenya and to establish efficiency of the remittance channels to explore ways of reducing the costs of remittances and other non-cash transfers.
- Innovation of Digital Payment System that eases flows and growth of diaspora remittances (2019 – 2.8 million USD, 2020 – 3.09 million USD and 2021 – 3.7 Million USD (equivalent to 3% of GDP).
- The resilience of migrants was exceptionally high especially during the pandemic since remittance flows increased year on year.
- Cost of remittances decreased marginally from current 13% (2011), 8.8% (2015) to 7.5% (2020). The cost is still higher compared with the SDGs 10.C that is 3%.
- The Central Bank of Kenya Survey was published in 2022 gives statistics on diaspora remittances and sheds light on remittance flows.
- Central Bank of Kenya published a National Payment Strategy 2022-2025 where international remittances play a critical role.
- Establishment in 2021 of the National Remittance Stakeholders Network, an all-inclusive platform where public and private entities meet to discuss ways of creating an enabling environment for diasporas

Objective 21: Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration

- Establishment of Safe shelter/houses for returnee and introduction of psychosocial support/counselling.
- Operationalization of the Victim Assistance Fund to assist Victims of Trafficking
- The Government of Kenya has set up inter-ministerial committee to deliberate on the establishment of return and reintegration centres.
- Counter trafficking in persons -National Assistance Trust Fund Regulations were gazetted in September 2022.
- The allocation to the National assistance trust funds is KSH-20 Million by GOK
- Refurbishment of existing government facility to be a government-run shelter for victims of trafficking has commenced.

Objective 22: Establish mechanisms for the portability of social security entitlements and earned benefits

- Kenya is in the process of reviewing its National social Protection Policy – based on the adoption of ILO social protection recommendation 2012
- Kenya is in the process of developing the National Social Protection Act

Objective 23: Strengthen international cooperation and global partnerships for safe, orderly, and regular migration

- Continuous partnerships and collaboration with regional (IGAD) and international partners in migration management.
- Kenya was amongst the EAC Partner States that established a Regional Consultative Process on Migration in 2022.
- The second Regional Ministerial Forum on Labour Migration (RMFM) took place in Nairobi in 2022. The RMFM is an Inter-State Consultation Mechanism on migration (ISCM) that brings together 11 States from East and Horn of Africa Region to address labour migration policies, foster labour mobility and protect the fundamental human, labour, and social rights of migrant workers migrating within

the continent and from Africa to EU, GCC Member States and other countries

- Establishment and operationalization on TWG on Migration in the Network of African National Human Rights Institutions, Kenya participate in the first working group meeting in April 2022.
- From 2019, Kenya facilitated capacity building platform for information exchange of National Human Rights Commission within the IGAD member states on human rights-based approach on migrant engagement.
- Kenya participated and organized a regional conference in November to share experiences and enhance collaboration on witness protection amongst members states in the African Regional, discussions where the issue of resettlement of victims of trafficking to different jurisdiction in November 2021.
- For the first time civil society organizations participated in IGAD RCP on Migration in 2021, discussion included GCM implementation

Section 5: Integrating the GCM Guiding Principles into Migration Governance

The GCM sets a very ambitious aim: to deal with international migration 'in a holistic and comprehensive manner' and to approach the phenomenon 'in all its dimensions'. To do this, the GCM identifies ten guiding principles. These principles include international cooperation and respect for national sovereignty and human rights. The problem is how to integrate and coordinate these values and principles. It is quite evident, that the invocation of national sovereignty may often prevent international cooperation, and that the universality of human rights may at times collide with States' interest to maintain a differentiation based on citizenship in the protection of fundamental rights, especially as regards social rights.

The Government of Kenya, however, has integrated these principles into migration governance through the following:

- Strengthening National Coordination Mechanism (NCM) in its endeavor to mainstream migration into national development plan through a whole of society a whole of government approach it its operations (multi-stakeholder approach).

- Continued enforcement of The Constitution of Kenya, 2010 and other existing laws that prohibits all forms of discrimination, hate speech, incitement, and prevention of torture.
- Inclusion of protection of migrants on the move including vulnerable groups (women, youths, children, elderly and PWD) into the draft national migration policy.
- Adoption of human rights-based approach (HRBA) in migration governance through involvement of both state and non-state actors with human rights promotion mandates in migration management.
- Implementation of one third gender principle and recognition of the third gender

Section 6: Challenges Faced in Implementing GCM Objectives in Kenya

Migration is a complex phenomenon hence states view it from different lenses, some view it as a security threat, and some view it as a threat to their sovereignty while others view it as an opportunity for economic growth. Kenya is not exceptional. However, since the adoption of GCM in Marrakesh - Morocco in December 2018 which Kenya participated, Kenya has advocated for safe, orderly and regular migration through adoption of strategies to ensure the implementation to its objectives.

