

PARLIAMENT OF KENYA



12<sup>TH</sup> PARLIAMENT  
(SECOND SESSION)



REPORT OF THE PROCEEDINGS OF THE  
INTER-PARLIAMENTARY UNION (IPU) PARLIAMENTARY  
HEARINGS AT THE UNITED NATIONS,

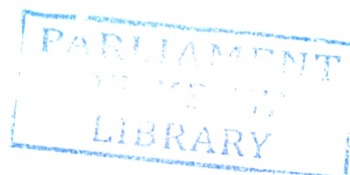
NEW YORK, USA

22<sup>ND</sup> - 23<sup>RD</sup> FEBRUARY, 2018

PAPERS LAID	
DATE	15/05/2018
TABLED BY	Sen. Shiganga
COMMITTEE	—
CLERK AT THE TABLE	CM

Clerks Chambers  
Parliament Buildings  
**NAIROBI**

March, 2018



## **PREFACE**

### **Hon. Speaker,**

1. The Inter Parliamentary Union (IPU) Parliamentary Hearing at the United Nations took place on 22<sup>nd</sup> and 23<sup>rd</sup> February, 2018, at the UN Headquarters in New York, USA. The theme of this year's Hearing was '*Towards a global compact for safe, orderly and regular migration: A parliamentary perspective*'.
2. The meeting was opened by the President of the UN General Assembly, Mr. Miroslav Lajčák, and the IPU President, Sen. Gabriela Cuevas Barron. The UN Secretary-General, António Guterres also addressed the participants.
3. The Hearing allowed for a comprehensive parliamentary perspective on key questions of migration, and helped inform the United Nations negotiations towards a Global Compact on Migration. This is a new framework for the practical arrangements that need to be put in place globally and nationally to ensure migration is properly managed, with due regard for the human rights of migrants and the sovereign rights of States.

### **Hon. Speaker,**

4. During the Hearing, parliamentarians observed that while migration is a reality the world over, it is too often governed by States in an *ad hoc* and disjointed manner.
5. Migration is too often involuntary, caused by war, climate change, famine, natural disasters and terrorism. Parliamentarians therefore underscored the need to address the root causes of large-scale migration and to ensure that migration is by choice rather than a necessity. They also stressed that migrants were human beings who deserve to be treated with dignity and respect, and to have their human rights recognized and enforced.

6. The narrative on migration should be changed to one that focuses more on good practices in communities. The MPs expressed concern that migrants frequently were the scapegoats for their host country's own problems, and subjected therefore to hate and xenophobia. Parliamentarians identified ways they could contribute to curbing hate speech, including through laws and by example.
7. Parliamentarians were also concerned about the plight of the more vulnerable migrants, women and children, particularly those children born of irregular migrants. They recognized their responsibility as legislators to prevent suffering of all human beings.
8. Finally, MPs acknowledged the importance of their role in passing laws, including the budget, and in ensuring the implementation of the Global Motion on Migration and safe, orderly and regular migration. In addition, they play an important part in increasing coordination among and within states, and in reducing xenophobia.

**Hon. Speaker,**

9. The delegation from the Parliament of Kenya comprised the following -
  - a) Hon. Jude Njomo, MP – Leader of Delegation
  - b) Sen. Naomi Shiyonga, MP
  - c) Hon. (Dr.) John Mutunga, MP
  - d) Hon. Eve Obara, MP
  - e) Mrs. Serah Kioko – Director, Legislative & Procedural Services, Senate
  - f) Mr. Charles Munyua – Delegation Secretary (*Senate*)
  - g) Mr. Moses Lemuna – Delegation Secretary (*National Assembly*)
10. The Kenya delegation participated actively in the deliberations and robustly presented our country position during the various Sessions, which fed into the final report of the Hearings on the Global Compact for Migration.

**Hon. Speaker,**

11. The delegation is grateful to the Speakers of the two Houses for allowing them to attend the Session, for facilitating travel and accommodation and providing logistical and technical support in liaison with the offices of the Clerks from the two Houses.
12. It is now my pleasant duty, on behalf of the delegation to present and commend this report to the House for adoption.

