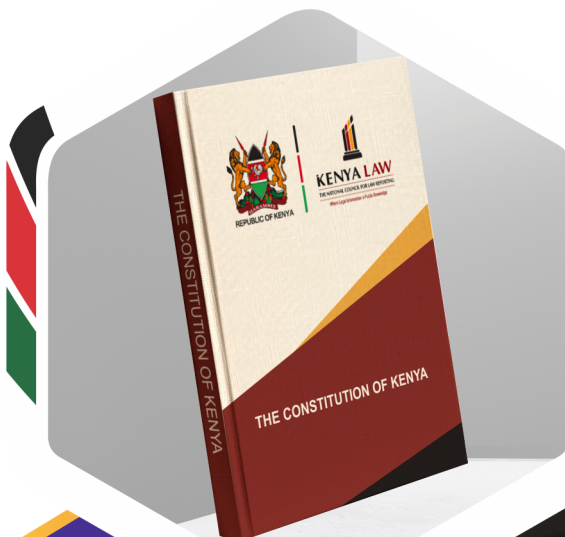




# ADMINISTRATION OF JUSTICE IN KENYA ANNUAL REPORT

≡≡≡ 2023 - 2024 ≡≡≡



NATIONAL COUNCIL ON  
THE ADMINISTRATION OF JUSTICE (NCAJ)





# ADMINISTRATION OF JUSTICE IN KENYA

## ANNUAL REPORT

2023 - 2024

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THE ADMINISTRATION OF JUSTICE (NCAJ)



Published by:

**National Council on the Administration of Justice**

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# ADMINISTRATION OF JUSTICE IN KENYA ANNUAL REPORT

2023 - 2024

The preparation and launch of this report was supported by:



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## MANDATE

The National Council on the Administration of Justice (NCAJ) is established as a high-level policymaking, implementation and oversight body comprising state and non-state justice actors. The Council is mandated to ensure a coordinated, efficient and consultative approach in the administration of justice, and reforming the Kenyan justice system.



## VISION

A coordinated and cohesive justice sector serving the people in Kenya.



## MISSION

To ensure a coordinated and consultative approach in the administration of justice by bringing together key actors to collectively develop and pursue reform priorities and strategies.



## VALUES

- Accountability
- Consultation
- Public Service
- Constitutionalism
- Interdependence
- Innovation

## FOREWORD



The National Council on the Administration of Justice (NCAJ) is established under the Judicial Service Act, Cap 8A, to reform the Kenyan justice system and enhance the coordination of the administration of justice. This responsibility is further anchored in the NCAJ Strategic Plan 2021–2026, which focuses on seven priority areas. These are strengthening coordination of the justice sector, deepening criminal and civil justice reforms, enhancing access to justice for vulnerable persons, seamless administration of justice at the grassroots through Court Users’ Committees (CUCs), heightened stakeholder engagement and effective monitoring and evaluation of justice sector programmes.

The NCAJ programmes are pivotal in realising Kenya’s Vision 2030, particularly as the rule of law is a fundamental enabler of economic performance and citizens’ well-being. These programmes also align with Kenya’s international commitments and obligations, especially Sustainable Development Goal (SDG) 16, which seeks to promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable, and inclusive institutions. The progress made in these aspects is accounted for and reported annually in the Administration of Justice in Kenya Report.

The Annual Report is prepared to fulfil the requirements of Section 37 of the Judicial Service Act. The 2023/24 report documents the overall status and achievements on the administration of justice in Kenya for the Financial Year (FY) 2023/24. It also provides progress on policy, legal and administrative reforms of Kenya’s justice system, including citizen-centric interventions at the grassroots. The achievements documented in this report are myriad and phenomenal. For this reason, I commend the leadership and staff of the NCAJ Agencies and partners for their remarkable efforts during the reporting period. These achievements reaffirm the justice sector’s commitment to enhancing the rule of law.

