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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION

JOINT COMMITTEE OF THE
DEPARTMENTAL COMMITTEE ON LABOUR
&
SELECT COMMITTEE ON DIASPORA AFFAIRS AND MIGRANT WORKERS

REPORT ON: -

CONSIDERATION OF THE SESSIONAL PAPER NO.5 OF 2023 ON THE NATIONAL POLICY ON
LABOUR MIGRATION

	
THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 09 OCT 2025	DAY: THURS
TABLED BY:	CHAIRPERSON, DC-LABOUR
CLERK-AT THE-TABLE:	G. CHEBET.

Clerk's Chambers
Parliament Buildings
NAIROBI

October 2025

PART V

23

5.0 COMMITTEE RECOMMENDATIONS

24

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PART I

1.0 PREFACE

1.1 Mandate of the Committee

1. The Departmental Committee on Labour of the 13th Parliament was constituted on 27th October, 2022 and is established under provisions of S.O. 216. Standing Order No. 216(5) grants the Committee, amongst other functions to:
 - a) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
 - b) *study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
 - (ba) *on a quarterly basis, monitor and report on the implementation of the national budget in respect of is its mandate;*
 - c) *study and review all legislation referred to it;*
 - d) *study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - e) *investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - f) *vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
 - (fa) *examine treaties, agreements and conventions;*
 - g) *make reports and recommendations to the House as often as possible, including recommendation of propose legislation;*
 - h) *consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - i) *examine any questions raised by Members on a matter within its mandate.*
2. The Select Committee on Diaspora Affairs and Migrant Workers is established under Standing Order No. (208B. (1) and is responsible for—
 - a) *considering all matters directly relating to policies and programmes for the protection of the rights and welfare of Kenyans in the diaspora, including—*
 - i. *Kenyan nationals with dual citizenship;*
 - ii. *Kenyan migrant workers and their families abroad; and*
 - iii. *Kenyans undertaking studies overseas;*
 - b) *examining policies and programmes of the national government for—*
 - i. *efficiently harnessing, mobilizing and steering of Kenyan resources in the diaspora for economic and socio-cultural development;*
 - ii. *engaging and facilitating Kenyans in the diaspora, including persons eligible for dual citizenship; and*
 - iii. *suffrage of Kenyan nationals in the diaspora.*

1.2 Committees Composition

7. The Departmental Committee on Labour and the Diaspora Affairs and Migrant Workers Committee comprises the following Members of Parliament:

DEPARTMENTAL COMMITTEE ON LABOUR

Chairperson

Hon. Richard Kiti Chonga, MP
Kilifi South Constituency
ODM Party

Vice-Chairperson

Hon. Fabian Kyule Muli, MP
Kangundo Constituency
GDDP

Members

Hon. Omboko Milemba, CBS, MP
Emuhaya Constituency
ANC Party

Hon. James Onyango K'Oyoo, MP
Muhoroni Constituency
ODM Party

Hon. Joseph Samal Lomwa, MP
Isiolo North Constituency
Jubilee Party

Hon. Ernest Ogesi Kivai Kagesi, MP
Vihiga Constituency
ANC Party

Hon. George Aladwa Omwera, MP
Makadara Constituency
ODM Party

Hon. Catherine Wambiliaga, MP
Bungoma County
FORD-K

Hon. Njoroge, Mary Wamaua MP
Maragua Constituency
UDA Party

Hon. Amina Dika Abdullahi, MP
Tana River County
KANU

Hon. Dorice Aburi Donya, MP
Kisii County
WDM-K

Hon. Patrick Simiyu Barasa, MP
Cherangany Constituency
DAP-K Party

Hon. Wachira, Rahab Mukami, MP
Nyeri County
UDA Party

Hon. Peter Irungu Kihungi, MP
Kangema Constituency
UDA Party

Hon. Lilian Chebet Siyoi, MP
Trans Nzoia County
UDA Party

Mr. Abenayo Wasike
Principal Clerk Assistant I/HOD/ Head of Secretariat

Mr. Abdifatah Bule
Clerk Assistant I

Mr. Joseph Ndirangu
Fiscal Analyst I

Mr. Samuel Wanjiru
Clerk Assistant III

Ms. Grace Odedere
Clerk Assistant III

Ms. Colletah Sigilai
Senior Legal Counsel

Mr. Peter Barasa
Legal Counsel II

Ms. Josephine Osiba
Hansard Reporter III

Mr. Timothy C. Tsungulah
Research Officer III

Mr. Kevin Ng'ang'a
Research Officer III

Ms. Yasmin Hassan
Assistant Serjeant-At-Arms II

Ms. Wambui Nyachae
Research Officer III

Ms. Yasmin Hassan
Assistant Serjeant-At-Arms II

Mr. Collins Mahamba
Audio Officer III

Ms. Mercylyn Kerubo
Audio Officer III

Mr. Ambrose Nguti
Media Relations Officer III

18. The implementation of the recommendations of the Taskforce has formed a major milestone towards improving labour migration management in the country.
19. However, the following recommendations are yet to be implemented:
 - i. establishment of a one-stop-shop for labour migration services;
 - ii. establishment of an integrated communication strategy on labour migration; and
 - iii. ratification of international instruments relevant to labour migration.

2.2 Legislative background

20. Constitution of Kenya, 2010- *Article 2*, provides for the application of the general rules of international law in Kenyan legal system; *Article 10*, provides for the national values and principles of governance which include human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised; *Article 12* guarantees every citizen of Kenya the rights, privileges and benefits of citizenship, and a Kenyan passport. *Article 28* provides for the right of every person to inherent dignity and the right to have that dignity respected and protected. *Article 30*, provides that a person shall not be held in slavery or servitude nor required to perform forced labour; *Article 36*, provides for the right to freedom of association to every person, which includes the right to form, join or participate in the activities of an association of any kind, without being compelled to join; *Article 39*, provides for the right of every person to freedom of movement and guarantees to every person the right to leave, enter, remain in and reside anywhere in Kenya; *Article 41*, guarantees every person the right to fair labour practices, including the right to fair remuneration, reasonable working conditions; while *Article 43* guarantees every person the right to social security.
21. *Immigration and Citizenship Act, 2011*, provides for the handling of prohibited immigrants, inadmissible persons and is important to labour migration as its administrative structures are to be used in enforcing laws and implementing policies relating to labour migration.
22. *Counter-Trafficking in Persons Act, 2010*, provides for offences relating to trafficking of persons, makes provisions for protection of victims of trafficking and the promotion of their welfare.
23. *The National Employment Authority Act, 2016*, establishes the National Employment Authority and provides for its functions, which include the provision of a comprehensive institutional framework for employment management in the country and enhancing employment promotion interventions, among other functions.
24. *Employment Act, 2007*, provides for basic rights and duties of employers and employees and further, protection of Kenyans seeking to proceed abroad for employment, which involves the attestation of foreign contracts of service and prohibits inducement or attempt to induce an employee to leave the country without having duly entered into a foreign contract of service with the employer.
25. *Labour Institutions Act, 2007*, provides for registration and regulation of Private Employment Agencies with the Director of Employment, who is required to keep a register of all registered Private Employment Agencies; provides for duties of persons operating employment agencies; offences and regulations.

2.3 Regional Frameworks

26. Kenya is a signatory to the Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment (AU Free Movement Protocol), East African Community Common Market Protocol, and is a member of Regional Economic Communities (RECs) such as the East African Community (EAC), the Inter-Governmental Authority for Development (IGAD) and the Common Market for Eastern and Southern Africa (COMESA).

1.	Ministry of Labour and Social Protection	<ul style="list-style-type: none"> i. Provide the necessary legislative, policy, administrative, and institutional framework for effective management of labour migration issues; ii. Develop a Policy to ensure labour migration issues are dealt with; and iii. Partner with relevant Ministries to facilitate the signing of Bilateral Labour Agreements to ensure fair working conditions
2.	Ministry of Foreign Affairs and Diaspora Affairs	<ul style="list-style-type: none"> i. Coordinating issues of Kenyans Abroad and overseeing the implementation of the policy; ii. Protection of the welfare of Kenyan citizens in the diaspora; iii. Support Kenyans in the Diaspora in harnessing more opportunities for employment; and iv. Develop Incentive framework for Diaspora Remittances
3.	National Employment Authority	<ul style="list-style-type: none"> i. The administration of foreign employment.
4.	Directorate of Immigration Services	<ul style="list-style-type: none"> i. Issuance of travel documents for migrant workers; and ii. Management of Kenya entry points.
5.	Labour Attachés; in Saudi Arabia, Qatar, and the United Arab Emirates.	<ul style="list-style-type: none"> i. Handling matters relating to the welfare of migrant workers from Kenya; ii. Identifying employment opportunities; and iii. overseeing the implementation of labour agreements.
6.	Office of the Attorney General	<ul style="list-style-type: none"> i. Advising on the legal instruments involving Kenya which includes, the negotiation and signing of bilateral agreement; and ii. Ratification and implementation of international instruments relevant to labour migration.
7.	State Department for East Africa Community	<ul style="list-style-type: none"> i. Immigration policy coordination and harmonization to enable labour movement within the East African Community; and ii. Enhance portability of social security benefits across the region

2.8 Monitoring and Evaluation

38. The Policy provides for periodic monitoring and evaluation to ensure evidence-based decisions in realization of the set objectives. Monitoring and Evaluation will be carried out at all stages of the implementation cycle to ensure efficiency and effectiveness of the identified strategies in addressing the existing challenges and emerging issues.
39. The Ministry has operationalized the Directorate of Labour Migration Management as per the Executive Order No. 1 of 2023 and the approved establishment by the Public Service Commission. The Directorate of Labour Migration Management will spearhead the monitoring and evaluation of the implementation of strategies and activities identified in the Policy in collaboration with the National Employment Authority (NEA) and prepare quarterly and annual reports.
40. The Policy is set to be reviewed every five years or on a need-basis to determine extent to which the activities implemented have achieved the set objectives.

PART III

3.0 CONSIDERATION BY THE COMMITTEE OF THE SESSIONAL PAPER NO.5 OF 2023 ON THE NATIONAL POLICY ON LABOUR MIGRATION

3.1 Public Participation on the Sessional Paper No.5 of 2023 on the National Policy on Labour Migration

52. Article 118 (1) (b) of the Constitution of Kenya provides that Parliament shall facilitate public participation and involvement of the public in the legislative and other business of Parliament and its Committees.
53. Pursuant to the provisions of Article 118(1) (b) of the Constitution, the Committee, through an advertisement in the local daily newspapers of 24th October 2024, invited the public to make representations on the Sessional Paper, which is attached to the report as annexure 3.
54. The Committee received one (1) Memorandum from the Association of Skilled Migrant Workers (ASMAK). Further, the Committee met with the Ministry of Labour and Social Protection to deliberate on the Policy Paper.

3.2 Submission by the Ministry of Labour and Social Protection

55. The Cabinet Secretary, Ministry of Labour and Social Protection, appeared before the Joint Committee on Thursday, 9th November 2023 and Wednesday, 24th April 2024 and submitted as follows;

3.2.1 Problem the policy seeks to address

56. The Labour Migration sector, despite its significant benefits, has faced several structural challenges and emerging issues, which include:

a) Weak coordination of labour migration management

57. Labour migration issues in Kenya are handled by multiple agencies. The National Employment Authority handles licensing/accreditation and regulation of the Private Employment Agencies (PEA); approval of foreign job offers; coordination of pre-departure training and orientation; and collection, analysis and dissemination of labour market information.
58. The Department of Labour in the Ministry of Labour and Social Protection handles attestation of foreign contracts of services to ensure conformity to set standards; the Directorate of Immigration Services deals with issuance of passports, entry visas, work permits and passes; the Ministry of Foreign and Diaspora Affairs ensures protection of the welfare of Kenyan citizens in the diaspora; the Ministry of Health deals with coordination of Healthcare Professionals migration; while the Youth Enterprise Development Fund (YDEF) facilitates prospective migrant workers secure employment abroad.
59. The fragmented yet uncoordinated administration of foreign employment and labour migration management by various Government agencies inhibits effective protection of Kenyan working or seeking employment abroad.

b) Inadequate policy and legal framework on labour migration

60. The policy and legal frameworks governing labour migration are contained in different policies and legislative instruments. The policy frameworks include: the Employment Policy and Strategies for Kenya, the Kenyan Diaspora Policy and the Draft Migration Policy.
61. The legal frameworks include: the Constitution of Kenya, Immigration and Citizenship Act, 2011, the Counter-Trafficking in Persons Act, 2010, and the National Employment Authority Act, 2016.
62. These frameworks lack a comprehensive mechanism for ensuring the protection and welfare of Kenyan migrant workers.

h) Culture Shock for Migrant Workers

77. Some of the migrant workers move to foreign countries when they are poorly prepared to work and live there. Most of them have no prior knowledge of the language and culture in the destination countries.
78. In addition, other workers lack the prerequisite skills required by the employers for the jobs on offer, have no travel experience and are ill-equipped to handle the modern labour-saving equipment used by the employer.
79. This makes it difficult for them to adapt easily in their new environment, where some abscond duty leading to premature termination of their employment contracts, others run away from their employers to look for alternative jobs, thus making their migration status irregular, while others are deported back.
80. There is therefore a need to prepare the migrant workers for their new environments to enable them to settle and work easily.
81. While the immediate concern is to address the plight of Kenyan migrant workers in distress and vulnerable situations and those being subjected to mistreatment and violation of their fundamental rights, the Policy in the long-term seeks to address and provide sustainable solutions to the structural challenges experienced in the Labour Migration sector and the emerging issues.

3.2.2 Stakeholder mapping and level of public participation

82. The Ministry undertook public participation as provided for under Article 10 of the Constitution of Kenya, 2010, through a participatory approach to ensure that the Policy is developed in an open and transparent fashion, with appropriate procedures for effective and timely input from relevant stakeholders and the general public.
83. The stakeholders engaged for consultations include the relevant Ministries and State Agencies, Social Partners, e.g FKE and COTU-K, Development Partners, Migrant Workers, Private Employment Agencies, Accredited Training Institutions, Civil Society Organizations, Subject Matter Expert such as International Labour Organization (ILO), and the International Organization for Migration (IOM).
84. The Ministry held multi-stakeholder consultative workshops, wrote letters to the relevant MDAs and stakeholders calling for comments on the draft Policy within a specified time and held Community Outreach on the Draft Policy to sixteen (16) counties categorized as major counties of origin for labour migrants which included: Nairobi, Mombasa, Kilifi, Nandi, Busia, Bungoma, Kisumu, Garissa, Moyale, Machakos, Bomet, Turkana, Uasin Gishu, Kisii, Narok, and Isiolo.
85. Further, the Draft Policy was posted on the websites of the Ministry and the National Employment Authority for input and comments from the General Public and conducted sensitization of the Policy through Media such as TV and Radio.

3.2.3 Mapping of the potential financing costs and impacts of the implementation of the policy

86. The Ministry carried out a cost-benefit analysis of the estimated costs and socio-economic benefits towards the effective implementation of the National Policy on Labour Migration. It was estimated that in the first five (5) years, activities to be undertaken for effective implementation of the Policy will require approximately **Kshs. 1.197 billion**. This costing does not factor in inflation, other externalities and emerging issues that may occur during the implementation period.
87. Some of the socio-economic benefits expected if the Policy is successfully implemented include:
 - i. Well-managed and coordinated labour migration to ensure safe migration pathways and protection of the rights of Kenyan Migrant workers.
 - ii. Increased access to decent employment opportunities for Kenyans, especially the young people who bear the brunt of the high unemployment. This is expected to relieve the country of the unemployment pressure.

team which then takes up the negotiations with the destination Country on the BLAs and the monitoring process.

93. There is significant progress made in negotiations of new BLAs, while others are pending conclusion and signing. While BLAs are Government-to-government, Private Employment Agencies also source job orders.
94. Additionally, the Ministry has jointly with the State Department for Diaspora Affairs, developed the Global Labour Market Strategy Implementation framework, which outlines detailed timelines for the achievement of the goals put forth in the Global Labour Market Strategy.
95. A steering Committee that provides oversight on the implementation of the strategy, including all key ministries in the labour migration space, has also been established under the strategy.

3.2.6 Legislative interventions highlighted in the policy

96. To strengthen the legal and institutional frameworks on Labour Migration in the country and enhance coordination, the policy proposes the following legislative interventions:
 - i. Development of the Labour Migration Management Bill, 2023 and its regulations.
 - ii. Establishment of the Kenya Migrant Workers Welfare Fund, which is anchored under the Draft Labour Migration Management Bill.
 - iii. Development, Negotiation, Signing and Implementation of Bilateral Labour Agreements with key countries of destination.
 - iv. Review of the mechanism for registration and regulation of Private Employment Agencies.
 - v. Ratification and domestication of the United Nations Convention of 1990 on the Protection of the Rights of All Migrant Workers and Members of their Families, the ILO Convention on Private Employment Agencies (No. 181) and the ILO Convention on Domestic Workers (No. 189), and the ILO Protocol of 2014 to the Forced Labour Convention, 1930.
 - vi. Ratification and domestication of the 2014 Addis Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and Other Academic Qualifications in Higher Education in African States.
 - vii. Domestication of the WHO Global Code of Practice on International Recruitment of Health Personnel.