*Naomis*  
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**SEN. NAOMI MASITSA SHIYONGA, M.P.**

**MEMBER OF THE DELEGATION**

**DATED** *7/05/2018* .....

**REPORT OF THE PROCEEDINGS OF THE INTER-PARLIAMENTARY UNION  
(IPU) PARLIAMENTARY HEARINGS AT THE UNITED NATIONS, HELD IN  
NEW YORK, USA ON 22ND – 23RD FEBRUARY, 2018**

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**A. INTRODUCTION**

1. The Inter-Parliamentary Union (IPU) was established in 1889 as the focal point for world-wide parliamentary dialogue. It exists to protect and build global democracy through political dialogue and concrete action. With its membership comprising 178 Parliaments and 12 Associate Members, the IPU works closely with the United Nations and other partner organizations which are motivated by the same ideals. To that end, the IPU:
  - a) Fosters contacts, co-ordination, and the exchange of experience among parliaments and parliamentarians of all countries;
  - b) Considers questions of international interest and concern and expresses its views on such issues in order to bring about action by parliaments and parliamentarians;
  - c) Contributes to the defence and promotion of human rights - an essential factor of parliamentary democracy and development; and
  - d) Contributes to better knowledge of the working of representative institutions and to the strengthening and development of their means of action.
2. The IPU's main areas of activity are representative democracy, international peace and security, sustainable development, human rights and humanitarian law, women in politics, and education, science and culture.
3. The organs of the IPU are the Assembly, the Governing Council, the Executive Committee and the Secretariat. The current President of the IPU is Sen. Gabriela Cuevas Barron, while the Speaker of the Senate, the Hon. Kenneth Lusaka, sits in the Executive Committee of the IPU.

## **The 2018 Parliamentary Hearings at the UN**

4. Entitled '*Towards a global compact for safe, orderly and regular migration: A parliamentary perspective*', the 2018 Parliamentary Hearing was held with the view to engaging with and obtaining the perspectives of Parliamentarians in the ongoing discussions on migration, which will culminate with a United Nations Conference in the last quarter of 2018.
5. The Hearing allowed for a comprehensive parliamentary perspective on key questions of migration and helped inform the United Nations negotiations of the Global Compact on Migration – a new framework for the practical arrangements that need to be in place globally and nationally to ensure migration is properly managed with due regard for the human rights of migrants and the sovereign rights of States.
6. The Venue of the Hearing was the **Trusteeship Council Chamber**, Secretariat Building, at the UN Headquarters in New York, USA.

## **Background to the Global Compact for Safe, Orderly and Regular Migration**

7. Managing migration has been ranked, by the UN, as one of the most urgent and profound tests of international cooperation in our time. Following preparatory work carried out over several years, the Member States of the UN adopted the New York Declaration for Refugees and Migrants in 2016, which set out a roadmap towards the negotiation and adoption of a Global Compact on safe, orderly and regular migration.
8. The team working on the draft document published the Zero Draft on 5<sup>th</sup> February, 2018. This draft forms the subject of year-long negotiations, commencing with the Parliamentary Hearing at the UN, and culminating in a High Level Meeting of Heads of State and Government in December 2018, during which the Global Compact will be adopted.
9. The draft Global Compact on Migration (GCM) sets out the preamble, vision and guiding principles and cooperative framework of objectives towards attaining safe, orderly and regular migration. The twenty-two actionable commitments contained in the GCM are as follows:-

- a) Collect and utilize accurate and disaggregated data as a basis for evidence-based policies;
- b) Minimize the adverse drivers and structural factors that compel people to leave their country of origin;
- c) Provide adequate and timely information at all stages of migration;
- d) Provide all migrants with proof of legal identity, proper identification and documentation;
- e) Enhance availability and flexibility of pathways for regular migration;
- f) Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work;
- g) Address and reduce vulnerabilities in migration;
- h) Save lives and establish coordinated international efforts on missing migrants;
- i) Strengthen the transnational response to smuggling of migrants;
- j) Prevent and combat trafficking in persons in the context of international migration;
- k) Manage borders in an integrated, secure and coordinated manner;
- l) Strengthen procedures and mechanisms for status determination;
- m) Use migration detention only as a last resort and work towards alternatives;
- n) Enhance consular protection, assistance and cooperation throughout the migration cycle;
- o) Provide access to basic social services for migrants;
- p) Empower migrants and societies to realize full inclusion and social cohesion;
- q) Eliminate all forms of discrimination and promote fact-based public discourse to shape perceptions of migration;
- r) Invest in skills development and facilitate recognition of skills, qualifications and competences;
- s) Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries;
- t) Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants;
- u) Cooperate in facilitating dignified and sustainable return, readmission and reintegration; and