The report also outlines strategic priority programs for reforming and improving service delivery in the justice sector. This aims to consolidate the gains realised and sustain a robust systems-based approach for timely service delivery and response to emerging issues. Other focus areas include commitment to upholding human rights, enhanced climate action, and continuous technology adoption. With the steadfast support of NCAJ Agencies, Working Committees, CUCs and the Secretariat, the Council reaffirms its commitment to a coordinated justice system that supports the aspirations of Kenyans. I urge all NCAJ institutions, stakeholders, Development Partners and Civil Society Organizations to target the implementation of priority programmes outlined in this report.

Going into FY 2024/25, NCAJ will remain steadfast in carrying out its mandate by implementing the priority programmes outlined in Chapter 9. Through these programmes, the justice sector is poised to stay resolute in advancing the rule of law and effectively administering justice to all Kenyans. In doing so, a more just, equitable and peaceful society will be a reality.

***Hon. Justice Martha K. Koome, EGH***

**Chief Justice and President of the Supreme Court of Kenya &  
Chairperson - National Council on the Administration of Justice**

## ACKNOWLEDGEMENTS



The NCAJ remains committed to strengthening the administration of justice in Kenya by, among other initiatives, timely responding to the statutory requirements for annual reporting as per Section 37 of the Judicial Service Act, Cap 8A. The milestones realised in Financial Year (FY) 2023/24 have been documented in this Administration of Justice in Kenya Annual Report. For this reason, I profoundly appreciate the Council members' invaluable contributions. Special thanks go to Hon. Justice Martha Koome, the Chief Justice of the Republic of Kenya, for her outstanding leadership and wise counsel as the NCAJ Chairperson. The incredible support from Mr. Renson M. Ingonga, the Director of Public Prosecution and NCAJ Vice Chairperson, is also greatly appreciated.

I acknowledge the justice sector agencies for finalising diverse programs in FY 2023/24 and sharing data and information to prepare this report. The various achievements of the NCAJ could not have been possible without the input of Working Committees, Court Users' Committees (CUCs) and the Secretariat. I sincerely thank all the Chairpersons and members of the Committees and CUCs across the country.

Special appreciation goes to the Committee that diligently prepared this report. The Committee comprised Dr. Moses Marang'a (the Executive Director of NCAJ and Chairperson), Ms Cynthia Olwande (Head of Monitoring and Evaluation Department of NCAJ and Secretary), Prof. Jack Mwimali (the Editor/CEO of the National Council for Law Reporting), Dr. Gideon Kirui (Commissioner of Police & the Deputy Director of Training and Research, National Police Service), Dr. Miriam Nyamwamu (Commissioner of Prisons, Kenya Prisons Service), Mr. Kennedy Mutiso (Senior State Counsel, Office of the Attorney General & Department of Justice), Mr. Kennedy Ogutu (Legal Counsel, the Judiciary), Mr. Victor Owiti (Principal Prosecution Counsel, Office of the Director of Public Prosecutions) and Ms. Serah John (Deputy Director Probation and Aftercare Service).

Other members of the committee included Ms. Margaret Wanyoike (Head of the Council Coordination Department, Ms. Emily Mubichi (Head of the Criminal Justice Reforms Department), Ms. Doreen Ndemo (Head of Civil Justice Reforms Department), Ms. Sylvia Yiantet (Head of the Court Users' Committees Department), Ms. Merioth Ndumu (Head of the Access to Justice for Vulnerable Groups Department), Mr. Mohamed Abdiqafar Issak (Head of Finance & Accounts Department), Ms. Jacqueline Mulwa (Judiciary), Ms. Anne Thiong'o (Directorate of Children Services), Ms. Sophie Kaibiria (Law Society of Kenya), Mr. Francis Makori (Ethics and Anti-Corruption Commission), Mr. Elijah Rottok (Kenya National Commission on Human Rights), Mr. Ernest Kioko (Office of the Attorney General and Department of Justice), Mr. Tom Kataka (Legal Officer, Council of Governors) and Mr. Martin Astiba (Judiciary). I further express my gratitude for the immense support from other NCAJ Secretariat staff namely Mr. Salmon Omondi, Ms. Wendy Wairimu, Mr. Eric Atema, Ms. Julliet Owala, Mr. Peter Oko, Mr. Dennis Kubai, Ms. Emily Maranya, Mr. Duncan Mwanzia, Mr. Joel Kapoto, Barasa Shipeta, Mr. Stephen Kimaiyo, Mr. John Ogola and the graphic designing by Mr. Eliud Githua.