During the implementation, Kenya has experienced some challenges among them:
- Inadequate resources (financial and human).
- Emerging global health pandemics (COVID-19) and natural disasters such as flooding and locust invasion.
- Slow compliance with international standards- Kenya is yet to ratify the Convention on the Protection of Migrant Workers and their Families.
- Changing migration dynamics (push and pull factors).
- Insufficient understanding and enforceability between trafficking and smuggling
- Long and porous international border line which contributes to endemic problem of irregular migration.
- Emerging security threats from terrorist groups and other organized criminal

enterprises.

- Insufficient migrants holding facilities leading to placement of migrants in police cells.
- Language barriers/ lack of communication between migration stakeholders; state, non-state, and migrants.
- There is no standby kitty to assist Kenyan migrant workers in distress Lack of devolved/ decentralized centers for pre-departure trainings.
- Weak connection between remittance and development (little understanding of the migration and development nexus hampering mainstreaming into national policy.
- Duplication of roles of different actors including human rights institutions Climatic change.
- Need for more disaggregated data set for remittances.
- Lack of a remittance linked financial services for the receivers.
- Issue of brokers as they largely facilitate irregular migration.
- Presence of few labour attaches in countries who have signed BLAs, BLAs implementation.
- Monitoring and evaluation and to what extent are these BLAs being implemented.
- Poor coordination between Ministry of Labour and Ministry of Foreign Affairs on issues affecting labour migrants in countries of destination.
- Insufficient political will and recognition of the importance labour migration governance.
- Recognition and ownership on data, collected by non-state stakeholders.
- Access to legal and social services remain a challenge for all migrants.
- Low level of awareness on migrants by both migrants and host community.
- Porous borders attracting insecurity-instability in the region/ neighboring countries- increase on irregular movements.
- Inadequate community feedback mechanism in some POEs.

Section 7: Means of implementation

The successful implementation of the GCM programs and projects largely depends on

resource availability and how the same is mobilized. In Kenya, the competition for funding for the priority developmental projects extend well beyond the GCM and given the over-reliance in agriculture and the erratic climatic change, budget deficits are a common scenario. Loans and grants from international lenders and financial institutions are not enough to fix the budgets deficits that have currently been exacerbated by the COVID-19 pandemic.

It is due to the above that only a meagre budgetary allocation for GCM Implementation has been made over the years. However, the government complements GCM implementation by mobilizing funding support from international and regional partners.

Section 8: Next Steps

Reflecting on the review discussions, in Kenya, while acknowledging the fact that key areas still require more efforts and improvement, good progress in implementation of the GCM has been achieved. The main areas of success, challenges, lessons learned have been identified that will guide policy and program aimed at improving the next phase of the implementation process. Having made some progress in policy and an enabling environment that will ensure effective implementation of the GCM interventions, the review identified some initiatives that will generate momentum toward GCM implementation going forward. The suggested important next steps include:

a. Broadening stakeholder engagement and migration awareness raising to include the counties - the consultations revealed that a significant proportion of the population have no adequate knowledge of the Global Compact on Migration. County outreach program needs to be rolled in all the 47 counties to promote safe, orderly, and regular migration processes.

b. An MoU on data and information sharing; instead of holding data and information in piecemeal among MDAs, one practical next step identified is partnerships in data sharing to help leverage the full potential of fact-based policies in migration governance, as will standardization and harmonization of data elements and outcome measures.

c. County and National government coordination on best alternative migrant detention methods.

d. Kenya to ratify AU migration statistics chart and to leverage the participation in the Observatory AU Observatory on Migration Data.

e. Data collection system on different migrant dimensions need to be enhanced

f. Need to maximize efforts towards shaping public perception to migration.

g. Promote cooperation between non-state actor at the local and international actors, example the MoU signing GFN and ICRK.

h. Need to involve multi-level involvement of agencies on productive livelihoods programming of people on the move.

i. The 3- year Implementation Plan for GCM needs to be reviewed as end date is 2022.

j. Harmonized National Migration Policy and Labour Migration Policy are yet to be adopted.

k. Need to increased use of diaspora as key development contributor.

l. Need to recognize migration into MTP IV to reiterate importance of migration as development enabler/ facilitation.