- v) Establish mechanisms for the portability of social security entitlements and earned benefits.
10. The draft GCM concludes with an implementation framework and commitments on follow-up and review of the commitments made.

### **Program and structure of the Parliamentary Hearing**

11. The Parliamentary Hearing took place over two days and was organized under eight Sessions, as follows:

*Session 1:* Migration today: main facts, agreed principles, and gaps

*Session 2:* National policies and local responses: best practices and the need for coordination

*Session 3:* Addressing large movements: domestic initiatives and international cooperation

*Session 4:* Social cohesion and integration of migrants

*Session 5:* Realizing the human rights of all migrants: a whole-of-government approach

*Session 6:* From irregular to regular status: common principles and best practices

*Session 7:* The political and social participation of migrants in decision-making

*Session 8:* The Global Compact for Migration (GCM) and follow-up: the role of parliaments

## **B. SUMMARY OF PROCEEDINGS**

### **Opening Session**

12. The Opening Session of the Parliamentary Hearing was addressed by Hon. Miroslav Lajčák, President of the 72nd General Assembly, and Sen. Gabriela Cuevas Barron, the President of the IPU.
13. In his remarks, Hon. Miroslav Lajčák, stressed that migration is a global phenomenon that requires global action. He noted that parliamentarians play a crucial role in bringing the perspectives of the people they represent to the United Nations, and thus ensuring the Global Compact on Migration is pragmatic and effective.

14. President Lajčák therefore encouraged parliamentarians to use data and facts to combat misconceptions and drive evidence-based approaches when it comes to dealing with migration. He further underscored the need for a shared commitment to multilateralism by the IPU and the UN in addressing migration.
15. On her part, the President of the IPU painted a picture of international migration as a common element of human history, noting that 258 million people live outside of their birth country, an estimated 50 million do not have regular status, and up to 10 million work abroad every year.
16. She recalled that many migrants undertake dangerous and sometimes lethal routes in search of safety and opportunity, and even those who reach their destination often face stigmatization and human rights violations. She therefore emphasized parliamentarians' responsibility to bolster change in their countries and promote legislation that treats migrants with dignity and respect regardless of their migration status or reason for leaving.

**Session 1: Migration today: main facts, agreed principles, and gaps**

17. The following were the panelists during the first Session:
  - i) **Ms. Louise Arbour**, Special Representative of the Secretary General for International Migration;
  - ii) **Ms. Michele Klein Solomon**, Director, Global Compact for Migration, IOM; and
  - iii) **Ambassador David Donoghue**, Distinguished Fellow, Overseas Development Institute (ODI), former Irish Ambassador to the UN and Co-Facilitator for the NY Declaration for Refugees and Migrants.
18. The panelists noted that, while migration had moved up steadily on the UN's agenda in recent years, most progress has taken place on the regional, not global level. The Sustainable Development Goals (SDGs), while sidestepping migration as a primary goal, included specific targets on migration that acknowledged the positive role of migration for sustainable development and economic growth.

