



**REPUBLIC OF KENYA**

**MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL  
GOVERNMENT**

**KENYA VOLUNTARY COUNTRY REVIEW REPORT ON IMPLEMENTATION OF  
THE PRINCIPLES AND OBJECTIVES OF GLOBAL COMPACT ON MIGRATION (GCM)**

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**BY NATIONAL COORDINATION MECHANISM (NCM) SECRETARIAT**

## LIST OF ACRONYMS

GCM-Global Compact on Migration

NCM-National Coordination Mechanism

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-ever UN global consensus on international migration. It is grounded in values of state sovereignty, responsibility sharing, non-discrimination and human rights. 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 were expected to implement its objectives that provides important reflections on future migration governance and move towards attainment of safe, orderly and regular migration.

## **Section 2: Methodology**

The Kenya National Coordination Mechanism on Migration (NCM) - a government-led migration coordination platform took the overall responsibility of organizing the drafting of the report. 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 report. The stakeholders drawn from Government, partners, civil society organizations, the academia, private sector, church and faith-based organizations and including 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 and supported by IOM regional office and Kenya country office.

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.

This report, therefore, represents a joint statement by both state and non-state actors in migration governance in Kenya. It 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 includes IGAD, International Organization for Migration (IOM), Food and Agriculture Organization (FAO), German International Cooperation (GIZ) while non-state actors includes among others Trace Kenya, HAART, BLUE HEART, Stop Traffic Kenya, Association of Skilled Migrant Agencies of Kenya (ASMAK), AKAPEA.

## **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 preceded 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.
- ✚ Discussions have been initiated on the development of the 2<sup>nd</sup> phase of Migration Governance Indicator (MGI) for Kenya.

- ✚ The Kenya Country Migration Profile, which provides a story 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 to other countries receiving Kenyan domestic labour, including other industries as well.
- ✚ The National Employment Authority established 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

- ✚ A number of 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 labour migration policy to eliminate policy variations that provide loopholes that are exploited by migration criminals 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.
- ✚ Kenya is keen on the outcome of ongoing process of formulation of EAC Labour Migration Policy in line with the regional integration aspirations.
- ✚ Additionally, Kenya actively participates in ongoing 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 altered migration governance architecture globally and at national level. The GCM automatically became the reference point and good practice.
- ✚ However, Kenya has sought to implement this aspiration through strengthening existing institutions and policy frameworks as opposed to establishment of new ones.
- ✚ 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 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 GCM implementation Action Plan that encompasses a whole of government and whole of society direction/approach.
- ✚ The major challenge in implementation has been paucity of appropriate resources, duplications of activities and programs, poor timing of some programs, lack of feedback, monitoring and evaluation frameworks.

## **Section 4: PROGRESS ON 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 her Country Profile in 2019
- ✚ 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

## **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 GCC labour markets (Qatar UAE and Saudi Arabia).

## **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
- ✚ Training of private employment agencies on various migration issues including migrant protection by KNCHR.

#### **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 gazettment 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
- ✚ Strengthening the Digital registration process of Kenyans in the diaspora
- ✚ Extension of Huduma number to all people in Kenya including migrants ( the number is a unique identifier to all persons)

#### **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 towards the adoption of the Protocol on Free Movement of Persons and Transhumance within the IGAD region
- ✚ Introduction of online Visa and permits processing systems in order 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.

#### **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 convention on MWMF,
- ✚ Continuous engagement of ILO and MoL on the implementation of Child and Forced Labour frameworks
- ✚ IGAD & EAC region Labour Ministers met in Nairobi in January 2020 to harmonize labour migration policies in the region (Nairobi Process)
- ✚ Training of migrant workers by NEA and NITA
- ✚ Training of licensed and registered private employment agencies on ethical recruitment by IOM on IRIS standards in March 2019
- ✚ KNCHR engaged with 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 initiated BLAs on skilled and professional migrant workers with Saudi Arabia.
- ✚ An MoU between Kenya and the Netherlands has been initiated,
- ✚ 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

#### **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)

#### **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 deceased migrants

### **Objective 9: Strengthen the transnational response to smuggling of migrants**

- ✚ Establishment of Border Management Secretariat and Committees (BCCOC, BMS, BMC),
- ✚ Capacity building of law enforcement agencies on irregular migration,
- ✚ Regular border patrols by law enforcement agencies (JOC's),
- ✚ Establishment of e-gates and facial recognition systems at the entry points

### **Objective 10: Prevent, combat and eradicate trafficking in persons in the context of international migration**

- ✚ Implementation of UNODC tool kit guidelines
- ✚ Initiated the review of the CTiP Act, 2010.
- ✚ Finalized the regulations for CTiP Act, 2010 to actualize access to the Victims Assistance Fund
- ✚ Allocation by GOK to the Victims Assistance Fund (\$ 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 ODDP
- ✚ Establishment of safe houses/shelters by CSO's and NGO's (BLUE HEART)
- ✚ Operationalization of youth, women, PWDs funds (UWEZO) and promotion the linkages between various government funds.