3.3 Submission by the Association of Skilled Migrant Agencies Of Kenya (ASMAK)

97. The Association, in its written submissions, noted that the Kenyan Sessional Paper No. 5 of 2023 on the National Policy on Labour Migration represents an important and progressive move towards addressing the complex dynamics of labour migration.
98. Despite the robust nature of the policy, the association noted various challenges that could impede its successful implementation. The challenges include:
 - i. **Coordination Among Stakeholders-** Effective implementation relies on collaboration across multiple stakeholders, including government agencies, Kenyan embassies, recruitment agencies, and civil society organizations. The complexity of such coordination could hinder swift policy execution.
 - ii. **Regulatory Compliance-** Monitoring recruitment agencies and employers to ensure they adhere to fair labour practices requires substantial resources and may necessitate further legislative support to impose sanctions on non-compliant entities.
 - iii. **Limited Diplomatic Reach-** Kenya's limited diplomatic presence in some host countries may pose challenges in ensuring adequate protection for migrant workers, particularly in regions where diplomatic support is sparse or non-existent.

PART IV

4.0 COMMITTEE OBSERVATIONS

100. The Committee, while considering the Sessional Paper, made the following observations;

- i. Labour migration can spur social and economic growth in the country. It provides employment opportunities to migrant workers, promotes the transfer of technology, and enhances foreign exchange earnings through diaspora remittances.
- ii. The Labour Migration sector is guided by legislation that provides for the regulation of the recruitment of migrant workers. The Legislation includes the Labour Institutions Act of 2007, the National Employment Authority Act of 2016 and the Employment Act of 2007. The legal provisions have been insufficient, given the high prevalence of distress cases experienced by migrant workers.
The review of the legal framework will ensure protection of migrant workers and enhance adherence to provisions by stakeholders, such as private recruitment agencies. The review of the framework should also be responsive to the changing World of Work as precipitated by technology and other factors
- iii. Kenya lacks reliable data on migrant workers, which hinders effective labour market planning, skills inventory development and management, and protection of the rights of the workers. There is therefore, the need for automation of data collection and establishment of a centralized database for location and skills of migrant workers, recruitment agencies of migrant workers and other sector players. This will help provide reliable information, including skills inventories, and also enhance projections of labour demands and remittances.
- iv. On monitoring and evaluation, the sessional paper provides that the evaluation of the National Policy on Labour Migration will be conducted every five years. The cycle of five years may not be effective for oversight.
- v. Bilateral Labour Agreements (BLAs) are labour migration governance tools that help to promote and protect the rights of Migrant workers.
In addition, international frameworks and protocols on labour migration regulate migration through combating human trafficking and protecting migrant workers' rights, including fair recruitment, decent working conditions, and access to social services. They also facilitate cooperation between countries and promote fair recruitment practices by organizations and governments. The Committee noted the need for negotiation and signing of Bilateral Labour Agreements with key labour destination countries which have ratified and domesticated conventions and protocols on Labour Migration.
- vi. Observing that the policy applies to all Kenyan Migrant Workers, the Committee highlighted the case of Kenyan Seafarers, a growing part of Kenya's labour migration. The sector has faced challenges in the issuance of the Seafarers' Identity Document (SID), a requirement for maritime job opportunities. The Country should fast-track the issuance of Seafarers' Identity Document (SID), to allow Kenyans access global maritime opportunities.

Annexure I

Report Adoption List



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT-FOURTH SESSION -2025
REPORT ADOPTION LIST

We, the Members of the Departmental Committee on Labour and Committee on Diaspora Affairs & Migrant Workers, have pursuant to Standing 199, adopted this report on consideration of the Sessional Paper No. 5 of 2023 on the National Policy on Labour Migration and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity.

Date 12/09/2025

DEPARTMENTAL COMMITTEE ON LABOUR		
	NAMES	SIGNATURE
1.	Hon. Kiti, Richard Ken Chonga, M.P.- Chairperson	
2.	Hon. Muli Fabian Kyule, MP- Vice Chairperson	
3.	Hon. Omboko Milemba, CBS, M.P.	
4.	Hon. K'Oyoo James Onyango, M.P.	
5.	Hon. Lomwa Joseph Samal, M.P.	
6.	Hon. Omwera George Aladwa, M. P.	
7.	Hon. Wambilianga Catherine Nanjala, MP	
8.	Hon. Abdullahi Amina Dika, M.P.	
9.	Hon. Aburi Donya Dorice, M.P.	
10.	Hon. Barasa Patrick Simiyu, M.P.	
11.	Hon. Njoroge Mary Wamaua, M.P.	
12.	Hon. Wachira, Rahab Mukami, M.P.	
13.	Hon. Kihungi Peter Irungu, M.P.	
14.	Hon. Siyoi Lillian Chebet, M.P.	

Annexure 2

Minutes of the Joint Committee Sitzings on Consideration of the Sessional Paper No. 5 on the National Policy on Labour Migration

MINUTES OF THE 6TH JOINT SITTING OF THE DEPARTMENTAL COMMITTEE ON LABOUR AND THE DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE HELD ON FRIDAY, 12TH SEPTEMBER 2025 IN THE MANTA RAY ROOM, PRIDEINN PARADISE RESORT AT 10.00 AM

DEPARTMENTAL COMMITTEE ON LABOUR

PRESENT

1. The Hon. Muli Fabian Kyule, M.P. - Vice Chairperson
2. The Hon. K'Oyoo James Onyango, M.P.
3. The Hon. Wambilianga Catherine Nanjala, M.P.
4. The Hon. Abdullahi Amina Dika, M.P.
5. The Hon. Aburi Donya Dorice, M.P.
6. The Hon. Barasa Patrick Simiyu, M.P.
7. The Hon. Kihungi Peter Irungu, M.P.
8. The Hon. Siyoi Lillian Chebet, M.P.

ABSENT WITH APOLOGIES

1. The Hon. Kiti Richard Ken Chonga, M.P.- Chairperson
2. The Hon. Omboko Milemba, CBS, M.P.
3. The Hon. Lomwa Joseph Samal, M.P.
4. The Hon. Kagesi Kivai Ernest Ogesi, M.P.
5. The Hon. Omwera George Aladwa, M.P.
6. The Hon. Njoroge Mary Wamaua, M.P.
7. The Hon. Wachira, Rahab Mukami, M.P.

DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE

PRESENT

1. The Hon. Haika Mizighi, M.P. (Chairperson) -**Presiding**
2. The Hon. Simon Nganga Kingara, M.P. (Vice Chairperson)
3. The Hon. Mishi Juma, CBS, M.P.
4. The Hon. Capt. Ruweida Mohamed Obo, M.P.
5. The Hon. Charity Kathambi Chepkwony, M.P.
6. The Hon. Fred Kapondi, M.P.
7. The Hon. Rashid Juma Bedzimba, M.P.
8. The Hon. Aburi Donya Dorice, M.P.
9. The Hon. Pamela Njoki Njeru Double N. M.P.
10. The Hon. Titus Lotee, M.P.
11. The Hon. Phelix Odiwuor Khodhe, M.P.
12. The Hon. Zamzam Chimba Mohamed, M.P.

ABSENT WITH APOLOGIES

1. The Hon. Kemei Justice Kipsang, M.P.
2. The Hon. Ibrahim Abdi Saney, M.P.
3. The Hon. Ndindi Nyoro, CBS, M.P.

JOINT COMMITTEE SECRETARIAT

1. Ms. Florence Atenyo Abonyo, OGW, Director
2. Mr. Abenayo Wasike, Principal Clerk Assistant I/ HOD
3. Mr. Abdifatah Bule, Clerk Assistant I
4. Mr. Joseph Ndirangu, Fiscal Analyst I
5. Ms. Grace Odedere, Clerk Assistant III

and other sector players. This will help provide reliable information, including skills inventories, and also enhance projections of labour demands and remittances.

- v. On monitoring and evaluation, the sessional paper provides that the evaluation of the National Policy on Labour Migration will be conducted every five years. The cycle of five years may not be effective and for oversight.
- vi. Bilateral Labour Agreements (BLAs) are labour migration governance tools that help to promote and protect the rights of Migrant workers.

In addition, international frameworks and protocols on labour migration regulate migration through combating human trafficking and protecting migrant workers' rights, including fair recruitment, decent working conditions, and access to social services. They also facilitate cooperation between countries and promote fair recruitment practices by organizations and governments. Negotiation and signing of Bilateral Labour Agreements with key labour destination countries and countries that have ratified and domesticated conventions and protocols on Labour Migration.

- vii. Observing that the policy applies to all Kenyan Migrant Workers, the Committee highlighted the case of Kenyan Seafarers, a growing part of Kenya's labour migration. The sector has faced challenges in the issuance of the Seafarers' Identity Document (SID), a requirement for maritime job opportunities. The Country should fast-track the issuance of Seafarers' Identity Document (SID), to allow Kenyans access global maritime opportunities.

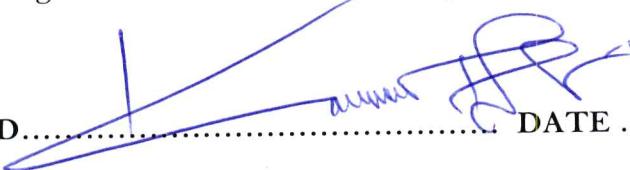
Arising from the above observations and consideration of the Session paper and stakeholders' submissions, the Committee recommended, THAT

The House adopts the Report on the Sessional Paper No.5 of 2023 on the National Policy on Labour Migration. Following the adoption of the Policy, all proposed legislation on Labour migration-related matters should be guided by the provisions of the Policy.


The report on the Sessional Paper No. 5 of 2023 on the National Policy on Labour Migration was **unanimously** adopted, having been proposed by Hon. Mishi Juma, CBS, M.P. and seconded by Hon. Kihungi Peter Irungu, M.P.

MIN.NO.026 NA/LABOUR/DA&MW/2025: ADJOURNMENT

There being no other business, the meeting was adjourned at twenty minutes to four o'clock.

SIGNED.......... DATE 21/10/25.....

(CHAIRPERSON, DEPARTMENTAL COMMITTEE ON LABOUR)

SIGNED.......... DATE 21/10/25.....

(CHAIRPERSON, DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE)

MINUTES OF THE 5TH JOINT SITTING OF THE DEPARTMENTAL COMMITTEE ON LABOUR AND THE DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE HELD ON THURSDAY, 11TH SEPTEMBER 2025 IN THE MANTA RAY ROOM, PRIDEINN PARADISE RESORT AT 2.00 PM

DEPARTMENTAL COMMITTEE ON LABOUR

PRESENT

1. The Hon. Muli Fabian Kyule, M.P. - Vice Chairperson
2. The Hon. K'Oyoo James Onyango, M.P.
3. The Hon. Wambilianga Catherine Nanjala, M.P.
4. The Hon. Abdullahi Amina Dika, M.P.
5. The Hon. Aburi Donya Dorice, M.P.
6. The Hon. Barasa Patrick Simiyu, M.P.
7. The Hon. Kihungi Peter Irungu, M.P.
8. The Hon. Siyoi Lillian Chebet, M.P.

ABSENT WITH APOLOGIES

1. The Hon. Kiti Richard Ken Chonga, M.P.- Chairperson
2. The Hon. Omboko Milemba, CBS, M.P.
3. The Hon. Lomwa Joseph Samal, M.P.
4. The Hon. Kagesi Kivai Ernest Ogesi, M.P.
5. The Hon. Omwera George Aladwa, M.P.
6. The Hon. Njoroge Mary Wamaua, M.P.
7. The Hon. Wachira, Rahab Mukami, M.P.

DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE

PRESENT

1. The Hon. Haika Mizighi, M.P. (Chairperson) -**Presiding**
2. The Hon. Simon Nganga Kingara, M.P. (Vice Chairperson)
3. The Hon. Mishi Juma, CBS, M.P.
4. The Hon. Capt. Ruweida Mohamed Obo, M.P.
5. The Hon. Charity Kathambi Chepkwony, M.P
6. The Hon. Fred Kapondi, M.P
7. The Hon. Rashid Juma Bedzimba, M.P.
8. The Hon. Aburi Donya Dorice, M.P.
9. The Hon. Pamela Njoki Njeru Double N. M.P.
10. The Hon. Titus Lotee, M.P.
11. The Hon. Phelix Odiwuor Khodhe, M.P.
12. The Hon. Zamzam Chimba Mohamed, M.P.

ABSENT WITH APOLOGIES

1. The Hon. Kemei Justice Kipsang, M.P.
2. The Hon. Ibrahim Abdi Saney, M.P.
3. The Hon. Ndindi Nyoro, CBS, M.P.

JOINT COMMITTEE SECRETARIAT

1. Ms. Florence Atenyo Abonyo, OGW, Director
2. Mr. Abenayo Wasike, Principal Clerk Assistant I/ HOD
3. Mr. Abdifatah Bule, Clerk Assistant I
4. Mr. Joseph Ndirangu, Fiscal Analyst I
5. Ms. Grace Odedere, Clerk Assistant III
6. Mr. Samuel Wanjiru, Clerk Assistant III

- b. On Stakeholder mapping and level of public participation, the Ministry undertook public participation as provided for under Article 10 of the Constitution of Kenya, 2010 through a participatory approach to ensure that the Policy is developed in an open and transparent fashion, with appropriate procedures for effective and timely input from relevant stakeholders and the general public.

The stakeholders engaged for consultations include the relevant Ministries and State Agencies, Social Partners e.g FKE and COTU-K, Development Partners, Migrant Workers, Private Employment Agencies, Accredited Training Institutions, Civil Society Organizations, Subject Matter Expert such as International Labour Organization (ILO), and the International Organization for Migration (IOM).

The Ministry held multi-stakeholder consultative workshops, wrote letters to the relevant MDAs and stakeholders calling for comments on the draft Policy within a specified time and held Community Outreach on the Draft Policy to sixteen (16) counties categorized as major counties of origin for labour migrants.

- c. On the mapping of the potential financing costs and impacts of the implementation of the policy, the Ministry carried out a cost-benefit analysis of the estimated costs and socio-economic benefits towards effective implementation of the National Policy on Labour Migration. It was estimated that in the first five (5) years, activities to be undertaken for effective implementation of the Policy will require approximately **Kshs. 1.197 billion** This costing does not factor in inflation, other externalities and emerging issues that may occur during the implementation period.

Some of the socio-economic benefits expected if the Policy is successfully implemented include well managed and coordinated labour migration to ensure safe migration pathways and protection of the rights of Kenyan Migrant workers and increased access to decent employment opportunities for Kenyans especially the young people who bear the brunt of the high unemployment. This is expected to relieve the country of the unemployment pressure.

- d. Regarding the mechanisms for crisis/disaster response, the Policy provides for the mechanisms to be put in place to protect Kenyan Migrant workers in the event of a crisis or natural disasters, including
- i. Development and implementation of an evacuation plan for Kenyans in the diaspora led by the Ministry of Foreign and Diaspora Affairs.
 - ii. Establishment of accessible reporting channels and redress mechanisms.
 - iii. Capacity building of labour migration stakeholders on case management, redress and referral mechanisms for distressed migrant workers.
 - iv. Establishment of a contributory Migrant Workers Welfare Fund to provide protection of rights, welfare services and assistance to Kenyan migrant workers.
 - v. Development and Implementation of sustainable return and reintegration mechanisms for both planned and forced return, among others.
- e. To strengthen the legal and institutional frameworks on Labour Migration in the country and enhance coordination, the policy proposes legislative interventions including the development of the Labour Migration Management Bill, 2023 and its regulations.

training, periodic refresher courses can help workers stay informed of their rights.

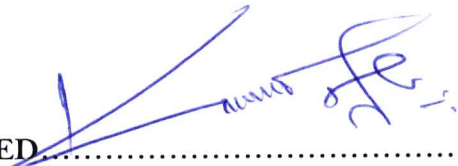
Committee Observations

The Joint session noted the following:

- i. The Ministry of Labour and Social Protection, through the National Employment Authority, has issued regulations for Private Employment Agencies on the recruitment process, duties, and responsibilities, among others. However, there have been rampant cases of exploitation of Kenyans seeking employment opportunities abroad. The session called for enhanced accountability by the Recruitment Agency through the development and implementation of stringent regulatory frameworks to deter malpractices.
- ii. Language barrier may present a significant challenge for migrant workers by hindering job placement, skill acquisition, and better working relations with the employer. The Session noted the need for tailored language training for the key labour destinations to ensure fair and dignified working conditions.
- iii. Kenya lacks reliable data on migrant workers, which hinders effective labour market planning, skills inventory development and management, and protection of the rights of the workers. There is therefore a need for reliable, accurate, and timely labour market information on migrant workers to facilitate decision making.

MIN.NO.023 NA/LABOUR/DA&MW/2025: ADJOURNMENT

There being no other business, the meeting was adjourned at twenty minutes to four o'clock.