19. They further noted that massive outflows of people escaping conflict and natural disasters affected many countries, with the number of people forced to migrate likely to increase due to climate change and the resulting environmental conditions and natural disasters.
20. It was noted that, while refugees have a specific definition, framework and resources within the UN, there was no such protection for the growing number of migrants, leaving many of them exposed to discrimination, exploitation and other forms of human rights violations. These factors, coupled with the generally weak regime of global migration governance, with its patchwork of *ad hoc* national solutions, had paved the way for a Global Compact for Migration. This new agreement was expected to build on the key principles and general guidance of the landmark 2016 New York Declaration for Refugees and Migrants.
21. During discussions on the topic, participants expressed the need for a clear distinction in the definition of a refugee vis-à-vis a migrant. Consequently, the GCM should clearly define which migrants get protection, what kind of protection, and for how long. Speakers suggested defining migrants based on their reasons for migration, including economic need, climate change, environmental degradation, food insecurity, humanitarian need, war and conflict, failed States, family reunification, gang recruitment, and child or forced marriage. Internally displaced persons may also need to be included in the GCM.
22. Participants further underscored the need for the GCM to provide a strong framework for effective global cooperation on migration, so that it becomes safe, orderly and regular, ensuring that migration benefits all people and countries fairly. For example, dismantling human trafficking and smuggling networks associated with migration demanded a joint response. Demographic and labour market trends – such as aging and shrinking societies in some countries and growing populations in others – will continue to drive people across borders for work. Issues such as missing migrants and unaccompanied children also typically involve multiple nations and require collaboration.

23. The Session further acknowledged that, while studies had shown migration generally benefits the migrant and the host country, sending countries also faced challenges, such as brain drain. The GCM will thus need to streamline practices connected to migration, such as remittances and recruitment. Remittances – which add up to nearly \$450 billion a year – must be better regulated, less costly and more transparent. Ethical and transparent recruitment practices were needed to protect migrants' rights, prevent illegal activities and eliminate employee-paid fees.
24. In sum, participants stressed the need for the GCM to address comprehensively all aspects of migration, including outflow and return to the home country. Participants further highlighted the need for a strong follow-up process and for more effective communication about migration issues, which could help with proper implementation.

**Session 2: National policies and local responses: best practices and the need for coordination**

25. The following were the panelists during the second Session:
- i) **Hon. Karina Sosa**, MP, El Salvador, Foreign Relations Committee, Central American Integration and Expatriate Salvadorans;
  - ii) **Mr. Ahmed Skim**, Director of Migration Affairs, Ministry of Foreign Affairs, Morocco Co-Chair, Global Forum on Migration and Development (GFMD);
  - iii) **Ms. Sarah Arriola**, Undersecretary for Migrant Workers Affairs, Department of Foreign Affairs, Philippines; and
  - iv) **Ms. Vittoria Zanuso**, Rockefeller 100 Resilient Cities initiative.
26. The panelists noted that, each year, millions of children, women and men become victims of human trafficking, and criminals earn an estimated US\$ 32 billion annually from human and sexual exploitation. They reported that several nations had recently strengthened anti-trafficking and smuggling laws, and encouraged parliamentarians to use bilateral and multilateral agreements to dismantle the criminal networks behind them.

27. While studies had shown that foreign-born residents are less likely to commit crimes than native-born residents, participants acknowledged that migrants and refugees are disproportionately seen as threats. Parliamentarians were thus encouraged to use facts and data to fight these misconceptions, and to emphasize the importance of cohesion and integration as part of these efforts. Safe, orderly and regular migration could also help protect international security.
28. In their contributions, participants repeatedly advocated for shared responsibility and burden sharing when it comes to hosting migrants and refugees, while also acknowledging that certain countries disproportionately bear the burden of hosting, such as Greece, Lebanon, Jordan and Turkey in the case of the Syrian crisis. Some parliamentarians expressed worry over the possibility that the GCM will be non-binding; others said that regardless of its legal force the GCM will put pressure on more countries to contribute, and increase international cooperation on migration.
29. Some participants noted the tension between countries whose migration policies are designed to cherry-pick the most highly skilled, relatively well-off migrants, versus countries left with no choice but to admit low-skilled migrants or migrants who are harder to integrate because of cultural or other differences.
30. Participants also noted that some countries fuel migration by intervening in their neighbors' internal affairs, supporting civil wars, promoting harsh austerity and deregulation policies (neo-liberalism), or supporting terrorist and separatist groups.
31. A representative voiced concern that citizens from his country may not enjoy the same benefits abroad as foreigners in his country, and suggested the same rules should be applicable to all parties in the GCM. The delegation from Kenya pointed out that, while it has put in place measures to ensure migrants to the country enjoyed free movement and rights to work and to own property, similar treatment was not accorded to Kenyan migrants to other countries, particularly domestic and low-skilled workers in the Gulf Cooperation Council (GCC) countries.