I sincerely thank our stakeholders and partners for providing technical and financial resources in support of this statutory reporting obligation. Special appreciation goes to the International Justice Mission, UNICEF, Equality Now and Centre for Reproductive Rights for their phenomenal support and partnership. The collective efforts and partnerships that have facilitated the progress in the justice sector are truly commendable. As we move forward, I remain confident that with the continued collaboration of all stakeholders, we will further strengthen the administration of justice in Kenya.

*Hon. Winfridah B. Mokaya*

**Chief Registrar of the Judiciary &**

**Secretary - National Council on the Administration of Justice**

<b>ADR</b>	Alternative Dispute Resolution
<b>AJS</b>	Alternative Justice System
<b>ATPU</b>	Anti-Terrorism Police Unit
<b>CAJ</b>	Commission on Administrative Justice
<b>CCR</b>	Case Clearance Rate
<b>CCUCs</b>	Children Court Users’ Committees
<b>CJCUCs</b>	Commercial Justice Court Users’ Committees
<b>CJS</b>	Criminal Justice System
<b>CLE</b>	Council for Legal Education
<b>COG</b>	Council of Governors
<b>CSO</b>	Community Service Order
<b>CSOs</b>	Civil Society Organizations
<b>CUCs</b>	Court Users’ Committees
<b>DCI</b>	Directorate of Criminal Investigations
<b>DCS</b>	Directorate of Children Services
<b>DPP</b>	Director of Public Prosecutions
<b>EACC</b>	Ethics and Anti-Corruption Commission
<b>ELC</b>	Environment and Land Court
<b>ELRC</b>	Employment and Labour Relations Court
<b>FIDA-K</b>	Federation of Women Lawyers - Kenya
<b>FY</b>	Financial Year
<b>GOK</b>	Government of Kenya
<b>HOD</b>	Head of Department
<b>ICJ-K</b>	International Commission of Jurists - Kenya
<b>ICT</b>	Information Communication Technology
<b>IDLO</b>	International Development Law Organization
<b>IEBC</b>	Independent Electoral and Boundaries Commission
<b>IFMIS</b>	Integrated Financial Management Information System
<b>IJM</b>	International Justice Mission
<b>IPOA</b>	Independent Policing Oversight Authority
<b>JLAC</b>	Justice and Legal Affairs Committee
<b>JSC</b>	Judicial Service Commission
<b>KHRC</b>	Kenya Human Rights Commission
<b>KMJA</b>	Kenya Magistrates and Judges Association
<b>KNBS</b>	Kenya National Bureau of Statistics

<b>KNCHR</b>	Kenya National Commission on Human Rights
<b>KPS</b>	Kenya Prisons Service
<b>KRA</b> s	Key Result Areas
<b>LRF</b>	Legal Resources Foundation
<b>LSK</b>	Law Society of Kenya
<b>MTEF</b>	Medium Term Expenditure Framework.
<b>MTP</b>	Medium Term Plan
<b>NCAJ</b>	National Council on the Administration of Justice
<b>NCCJR</b>	National Committee on Criminal Justice Reforms
<b>NCLR</b>	National Council on Law Reporting (Kenya Law)
<b>NCRC</b>	National Crime Research Centre
<b>NG-CDF</b>	National Government - Constituency Development Fund
<b>NGEC</b>	National Gender and Equality Commission
<b>NLAS</b>	National Legal Aid Service
<b>NLC</b>	National Land Commission
<b>NPS</b>	National Police Service
<b>OAG &amp; DOJ</b>	Office of the Attorney General and Department of Justice
<b>OCSEA</b>	Online Child Sexual Exploitation and Abuse
<b>ODPP</b>	Office of the Director of Public Prosecutions
<b>PACS</b>	Probation and Aftercare Service
<b>PLEAD</b>	Programme for Legal Empowerment and Aid Delivery in Kenya
<b>SDGs</b>	Sustainable Development Goals
<b>SDIs</b>	Service Delivery Initiatives
<b>SGBV</b>	Sexual and Gender-Based Violence
<b>SIRs</b>	Social Inquiry Reports
<b>SOA</b>	Sexual Offences Act
<b>SOJAR</b>	State of the Judiciary and the Administration of Justice Report
<b>SOPs</b>	Standard Operating Procedures
<b>SP</b>	Strategic Plan
<b>UNDP</b>	United Nations Development Programme
<b>UNHCR</b>	United Nations High Commission for Refugees
<b>UNICEF</b>	United Nations Children’s Fund
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>USDOJ</b>	United States Department of Justice
<b>VPB</b>	Victim Protection Board
<b>WPA</b>	Witness Protection Agency