SIGNED  DATE 7/10/2025

(CHAIRPERSON, DEPARTMENTAL COMMITTEE ON LABOUR)

SIGNED  DATE 7/10/25

(CHAIRPERSON, DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE)

MINUTES OF THE 4TH JOINT SITTING OF THE DEPARTMENTAL COMMITTEE ON LABOUR AND THE DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE HELD ON THURSDAY, 11TH SEPTEMBER 2025 IN THE MANTA RAY ROOM, PRIDEINN PARADISE RESORT AT 10.00 AM

DEPARTMENTAL COMMITTEE ON LABOUR

PRESENT

1. The Hon. Muli Fabian Kyule, M.P. - Vice Chairperson
2. The Hon. K'Oyoo James Onyango, M.P.
3. The Hon. Wambilianga Catherine Nanjala, M.P.
4. The Hon. Abdullahi Amina Dika, M.P.
5. The Hon. Aburi Donya Dorice, M.P.
6. The Hon. Barasa Patrick Simiyu, M.P.
7. The Hon. Kihungi Peter Irungu, M.P.
8. The Hon. Siyoi Lillian Chebet, M.P.

ABSENT WITH APOLOGIES

1. The Hon. Kiti Richard Ken Chonga, M.P.- Chairperson
2. The Hon. Omboko Milemba, CBS, M.P.
3. The Hon. Lomwa Joseph Samal, M.P.
4. The Hon. Kagesi Kivai Ernest Ogesi, M.P.
5. The Hon. Omwera George Aladwa, M.P.
6. The Hon. Njoroge Mary Wamaua, M.P.
7. The Hon. Wachira, Rahab Mukami, M.P.

DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE

PRESENT

1. The Hon. Haika Mizighi, M.P. (Chairperson) -*Presiding*
2. The Hon. Simon Nganga Kingara, M.P. (Vice Chairperson)
3. The Hon. Mishi Juma, CBS, M.P.
4. The Hon. Capt. Ruweida Mohamed Obo, M.P.
5. The Hon. Charity Kathambi Chepkwony, M.P.
6. The Hon. Fred Kapondi, M.P.
7. The Hon. Rashid Juma Bedzimba, M.P.
8. The Hon. Aburi Donya Dorice, M.P.
9. The Hon. Pamela Njoki Njeru Double N. M.P.
10. The Hon. Titus Lotee, M.P.
11. The Hon. Phelix Odiwuor Khodhe, M.P.
12. The Hon. Zamzam Chimba Mohamed, M.P.

ABSENT WITH APOLOGIES

1. The Hon. Kemei Justice Kipsang, M.P.
2. The Hon. Ibrahim Abdi Saney, M.P.
3. The Hon. Ndindi Nyoro, CBS, M.P.

JOINT COMMITTEE SECRETARIAT

1. Ms. Florence Atenyo Abonyo, OGW, Director
2. Mr. Abenayo Wasike, Principal Clerk Assistant I/ HOD
3. Mr. Abdifatah Bule, Clerk Assistant I
4. Mr. Joseph Ndirangu, Fiscal Analyst I

MIN. NO.019 NA/LABOUR/DA&MW/2025:BRIEFING ON THE SESSIONAL PAPER NO.
5 OF 2023 ON THE NATIONAL POLICY ON
LABOUR MIGRATION

The legal counsels briefed the Members on the Policy Paper, highlighting the:

- i. Legislative background;
- ii. Regional framework;
- iii. International framework;
- iv. Scope of the Policy;
- v. Rationale for the development of the policy; and
- vi. Monitoring and evaluation.

On the legal framework, the Constitution of Kenya, 2010-

- i. *Article 2*, provides for the application of the general rules of international law in Kenyan legal system;
- ii. *Article 10*, provides for the national values and principles of governance which include human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised;
- iii. *Article 12* guarantees every citizen of Kenya the rights, privileges and benefits of citizenship, and a Kenyan passport;
- iv. *Article 28*, provides for the right of every person to inherent dignity and the right to have that dignity respected and protected.
- v. *Article 30*, provides that a person shall not be held in slavery or servitude nor required to perform forced labour;
- vi. *Article 36*, provides for the right to freedom of association to every person, which includes the right to form, join or participate in the activities of an association of any kind, without being compelled to join;
- vii. *Article 39*, provides for the right of every person to freedom of movement and guarantees to every person the right to leave, enter, remain in and reside anywhere in Kenya;
- viii. *Article 41*, guarantees every person the right to fair labour practices, including the right to fair remuneration, reasonable working conditions; while
- ix. *Article 43* guarantees every person the right to social security.

Other legal provisions include the Immigration and Citizenship Act, 2011, Counter-Trafficking in Persons Act, 2010, National Employment Authority Act, 2016, Employment Act, 2007 and the Labour Institutions Act, 2007.

In addition, Kenya is a signatory to the Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment (AU Free Movement Protocol), East African Community Common Market Protocol, and is a member of Regional Economic Communities (RECs) such as the East African Community (EAC), the Inter-Governmental Authority for Development (IGAD) and the Common Market for Eastern and Southern Africa (COMESA).

On the International front, Kenya has ratified various international instruments as per article 2 of the Constitution such as, the International Labour Organization (ILO) Convention on Migration for Employment, 1949 (No. 97); Migrant Workers (Supplementary Provisions), 1975 (No. 143); ILO Forced Labour Convention, 1929 (No. 29); ILO Worst Forms of Child Labour Convention, 1999 (No. 182); the Equal Remuneration Convention, 1950 (No. 100); and the ILO Equality of Treatment (Social Security) Convention (No. 118).

Regarding the scope, the Policy applies to all Kenyan Migrant Workers including potential and returning migrant workers, the Private Employment Agencies operating in the country, all relevant agencies both state and non-state actors involved in Labour Migration. The Policy further covers the whole labour migration cycle from pre-departure orientation, departure and post arrival orientation, entire period of stay during employment until the return to Kenya.

MINUTES OF THE 3RD JOINT SITTING OF THE DEPARTMENTAL COMMITTEE ON LABOUR AND THE DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE HELD ON WEDNESDAY 24TH APRIL, 2024 IN THE COMMITTEE ROOM ON THE 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM

DEPARTMENTAL COMMITTEE ON LABOUR

PRESENT

1. The Hon. Karemba Eric Muchangi Njiru, M.P. - Chairperson (*Chairing*)
2. The Hon. Muli Fabian Kyule, M.P. - Vice Chairperson
3. The Hon. K'Oyoo James Onyango, M.P.
4. The Hon. Kagesi Kivai Ernest Ogesi, M.P.
5. The Hon. Chiforomodo Mangale Munga, M.P.
6. The Hon. Aburi Donya Dorice, M.P.
7. The Hon. Kihungi Peter Irungu, M.P.
8. The Hon. Sankaire Leah Sopiato, M.P.
9. The Hon. Siyoi Lillian Chebet, M.P.

ABSENT WITH APOLOGIES

1. The Hon. Kiti Richard Ken Chonga, M.P.
2. The Hon. Lomwa Joseph Samal, M.P.
3. The Hon. Omwera George Aladwa, M.P.
4. The Hon. Wambilianga Catherine Nanjala, M.P.
5. The Hon. Barasa Patrick Simiyu, M.P.
6. The Hon. Abdullahi Amina Dika, M.P.

DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE

PRESENT

1. The Hon. Haika Mizighi, M.P. (Chairperson)
2. The Hon. Simon Nganga Kingara, M.P. (Vice Chairperson)
3. The Hon. Fred Kapondi, M.P.
4. The Hon. Capt. Ruweida Mohamed Obo, M.P.
5. The Hon. Charity Kathambi Chepkwony, M.P.
6. The Hon. Kemei Justice Kipsang, M.P.
7. The Hon. Rashid Juma Bedzimba, M.P.
8. The Hon. Aburi Donya Dorice, M.P.
9. The Hon. Pamela Njoki Njeru Double N. M.P.

ABSENT WITH APOLOGIES

1. The Hon. Ibrahim Abdi Saney, M.P.
2. The Hon Leah Sopiato Sankaire.M.P
3. The Hon. Paul Ongili Babu Owino, M.P
4. The Hon. Titus Lotee.
5. The Hon. Phelix Odiwuor Khodhe, M.P.
6. The Hon. Zamzam Chimba Mohamed, M.P.

MINISTRY OF LABOUR AND SOCIAL PROTECTION

1. Hon. Florence Bore, Cabinet Secretary
2. Ms. Charity Samate, Technical Advisor to the Cabinet Secretary
3. Ms. Mercy Kandie, Public Relations and Communications Advisor to the Cabinet Secretary

JOINT COMMITTEE SECRETARIAT

1. Mr. Abenayo Wasike, Principal Clerk Assistant I
2. Mr. Abdifatah Bule, Clerk Assistant I

On promotion of good governance in labour migration, there is a need for;

- i. Enhanced Coordination of Labour Migration Management through strengthening linkages between institutions involved in labour migration whereby a One-Country-Team-Approach will be adopted to enable the country carve a niche in labour migration.
In addition, it proposes the establishment of a one-stop-shop offering all labour migration services under one integrated system for improved linkages and seamless flow of information.
- ii. Strengthening of the Legal and Institutional Framework for Labour Migration through the development of the Labour Migration Management Bill, 2023 and its regulations to reinforce the existing legislations and provides a comprehensive legal and regulatory framework for orderly labour migration, establishment of the Kenya Migrant Workers Welfare Fund which is anchored under the Draft Labour Migration Management Bill. The Fund is contributory in nature and is a corporate body with perpetual succession and a common seal and Development, Negotiation, Signing and Implementation of Bilateral Labour Agreements with key countries of destination.
- iii. Partnerships and cooperation with stakeholders in labour migration including international and regional partners on labour migration matters including ratification of the African Union Free Movement Protocol, adoption of the Inter-governmental Authority on Development (IGAD) Free Movement Protocol, intensifying work within the East African Community (EAC) Common Market Protocol and exploring joint approaches in formulation, negotiation and implementation of Bilateral Labour Agreements (BLA).
- iv. On promotion of fair recruitment and regulation of Private Employment Agencies, the policy reiterates the need to review the vetting and registration process of the Private Employment Agencies, periodic review of the regulations governing labour migration to address emerging issues, review the Code of Conduct for Private Employment Agencies to enhance self-regulation, and dissemination of information of registered employment agencies to root out illegal recruitment agencies.
- v. The policy further recommends the need to develop comprehensive information management systems that adequately recognize and address labour market needs. The systems will be integrated with other related systems to enhance seamless flow and exchange of information on Labour Migration.

On Protection of migrant workers, promotion of their welfare and that of their families, the policy provides for:

- a. ratification and domestication of the relevant international Conventions and agreements on labour migration;
- b. development of a policy framework on employment of expatriates to facilitate skills transfer from expatriates working in the country to Kenyans;
- c. posting labour attachés in labour destination countries to provide redress mechanisms;
- d. establishment of safe houses in labour destination countries to provide temporary holding of migrant workers in distress;
- e. establishment of a migrant Workers' Welfare Fund to provide assistance and welfare services to migrant workers in distress; and
- f. development of an evacuation plan to facilitate evacuation of Kenyan migrant workers in distress in case of emergencies in the labour destination countries.

In addition, the policy provides for development, implementation and continuous review of pre-departure training; integrating return and integration issues in the pre-departure training; establishing a framework for identification, vetting and accrediting of training institutions involved in pre-departure training; supervision, monitoring and evaluation of pre-departure training programmes.

On Optimization of labour migration benefits in development, the policy provides for:

MINUTES OF THE 2ND JOINT SITTING OF THE DEPARTMENTAL COMMITTEE ON LABOUR AND THE DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE HELD ON THURSDAY 9TH NOVEMBER, 2023 IN THE COMMITTEE ROOM ON 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM

**DEPARTMENTAL COMMITTEE ON LABOUR
PRESENT**

1. The Hon. Karemba Eric Muchangi Njiru, M.P. - Chairperson (*Chairing*)
2. The Hon. Muli Fabian Kyule, M.P. - Vice Chairperson
3. The Hon. K'Oyoo James Onyango, M.P.
4. The Hon. Kagesi Kivai Ernest Ogesi, M.P.
5. The Hon. Chiforomodo Mangale Munga, M.P.
6. The Hon. Aburi Donya Dorice, M.P.
7. The Hon. Kihungi Peter Irungu, M.P.
8. The Hon. Sankaire Leah Sopiato, M.P.
9. The Hon. Siyoi Lillian Chebet, M.P.

ABSENT WITH APOLOGIES

1. The Hon. Kiti Richard Ken Chonga, M.P.
2. The Hon. Lomwa Joseph Samal, M.P.
3. The Hon. Omwera George Aladwa, M.P.
4. The Hon. Wambilianga Catherine Nanjala, M.P.
5. The Hon. Barasa Patrick Simiyu, M.P.
6. The Hon. Abdullahi Amina Dika, M.P.

**DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE
PRESENT**

1. The Hon. Haika Mizighi, M.P. (Chairperson)
2. The Hon. Simon Nganga Kingara, M.P. (Vice Chairperson)
3. The Hon. Capt. Ruweida Mohamed Obo, M.P.
4. The Hon. Kemei Justice Kipsang, M.P.
5. The Hon. Rashid Juma Bedzimba, M.P.
6. The Hon. Aburi Donya Dorice, M.P.
7. The Hon. Pamela Njoki Njeru Double N. M.P.
8. The Hon. Titus Lotee, M.P.
9. The Hon. Leah Sopiato Sankaire, M.P.

ABSENT WITH APOLOGIES

1. The Hon. Fred C. Kapondi, M.P.
2. The Hon. Ibrahim Abdi Saney, M.P.
3. The Hon. Charity Kathambi Chepkwony, M.P.
4. The Hon. Paul Ongili Babu Owino, M.P.
5. The Hon. Phelix Odiwuor Khodhe, M.P.
6. The Hon. Zamzam Chimba Mohamed, M.P.

MINISTRY OF LABOUR AND SOCIAL PROTECTION

1. Hon. Florence Bore, Cabinet Secretary
2. Mr. Shadrack Mwandime, EBS, Principal Secretary, State Department for Labour and Skills Development
3. Mrs Edith Okoki, Ag. Director General, National Employment Authority (NEA)
4. Dr. Wanjiru Kariuki, Secretary, Skills Development

JOINT COMMITTEE SECRETARIAT

1. Ms. Rose M. Wanjohi, Senior Clerk Assistant
2. Ms. Ruth Mwhaki, Clerk Assistant I

billion). Diaspora remittances are currently one of Kenya's highest foreign exchange earners.

Despite these benefits, the sector continues to face numerous challenges in terms of decent work deficits, inadequate labour migration governance and migrant workers' protection. The reported cases of Kenyan Migrant workers in distress have been on the rise, calling for sustainable solutions which can be achieved through comprehensive policy, legal and institutional reforms. The National Policy on Labour Migration has therefore been prepared against this realization.

- iii. On the problem the policy seeks to address, the Labour Migration sector despite its significant benefits, has faced a number of structural challenges and emerging issues which include: weak coordination of labour migration management; inadequate policy and legal framework on labour migration; lack of reliable labour migration data and information; culture shock for migrant workers; inadequate bilateral labour migration agreements; inadequate of social protection for migrant workers; inadequate regulatory framework for private employment agencies; among other.
- iv. While the immediate concern is to address the plight of Kenyan migrant workers in distress and vulnerable situations and those being subjected to mistreatment and violation of their fundamental rights, the Policy in the long-term seeks to address and provide sustainable solutions to the structural challenges experienced in the Labour Migration sector and the emerging issues.
- v. On Stakeholder mapping and level of public participation carried out in formulation of the policy pursuant to Article 118 on public participation, The Ministry undertook public participation through a participatory approach to ensure that the Policy is developed in an open and transparent fashion, with appropriate procedures for effective and timely input from relevant stakeholders and the general public.

The stakeholders engaged for consultations include the relevant Ministries and State Agencies, Social Partners e.g FKE and COTU-K, Development Partners, Migrant Workers, Private Employment Agencies, Accredited Training Institutions, Civil Society Organizations, Subject Matter Expert such as International Labour Organization (ILO), and the International Organization for Migration (IOM).

The Ministry held multi-stakeholder consultative workshops, wrote letters to the relevant MDAs and stakeholders calling for comments on the draft Policy within a specified time, held Community Outreach on the Draft Policy to sixteen (16) counties categorized as major counties of origin for labour migrants and conducted sensitization of the Policy through Media such as TV and Radio.

- vi. On mapping of the potential financing costs and impacts of the realization and implementation of the policy, the Ministry carried out a cost-benefit analysis of the estimated costs and socio-economic benefits towards effective implementation of the National Policy on Labour Migration. It was estimated that in the first five (5) years, activities to be undertaken for effective implementation of the Policy will require approximately Kshs. 1.197 billion.

Some of the socio-economic benefits expected if the Policy is successfully implemented include well managed and coordinated labour migration to ensure safe migration pathways and protection of the rights of Kenyan Migrant workers and increased access to decent employment opportunities for Kenyans especially the young people

To ensure adequate financing of the implementation of the Policy, the Ministry plans to develop a comprehensive Resource Mobilization Strategy that will be used to lobby for financial support from selected development partners.

Committee resolution

The meeting resolved to hold further engagements with the Ministry of Labour and Social Protection and other stakeholder involved in the development and implementation of the National Policy on Labour Migration at a retreat scheduled tentatively for 23rd to 26th November, 2023.