### **Session 3: Addressing large movements: domestic initiatives and international cooperation**

32. The following were the panelists during the third Session:
- i) **Hon. Issaka Sidibé**, MP, President of the National Assembly of Mali;
  - ii) **Hon. Guoda Burokiene**, MP, Chair of the Migration Commission, Lithuania;
  - iii) **Ambassador Walton Alfonso Webson**, Permanent Representative of Antigua and Barbuda;
  - iv) **Mr. Phillip Martin**, University of California (Davis); and
  - v) **Mr. Fabien Dubuet**, Representative to United Nations, Médecins Sans Frontières (MSF).
33. During the session, panelists shared their country and work experiences on addressing the drivers of and managing large movements of migrants across countries and regions. One of the themes that emerged was on the need to concentrate on the root causes of migration, not just the phenomenon itself, which may be merely symptomatic of larger economic or political problems. Ultimately, the panelists stated, migration should be a choice, not something that takes place out of necessity.
34. In order to stop large outflows of people, participants underscored the need to invest in developing countries, prevent war and conflict through diplomacy, improve economic conditions that drive people to leave, and work on combating climate change.
35. A concern was raised about judging nations' generosity towards migrants by how many they take in, as some focus on attacking root causes by investing in developing countries. Member States must also foster conditions that encourage their citizens abroad to return. This includes improving the economy and health and education systems, and providing incentives for returnees.
36. The Kenya delegation outlined some of the measures the country was taking to address the economic drivers of migration and create opportunities for vulnerable groups. This included putting in place laws reserving 30% of government procurement for enterprises owned by

women, youth and people with disabilities, as well as through establishment of enterprise funds to make credit accessible and affordable to these groups.

37. The other key messages brought up during this discussion were that:

- a) The GCM needs to clearly define migration and migrants to avoid confusion with refugees;
- b) The GCM needs to provide practical guidance to respond to regular and irregular migration of all kinds, while at the same time addressing root causes, security concerns, and the possibility of repatriation in a balanced manner; and
- c) The GCM must uphold the principle of shared responsibility in all its dimensions, such as between countries of origin and destination, and between national and global levels.

#### **Session 4: Social cohesion and integration of migrants**

38. The following were the panelists during the fourth Session:

- i) **Hon. Seddik Chiheb**, MP, Algeria;
- ii) **Ambassador Louise Blais**, Deputy Permanent Representative of Canada;
- iii) **Ms. Tendayi Achiume**, UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance; and
- iv) **Ms. Bitta Mostofi**, Acting Commissioner, Mayor's Office of Immigrant Affairs, City of New York.

39. The panelists began by noting that, for a migration programme to be successful, social cohesion and integration of migrants must be prioritized. In the end, the difficulty of integration was one of the main obstacles to the admission of large flows of migrants.

40. A holistic approach was therefore necessary so that migrants can be well informed and can access services such as health, housing, education, language classes, cultural orientation, and legal assistance.

41. A panelist pointed out that integration cannot be done half-heartedly or with leftover funds, but requires time, resources and prioritization at all levels of government and civil society. Sub-national actors should also be consulted as they often carry out integration programmes locally, and can give valuable feedback to national authorities. Since most migrants move into cities, mayors and municipal leaders must be included in migration-related discussions, policymaking and budgeting.
42. The challenge of combating racism and xenophobia emerged as a common thread, with speakers frequently voicing concerns about the rise of hate speech, racism, xenophobia and nationalist movements, as well as lies and misinformation about migration and the scapegoating of migrants. They stressed the need to rely on data and facts to combat this narrative. While migration may lead to short-term displacement of native workers, it was pointed out that most migration, when properly managed, leads to better outcomes for migrants and citizens alike.
43. Consequently, as opinion leaders and role models, parliamentarians were urged to avoid inflammatory language about migrants and to set a tone in public discourse about migrants that avoids stereotypes.
44. Other steps parliamentarians could take to help tackle racism and xenophobia include:
  - i) Systematically call out and condemn xenophobia, racism and hate speech, including discourse cloaked in the language of national security, economic and national identity concerns;
  - ii) Condemn hate speech and consider whether a new legal framework to combat racism and xenophobia is needed;
  - iii) Regularly talk to constituents to help change the negative, false or misleading narrative about migration and migrants;
  - iv) Focus on social cohesion and integration of migrants, which can help tackle stereotypes and negative information;
  - v) Set a leadership example by embracing openness, respect for human dignity, and appreciation for diversity;