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### Background

The 2023 - 2024 Annual Report on the Administration of Justice in Kenya was prepared in accordance with Section 37 of the Judicial Service Act, Cap 8A. This report highlights the achievements realised in the administration of justice in the Financial Year 2023/24. The sources of information include Council decisions, published government reports, periodic performance monitoring reports, and questionnaires filled out by NCAJ agencies. The report is organised into nine chapters aligned with the thematic areas of the NCAJ Strategic Plan 2021-2026.

### Highlights of Key Achievements

#### *Strengthening Coordination in the Administration of Justice*

The NCAJ successfully **held all the required statutory meetings**, focusing on improving **coordination** and **collaboration** within the justice sector and driving reforms. A significant achievement was the development of the Strategic Guiding Framework for Greening Kenya's Justice System. Additionally, the finalisation of Standard Operating Procedures to guide NCAJ agencies in carrying out Service Delivery Initiatives was a notable achievement. These successes were made possible by building solid alliances with diverse development partners and civil society organisations.

#### *Deepening of Criminal Justice Reforms*

During the review period, the criminal justice system made significant strides in legal, policy and administrative reforms to improve its effectiveness. A notable milestone was the finalisation of the Penal Code and Criminal Procedure Code draft bills. Regarding crime investigations and processing, the National Police Service processed **104,769** serious crime incidents, the Ethics and Anti-Corruption Commission addressed **5,255** complaints, and the Independent Policing Oversight Authority handled **1,092** cases. The Office of the Director of Public Prosecutions processed **298,610** criminal cases, with courts resolving **263,980** cases. By the end of the review period, **302,418** criminal cases were pending across all courts. Downstream in the criminal justice system, the Kenya Prison Service continued rehabilitating offenders, ending the year with **61,915** inmates, underscoring the need for ongoing decongestion efforts. Moreover, the Probation and Aftercare Service received **68,643** referrals.

#### *Strengthening Civil Justice Reforms*

Concerning civil litigation in FY 2023/24, **223,503** civil matters were filed in courts, **245,605** were resolved, where **5,761** were settled through mediation. Over the same period, the Office of the Attorney General concluded **2,897** cases and offered **843** legal opinions to various Ministries, Departments and Agencies. Moreover, the Public Trustee Department administered **2,896** estates, managed **1,317** trusts and resolved **263** disputes. Further, the Law Society of Kenya handled 48 public interest litigation cases and resolved **16** complaints against advocates. The OAG, Kenya Law Reform Commission and other justice sector agencies finalised **32** bills and regulations. Additionally, **30** opinions were made by Courts on the necessary legal reforms. A significant achievement during the review period was the development of the 24th Annual Supplement of the Laws of Kenya by the National Council for Law Reporting.

### *Enhancing Access to Justice for Vulnerable Groups*

During FY 2023/24, the NCAJ agencies implemented various programs and reforms to enhance the administration of justice for vulnerable groups. A total of **117,603** cases of violence against children were reported. Those that were filed in courts were **16,477**, with **15,726** being resolved. Notably, the International Conference on Child Protection was successfully held during this time. Regarding addressing gender-based violence, **32,909** cases of sexual and gender-based violence cases were filed in courts, with **30,877** being finalized. Moreover, NCAJ organized the inaugural National Conference on SGBV to foster in-depth stakeholder engagement on GBV-related issues. Furthermore, the Intersex Bill was finalized and submitted to the National Assembly for processing.