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

- ✚ Ongoing modernization of borders via E-Gates Initiative
- ✚ Facial recognition technology installation in Mombasa in addition to JKIA and Muhuru Bay

- ✚ Procurement of modern screening equipment's for Customs department
- ✚ Establishment of the Forensic Document Examination Centre at JKIA
- ✚ 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
- ✚ Sensitization campaigns for both public officers and communities is ongoing

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

- ✚ Migration to the digital application forum/procedures
- ✚ Capacity building of law enforcement and administration of justice sector players
- ✚ Increased capacity on consular services through trainings and deployment
- ✚ Dissemination of NRM Guidelines on CTIP to Counties

**Objective 13: Use immigration detention only as a measure of last resort and work towards alternatives**

- ✚ Facilitate consular access to migrants in distress
- ✚ Digitalization of stay regularization processes
- ✚ 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 CUCs

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

- ✚ Increased capacity on consular services through deployment of consular officers to all Kenya Consulates.



- ✚ 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.
- ✚ The Government Kenya is in the process of concluding BLAs with GCC member states – in relation to skilled and unskilled migrants
- ✚ -Enhanced registration of Kenyans in diaspora (migrants) during the COVID-19 pandemic, after they were smoked out the disease.

#### **Objective 15: Provide access to basic services for migrants**

- ✚ Enhancement of Huduma Services 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 and partners supported stranded migrants at JKIA upon commencement of lockdowns
- ✚ The Government of Kenya - facilitated access to universal health and mental health to returning migrants during the COVID -19 pandemic

#### **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 recruitment agencies
- ✚ 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

**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 especially to border communities prone to TiP and SoM
- ✚ The IOM supported BMC's to undertake safe migration campaigns on Kenya, Ethiopia, Uganda, Tanzania and Somali borders

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

- ✚ Establishment of KIMS- Regional Centre for Research and Training
- ✚ Mainstreaming migration and human rights module in trainings offered by BMM coordination agencies

**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.
- ✚ Proposed National Migration Policy

**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 in an effort to explore ways of reducing the costs of remittances and other non-cash transfers

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

- ✚ Establishment of Safe shelter/houses for returnees and introduction of psychosocial support/counselling
- ✚ Operationalization of the Victim Assistance Fund to assist VoTs
- ✚ The Government of Kenya has set up inter-ministerial committee to deliberate on the establishment of return and reintegration centres

**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
- ✚ National Social Protection Bill (WIP)\*

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

- ✚ Regional Ministerial Forum on Harmonizing Labour Migration policies in the East and Horn of Africa
- ✚ Continuous partnerships and collaboration with regional (IGAD) and international partners in migration management

**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 includes; 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 in 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.

In the course of 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 locusts 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
- ✚ Inadequate capacities/ skills within law enforcement
- ✚ Long and porous international border line which contributes to endemic problem of irregular migration
- ✚ Emerging of new illegal border crossing points
- ✚ Emerging security threats from terrorist groups and other organized criminal enterprises
- ✚ Policy difference among respective countries in relation to OSBP
- ✚ Lack of a centralized data base on migration
- ✚ Competing stakeholders priorities
- ✚ Lack of clarity on how to address gender and child sensitive needs for migrants on the move
- ✚ Lack of separate facilities to hold migrants besides police cells
- ✚ Language barriers/ lack of communication between migration stakeholders; state, non-state and migrants
- ✚ Lack of proper coordination in addressing the needs of migrants access to justice process
- ✚ Lack of a 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 their mainstreaming into national policy)
- ✚ Poor coordination and clarification in the process of return and integration
- ✚ Lack of data for return and reintegrated migrants
- ✚ Duplication of roles of different actors including human rights institutions
- ✚ Climatic change

## **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. A formal process for county engagement needs to be developed to guide GCM awareness raising efforts to the grass root populations. County outreach program needs to be rolled in all the 47 counties in order 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.