MIN. NO.008 NA/LABOUR/DA&MW/2023 ANY OTHER BUSINESS

No other business arose.

MIN.NO.009 NA/LABOUR/DA&MW/2023 ADJOURNMENT/DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at eight minutes past one o'clock. The next meeting will be held on notice.

SIGNED.......... DATE..........

(CHAIRPERSON, DEPARTMENTAL COMMITTEE ON LABOUR)

SIGNED.......... DATE..........

(CHAIRPERSON, DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE)

MINUTES OF THE 1ST JOINT SITTING OF THE DEPARTMENTAL COMMITTEE ON LABOUR AND DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE HELD ON TUESDAY 24TH OCTOBER 2023 IN THE COMMITTEE ROOM 5, 1ST FLOOR, PARLIAMENT BUILDINGS AT 10.00 AM

DEPARTMENTAL COMMITTEE ON LABOUR

PRESENT

1. The Hon. Karemba Eric Muchangi Njiru, M.P. - Chairperson (*Chairing*)
2. The Hon. Muli Fabian Kyule, M.P. - Vice Chairperson
3. The Hon. Kagesi Kivai Ernest Ogesi, M.P.
4. The Hon. Kiti Richard Ken Chonga, M.P.
5. The Hon. Abdullahi Amina Dika, M.P.
6. The Hon. Donya Dorice Aburi, M.P.
7. The Hon. Chiforomodo Mangale Munga, M.P.
8. The Hon. Kihungi Peter Irungu, M.P.
9. The Hon. Siyoi Lillian Chebet, M.P.

APOLOGIES

1. The Hon. K'Oyoo James Onyango, M.P.
2. The Hon. Lomwa Joseph Samal, M.P.
3. The Hon. Omwera George Aladwa, M.P.
4. The Hon. Wambilianga Catherine Nanjala, M.P.
5. The Hon. Aburi Donya Dorice, M.P.
6. The Hon. Barasa Patrick Simiyu, M.P.
7. The Hon. Sankaire Leah Sopiato, M.P.

DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE

1. The Hon. Haika Mizighi, M.P. (Chairperson)
2. The Hon. Simon Nganga Kingara, M.P. (Vice Chairperson)
3. The Hon. Fred C. Kapondi, M.P.
4. The Hon. Charity Kathambi Chepkwony, M.P.
5. The Hon. Kemei Justice Kipsang, M.P.
6. The Hon. Pamela Njoki Njeru Double N. M.P.
7. The Hon. Titus Lotee, M.P.

APOLOGIES

1. The Hon. Capt. Ruweida Mohamed Obo, M.P.
2. The Hon. Ibrahim Abdi Saney, M.P.
3. The Hon. Paul Ongili Babu Owino, M.P.
4. The Hon. Rashid Juma Bedzimba, M.P.
5. The Hon. Leah Sopiato Sankaire, M.P.
6. The Hon. Phelix Odiwuor Khodhe, M.P.
7. The Hon. Zamzam Chimba Mohamed, M.P.

JOINT COMMITTEE SECRETARIAT

1. Ms. Rose M. Wanjohi, Senior Clerk Assistant
2. Ms. Ruth Mwhaki, Clerk Assistant I
3. Mr. Samuel Wanjiru, Clerk Assistant III
4. Ms. Fiona Githunguri, Legal Counsel II
5. Mr. Peter Wafula, Legal Counsel II
6. Mr. Timothy Chiko, Research Officer III
7. Ms. Wambui Nyachae, Research Officer III

1	Weak coordination of labour migration management	Enhanced Coordination of Labour Migration Management through; <ul style="list-style-type: none"> i. Establishment of a one-stop-shop offering all labour migration services under one integrated system for ii. Establishment of a National Inter-Agency Labour Migration Coordination Committee with membership drawn from key stakeholders.
2	Lack of comprehensive policy and legal framework on labour migration	Development of a Labour Migration Management Bill. The Bill seeks to; <ul style="list-style-type: none"> i. Strengthen the already-existing legislation and offer a thorough legal and regulatory framework for orderly labor migration ii. Increase agency accountability and require regular reports on the welfare of hired migrant workers.
3	Inadequate Bilateral Labour Agreements	Improved co-operation and Partnerships on Labour Migration through; <ul style="list-style-type: none"> i. Promoting ratification of the African Union Free Movement Protocol ii. Adopt the Inter-governmental Authority on Development (IGAD) Free Movement Protocol; iii. Negotiate with member states for harmonization of labour migration policies within the EAC and IGAD.
4	Inadequate regulatory framework for private employment agencies	Promotion of Fair Recruitment and Regulation of Private Employment Agencies through; <ul style="list-style-type: none"> i. Reviewing the regulations governing labour migration ii. Review the code of conduct for private employment agencies and; iii. Review the vetting and registration process of the private employment agencies
5	Lack of reliable labour market information	The Government will develop <ul style="list-style-type: none"> i. Labour market information systems that identify and address labour market needs. ii. A communication strategy on labour migration and a toll-free telephone line for reporting distress cases.
6	Adverse effects of migration of healthcare professionals	<ul style="list-style-type: none"> i. Facilitate skills development for targeted foreign labour markets ii. Develop a qualification framework to facilitate the portability of skills and competencies.
7	Inadequate protection of Kenyan migrant workers	The Government will: <ul style="list-style-type: none"> i. Issue regular advisories on overseas employers or countries that violate migrant workers' rights ii. Post labour attachés to key labour destination countries iii. The Ministry will establish and run safe houses in selected labour destination countries iv. Establishment of a contributory Kenyan Migrant Workers Welfare Fund
8	Culture shock for migrant workers	The Government is implementing a curriculum on homecare management covering five course units namely: pre-departure training; life skills; home care;

guarantees every person the right to fair labour practices, including the right to fair remuneration, reasonable working conditions; while *Article 43* guarantees every person the right to social security.

Other legislations include:

- i. The Immigration and Citizenship Act, 2011 which provides the general framework for the management of general citizenship and immigration.
- ii. The Counter-Trafficking in Persons Act of 2010 provide the legislative framework for dealing with trafficking in persons issues and aims to implement Kenya's obligations under the United Nations Convention against Transnational Organized Crime particularly.
- iii. The National Employment Authority Act of 2016 establishes the National Employment Authority to: provide a comprehensive institutional framework for employment management in the country; enhance employment promotion interventions; enhance access to employment for youth, minorities and marginalized groups; facilitate the employment and placement of job seekers in formal and informal or any other form of employment, locally and internationally.
- iv. The Employment Act of 2007 provides for basic protection of Kenyans seeking to proceed abroad for employment which involve attestation of foreign contracts of service and prohibits inducement or attempt to induce an employee to leave the country without having duly entered into a foreign contract of service with the employer.
- v. The Labour Institutions Act of 2007 establishes labour institutions and provides for their functions, powers and duties.

Kenya is a signatory to the Protocol to the Treaty establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment (AU Free Movement Protocol), East African Community Common Market Protocol, and is a member of Regional Economic Communities (RECs) such as the East African Community (EAC), the Inter-Governmental Authority for Development (IGAD) and the Common Market for Eastern and Southern Africa (COMESA).

In adherence to international standards ,Kenya has also ratified various international instruments as per Article 2 of the Constitution such as, the International Labour Organization (ILO) Convention on Migration for Employment, 1949 (No. 97); Migrant Workers (Supplementary Provisions), 1975 (No. 143); ILO Forced Labour Convention, 1929 (No. 29); ILO Worst Forms of Child Labour Convention, 1999 (No. 182); the Equal Remuneration Convention, 1950 (No. 100); and the ILO Equality of Treatment (Social Security) Convention (No. 118). In addition, Kenya has committed to the 2030 Sustainable Development Agenda, the 2019 Global Compact for Migration, and signed four bilateral labour agreements with the State of Qatar, United Arab Emirates, United Kingdom of Saudi Arabia, and the United Kingdom on the recruitment of health care professionals.

Committee Observations

The Joint Sitting made the following observations:

- i. On monitoring and evaluation, the sessional paper provides that the evaluation of the National Policy on Labour Migration will be conducted every five years. The cycle of five years may not be effective and for the purpose of oversight, the period should be reviewed to a shorter timeline.
- ii. The Policy lacks a crisis response mechanism for migrant workers. For instance, in case of conflict-related cases that may require the mass repatriation of workers abroad. There is also a need to expand the crisis response mechanisms to include natural calamities and pandemic outbreak such as Covid-19 pandemic that left migrant workers stranded in the labour destinations with limited or no access to social protection.

Annexure 3

**Advertisement in the local dailies
inviting the public to make submissions
on the Sessional Paper**

National News

Legislature Deputy President designate did not give reasons for not appearing before the senators

Speculation as Kindiki fails to honour summons

Prof Kindiki was nominated and approved to replace Mr Gachagua as DP but his swearing in was halted by the High Court

COLLINS OMULO

The conundrum over who is the Deputy President appears to have spilled over into Parliament yesterday after Interior Cabinet Secretary Kithure Kindiki failed to appear before the Senate.

Prof Kindiki was approved by the National Assembly last week to replace impeached DP Rigathi Gachagua, but he has not assumed office yet.

The CS was due to appear before the Senate yesterday morning. However, temporary Speaker Hillary Sigei Bomet said they had received a letter from Prof Kindiki on Tuesday informing them of his unavailability, which was approved by the House Busi-

This Parliament ... approved Kindiki as the DP. So at the level of Parliament, the DP of Kenya is Kindiki

Senator Boni Khalwale



ness Committee.

"The Cabinet Secretary for Interior and National Administration is unable to honour the invitation. Any inconvenience is deeply regretted," the letter stated.

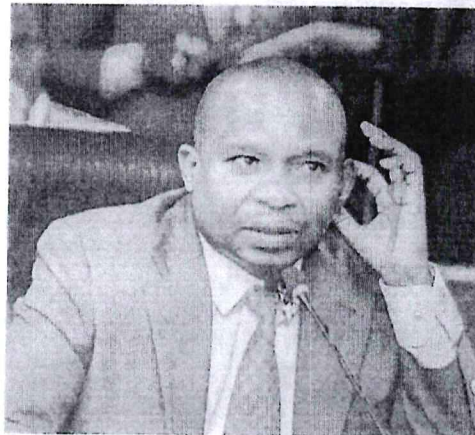
According to the order paper

Prof Kindiki and his Energy and Petroleum counterpart Opiyo Wandayi, who also failed to turn up, were to answer questions from senators.

Prof Kindiki did not state the reason for his inability to appear before the House and his communication was markedly different from that of Mr Wandayi who explicitly stated that he was away on official business.

"We regret to request the postponement of the sitting scheduled for the October 23. The CS will be away on official business from October 22 to 24 2024," reads Mr Wandayi's letter.

Kakamega Senator Boni Khalwale Boni triggered a debate on the cause of Prof Kindiki's unavailability, saying the reason the



Interior Cabinet Secretary Kithure Kindiki before a Senate committee in September last year. DENNIS ONSONGO IN ACTION

CS Interior was unable to appear before the Senate was because of his approval as a DP.

"This Parliament ... approved Kindiki as the DP so at the level of Parliament, the DP of Kenya is Kindiki. I want to appeal to the secretariat to stop being superfluous by sending him invitations to come and respond to issues of the Interior," he said.

Embu Senator Alexander Mundi echoed Dr Khalwale's sentiments. "We have a DP called

Kindiki. He could not have come here as CS for Internal Affairs."

Tharaka-Nithi Senator Mwenda Gataya said Prof Kindiki had been faithful in appearing before the Senate and its committees and the failure to appear could be due to current happenings.

Mr Sigei said: "The letters were done before his appointment but I think you are right in terms of what the National Assembly and this House did last week."

President William Ruto nomi-

ated Prof Kindiki as his new deputy on Friday last week, hours after senators removed Mr Gachagua by upholding five of 11 charges against him. Prof Kindiki's nomination was subsequently approved by the National Assembly, with 236 MPs voting in favour.

However, the High Court issued an interim order suspending Mr Gachagua's replacement.

Kitui Senator Enoch Wambua called for restraint on the matter, saying it is still before the courts.

"From where I sit, there is no one who has been appointed as DP. There is a nomination pending appointment. The matter that Khalwale is raising is a matter that is being canvassed elsewhere and there is no need to go into that debate," he said.

Nairobi Senator Edwin Sifuna also warned the House not to delve into the matter as it was before the courts.

Mr Sigei agreed with the senators.

However, the House was not so accommodating to Mr Wandayi. Mr Sifuna said some of the questions were as old as six months.

"The excuse from the CS for Energy is one that I cannot accept. We have said that you must prioritise appearing before this House.

comulo@ke.nationmedia.com



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT - THIRD SESSION (2024)

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF: SESSIONAL PAPER NO. 5 OF 2023 ON THE NATIONAL POLICY ON LABOUR MIGRATION

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament;

AND WHEREAS Sessional Paper No. 5 of 2023 on the National Policy on Labour Migration was submitted to the National Assembly and referred to the Departmental Committee on Labour for consideration and reporting to the House;

IT IS NOTIFIED that Sessional Paper No. 5 of 2023 on the National Policy on Labour Migration seeks to promote inclusive and sustainable development of the country through safe, orderly and productive labour migration. The specific objectives of the Policy include—

- (1) Enhancing coordination of labour migration governance in Kenya;
- (2) Enhancing transparency and flexibility in labour migration;
- (3) Promoting foreign employment;
- (4) Protecting human and labour rights and the welfare of Kenyan migrant workers;
- (5) Maximizing participation of Kenyan migrant workers in economic development;
- (6) Promoting equal treatment of foreign migrant workers in Kenya who are lawfully engaged in employment; and
- (7) Providing a framework for collection, analysis and use of data and information on labour migration and labour migrants.

NOW THEREFORE, in compliance with Article 118(1)(b) of the Constitution, the Clerk of the National Assembly hereby invites the public to submit memoranda on the Sessional Paper to the Departmental Committee on Labour.

Copies of the Sessional Paper are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to info@nationalassembly.go.ke to be received on or before Friday, 1st November 2024 at 5.00 p.m.

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

24th October 2024

Special Focus on EAST AFRICA'S Dairy INDUSTRY

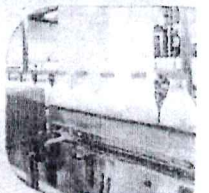
The dairy industry in East Africa is experiencing significant growth, with increasing opportunities across the value chain.

To share more insights on the industry, *The East African* Newspaper, our popular and widely distributed regional weekly will publish a special feature about the industry in the month of October. As we spotlight the industry from farm to table and all that goes on in between – we are keen to also feature solutions that specific industry players across the dairy value chain are offering to ensure milk and milk products reach the end consumer in good quality.

If you are an actor in this industry, welcome aboard the supplement and have your products and services featured to the attention of readers across Eastern Africa.

For details and to book a space, please contact:
Shirley Ireri +254 719 41 3473 | Email: shirley@ke.nationmedia.com
Yvonne Ireri +254 792377888 | Email: yvonne@ke.nationmedia.com

The East African



Annexure 4

Written submissions from the stakeholders



**MINISTRY OF LABOUR AND SOCIAL
PROTECTION
OFFICE OF THE CABINET SECRETARY**

**PRESENTATION TO THE JOINT
COMMITTEES ON LABOUR AND DIASPORA
AFFAIRS AND MIGRANT WORKERS ON THE
SESSIONAL PAPER NO.5 OF 2023 ON THE
NATIONAL POLICY ON LABOUR MIGRATION**

APRIL, 2024

The Policy is divided into five Chapters, that is, the Introduction as Chapter 1, Situational Analysis on Labour Migration as Chapter 2, Emerging Issues and Challenges in the Labour Migration Sector as Chapter 3, the Policy Priorities and Strategies as Chapter 4 and Chapter 5 provides for the Policy Implementation, Monitoring and Evaluation, and Reporting.

2.0 KEY HIGHLIGHTS OF THE NATIONAL POLICY ON LABOUR MIGRATION

2.1 OBJECTIVES OF THE POLICY

The main objective of the National Policy on Labour Migration is to promote inclusive and sustainable development of the country through safe, orderly and productive labour migration.

The specific objectives of the Policy include:

- ❖ To enhance coordination of labour migration governance in Kenya;
- ❖ To enhance transparency and flexibility in labour migration;
- ❖ To promote foreign employment;
- ❖ To protect the human and labour rights and promote the welfare of Kenyan migrant workers;
- ❖ To maximize participation of Kenya migrant workers in the economic development.
- ❖ To promote equal treatment of foreigners migrant workers in Kenya who are lawfully engaged in employment;
- ❖ To provide a framework for collection, analysis and use of data and information on labour migration and labour migrants.

The realization of the policy objectives are based on the following guiding principles: Coordination among all stakeholders, Recognition of the important role played by the Kenyan Migrant Workers, Participatory approach, Non-discrimination, and being gender and youth responsive.