### *Enhancing the Administration of Justice at the Grassroots through CUCs*

The Court Users Committees (CUCs) increased from **256** in FY 2022/23 to **266** in 2023/24, demonstrating NCAJ's commitment to improving the administration of justice at the local level. A total of **478** CUC engagements were conducted to address justice administration issues. Additionally, CUC members received training in various areas, including implementing laws, policies, gender justice, and alternative dispute resolution. **Sensitisation amongst CUCs took centre stage**, covering, among other topics, diversion, plea-bargaining, and alternative justice systems. To improve CUC operations, specialised CUCs continued to operate. Moreover, continuous monitoring of CUC activities was undertaken to offer guidance on improving the administration of justice.

### *Capacity Improvement in the Justice Sector*

For the justice sector to effectively fulfil its mandate, it is essential to have sufficient qualified staff, appropriate physical infrastructure and supporting technology. At the end of the review period, there was a **26 per cent** staff shortage in the justice sector. About **23,306 staff were over 50 years old**, which signifies the need to recruit staff for the sector. The number of staff who exited the justice sector was **2,398**, compared to **1,839** who were recruited. Throughout the review period, various initiatives were implemented to improve the use of ICT, including the acquisition of **2,309** computers and laptops and continuous systems integration.

### *Financial Resources and Utilisation*

In FY 2023/24, the NCAJ agencies required **KShs 331.4 billion** to efficiently and effectively administer justice, an increase from **KShs 293 billion** in the previous period. The approved budget for NCAJ agencies in FY 2023/24 was **KShs 192.2 billion**, representing **4.3 per cent** of the national budget. The total expenditure from the approved budget amounted to **KShs 185 billion**, translating to an absorption rate of **96 per cent**, implying that the agencies' work plans were realistic and effectively implemented. In FY 2023/24, NCAJ Secretariat required a budget of **KShs 512 million**. However, an allocation of **KShs 118.8 million** constrained the implementation of vital programmes, particularly reforms.

### *Challenges Experienced in the Administration of Justice, FY 2023/24*

During the review period, significant challenges were experienced in the administration of justice in Kenya. These challenges included delays in the criminal justice system processes, particularly the investigation, prosecution and trial. The persistent overcrowding of prison facilities remained a critical issue. The quest for digitalisation was affected by inadequate ICT devices for employees, low integration of justice sector information systems and cyber security threats. Another major challenge was insufficient office space and staffing, with employees reporting narrow salary bands that hindered their career growth. Overall, inadequate budgetary allocations, compounded by unexpected reductions and late disbursements of the exchequer, affected the commencement and completion of programmes.

## Priority Programmes and Activities on Administration of Justice, FY 2024/25

The NCAJ Strategic Plan (2021-2026) is the foundation for the FY 2024/25 priority programs. The Council will convene its statutory meetings to ensure a coordinated and cohesive justice system. Among the priority reform areas will be stakeholder engagement on the NCAJ Bill and lobbying the National Assembly to enact the Penal Code and Criminal Procedure Code Amendment Bills.

The Council will prioritise combating corruption by finalising the Anti-Corruption Guiding Framework. For continuous policy reforms, the NCAJ plans to develop a people-centred justice guide for the justice sector.

The justice sector agencies will implement service delivery initiatives such as service weeks, rapid result initiatives, and efforts to decongest prisons. Additionally, they will increase their adoption of ICT and systems integration.

Pro-bono services, especially to vulnerable groups, will be strengthened, including raising awareness on emerging justice issues and human rights for vulnerable persons. On access to justice for children, the gazettment of Rules and Regulations for the Children Act, Cap. 141 will be pursued.

The sensitisation of actors on the finalised reform instruments will take centre stage, coupled with continuous monitoring and evaluation of programme implementation. Research will also be conducted to inform practices and policies.

The finalisation and dissemination of CUCs' guidelines will be targeted to support the efficient administration of justice at the local level. Moreover, CUCs will be assessed on service delivery.

The NCAJ will map priority legal, policy and administrative reforms to advance civil justice reforms and develop a detailed action plan.

Engagement with development partners, the private sector and civil society organisations will be strengthened to foster technical and financial collaboration and partnerships. A renewed partnership with county governments will be prioritised to ensure swift local dispensation of justice.