- vi) Go beyond policy debates by making field visits, meeting with migrants and refugees in their communities, and forging relationships with parliamentarians in neighboring countries;
- vii) Engage mayors, municipal leaders and groups and organizations that may help with integration efforts, including schools, churches, and community organizations;
- viii) Help establish local hate crime units, managed by municipal governments, that are trained to detect hate crimes against migrants; and
- ix) Ensure existing international human rights obligations regarding equality and non-discrimination are upheld.

**Session 5: Realizing the human rights of all migrants: a whole-of-government approach**

45. The following were the panelists during the fifth Session:

- i) **Hon. Anti Avsan**, MP, Sweden;
- ii) **Hon. Denise Pascal**, MP, Chile;
- iii) **Ms. Jill Goldenziel**, Professor of International Law, Academic Council on the UN System; and
- iv) **Mr. James Campbell**, UN Programme Officer, Save the Children.

46. When it came to protecting and realizing the human rights of migrants, it was noted that majority of countries were involved, either as a place of origin, transit or destination for migrants, and most as a combination of some or all of these designations.

47. Parliamentarians therefore shared experiences and perspectives on the importance of bilateral and multilateral agreements and global cooperation to ensure migrants' rights are protected during every stage of migration. It was underscored that migrants must be treated with dignity and respect and in accordance with human rights laws, regardless of their migration status.

48. Noting that more than 50 million migrant children had been forcibly displaced for reasons such as violence, abuse and exploitation,

participants recommended that the GCM recognize children as a vulnerable group and commit to protecting those who are unaccompanied or separated. Speakers also underlined the need for all children to access services such as legal assistance, health and education, so that the world does not end up with another lost generation.

49. Participants were informed that unregistered children are at particular risk of joining the estimated 3 million stateless children, and it was imperative that States register and provide identity for every child at birth. Decisions about child migrants needed to safeguard their best interests, including by ending the practice of child detention and by reaffirming the principle of non-refoulement of children who might be at risk of persecution at home. On this, Member States were invited to follow the lead of countries such as Costa Rica, Ecuador and Panama, which had ended child immigration detention.
50. Turning to girls and women, speakers pointed out that these were among the most vulnerable migrants, and welcomed the GCM's gender-sensitive approach. It was acknowledged that migrant girls and women were likely to have unwanted pregnancy and suffer from physical and sexual abuse. Consequently, they must be accorded access to full sexual and reproductive health services, regardless of their status or stage of migration.
51. On persons with disabilities, it was pointed that more than 30 per cent of migrants have disabilities, and were typically the most traumatized, with girls and women with disabilities being the most abused category of migrants. At vetting points, people who examined them were often not trained to work with people with disabilities. Without services such as sign language interpretation, these migrants faced even greater challenges in home, transit and destination countries.
52. The other key messages from this discussion included:
  - a) That parliamentarians need to ensure migration laws and policies comply with international standards, are migrant-centred, respect human rights, and are anchored in inclusivity and cooperation; and

- b) That the GCM needs to reference and reaffirm all relevant human rights treaties and migration-related conventions, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the International Convention on the Elimination of All Forms of Racial Discrimination.

**Session 6: From irregular to regular status: common principles and best practices**

53. The following were the panelists during the sixth Session:

- i) **Hon. Eve Akinyi Obara**, MP, Kenya;
- ii) **Senator Franceso Maria Amuruso**, Italy; and
- iii) **Mr. Vinicius Carvalho Pinheiro**, ILO Representative at the UN.