2.4 THE CHALLENGES AND EMERGING ISSUES THE POLICY SEEKS TO ADDRESS

The Labour Migration sector despite its significant benefits, has faced a number of structural challenges and emerging issues which include: weak coordination of labour migration management; inadequate policy and legal framework on labour migration; lack of reliable labour migration data and information; culture shock for migrant workers; inadequate bilateral labour migration agreements; inadequate social protection for migrant workers; inadequate regulatory framework for private employment agencies; inadequate protection of Kenyan migrant workers; adverse effects due to loss of critical skills notably in the health sector; migrant workers with irregular status; trafficking in persons; smuggling of persons and child labour; inadequate return and reintegration framework; inadequate institutional capacities for organizations involved in labour migration; weak cooperation and partnerships between countries and regions in international labour migration management; high cost of remittance transfers; gender segregation and restrictions on freedom of expression and movement.

While the immediate concern is to address the plight of Kenyan migrant workers in distress and vulnerable situations and those being subjected to mistreatment and violation of their fundamental rights, the Policy in the long-term seeks to address and provide sustainable solutions to the structural challenges experienced in the Labour Migration sector and the emerging issues.

2.5 POLICY PRIORITIES AND STRATEGIES

The Policy seeks to promote inclusive and sustainable development of the country through safe, orderly and productive labour migration.

The policy identifies three (3) Key priority areas namely:

- ❖ Promotion of good governance in labour migration;
- ❖ Protection of migrant workers, promotion of their welfare and that of their families; and
- ❖ Optimization of labour migration benefits in development.

a) Promotion of good governance in labour migration

2.5.1 Enhanced Coordination of Labour Migration Management

The policy identifies the need for strengthening linkages between institutions involved in labour migration whereby a One-Country-Team-Approach will be adopted to enable the country carve a niche in labour migration. This will also entail establishment of a National

adoption of the Inter-governmental Authority on Development (IGAD) Free Movement Protocol, intensifying work within the East African Community (EAC) Common Market Protocol and exploring joint approaches in formulation, negotiation and implementation of Bilateral Labour Agreements (BLA).

The Ministry has initiated twenty-one (21) Bilateral Labour Agreements (BLA) with key countries of destination, out of which four (4) have been signed (UK on Healthcare Professions, Saudi Arabia, Qatar and UAE); seven (7) BLAs are on-going negotiations at various levels of finalization (that is, Germany, Austria, Canada, Tanzania, Serbia, Oman, and Bahrain) and the remaining fourteen (14), the Ministry is yet to receive any counter-proposals from the countries of destination (that is; Kuwait, United Kingdom, Saudi Arabia on skilled workers, Jordan, Poland, Ireland for nursing and midwifery job, Eggyppt, Kazakhstan, Rwanda, Ethiopia, Malta, Israel, Russia and Vietnam).

2.5.4 Promote fair recruitment and regulation of Private Employment Agencies

The policy reiterates the need to review the vetting and registration process of the Private Employment Agencies, periodic review of the regulations governing labour migration to address emerging issues, review the Code of Conduct for Private Employment Agencies to enhance self-regulation and dissemination of information of registered employment agencies to root out illegal recruitment agencies.

2.5.5 Labour Migration Research, Statistics and Information

The policy recommends the need to develop comprehensive information management systems that adequately recognize and address labour market needs. The systems will be integrated with other related systems to enhance seamless flow and exchange of information on Labour Migration.

In addition, the Government will facilitate research on skills inventory in the country and the demand for labour in labour destination countries; establish linkages with research institutions, training institutions and other actors in labour migration management to promote research; collect data on labour migration; establish and publicize a skills inventory of Kenyans working abroad; and establish, maintain and update a database on Kenyans working in foreign countries. It identifies the need to enhance the management of communication on labour migration.

2.5.9 Return and Re-Integration of Migrant Workers

The initiatives will focus on developing a programmes to enable migrant workers participate in national development while abroad and upon their return; establishing a National Reintegration Centre under the National Employment Authority to facilitate development and implementation of a sustainable return and reintegration mechanism for both planned and forced return, identification of investment opportunities in the country for the Kenyan migrant workers; provision of non-cash incentives to the Kenyan migrant workers to encourage them to save and invest in Kenya, creating awareness among migrant workers abroad on investment opportunities available in the country.

2.5.10 Capacity Building for Institution involved in Labour Migration

This will entail establishment of a Multi-Agency Committee on labour migration to strengthen synergies between the institutions dealing with labour migration in the country; and strengthening the capacity of the Directorate of Labour Migration Management, National Employment Authority and other relevant Agencies to improve labour migration governance and management.

3.0 POLICY IMPLEMENTATION, MONITORING AND EVALUATION, AND REPORTING

The Policy provides for periodic monitoring and evaluation to ensure evidence-based decisions in realization of the set objectives. Monitoring and Evaluation will be carried out at all stages of the implementation cycle to ensure efficiency and effectiveness of the identified strategies in addressing the existing challenges and emerging issues.

The Ministry has operationalized the Directorate of Labour Migration Management as per the Executive Order No. 1 of 2023 and the approved establishment by the Public Service Commission. The Directorate of Labour Migration Management will spearhead the monitoring and evaluation of the implementation of strategies and activities identified in the Policy in collaboration with the National Employment Authority (NEA) and prepare quarterly and annual reports.

The Policy is set to be reviewed every five years or on a need-basis to determine the extent to which the activities implemented have achieved the set objectives.

CRITICAL AREAS OF SUPPORT IN THE EFFECTIVE IMPLEMENTATION OF THE POLICY

The Ministry requests the Joint Departmental Committees to support in the implementation of the following key priority areas:

- Consideration and Approval of the Policy to pave way for its implementation.
- Adequate budgetary allocation on Labour Migration Initiatives.
- Fast Track the approval and enactment of Labour Migration Management Bill.
- Support in Establishment of the contributory Kenya Migrant Workers Welfare Fund including allocation of a seed capital to operationalize the Fund.
- Support towards establishment of additional Labour Attaché Offices in key labour destination countries (Cabinet approved the establishment of 7 Labour Attaches Offices in February, 2021 however this has been hampered by lack of allocation).
- Support in the establishment of a one-stop-centre offering all labour migration services under one integrated system for improved linkages and seamless flow of information. The identified Systems for intergration include; NEAIMS, Intergration of Attestation process into the NEAIMS, Passport Processing, Border Management system, System on Authentication of Certificate of Good Conduct, Integrated Population Registration System (IPRS), Business Registration Services, and Countries of Destination Systems.
- Establishment of Safe Houses in the Gulf Region (Cities of Riyadh, Jeddah, Damman in Saudi Arabia and State of Qatar) with priority in the Kingdom of Saudi Arabia where numerous distress cases have been reported.
- Ratification and Domestication of the relevant conventions and protocols on Labour Migration.
- Sensitization and awareness creation on Labour Migration Issues to the Public.



Hon. Florence K. Bore, EGH

CABINET SECRETARY

DATE 23rd April 2024



**MINISTRY OF LABOUR AND SOCIAL PROTECTION
OFFICE OF THE CABINET SECRETARY**

**PRESENTATION TO THE JOINT COMMITTEES ON
LABOUR AND DIASPORA AFFAIRS AND MIGRANT
WORKERS ON THE SESSIONAL PAPER NO.5 OF 2023
ON THE NATIONAL POLICY ON LABOUR
MIGRATION**

NOVEMBER, 2023

professional; and to include an implementation matrix setting out the timelines for the realization of various milestones in the implementation cycle of the seminal policy.

The Ministry held consultative meetings with the relevant Government Agencies, and incorporated the comments in line with the Cabinet directives into the draft Policy, which was then resubmitted to Cabinet for approval.

The Policy was approved on 8th of August, 2023 by the Cabinet, and forwarded to the National Assembly for allocation of a sessional paper number and consideration. The Ministry was notified on the allocation of Sessional Paper Number 5 of 2023 and further directed to Publish at least 200 copies and submit to the National Assembly for consideration.

1.2 Objectives of the Policy

The main objective of the National Policy on Labour Migration is to promote inclusive and sustainable development of the country through safe, orderly and productive labour migration.

The specific objectives of the Policy include:

- ❖ To enhance coordination of labour migration governance in the Kenya;
- ❖ To enhance transparency and flexibility in labour migration;
- ❖ To promote foreign employment;
- ❖ To protect the human and labour rights and promote the welfare of Kenyan migrant workers;
- ❖ To maximize participation of Kenya migrant workers in the economic development.
- ❖ To promote equal treatment of foreigners migrant workers in Kenya who are lawfully engaged in employment;
- ❖ To provide a framework for collection, analysis and use of data and information on labour migration and labour migrants.

The realization of the policy objectives will be based on the following guiding principles: Coordination among all stakeholders, Recognition of the important role played by the Kenyan Migrant Workers, Participatory approach, Non-discrimination, and being gender and youth responsive.

4.0 THE PROBLEM THE POLICY SEEKS TO ADDRESS

The Labour Migration sector despite its significant benefits, has faced a number of structural challenges and emerging issues which include: weak coordination of labour migration management; inadequate policy and legal framework on labour migration; lack of reliable labour migration data and information; culture shock for migrant workers; inadequate bilateral labour migration agreements; inadequate of social protection for migrant workers; inadequate regulatory framework for private employment agencies; inadequate protection of Kenyan migrant workers; adverse effects due to loss of critical skills notably in the health sector; migrant workers with irregular status; trafficking in persons; smuggling of persons and child labour; inadequate return and reintegration framework; inadequate institutional capacities for organizations involved in labour migration; weak cooperation and partnerships between countries and regions in international labour migration management; high cost of remittance transfers; gender segregation and restrictions on freedom of expression and movement.

While the immediate concern is to address the plight of Kenyan migrant workers in distress and vulnerable situations and those being subjected to mistreatment and violation of their fundamental rights, the Policy in the long-term seeks to address and provide sustainable solutions to the structural challenges experienced in the Labour Migration sector and the emerging issues.

5.0 STAKEHOLDER MAPPING AND LEVEL OF PUBLIC PARTICIPATION CARRIED OUT IN FORMULATION OF THE POLICY PURSUANT TO ARTICLE 118 ON PUBLIC PARTICIPATION.

The Ministry undertook public participation as provided for under Article 10 of the Constitution of Kenya, 2010 through a participatory approach to ensure that the Policy is developed in an open and transparent fashion, with appropriate procedures for effective and timely input from relevant stakeholders and the general public.

The Ministry carried a thorough and inclusive stakeholder mapping before and during the development of the Policy. The following were the identified key stakeholders involved in Labour Migration whom it engaged for consultations. These include the relevant MDAs, Social Partners, Development Partners, Migrant Workers, Private Employment Agencies, Private Sector Players, Civil Society Organizations, Mainstream Media and General Public. They include:

- ❖ Implementers of the Policy such as The Ministry including the National Employment Authority (NEA), the National Industry Training Authority (NITA) and National Social Security Fund (NSSF); The National Treasury and Economic Planning, the Ministry of Foreign Affairs and Diaspora Affairs, the Ministry of Interior and National Administration, Department of Immigration Services, Ministry of Health, Nursing Council of Kenya, Office of the Attorney General,

6.0 MAPPING OF THE POTENTIAL FINANCING COSTS AND IMPACTS OF THE REALIZATION AND IMPLEMENTATION OF THE POLICY

The Ministry carried out a cost-benefit analysis of the estimated costs and socio-economic benefits towards effective implementation of the National Policy on Labour Migration. It was estimated that in the first five (5) years, for effective implementation of the Policy approximately **Kshs. 1.197 billion** will be required to cater for activities as outlined in the Costed Matrix attached as Annex 1. This costing does not factor in inflation, other externalities and emerging issues that may occur during the implementation period.

The anticipated economic and social benefits of enhancing labour migration management in supporting the growth and development of the economy far outweigh the cost of implementation. Some of the socio-economic benefits expected if the Policy is successfully implemented include:

- Well managed and coordinated labour migration to ensure safe migration pathways and protection of the rights of Kenyan Migrant workers.
- Increased access to decent employment opportunities for Kenyans especially the young people who bear the brunt of the high unemployment. This is expected to relieve the country of the unemployment pressure.
- Increased inflow of the much-needed remittances which is critical in earning the country foreign exchange.
- Skills and technological transfer.
- Creation of cross-border business, investments and trade networks, enabling participation of Kenya migrant workers in development of the country.
- Improved standards of living of family members of the migrant workers through remittances received. This is witnessed through increased consumption and spending due to ability to access better health care, education and basic needs.

Adequate and timely financing will be a critical factor in realization of the objectives of the Policy towards a safe, regular, orderly and Productive Labour Migration. To ensure adequate financing of the implementation of the Policy, the Ministry plans to develop a comprehensive Resource Mobilization Strategy that will be used to lobby for financial support from selected development partners. The resource mobilization strategy is expected to help in supplementing the budgetary deficits after the normal budgetary appropriation by parliament.

7.0 MECHANISMS FOR CRISIS/DISASTER RESPONSE

The Policy provides for the following mechanisms to be put in place to protect Kenyan Migrant workers in the event of a crisis or natural disasters;

- Development and implementation of an evacuation plan for Kenyans in diaspora led by the Ministry of Foreign and Diaspora Affairs.

9.0 LEGISLATIVE INTERVENTIONS HIGHLIGHTED IN THE POLICY

Labour Migration Governance and management is a complex and multi-dimensional aspect. The country is guided by various national, regional and international legislative and institutional frameworks on governing labour migration.

To strengthen the legal and institutional frameworks on Labour Migration in the country and enhanced coordination, the policy proposes the following legislative interventions:

- Development of the Labour Migration Management Bill, 2023 and its regulations.
- Establishment of the Kenya Migrant Workers Welfare Fund which is anchored under the Draft Labour Migration Management Bill. The Fund is contributory in nature and is a corporate body with perpetual succession and a common seal.
- Development, Negotiation, Signing and Implementation of Bilateral Labour Agreements with key countries of destination.
- Review of the mechanism for registration and regulation of Private Employment Agencies.
- Ratification and domestication of the United Nations Convention of 1990 on the Protection of the Rights of All Migrant Workers and Members of their Families, the ILO Convention on Private Employment Agencies (No. 181) and the ILO Convention on Domestic Workers (No 189), and ILO Protocol of 2014 to the Forced Labour Convention, 1930.
- Ratification and domestication of the 2014 Addis Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and Other Academic Qualifications in Higher Education in African States.
- Domestication of the WHO Global Code of Practice on International Recruitment of Health Personnel.

10.0 STATUS OF VARIOUS BILATERAL LABOUR AGREEMENTS

To enhance protection of the rights and welfare of Kenyan migrant workers, and secure decent employment opportunities abroad, the Policy provides for development, conclusion and implementation of Rights-based Bilateral Labour Agreements with key countries of destination. Currently the country has signed four Bilateral Labour Agreements and additional Nineteen BLAs 19 have been developed and are under various stages of finalization as outlined in table 1 below.

On-going review of the three (3) signed BLAs/MOUs with Countries in the Gulf Region to improve terms and conditions of service, enhance protection of Kenyan Migrant Workers and increase their scope to cover skilled and professional cadres who have less consular challenges. All the BLAs and MOUs have been aligned to the Right-Based Model BLA guidelines developed consultatively through a multi-stakeholder committee with support from ILO to extend rights and labour protection to the Kenyan Migrant Workers.

STATUS AS AT NOVEMBER, 2023	
NAME OF THE INSTRUMENT	
Republic of Kenya and the United Arab Emirates (UAE)	<ul style="list-style-type: none"> The Kenyan Government submitted the list of the Joint Implementation Committee members to UAE and the last notification of compliance for implementation of the signed MOU in 2019 but the MOU have not been operationalized The Joint Implementation Committee held a virtual meeting on 31st October, 2023 to discuss various areas of cooperation. Initial Agreement was signed in 2012. The Agreement was to remain in force for a period of three (3) years renewable for a similar period. The first (initial) Agreement has since expired and the Ministry submitted a revised draft BLA to the State of Qatar for consideration. <p>A meeting was held in August, 2023 with the Chargé d'Affaires of the Embassy of Qatar in Kenya where it was agreed that a negotiating team be constituted and propose dates for the negotiation for confirmation by the Qataris.</p>
4.	<p>Draft Bilateral Agreement between the Government of the Republic of Kenya and Government of the State of Qatar on Regulation and Employment of Kenyan migrant workers</p>
SIX (6) NEW DRAFT BILATERAL LABOUR AGREEMENTS - NEGOTIATIONS COMMENCED	
5.	<p>Memorandum of Understanding between the Government of the Republic of Kenya and the Government of the Sultanate of Oman on Regulation of Employment.</p> <ul style="list-style-type: none"> An agreed negotiated Draft MOU between the two countries has been finalized, and forwarded to the heads of the Ministries in charge of Labour in the respective countries for approval and signing. The Government of Kenya and the Sultanate of Oman held two (2) days of bilateral meetings on the 7th and 8th June, 2023 and concluded negotiations on the draft MOUs. <p>The final BLA is awaiting signing.</p> <ul style="list-style-type: none"> Agreement approved by Office of the Attorney General and the National Treasury.
6.	<p>MOU between the Government of the Republic of Kenya and the Government</p>

STATUS AS AT NOVEMBER, 2023

NAME OF THE INSTRUMENT

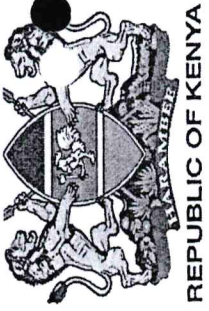
- Advisory from the Canadian Minister for International Cooperation for Kenya to consider exploring employment opportunities using the Atlantic and Rural Immigration Programmes which provide for easy entry requirements for migrants because they are employer driven.