*Marang'a W. Moses, Ph.D., MBS*

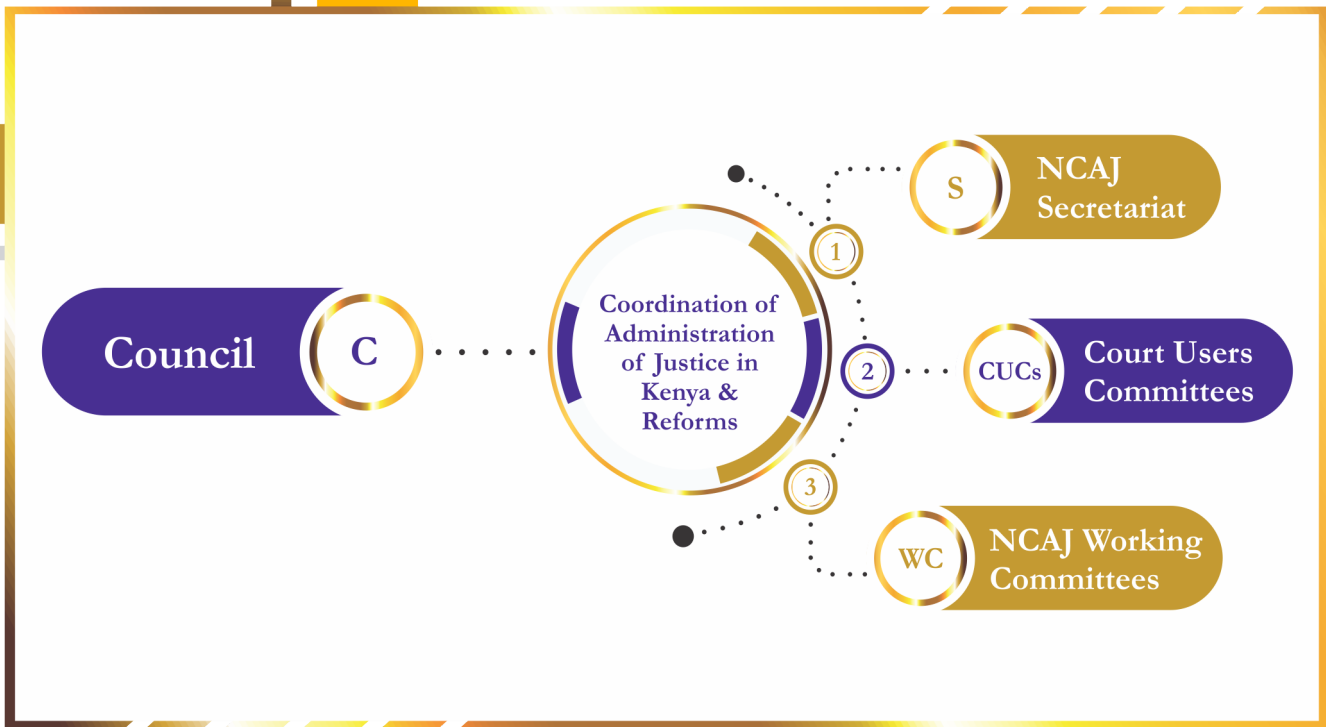
**The Executive Director**

**National Council on the Administration of Justice**



Chapter **1** **BACKGROUND**





## 1.1 Introduction

The justice system is crucial to Kenya's governance framework and socioeconomic well-being. It comprises state and non-state actors responsible for upholding the rule of law, protecting human rights, resolving disputes and maintaining peace and tranquillity. Due to these crucial functions, maintaining a high level and efficient coordination of the justice system is paramount. Proper coordination would yield timely dispensation of justice and significantly improve service delivery. An efficient system would reduce unnecessary burdens on clients, fostering an environment characterised by public trust and confidence. For this reason, the National Council on the Administration of Justice (NCAJ) was established to enhance the coordination and reforms in the justice system.

The NCAJ oversees the proper functioning of the justice system by coordinating crosscutting reform initiatives and addressing emerging challenges in the administration of justice. The coordination and reforms are usually at the Council level and the grassroots through Court Users' Committees (CUCs). At the grassroots level, the NCAJ emphasises engagement in timely resolving disputes and crafting local solutions for the administration of justice.