54. Participants were informed that most of today's 258 million migrants, who represent 3.4 per cent of the world's population, had moved through legal channels. It was noted however that, while preventing irregular migration was a key goal, some policies aiming to stop involuntary migration needlessly exacerbated human suffering.

55. While undocumented migrants may not be able to access employment opportunities or various services and benefits, regularizing them could boost economic growth and increase tax revenues and social security contributions for both the home and host country.

56. The discussion highlighted two main approaches to regularization:

- i) Programmes that offer one-off measures that respond to a particular situation and open a window for a specific group of people to become documented. Italy, Greece, Portugal and Spain had recently done this; and
- ii) Mechanisms that were part of broader migration policy. These were typically extended to long-time residents who can show proof of employment, or demonstrate humanitarian or other needs. Belgium, France and Germany are among the countries that had recently used this.

57. Participants then shared examples of migration policies, best practices for integration and social cohesion, and recent legislation pertaining to migrants, the diaspora, and returnees.
58. The Kenya delegation shared her experience with regard to the protection of temporary migrant workers from Kenya who leave the country each year for low-skilled and service-based jobs in the Gulf Cooperation Council countries (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates). When the government learnt of the abuse, torture, slavery and even death that these workers were being subjected to, the government had, in 2012, imposed a temporarily ban on such migration, to enable her put in place measures to ensure the protection of these workers.
59. Consequently, the Kenyan Government entered into bilateral agreements with the GCC countries, which outlined requirements such as minimum wage, mode of payment and worker registration. Kenya then lifted the ban on temporary workers in December 2017, with a national labour market system now in place to track Kenyans working abroad. The Kenyan Government had also sent labour attachés to Qatar, Saudi Arabia and the United Arab Emirates, to help workers settle abroad and handle any reports of mistreatment. Training was also provided, including information on housing as well as cultural issues, such as requirements to wear a headscarf or a *hijab* in certain places.
60. Some participants expressed concern that regularization of undocumented migrants may undermine existing laws while also attracting more irregular migrants. In response, parliamentarians were encouraged to think in terms not of undercutting laws, but of improving existing ones, so that they are updated to reflect current needs. The question was usually not whether to regularize, but how to design and implement migration policies that create regular pathways to migration. On this, it was noted that -
- a) The best solution to irregular migration, which in itself renders migrants more vulnerable, is to create more regular pathways to migration, such as work visas, portable social security benefits and a host of other measures that allow people to migrate or return to their home countries as needed;

- b) Vulnerable groups such as women, children and people with disabilities should be given special protection, in migration policies and in the law, against exploitation and abuse;
- c) Birth registration of all children, including migrants, needs to be enforced to ensure their rights are protected;
- d) Detention of irregular migrants, particularly children, should be avoided as it is counterproductive and runs against human rights norms;
- e) The elimination of human trafficking requires stronger bilateral and multilateral cooperation as well as stronger enforcement of existing laws; and
- f) National security policies should not single out migrants, since they are actually less likely to pose a threat to society than native-born citizens.

61. Ultimately, participants acknowledged that irregular migration can be dangerous and should be discouraged, and that international cooperation was needed to ensure migration is safe, orderly and regular.

**Session 7: The political and social participation of migrants in decision-making**

62. The following were the panelists during the seventh Session:

- i) **Hon. Maria Lohela**, MP, Speaker, Parliament of Finland;
- ii) **Mr. Elhadji Amadou Ndao**, Senegal Consul General; and
- iii) **Mr. Massimo Tommasoli**, IDEA.

63. While acknowledging that in majority of countries migrants do not enjoy the rights to vote or vie for political office, which consequently affects their representation in decision making bodies, this session focused on what measures states may take to give a voice to migrants and enable them participate in decision making on matters of interest to or affecting them.