THIRTEEN (13) NEW DRAFT BILATERAL LABOUR AGREEMENTS – AWAITING NEGOTIATIONS

- The draft BLAs have been forwarded to Ministry of Foreign Affairs and Diaspora Affairs for onward submission to the Countries of Destination for consideration.
- The Ministry is yet to receive feedback or counter-proposals from the identified countries of destination.
- These BLAs are focusing on employment of Kenyans skilled and professional cadres.

11. Agreement on Recruitment and Employment of Kenyan Workers between the Government of the Republic of Kenya and the following Countries of Destination:

- Kingdom of the State of Kuwait
- United Kingdom
- Kingdom of Saudi Arabia
- Hashemite Kingdom of Jordan
- Republic of Poland
- Republic of Ireland (Nursing and Midwifery Workforce)
- Arab Republic of Egypt
- Republic of Kazakhstan
- Republic of Serbia
- Republic of Rwanda
- Federal Republic of Ethiopia
- Republic of Malta
- Vietnam



MINISTRY OF LABOUR AND SOCIAL PROTECTION

COSTED IMPLEMENTATION MATRIX ON JOINT CABINET MEMORANDUM ON THE NATIONAL POLICY
ON LABOUR MIGRATION

INTERVENTION	TIMELINES	ESTIMATED COST
1. Enhanced Coordination of Labour Migration Management through the establishment of a "One-Country-Team-Approach" in labour migration management	March, 2023	2,500,000
2. Establish a One-Stop-Centre offering all labour migration services under one integrated system for improved linkages and seamless flow of information	December, 2023	7,000,000
Establish a Migrant Workers' desk at major Points of exit (airport and border posts)		2,000,000
Upgrading the National Employment Authority Integrated Management System (NEAIMS) infrastructure be to facilitate storage of all labour migration data in the country	December, 2023	20,000,000
Capacity building of key Institutions on labour migration data collection, analysis and dissemination	2023-2027	8,000,000

	<ul style="list-style-type: none"> Operationalize General Labour Agreements Implementation Committees to monitor signed BLAs 		
5.	<p>Post Seven (7) Labour Attachés in key labour destination countries to identify employment opportunities for Kenyan migrant workers and enhance their protection</p>	2023-2027	180,000,000
6.	<p>Promotion of Fair Recruitment and Regulation of Private Employment Agencies through:</p> <ul style="list-style-type: none"> Review the vetting and registration process of the Private Employment Review the regulations governing labour migration to address emerging issues Review the Code of Conduct for Private Employment Agencies to enhance self-regulation, Capacity building of Private Recruitment Agencies on ethical recruitment Disseminate information of registered employment agencies to root out illegal recruitment agencies. 	2023 - 2027	45,000,000
7.	<p>Enhance competitiveness and employability of Kenyan migrant workers through:</p>	2023 – 2027	200,000,000

	recognition academic, professional and technical qualifications		
8.	<ul style="list-style-type: none"> Establish, maintain and update a database on Kenyans working in foreign countries, including seafarers. Develop and implement communication Strategy on labour migration to enhance the management of communication on labour migration 	2023-2027	5,000,000
		2023-2027	5,000,000
9.	<p>Enhance Protection of the Rights of Migrant Workers through:</p> <ul style="list-style-type: none"> Establish Five (5) Safe Houses in labour destination countries in the Gulf Region to provide temporary holding of migrant workers in distress. Establish a Migrant Workers' Welfare Fund to provide assistance and welfare services to the workers in distress Establish a Social Welfare Fund for Kenyan women working abroad to provide a safety net for distressed diaspora citizens Develop an evacuation plan to facilitate evacuation of Kenyan migrant workers in distress in case of emergencies in labour destination countries. Upgrade and maintain the established toll-free line to facilitate reporting of cases of distress and provision of information to stakeholders. 	2023-2027	300,000,000
		2023-2027	200,000,000
		2023 - 2027	3,000,000

	INTERVENTION	TIMELINES	ESTIMATED COST
	<ul style="list-style-type: none"> Sensitize the public and prospective migrant workers on the Guidelines on National Referral Mechanism, enhance the enforcement of the anti-trafficking and smuggling in person laws Enhance the capacity of the National Assistance Trust Fund for assisting victims of trafficking to facilitate provision of direct assistance to victims and implementation of initiatives on prevention of trafficking in persons 		
12.	<ul style="list-style-type: none"> Develop a Return and Re-integration Programme to enable migrant workers participate in national development while abroad and upon their return Build Capacity for National Reintegration Centre under the National Employment Authority to facilitate development and implementation of a sustainable return and reintegration mechanism for both planned and forced return 	2023 – 2027	100,000,000
	TOTAL ESTIMATED COST		1,197,500,000



ASMAK

ASSOCIATION OF SKILLED MIGRANT AGENCIES OF KENYA.

MEMORANDUM ON THE KENYAN SESSIONAL PAPER NO. 5 OF 2023: NATIONAL POLICY ON LABOUR MIGRATION

TO THE NATIONAL ASSEMBLY OF KENYA

From: ASSOCIATION OF SKILLED MIGRANT AGENCIES OF KENYA (ASMAK)

Date: 1st November 2024.

RE: Review and Recommendations on the National Policy on Labour Migration

1. Introduction

The Kenyan Sessional Paper No. 5 of 2023 on the National Policy on Labour Migration represents an important and progressive move towards addressing the complex dynamics of labour migration. Involving a significant segment of Kenyan nationals who seek employment abroad, serves as a pivotal contributor to the nation's socio-economic development. This policy seeks to enhance the protection of migrant workers' rights, foster fair labour standards, and optimize the economic benefits derived from remittances, benefiting both the individual workers and Kenya's economy.

This memorandum provides an in-depth review of the core objectives outlined in the Sessional Paper, identifies the legal and operational frameworks involved, examines potential implementation challenges, and offers actionable recommendations to fortify the policy's effectiveness. We urge the National Assembly

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By enhancing coordination, this framework aims to facilitate smooth policy implementation, effective monitoring, and timely interventions.

2.3 Capacity Building and Pre-Departure Training

Recognizing that pre-departure training is essential for migrant workers, the policy promotes programs that provide workers with the skills, language proficiency, and cultural awareness needed to integrate effectively in foreign work environments.

2.4 Promoting Fair Recruitment Practices

The policy advocates for a regulated recruitment process, targeting malpractices such as fraud and exploitative contracts. This involves establishing standardized recruitment channels and enforcing licensing requirements for agencies to safeguard the rights of Kenyan workers.

2.5 Enhancing Economic Remittances

Given the significant impact of remittances on Kenya's economy, the policy aims to improve channels for migrant workers to remit funds securely and cost-effectively. This objective also aligns with broader economic goals of leveraging remittances to drive national development and uplift the welfare of migrant workers' families.

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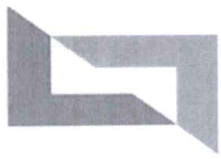


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4. Analysis of Implementation Challenges

Despite the robust nature of the policy, there are notable challenges that could impede its successful implementation:

4.1 Coordination Among Stakeholders

Effective implementation relies on collaboration across multiple stakeholders, including government agencies, Kenyan embassies, recruitment agencies, and civil society organizations. The complexity of such coordination could hinder swift policy execution.

4.2 Regulatory Compliance

Monitoring recruitment agencies and employers to ensure they adhere to fair labour practices requires substantial resources and may necessitate further legislative support to impose sanctions on non-compliant entities.

4.3 Limited Diplomatic Reach

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5.2 Enhancing Consular Support

In high-demand regions, Kenya should increase consular capacity to deliver immediate support, such as mediation and legal aid, for migrant workers facing adverse situations. ASMAK encourages the deployment of dedicated labour attachés to regions with a high concentration of Kenyan workers.

5.3 Establishing a Centralized Data Management System

The government should establish a centralized database to track migrant workers' employment status, working conditions, and welfare. Real-time data will facilitate the identification of high-risk zones, inform responsive policy adjustments, and aid in preventing and addressing worker exploitation.

5.4 Enforcing Recruitment Agency Accountability

ASMAK advocates for stringent regulation of recruitment agencies. Regular audits, licensing standards, and a mandatory code of conduct will ensure that agencies operate transparently and respect workers' rights. Non-compliance should attract penalties and possible suspension to deter malpractices.

5.5 Continuous Training and Awareness Programs

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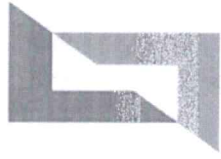


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Annexure 5

**Copy of the Sessional Paper No. 5 on
the National Policy on Labour
Migration**



REPUBLIC OF KENYA

MINISTRY OF LABOUR AND
SOCIAL PROTECTION

Sessional Paper No.5 of 2023 on the
NATIONAL POLICY
ON
LABOUR MIGRATION

FOREWORD



Kenyans are increasingly seeking employment opportunities outside the country due to various push and pull factors locally and abroad. The key regions and countries of destination for Kenyan migrant workers are the Middle East, USA, Canada, Australia and Europe. These workers make significant contributions to the social and economic development of the country mainly through remittances, knowledge and skills transfer, and technological advancements. Kenya therefore stands to gain immensely from regular and orderly labour migration.

Despite the significant benefits accrued by the country from labour migration, Kenyan migrant workers continue to face numerous challenges both locally and in the countries of destination. Key amongst these challenges include: inadequate coordination of labour migration; weak regulation of recruitment agencies; violation of the fundamental rights of migrant workers; inadequate accurate, up-to-date and reliable data and information on labour migration and migrant workers; weak cooperation and partnerships between countries and regions in labour migration management; and lack of effective mechanisms for return and re-integration of migrant workers.

Past interventions to address these challenges have been piecemeal in nature, lacked focus, were poorly coordinated and implemented, and have been based on weak institutional and legal frameworks. In particular, Kenya has continued to focus on initiatives and programmes mainly aimed at addressing the plight of migrant workers in distressed situations and those being subjected to mistreatment and violation of their fundamental rights. There has therefore been a major gap in terms of establishing functional systems for labour migration management. As a long-term solution to this, the Government has focused on development and implementation of comprehensive policy, legal and institutional reforms that will facilitate the achievement of safe, orderly and productive labour migration.

This National Policy on Labour Migration has been developed to be in coherence with other policy and legal frameworks relevant to labour migration governance in Kenya. The frameworks include the Employment Policy and Strategy for Kenya, the Diaspora Policy, and the labour laws of 2007. The need to develop this Policy was given impetus by the establishment of the Task Force to Review Matters Relating to Foreign Employment Administration and Labour Migration Management in October, 2014. The Task Force was charged with interrogating the policies and programmes on labour migration management and diaspora engagement. In its report, the

PREFACE



The role of migrant workers in the development of host countries has progressively gained recognition. The international migration and development debate have increasingly emphasized this important role and its impact on countries of origin and destination. Compared to other countries, Kenya has few of its workers in the diaspora. They possess immense human, material and financial resources. These workers make significant contribution in terms of remittances, skills and transfer of technology. Lack of a structured institutional framework has however inhibited the effective contribution of this important resource to national development. It is against this background that the Government has developed this National Policy on Labour Migration to provide strategies to mainstream the Kenyan workers into the development agenda.

The policy identifies the challenges in labour migration management and proposes integrated interventions. The proposed strategies include: enhancing coordination of labour migration management; enhancing co-operation and partnerships on labour migration; legal and institutional reforms; promoting fair recruitment and regulation of private employment agencies; enhancing labour migration research, statistics and information; enhancing protection of migrant workers and promotion of their welfare and that of their families; scaling up pre-departure training and orientation; addressing the plight of migrant workers with irregular status; combating trafficking and anti-smuggling of persons; enhancing competitiveness and employability of Kenyan migrant workers; designing and implementing return and re-integration programme; establishing and building the capacities of institutions involved in labour migration.

This policy paper is structured as follows: Chapter 1 gives general outlook and Kenyan perspective to labour migration issues, vision, objectives and rationale for developing the policy; Chapter 2 provides a situational analysis on labour migration at international regional and national perspective, Chapter 3 identifies emerging issues and challenges in labour migration management; Chapter 4 outlines policy priorities and strategies while Chapter 5 lays out the institutional arrangement and implementation framework as well as monitoring, evaluation and reporting.

The Government's vision to harness the resource is set to be fulfilled through effective implementation of the policy strategies and programmes which will be implemented in partnership with relevant stakeholders towards the realization of Kenya Vision 2030.

ACRONYMS

AG	Attorney General
AU	African Union
BLA	Bilateral Labour Agreements
CoD	Country of Destination
COMESA	Common Market for Eastern and Southern Africa
DIS	Directorate of Immigration Services
EAC	East African Community
IGAD	Inter-Governmental Authority for Development
ILO	International Labour Organization
IOM	International Organization for Migration
KAATTI	Kenya Association of Technical Training Institutions
KHPOA	Kenya Health Professions Oversight Authority
KICD	Kenya Institute of Curriculum development
KMTC	Kenya Medical Training College
KNBS	Kenya National Bureau of Statistics
KNCCI	Kenya National Chamber of Commerce and Industry
KNQA	Kenya National Qualifications Authority
LaMP	Labour Mobility Partnerships
MEACARD	Ministry of East African Community (EAC), the ASALs and Regional Development
MFA	Ministry of Foreign and Diaspora Affairs
MICDE	Ministry of Information, Communication and Digital Economy
MINA	Ministry of Interior and National Administration
MLSP	Ministry of Labour and Social Protection
MOH	Ministry of Health
MPSG&AA	Ministry of Public Service, Gender and Affirmative Action
MWA	Migrant Workers' Association
NA	National Assembly
NCK	Nursing Council of Kenya
NEA	National Employment Authority
NIS	National Intelligence Service
NRB	National Registration Bureau
NSSF	National Social Security Fund
PEA	Private Employment Agencies
REC	Regional Economic Communities
SDSP	State Department for Social Protection
UAE	United Arabs Emirates
UK	United Kingdom
USD	United States Dollar
USA	United States of America
WHO	World Health Organization

CHAPTER 1: INTRODUCTION

1.0 Background

Labour migration is a source of employment and livelihoods for migrant workers, and one of the main avenues of technology and skills transfer between countries. The benefits of labour migration are enjoyed by migrant workers, their families and communities; local and national governments; private sector entities; and regional organizations. Kenya like most developing countries continues to experience migration of workers to and from other countries. The push factors for migration include: high levels of unemployment and the socio-economic and environmental conditions within the country. The pull factors include prospects for a better life namely; higher salaries, better quality of education and health care in the countries of destination.

Kenya started to experience increased outward migration in the mid-1980s. This was motivated by declining economic performance and high levels of unemployment. The major destination regions and countries for Kenyan migrant workers are the East African Community Partner States, Middle East, North America, Latin America, the Caribbean, Oceania, UK, Europe, South Africa and South Sudan. Highly skilled labour and students travel to the USA, UK, Canada, Australia and Europe, while semi-skilled migrant workers move to the Gulf States and African countries.

Economic growth is considered a main factor in the well-being and prosperity of people in any economy. It is mainly influenced by human resources, natural resources, increase in capital employment and technology. A review of Kenya's economic growth, that is, annual growth of the Gross Domestic Product (GDP) shows an average growth of 4.9% in the past ten years (2012 to 2021). This growth rate falls short of the 10% growth target which the country aims to attain in the medium and long-term period of the Kenya Vision 2030. This shortfall has hindered the country from delivering on the targeted accelerated and inclusive economic growth, higher incomes and standards of living, better education and health care, increased job creation particularly for the youth and substantial reduction in poverty levels.

The population of Kenya has grown by 23.2% in the past 10 years (2010-2019). According to the 2019 Kenya Population and Housing Census, Kenya has a population of 47.6 million people composed of 49.5% male and 50.5% female. The population of the children aged 0-14 years is 18.54 million representing 39% of the total population; the youthful population aged between 15-35 years is 17.92 million representing 37.7% of the total population; those aged 36-60 years is 8.63 million representing 18.1% of the total population; while the older population aged 61-100+ years is 2.47 million representing 5.2% of the population. The growth in population is not commensurate with the growth in the economy thus posing challenges in the country that result to lost opportunities for improving people's lives and living standards.

Unemployment and underemployment remain a major development challenge in the country mainly due to rapid population growth, low economic growth as well as the structural rigidities

The challenges facing Kenya migrant workers have been on the increase, thus requiring special attention and intervention. While the immediate concern is to address the plight of Kenyan migrant workers in distressed situations and those being subjected to mistreatment and violation of their fundamental rights, the lasting solution will be achieved through policy, legal and institutional reform. This Policy therefore has been prepared against this realization.

1.3 Objectives and Guiding Principles of the Policy

This section presents the Objectives and Guiding Principles of the National Policy on Labour Migration.

1.3.1 Policy Objectives

The main objective of the National Policy on Labour Migration is to promote inclusive and sustainable development of the country through safe, orderly and productive labour migration.