The Judicial Service Act, Cap 8A of the Laws of Kenya, obligates NCAJ to prepare a yearly report on the administration of justice in Kenya and submit it to the National Assembly. The report fulfils this legal obligation, offering a detailed account of the strides made in the administration of justice. In particular, this report accounts for achievements realised in the administration of justice in Kenya in the Financial Year (FY) 2023/24. It has captured coordination mechanisms and achievements, advancements in criminal and civil justice reforms, access to justice for vulnerable groups and successes at the grassroots level through CUCs and other community-based efforts. The report also provides information on the justice sector capacity covering financial, infrastructural, ICT and human resource aspects. The report concludes by giving an outlook on the justice sector priority programmes for FY 2024/25.

### 1.1.1 Establishment and Overall Mandate of the NCAJ

The NCAJ is established under Section 34 of the Judicial Service Act to ensure a coordinated, effective, efficient, and consultative approach to the administration of justice in Kenya and the reform of the justice system. To achieve this, the NCAJ coordinates diverse facets of the administration of justice. This covers the formulation of laws, policies and other reforms and monitoring their implementation to ensure effective delivery of justice. It thus plays a pivotal role in shaping and improving the country's justice processes through its policy-making, implementation and coordination functions.

### 1.1.2 Composition of the NCAJ

The NCAJ is composed of various institutions, both state and non-state. According to Section 34 of the Judicial Service Act, the NCAJ consists of the following sixteen members:

- 1) The Chief Justice as the Chairperson;
- 2) The Cabinet Secretary for the time being responsible for matters relating to the Judiciary, or his or her representative;
- 3) The Attorney General, or his or her representative;
- 4) The Director of Public Prosecutions or his or her representative;

- 5) The person for the time being exercising command over the National Police Service or his or her representative;
- 6) The Commissioner of Prisons, or his or her representative;
- 7) The Chairperson of the Law Society of Kenya or his or her representative;
- 8) The Principal Secretary for the time being responsible for matters relating to the Cabinet and the public service or his or her representative;
- 9) The Principal Secretary for the time being responsible for matters relating to gender, women and children's affairs or his or her representative;
- 10) The Principal Secretaries for the time being responsible for matters relating to labour, environment and land or their representatives;
- 11) The Director of Witness Protection Agency or his or her representative;
- 12) The Secretary, Probation and Aftercare Service or his or her representative;
- 13) A representative of an organisation or association dealing with human rights issues and the provision of legal aid to women
- 14) A representative of an organisation or association dealing with human rights issues and the provision of legal aid to children;
- 15) A representative of the private sector
- 16) A representative of Non-Governmental Organisations dealing with human rights issues and the provision of legal aid

While the members mentioned above are explicitly specified in the law, others have been co-opted over time to bolster NCAJ's functioning. The co-opted members include the Ministry of Defence, the Ministry of Health, the Kenya Law Reform Commission, the Commission on Administrative Justice, the Kenya Human Rights Commission, the Independent Electoral and Boundaries Commission, the Ethics and Anti-Corruption Commission, the Independent Policing Oversight Authority, the Council for Legal Education, the Council of Governors, the Directorate of Children's Services, the Directorate of Criminal Investigations and the National Transport and Safety Authority. The NCAJ has also co-opted the National Lands Commission, the Victim Protection Board, the National Crime Research Centre, the State Department for Correctional Services, the National Legal Aid Service, the Community Service Orders Programme and the National Council for Law Reporting.

Various civil society organizations and private sector representatives are also part of the Council. They include FIDA-Kenya, Equality Now, the International Commission of Jurists-Kenya (ICJ-K), Kenya Human Rights Commission (KHRC), the Legal Resources Foundation Trust (LRF) and the Cradle. Others are the Kenya Private Sector Alliance (KEPSA), Kenya Association of Manufacturers (KAM), and Kenya Magistrates and Judges Association (KMJA) among others.

Hence, some members are part of the Council due to their roles specified in the Judicial Service Act, while others have been co-opted over time due to their functions in the administration of justice. Additionally, some member agencies have other broad responsibilities that are not directly linked to the justice system but are still essential to its effectiveness. Despite their diverse mandates, all the NCAJ members leverage their unique roles to collectively enhance the administration of justice. The mandates of the respective NCAJ agencies are highlighted in Appendix 1.