64. The key takeaways from the presentations and deliberations were that parliamentarians and states need to:

- a) Ensure public discourse about migration and migrants is informed, and based on facts and data;
- b) Strengthen coherence between national policies and local responses to migration, including by providing sufficient resources for community integration and employment creation;
- c) Ensure public services are available to all residents, including migrants, regardless of status;
- d) Partner with the private sector, business, media and civil society to share information about migrants and migration, and to ensure migrants are appropriately integrated into economic development and labour market policies;
- e) Use the convening power of parliament to bring together stakeholders, including migrants, trade unions and community groups, in order to have input into migration policies and more broadly promote economic and social integration;
- f) Introduce the voices of migrants into deliberations and encourage their political participation; and
- g) Assess the effectiveness of national migration policies in light of the GCM and work with the IPU and the UN system to review those policies and strengthen the institutional capacities for their implementation, including through the committee system.

**Session 8: The Global Compact for Migration (GCM) and follow-up: the role of parliaments**

65. The following were the panelists during the eighth Session:
- i) **Hon. Kate Green**, MP, UK, Chair, All-Party Parliamentary Group on Migration;
  - ii) **Hon. Israfil Alam**, MP, Bangladesh, Chair, Parliamentary Caucus on Migration and Development; and
  - iii) **Mr. Charles Chauvel**, UNDP.
66. The final session of the Parliamentary Hearing evaluated ways through which parliamentarians could continue to engage with the process of developing the GCM, and in addressing issues of migration both national and globally.

67. Firstly, it was noted that, when devising and overseeing national migration policies, parliamentarians should consider the impact they could have regionally and globally, mediating immediate concerns with the long-term vision and commitments of the GCM. In addition to relying on committees, legislators can band together to force institutional changes that hold governments accountable for their migration policies.
68. Secondly, on the national level, parliamentarians can create platforms for dialogue on migration, such as the National Parliamentary Caucus on Migration and Development in Bangladesh or the House of Commons All-Party Parliamentary Group on Migration in the United Kingdom. Parliamentarians can also meet regionally, where migration flows are often more impactful, to develop solutions across borders. Regular dialogue on migration may also be scheduled on national, regional, and global levels.
69. Lastly, the IPU, together with partners such as the United Nations Development Programme (UNDP), could help ensure such meetings are part of the GCM's follow-up process, and that parliaments have committees and secretariats that can effectively implement migration policies.

## **Conclusion**

70. The IPU President, Sen. Gabriela Cuevas Barron, closed the Parliamentary Hearing by noting that, once the GCM was adopted, Parliaments will have a key role to play in its implementation. To this effect, they need to be prepared to hold governments accountable for their commitments, including by building institutional capacity required to design effective migration policies and oversee their implementation and budgeting.

### **C. OBSERVATIONS AND RECOMMENDATIONS BY THE DELEGATION**

1. The delegation, in preparing for the Parliamentary Hearing, gained immensely from consultations with and documents shared by the Kenya National Coordination Mechanism (NCM) on Migration, as well as the International Organization for Migration (IOM) country office.
2. The delegation noted that Kenya had prepared a National Position on the GCM, which was shared with the delegation, and informed some of the contributions during the Parliamentary Hearing at the UN. (*A copy of the National Position on the GCM is annexed to this Report*).
3. Noting that Kenya is classified as a country of origin, transit and destination for migrants, the delegation recommends that the respective Committees of the Senate and the National Assembly responsible for migration, do convene a consultative workshop with the NCM, the IOM Country Office and other stakeholders, where further engagement and consultations can take place on the subject of migration.
4. The outcome of the workshop may include identification of policy, legislative and other interventions that the national and county governments can implement to address migration at the national level, and provide input that would enrich Kenya's National Position in the ongoing negotiations towards adoption of the GCM.

## ANNEXES

- 1) Invitation Letter to the 2018 Parliamentary Hearing at the United Nations, dated 14<sup>th</sup> November, 2017;
- 2) Zero Draft of the Global Compact for Safe Orderly and Regular Migration (GCM), dated 5<sup>th</sup> February, 2018;
- 3) United Nations General Assembly Resolution No. 71/1 of 19<sup>th</sup> September, 2016, titled the '*New York Declaration for Refugees and Migrants*';
- 4) Report of the United Nations Secretary General No. 72/643 of 12<sup>th</sup> December, 2017, titled '*Making migration work for all*'; and
- 5) Kenya's National Position on the Global Compact for Migration.