The specific objectives of the Policy include:

- a) To enhance coordination of labour migration governance in the Kenya;
- b) To enhance transparency and flexibility in labour migration;
- c) To promote foreign employment;
- d) To protect the human and labour rights and promote the welfare of Kenyan migrant workers;
- e) To maximize participation of Kenya migrant workers in the economic development.
- f) To promote equal treatment of foreigners migrant workers in Kenya who are lawfully engaged in employment;
- g) To provide a framework for collection, analysis and use of data and information on labour migration and labour migrants.

1.3.2 Guiding Principles

This Policy is based on the following principles:

Coordination: This policy will provide a mechanism where all the activities relating to labour migration will be well coordinated among all the stakeholders to eliminate overlaps and duplication while creating synergies on Diaspora issues among stakeholders.

Recognition: The Policy recognizes the important role played by Kenyan migrant workers in socio-economic development of the country. It also recognizes the role of all stakeholders in labour migration in ensuring migration is done in a safe and orderly manner for optimal returns.

Cooperation: The Policy recognizes the need for regional and international cooperation

CHAPTER 2: SITUATIONAL ANALYSIS ON LABOUR MIGRATION

2.0 Overview

The complexities in migration at national, regional and international levels are a wake-up call to governments to put in place appropriate structures to govern the movement of people from one place to the other. The Government has put in place policy, legal and institutional frameworks to guide labour migration in the country and realized some milestones thus leading to harmonious labour relations between Kenyan migrant workers and their foreign employers. The key achievements in labour migration governance are discussed below.

2.1 Labour Migration Trends and Outcomes

2.1.1 Labour Migration Trends

The World Migration Report 2022 estimates that the global international migrants were 281 million in 2020 representing 3.6% of the world population with 169 million being migrant workers across the world representing two-thirds of the total international migration. However, these figures are likely to be higher given that many migrants are not included in this figure due to their irregular migration status. International migration mainly flows from developing countries to the large economies where America, Europe and Asia continents received the highest number of migrant workers of 102.4 million while Africa received 10% of the total international migrants in 2020. Over the years, the number of Kenyan migrant workers has significantly increased with the number of Kenyans in the diaspora estimated to be four million in the year 2019. Remittances in the last decade have significantly increased reaching USD 4.07 billion (KShs.517 billion) in 2022 from USD3.718 billion (KShs. 454 billion) 2021 compared to USD1.170 billion (KShs. 100 billion) in 2012.

The growing numbers of Kenyan migrant workers is an indication of growing mobility, scale, and range of labour destinations globally. In the 1990s the country experienced high levels of unemployment and increased income inequality, this prompted many high-skilled Kenyans to emigrate to Western countries as well as within Africa, predominantly in search of better opportunities and greater political stability. Cross-border migration has been enhanced by business opportunities in the neighbouring countries with Uganda and Tanzania accounting for the bulk of Kenyan migrants. In contrast, semi-skilled and low-skilled workers have dominated Kenyan migration to the Gulf where most of the migrants are recruited as domestic workers, construction labourers, cleaners, hospitality servers, security officers, and taxi drivers. It is estimated that there are about 210,000 Kenyan migrant workers in Saudi Arabia. It is also estimated that there are 7,067 Kenyan migrant workers in Bahrain, about 40,000 migrant workers in Qatar and 60,000 in the United Arab Emirates. However, availability of data and information on all Kenyan migrant workers has been a challenge.

procedures of domestic labour. This has enabled the Government to streamline the process of recruitment of these vulnerable categories of workers and ensure that the rights and welfare of both domestic workers and employers are promoted and protected.

2.2 Existing Policy Framework on Labour Migration

Labour Migration in the country is guided by the National Employment Policy and Strategy for Kenya, and the Diaspora Policy. These policies seek to streamline foreign employment administration and harness Kenya's benefits from labour migration respectively. This National Policy on Labour Migration has been developed to be in coherence with these policy frameworks which are relevant to labour migration governance in Kenya.

The Employment Policy and Strategy for Kenya of 2013 seeks to streamline foreign employment administration through: establishment of the National Employment Authority as the lead institution in coordination of employment issues in the country; deployment of labour and employment attachés to strategic missions abroad to source for jobs; development and coordination of implementation of foreign employment orientation and re-entry programmes; review and enforce regulations for issuance of work permits to streamline employment of foreigners in collaboration with the social partners, the private sector and other stakeholders; and formulating and implementing Anti-Trafficking in Persons Policy.

The Kenya Diaspora Policy of 2014 seeks to mainstream the Kenyan Diaspora into the national development process in line with the aspirations and goals of the Kenya Vision 2030, which recognises Diaspora contribution as a major enabler to the growth of our economy and critical factor in the achievement of the vision of a globally competitive and prosperous country by the year 2030. The Diaspora policy seeks to curb the high cost of remittances, improve consular services to address issues of Kenyans abroad, use the Kenyans abroad to promote tourism, tap into Diaspora talents to reverse the current brain drain, and establish web-based portal to facilitate collection of data and profiles of Kenyans abroad for proper planning and engagement.

2.3 National, Regional and International Legislative Frameworks

Comprehensive and effective governance of labour migration in Kenya is guided by the national, regional and international legislative and institutional frameworks adopted by the country. These frameworks include international treaties, regional cooperation instruments, bilateral agreements/treaties and legislations related to labour migration governance.

2.3.1 National Legislative Frameworks

The Constitution of Kenya provides for inclusivity in: freedom of movement, the guarantee for expanded regime of rights, and requirement for economic development. The provisions of the Constitution that have direct implication for the management of various aspects of labour migration include: *Article 2* that provides for the application of the general rules of international law in Kenyan legal system; *Article 10* that provides for the national values and principles of governance which include human dignity, equity, social justice, inclusiveness, equality, human

The *Labour Institutions Act of 2007* establishes labour institutions and provides for their functions, powers and duties. The Act provides for registration and regulation of Private Employment Agencies with the Director of Employment required to keep a register of all registered Private Employment Agencies; duties of persons operating employment agencies; and offences and regulations.

2.3.2 Regional Cooperation Framework

Kenya is a signatory to the Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment (AU Free Movement Protocol), East African Community Common Market Protocol, and is a member of Regional Economic Communities (RECs) such as the East African Community (EAC), the Inter-Governmental Authority for Development (IGAD) and the Common Market for Eastern and Southern Africa (COMESA).

2.3.3 International Legislative Frameworks

In adherence to international standards, Kenya has ratified international instruments which impose certain obligations on the country relating to movement of persons and services. These Instruments include: the International Labour Organization (ILO) Convention on Migration for Employment, 1949 (No. 97); Migrant Workers (Supplementary Provisions), 1975 (No. 143); ILO Forced Labour Convention, 1929 (No. 29); ILO Worst Forms of Child Labour Convention, 1999 (No. 182); the Equal Remuneration Convention, 1950 (No. 100); and the ILO Equality of Treatment (Social Security) Convention (No. 118). In addition, Kenya has committed to the 2030 Sustainable Development Agenda, the 2019 Global Compact for Migration, and signed four bilateral labour agreements with the State of Qatar, United Arab Emirates, United Kingdom of Saudi Arabia, and the United Kingdom on the recruitment of health care professionals.

2.4 Institutional Framework

Labour migration issues in Kenya are handled by various State Agencies mandated to deal with various aspects of migration. The Ministry of Labour and Social Protection provides the policy direction in labour migration, deals with attestation of foreign contracts of services and promotion of the welfare and protection of the rights of Kenyan migrant workers; foreign employment administration is largely handled by the National Employment Authority; while the Directorate of Immigration Services deals with issuance of travel documents and management of Kenya entry points.

The Ministry of Foreign and Diaspora Affairs provides assistance to foreign Kenyan workers and ensures protection of the welfare of Kenyan citizens in the diaspora. The Office of the Attorney General is responsible for advising on the legal instruments to which Kenya seeks to be party including, the negotiation and signing of bilateral agreements, and ratification and implementation of international instruments relevant to labour migration; the State Department for East Africa Community is responsible for coordinating harmonization of immigration policies and laws to facilitate movement of persons, labour and migrants within the East African Community Partner States and enhance portability of social security benefits

CHAPTER 3: EMERGING ISSUES AND CHALLENGES IN LABOUR MIGRATION

3.0 Overview

Labour migration in Kenya is fraught with challenges which have led to violation of migrant workers' human rights during the migration process and in their destination countries. These challenges include:

3.1 Weak Coordination of Labour Migration Management

Labour migration issues in Kenya are handled by multiple agencies. The National Employment Authority handles licensing/accreditation and regulation of the Private Employment Agencies (PEA); approval of foreign job offers; coordination of pre-departure training and orientation; and collection, analysis and dissemination of labour market information. The Department of Labour in the Ministry of Labour and Social Protection handles attestation of foreign contracts of services to ensure conformity to set standards; the Directorate of Immigration Services deals with issuance of passports, entry visas, work permits and passes; the Ministry of Foreign and Diaspora Affairs ensures protection of the welfare of Kenyan citizens in the diaspora; the Ministry of Health deals with coordination of Healthcare Professionals migration; while the Youth Enterprise Development Fund (YDEF) facilitates prospective migrant workers secure employment abroad..

The fragmented yet uncoordinated administration of foreign employment and labour migration management by various Government agencies inhibits effective protection of Kenyan working or seeking employment abroad.

3.2 Lack of Comprehensive Policy and Legal Framework on Labour Migration

The policy and legal frameworks governing labour migration are contained in different policies and legislative instruments. The policy frameworks include; the Employment Policy and Strategies for Kenya, the Kenyan Diaspora Policy and the Draft Migration Policy. The legal frameworks include; the Constitution of Kenya, Immigration and Citizenship Act, 2011, the Counter-Trafficking in Persons Act, 2010, the National Employment Authority Act, 2016, Employment Act, 2007, Labour Institutions Act, 2007 and the ratified international instruments with the Labour Institutions Act, 2007 and the Employment Act, 2007 being the main legislations governing foreign employment and labour migration. However, these frameworks lack a comprehensive mechanism for ensuring the protection and welfare of Kenya migrant workers. The Private Employment Agencies Regulations, 2016 provide for

3.5 Lack of reliable Labour Market Information

Availability of timely and reliable labour market data is critical for informed decision making by stakeholders in improving and ensuring proper governance in labour migration. Labour market information not only helps in influencing the occupational choices of job seekers but also directs them to available employment opportunities. Kenya does not have reliable and conveniently accessible labour market information that would facilitate development of effective labour migration interventions. This challenge is heightened by lack of a centralized system for collection, storage and dissemination of labour migration data thus inhibiting job search and matching of skills to foreign job opportunities. Further, the absence of a policy on labour market information makes it difficult for labour market players to make critical decisions on management of the available information.

Labour migration in Kenya is not carried out in a targeted manner. The Private Employment Agencies source for available job opportunities abroad, recruit the migrants and facilitate their migration. Individuals are also involved in job search in foreign labour markets where they move to these countries upon qualification. This has led to skills mismatch between the skills required by the receiving countries and those available in the country. The problem is heightened by lack of information on skills demand in these countries thus making Kenyan migrant workers less competitive in these labour markets.

3.6 Adverse effects of Migration of healthcare professionals

Kenya is experiencing an increase in the number of trained health workers who are either unemployed or under-employed, resulting to increased migration of Kenyan Health professionals to other countries in search of better employment opportunities. In addition, the country is yet to attain the WHO health worker density ratio of 44.5 physicians, nurses and midwives per 10,000 population. Kenya's ratio is at 13.8 per 10,000 population indicating a significant gap as per the Ministry of Health Report, 2022. Therefore, uncoordinated migration of healthcare workers has the potential of destabilizing or weakening the health sector systems in the country, through ways, including: antecedent brain drain; long term economic loss on education investment that end up not serving the country's need and possible exploitation of skilled health professionals by predatory recruitment agencies.

3.7 Inadequate protection of Kenyan migrant workers

Foreign employment is beneficial to both the labour sending and receiving countries. It provides benefits to the sending country in the form of remittances, investment, skills transfer and source of livelihoods to thousands of migrant workers; while it adds to human capital stock, addresses labour scarcity and skills gaps in the receiving country. Despite these benefits, some migrant workers suffer serious violations of their human rights at various stages of their journey which include ill-treatment by immigration or other law enforcement authorities, slavery, sexual exploitation, abusive and exploitative working conditions, confiscation of identity documents, systemic discrimination, xenophobia and prejudice among others.

vulnerability is compounded by the fact that they are often fearful of contacting responsible authorities for redress. Information on such irregular migrant workers is hardly accessible which makes it difficult to get their accurate data and to address their challenges.

3.10 Trafficking in Persons, Smuggling of persons and Child Labour

Human trafficking and smuggling have been identified as leading forms of transnational crime and constitutes one of the worst forms of labour exploitation since it undermines human resource utilization and affects attainment of decent work goals. Kenya is perceived to be a source, transit point and destination for persons being trafficked and smuggled, where people including children are smuggled into the country to provide cheap labour or to be transported to other countries for sexual exploitation, slavery, forced labour, among others.

Migrant workers are at high risk of being trafficked since they lack accurate information on the promised jobs, working conditions and terms of employment in the foreign countries. Some unscrupulous agencies recruit migrant workers on falsified information and transport them destination countries where they are forced to take up any available work regardless of the conditions of work.

3.11 Inadequate Return and Reintegration Framework

Kenyan migrant workers make significant contribution to the socio-economic development of the country in terms of skills, expertise and transfer of knowledge upon return. They also play an important role in national development through their contribution in terms of remittances through both formal and informal channels. However, they are faced with high remittance costs which inhibit efficient transfers, savings and investments; and the use of informal channels of transfers and inadequate measurement method limits generation of accurate data on remittances in the country.

Labour migration provides workers with an opportunity to earn a living in foreign countries and have a decent life. However, most of them face psychological and emotional stress upon returning home at the end of their tour of duty. This is caused by changes they experience while away following long separation from their families and changes that occur to their families and the labour market during their absence. In most cases, the migrant workers return home with little or no finances since they send their earnings to their families for investment or for consumption. In some cases, family members fail to invest the remitted funds, while the migrant workers are unable to secure jobs locally due to limited job opportunities and lack of a framework for gauging the skills they have acquired abroad thus making it difficult for the migrant workers to fit in their societies without any source of income. This prompts them to re-migrate. Those who return with savings lack knowledge on available investment opportunities due to weak structures and uncoordinated mechanisms to create awareness for Kenyans abroad on investment opportunities available in different sectors of the economy. In addition, lack of an incentive framework to promote investment of remittances further compounds the problem.

CHAPTER 4: POLICY PRIORITIES AND STRATEGIES

4.0 Overview

This Chapter contains three broad policy priorities namely: Promotion of good governance of labour migration; Protection of migrant workers and promotion of their welfare and that of their families; and Optimization of labour migration benefits. There are fourteen Strategies under the three policy priorities, which once implemented, will contribute to inclusive and sustainable development where migrant workers fulfill their ambitions and aspirations and contribute economically, socially and culturally of the country's development.

PROMOTION OF GOOD GOVERNANCE IN LABOUR MIGRATION

4.1 Enhanced Coordination of Labour Migration Management

A well-structured and coordinated approach to labour migration management is crucial for enhanced protection and promotion of the welfare of Kenyan migrant workers. The Government will forge partnerships and cooperation with the major stakeholders in labour migration namely employers, workers' unions, Private Employment Agencies, educational and training institutions, and migrant workers' associations and adopt measures to mitigate the loss of workers with critical skills. The National Employment Authority will play a lead role in coordination of labour migration in the country where a One-Country-Team-Approach will be adopted to enable the country carve a niche in labour migration. This will entail establishment of a National Inter-Agency Labour Migration Coordination Committee with membership drawn from key stakeholders. In addition, the country will establish a one-stop-shop offering all labour migration services under one integrated system for improved linkages and seamless flow of information.

4.2 Legal and Institutional Framework for Labour Migration

The Government through the Ministry of Labour and Social Protection and in collaboration with stakeholders will develop Labour Migration Management Bill. The Bill aims at reinforcing the existing legislations and provides a comprehensive legal and regulatory framework for orderly labour migration that ensures Kenyan migrant workers are engaged in decent, productive and freely chosen employment in foreign countries, with guaranteed security and human rights protection. The Bill also seeks to make private recruitment agencies more accountable and periodically report on the welfare of the migrant workers recruited.

The Government developed the Labour Institutions (Private employment agencies) Regulations, 2016 to guide the operations of Private Employment Agencies. A Code of conduct for the Private Employment Agencies was also developed. The Regulations and Code of Conduct

flexible and appropriate responses as economies become more complex. There is, however, need to ensure that the Private Employment Agencies operate within the set standards to promote ethical recruitment of migrant workers.

The Government will continuously review the regulations governing labour migration to address emerging issues and enhance protection of jobseekers from unfair practices, review the Code of Conduct for Private Employment Agencies and support the Agencies to form associations to enhance their self-regulation, develop and implement a monitoring and evaluation framework for the operations of the agencies, and review the vetting and registration process of the Private Employment Agencies. In addition, the Government will continuously review, publish and provide information of registered employment agencies to root out illegal recruitment agencies.

4.5 Labour Migration Research, Statistics and Information

Timely and reliable labour market data is crucial for formulation of employment creation policies, job search, matching of job seekers and making informed choices on foreign employment. The Government will develop labour market information systems that adequately recognize and addresses labour market needs. The systems will be linked to the Kenya National Bureau of Statistics to ensure provision of aggregated national labour market statistics. In addition, the National Employment Authority Integrated Management System (NEAIMS) infrastructure will be upgraded to facilitate storage of all labour migration data in the country and stakeholders sensitized on the use of the system. The system will be integrated with other related systems to enhance seamless flow and exchange of information on labour migration.

Towards provision of labour market information, the Government will facilitate research on skills inventory in the country and the demand for labour in labour destination countries; establish linkages with research institutions, training institutions and other actors in labour migration management to promote research; collect data on labour migration; establish and publicize a skills inventory of Kenyans working abroad; and establish, maintain and update a database on Kenyans working in foreign countries, including seafarers, and foreign workers in Kenya. The database will include: the migrant worker's location, occupation, skills, earnings and sector of engagement; and ensure the data is disaggregated by gender. The Kenya Health Professions Oversight Authority (KHPOA) will maintain and provide information on the WHO recommendation of healthcare workers to population ratios. In addition, a policy on labour market information will be developed to provide guidance on management of labour market information in the country.

Adverse reports regarding the plight of migrant workers especially domestic workers in the Gulf region have at times created negative publicity. Lack of clear channels of communication on labour migration issues has led to some prospective Kenyan migrant workers falling prey to false and misleading information on job opportunities abroad. A Communication Strategy on labour migration will be developed to enhance the management of communication within and outside the country, including establishing a toll-free telephone line to facilitate reporting of cases of distress and provision of information to stakeholders in need.

remain in employment for the stipulated period of their contracts. All migrant workers will be required to undertake pre-departure training and life skills courses prior to migration to equip prospective migrants with knowledge, skills, attitudes and values that will enable them cope with challenges they are likely to encounter in their new work environments abroad and on return.

The Government will develop, implement and continuously review and improve pre-departure training; establish a framework for: identification, vetting and accrediting of training institutions involved in pre-departure training; approval of curriculum and training programmes; curriculum verification; accreditation and supervision of trainers; and monitoring and evaluation.

4.8 Protection of Migrant Workers with Irregular Status

Migrant workers, whose entry or stay in a country is irregular are very vulnerable to exploitation and have no avenue for legal redress since they are afraid of contacting the authorities for fear of arrest or deportation. To enhance regular labour migration, the Government will; strengthen labour inspections to eliminate foreign workers in irregular situation in the country; develop and implement repatriation policies; explore opportunities for regularizing the status of Kenyan migrant workers in irregular situation; improve on law enforcement to curb illegal recruitment of Kenyan workers for foreign labour markets and employment of foreign workers in irregular situation in the country; and establish, maintain and an updated database of all Kenyans migrants; establish and maintain an updated database of all foreigners in the country including migrant workers in irregular situations.

4.9 Counter-Trafficking and Anti-Smuggling of Persons

Trafficking in persons occurs when a person recruits, transports, transfers, harbours or receives another person for the purpose of exploitation by means of, threat or use of force, or other forms of coercion; abduction; deception or fraud. The symbiotic connection between labour migration and trafficking in persons must be examined in any policy discourse in order to ensure complete protection of the rights and welfare of the migrant workers.

To combat trafficking in persons, smuggling of persons and child labour, the Government in collaboration with stakeholders will: strengthen the National Coordination Mechanism to combat human trafficking; establish plans of action to effectively respond to trafficking in persons at national and regional levels; establish shelters for persons rescued from trafficking; protect and support victims of trafficking and advocate against their prosecution for immigration related offences. In addition, the Government will strengthen the capacity of stakeholders dealing with trafficking in persons for ease of detection and protection of trafficking cases; establish programmes for rehabilitation and reintegration of victims of trafficking to the society; provide guidance and counselling to victims of trafficking; monitor the operations of adoption agencies and Private Employment Agencies to combat child trafficking and illegal recruitment; and sensitize the public and prospective migrant workers on the Guidelines on National Referral Mechanism.

Further, the Government will participate in regional discussion and cooperation towards implementation and enforcement of the anti-trafficking and smuggling in person laws and

Further, the Government will develop a Qualification Framework to facilitate the portability of skills and competencies; facilitate mutual recognition of academic, professional and technical qualifications within East African Community (EAC), Inter-Governmental Authority Development (IGAD) and Common Market for Eastern and Southern Africa (COMESA) regionals; pursue conclusion of mutual recognition agreements on identified professions among free mobility regimes and other important destinations; ratify and domesticate the 2014 Addis Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and Other Academic Qualifications in Higher Education in African States, and establish bodies and procedures in compliance with the Agreement.

4.12 Return and Re-Integration of Migrant Workers

Participation of Kenyan migrant workers in the development of the country while working abroad as well as on return from their tour of duty is beneficial to the country, the workers and their families. The skills and experience acquired while working abroad are crucial in addressing the skills gaps in the country thus reversing the adverse effects of brain drain, and contributing to the growth of the economy.

The Government in collaboration with the stakeholders involved in labour migration, will develop programmes that will enable migrant workers participate in national development while abroad and upon their return; pursue psycho-social counselling to deal with any adverse encounters that the returnees may have been subjected to while abroad; and collaborate with key labour destination countries to develop and adopt a system to grade and certify semi-skilled and unskilled workers for their experience where they have not acquired certificates during the period of service abroad.

To enhance the institutional framework for reintegration of Kenyan migrant workers, the Government will establish a National Reintegration Centre under the National Employment Authority. The mandate of the Centre will be development and implementation of a sustainable return and reintegration mechanism for both planned and forced return. The mechanism will focus on saving and investment opportunities, business and enterprise development, labour market information, employment facilitation services, skills upgrading, information on health, housing, social benefits and retirement for planned return; and welfare assistance such as psychosocial counselling, legal assistance, hospital/medical assistance, temporary shelter, transportation, and education assistance for forced return.

A robust monitoring system for recording migrant workers' return and participation in national development will be established and implemented. Virtual return of migrants will be encouraged where Kenyan migrant workers will be offered opportunities to provide services in their areas of expertise while still abroad. Advertisement for these services will be carried out through existing channels and the Migrant Workers' Associations (MWA). The Government will also: identify investment opportunities in the country for the Kenyan migrant workers; provide non-cash incentives such as, recognition for participation in the country's development, to the Kenyan migrant workers to encourage them to save and invest in Kenya; develop mechanisms to facilitate reduction of the cost of remittances; create awareness among migrant workers abroad on investment opportunities available in the country; and facilitate integration of migrant worker's children into the national education system.

CHAPTER 5: POLICY IMPLEMENTATION, MONITORING AND EVALUATION, AND REPORTING

5.0 Overview

Assessment of progress made in the implementation of this Policy, which will be carried out through Monitoring and Evaluation, will be critical in determining if the country is on track in realization of the set labour migration goals and in prompting for desired change. The Chapter outlines the Institutional, and Monitoring and Evaluation frameworks for implementation of the Policy. The frameworks will allow for tracking of Strategies and Activities outlined in the Action Plan and assessment of the impact of key initiatives.

5.1 Institutional Framework

The Government is committed to full implementation of the National Policy on Labour Migration, which will be spearheaded by the National Employment Authority as provided for in the National Employment Authority Act, 2016. The Authority will coordinate implementation of all strategies outlined in this Policy for effective and efficient realization of the set objectives. The policy takes cognizance of the crucial roles played by various stakeholders in implementation of labour migration programmes. It therefore provides a mechanism for collaboration between the relevant stakeholders. The role of various stakeholders in implementation of the Policy is outlined below:

The Ministry responsible for Labour & Social Protection matters will provide policy direction, support and monitor implementation of the policy framework, while the National Employment Authority will play a lead role in coordination of labour migration in the country; monitor and report on implementation of the strategies and activities in the policy; and advise the Cabinet Secretary on national priorities in labour migration. In addition, the Ministry of Labour and Social Protection through the National Employment Authority in collaboration with the Ministry of Foreign and Diaspora Affairs will establish a mechanism to identify and lobby for employment placement for Kenyans in international labour markets.

The Ministry in charge of Foreign and Diaspora Affairs will be responsible for matters relating to foreign policy, serve and promote legitimate interests of Kenyans living abroad and provide consular services as prescribed.

The Directorate of Immigration Services will be responsible for border control and management, regulation of entries and exits of persons across national borders, migrants control through screening and traveller analysis; guaranteeing authenticity of national identity and travel

5.3 Policy Review

This Policy will be reviewed every five years or on a needs-basis. The review will focus on the extent to which the activities undertaken achieved the set objectives; sustainability of the achievements made; challenges faced; lessons learnt; and mitigation measures.

Policy Priority	Strategy	Activities	Implementing Agency	Time Frame
Outcome	Safe, Orderly and Productive Labour Migration	<p>Establish a one-stop-centre offering all labour migration services under one integrated system for improved linkages and seamless flow of information. Identified Systems for integration which include;</p> <ul style="list-style-type: none"> • NEAIMS • Integration of Attestation process into the NEAIMS • Kenya Labour Market Information System (KLMIS) • Passport Processing • Border Management system • System on Authentication of Certificate of Good Conduct • Integrated Population Registration System (IPRS) • Business Registration Services • Foreign Countries of destination systems (i.e Musaned) • Kenya Revenue Authority (KRA) • Counter Trafficking in Persons • National Industrial Training Authority (NITA) • Nursing Council of Kenya 	<p>ML&SP, NEA, DIS, MF&DA, Moi&NA, State Law Office, MICDE, CoDs, KRA, CTIP, NITA, KNOA, NCK, NRB</p>	<p>2023-24</p>
		<p>Establish a labour migration desk at the major points of exit (JKIA, MIA and other border posts)</p>	<p>DIS, ML&SP, NEA, Moi&NA, CTIP, KAA,</p>	<p>December, 2023</p>
		<p>Operationalize Ministerial Technical Implementation Committee on the Health workforce migration</p>	<p>MOH, NCK, KHPOA, ML&SP, MF&DA, NEA</p>	<p>2023-2027</p>

Policy Priority	Strategy	Activities	Implementing Agency	Time Frame
Outcome	Safe, Orderly and Productive Labour Migration			
	Co-operation and Partnerships on Labour Migration	<ul style="list-style-type: none"> Promote ratification of the African Union Free Movement Protocol Adopt the Inter-governmental Authority on Development (IGAD) Free Movement Protocol Implement the East African Community (EAC) Common Market Protocol on free movement of persons and workers Cooperate in harmonization of labour migration policies within the EAC and IGAD Negotiate and sign Bilateral Labour Agreements with countries of destination (Five (5) annually) with focus on skilled and professional cadres. Review existing BLAs (Saudi Arabia, Qatar, UAE) to align them to the Model Bilateral Labour Agreement (BLA) Implementation of the Country Action Plan of the Regional Ministerial Forum on Migration (RMFM) Roadmap towards harmonized labour migration policies in the East and Horn of Africa. Negotiate and sign MOUs on mutual recognition of accredited qualifications and skills in Kenya with Countries of Destination Develop country specific Standard Contracts of employment for migrant workers Establish and operationalization of BLAs Joint Implementation Committees in consultation with Countries of Destination Establish a mechanism for monitoring implementation of the BLAs 	<p>ML&SP, MFDA, NEA, MEACARD, AG, ILO, IOM, DIS, NITA, KNQA, CoDs,</p> <p>ML&SP, MFDA, NEA, AG, TNT, NITA, CoDs, MOH, NCK</p> <p>ML&SP, MFDA, NEA, TNT, NITA, CoDs, AG, ILO</p> <p>ML&SP, MFDA, NEA, MEACARD, ILO, IOM, DIS, MPSSG&AA, NITA, KNQA, CoDs,</p> <p>ML&SP, MFDA, NEA, AG, MEACARD, ILO, IOM, DIS, NITA, KNQA, MOH, NCK, CoDs</p> <p>ML&SP, MFDA, NEA, AG, CoDs</p> <p>ML&SP, MFDA, NEA, DIS, AG, MOH, CoDs</p> <p>ML&SP, MFDA, NEA, DIS, NITA, AG, KNQA, MOH, NCK, CoDs</p>	<p>2023-2027</p> <p>2023-2027</p> <p>December, 2023</p> <p>2023-2027</p> <p>2023-2027</p> <p>September, 2023</p> <p>2023-2027</p> <p>September, 2023</p>

Policy Priority	Strategy	Activities	Implementing Agency	Time Frame
Outcome	<p>Safe, Orderly and Productive Labour Migration</p>	<ul style="list-style-type: none"> • Establish and publicize a national skills inventory including Kenyans working abroad • Identify employment opportunities abroad • Establish, maintain and update a database on Kenyans working in foreign countries, including seafarers • Update Regulatory Registers to capture information on health professionals' migration • Establish, maintain and update a database on foreign workers in Kenya • Create awareness on the need for Kenyan migrant workers to register with NEAIMS, Kenyan Embassies, missions and consulates. • Develop a policy framework on employment of expatriates • Develop Understudy Programmes to facilitate skills transfer • Develop a policy on labour market information • Develop and implement a Communication Strategy on labour migration. 		

Policy Priority	Strategy	Activities	Implementing Agency	Time Frame
Outcome	Safe, Orderly and Productive Labour Migration			
	Pre-departure Training and Orientation	<ul style="list-style-type: none"> Provide Pre-Departure Training and Orientation for all Kenyan migrant workers leaving the country Develop, implement and continuously review pre-departure training Develop Standard Operating Procedures (SOPs) for Pre-departure training and orientation Develop additional information handbooks on countries of destination Review the framework for: identification, vetting and accrediting of training institutions involved in pre-departure training; and Establish a mechanism for monitoring and evaluation of predeparture training 	<p>MLSP, MFDA, NEA, NITA, MOH, NCK, KMTc, NYS, KATTI, Training Institutions, IOM, PEAs</p> <p>MLSP, MFDA, NEA, NITA, MOH, NCK, KMTc, Training Institutions, IOM, PEAs, CoDs, ILO, KICD, KNQA</p> <p>MLSP, NEA, NITA, Training Institutions, MOH, NCK, KMTc PEAs, IOM, ILO</p> <p>MLSP, NEA, PEAs, IOM, ILO, CoDs</p> <p>MLSP, NEA, NITA, KICD, KNQA IOM, PEAs, ILO, MOH, NCK, KMTc</p>	<p>Continuous</p> <p>Continuous</p> <p>December,2023</p> <p>Continuous</p> <p>2023-27</p>
	Protection of Migrant Workers with Irregular Status	<ul style="list-style-type: none"> Develop a mechanism to identify foreign workers in irregular situation in the country. Develop and implement repatriation policies Develop guidelines for regularizing the status of Kenyan migrant workers in irregular situation Capacity building of enforcement officers to curb illegal recruitment of Kenyan workers for foreign labour markets and employment of foreign workers in the country Establish, maintain and an updated database of all Kenyan migrants Establish and maintain an updated database of all foreigners in the country 	MLSP, MFDA, NEA, MI&NA, DIS	2023-27

Policy Priority	Strategy	Activities	Implementing Agency	Time Frame
Outcome	<p>Safe, Orderly and Productive Labour Migration</p> <p>Return and Re-Integration migration</p>	<ul style="list-style-type: none"> Identify potential migrant returnees Provide psycho-social counselling to returnees Identify available investment opportunities for migrant workers Create awareness among migrant workers abroad on investment opportunities available in the country. Identify safe and cost-effective channels of remittances Establish a National and Regional Reintegration Centres Develop and implement a monitoring system for recording migrant workers' return and participation in national development Develop mechanisms to facilitate reduction in the cost of remittances Facilitate integration of migrant worker's children into the national education system Conduct tracer studies for returning migrant workers 	<p>MLSP, MFDA, NEA, MWA, Private Sector, Directorate of Immigration and Citizen Services, ILO, IOM, Social Partners, DAs, CBK, KBA, LaMP, MOH, NCK</p>	2023-27
	<p>Enhanced Social Protection for Migrant Workers</p>	<ul style="list-style-type: none"> Negotiate bilateral and multilateral agreements on social security to cover Kenyan migrant workers Review and strengthen existing social security policies and laws to cover Kenyan migrant workers Develop social security products that are attractive and safe for Kenyans in the diaspora Provide insurance covers to all Kenyan migrant workers Provide social assistance to migrant workers and their families in distress Undertake follow-up and post-employment assessment for Kenyans in countries of destination Establish a social welfare fund for Kenyan women working abroad to provide a safety net for distressed diaspora citizens. 	<p>MLSP, MFDA, NEA, NSSF, TNT& EP, AG</p>	2023-27

Policy Priority	Strategy	Activities	Implementing Agency	Time Frame
Outcome	<p>Safe, Orderly and Productive Labour Migration</p> <p>Capacity Building for Institutions involved in Labour Migration</p>	<ul style="list-style-type: none"> Strengthen the human, financial, technological and infrastructural capacities of institutions dealing with labour migration Enhance the operational capacity of the existing Labour Attaches offices and expand the scope of their services 	<p>ML&SP, MFDA, NEA, KNBS, MICDE, PEA, MWA, Labour Attaches Offices, DIS, MOH, NCK, KMTC, IOM, ILO, Other Development Partners</p>	<p>2023-27</p>