To strengthen partnerships and stakeholder engagement, the NCAJ and its members engaged other diverse stakeholders, such as development partners, civil society organizations, and other government institutions, to build strong alliances in executing its mandate. The technical support and collaboration with these partners are mentioned in different chapters under the specific programmes that were finalised during the year under review.

## **1.2 Legal, Policy and Strategic Anchorage of Administration of Justice in Kenya**

At the global level, the Kenyan Government is working towards realising the Sustainable Development Goals (SDGs) and Agenda 2030. Specifically, SDG 16 promotes peace, justice, and strong institutions to ensure universal access to justice. SDG 5 calls for legal reforms to eliminate discrimination and promote equal rights for women and girls. SDG 10 addresses inequalities by improving access to legal remedies for marginalised groups. SDG 17 highlights the importance of collaboration among various stakeholders to strengthen the rule of law and enhance justice systems. These interconnected goals work towards building a more equitable and just society for all.

At the National level, Article 10(2)(b) of the Constitution of Kenya envisions a society built on human dignity and freedom by emphasising the need to uphold human rights, equality and the rule of law. Kenya's Vision 2030 aligns with these constitutional principles, recognising the importance of the rule of law in supporting societal development, including improving public services and reducing barriers to justice. The overarching goal is to create a just, progressive and accountable society. The Vision is implemented through Medium-Term Plans (MTPs), with MTP IV (2023-2027) focusing on the Bottom-up Economic Transformation Agenda for inclusive growth, public sector reforms and maintaining law and order. This Plan outlines crucial strategies for improving the justice sector functioning, notably modernising police services, strengthening prosecution, implementing the Bill of Rights, and ensuring faster case resolution. It also targets increasing justice sector staffing, providing legal aid to vulnerable groups, establishing new courts and case management systems, improving witness protection, promoting alternative justice systems, and enhancing the fight against corruption.

The NCAJ plays a vital role in advancing Kenya's justice-related aspirations through a coordinated and consultative approach at the sectoral level. This role is domiciled in Section 35 of the Judicial Service Act and further elaborated in the NCAJ Strategic Plan (2021-2026). The Plan has seven Key Result Areas (KRAs) covering enhancing coordinating mechanisms, deepening criminal and civil justice reforms, bolstering CUCs, fostering partnerships, improving programmes monitoring and evaluation, and enhancing access to justice for vulnerable groups. This comprehensive strategy aims to create a more effective, fair and inclusive justice system that aligns with national priorities.

## **1.3 Rationale, Scope and Methodology for the Preparation of the Report**

The Administration of Justice in Kenya Annual Report is developed pursuant to the requirements of Section 37 of the Judicial Service Act. This Report provides achievements in the administration of justice and reforms undertaken in the justice sector. It covers the status of mandates undertaken by justice sector agencies and delves into policy, legal, and administrative reforms for FY 2023/24. The main chapters of the Report cover all the key result areas outlined in the NCAJ Strategic Plan 2021-2026. The Report concludes by highlighting the priority programmes for FY 2024/25. A summary of the previous achievements in policy, legal, and administrative reforms within the justice system is provided in Appendix 6.

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A multi-agency team from some NCAJ member institutions, led by the NCAJ Secretariat, compiled this report. Throughout the year, the Secretariat tracks the progress made by the Council and its Working Committees in the administration of justice. It also gathers feedback from the CUCs on achievements, emerging issues, challenges and recommendations collated by diverse themes. At the end of FY, all achievements by the Council, Working Committees and CUCs are collated to form the first part of the draft report. Secondly, a questionnaire customised to capture the accomplishments of all justice agencies in the administration of justice is circulated to gather information. Once the agencies submit the questionnaires, data is collated to generate the second draft report. After that, information from other published government reports is incorporated. A report writing exercise and subsequent peer review by the drafters follow. The improved Report is then presented to the Council for review and approval. After incorporating the Council's feedback, the Report is designed and finalised. This is followed by launch, dissemination and implementation.



Chapter **2** **COORDINATION OF THE JUSTICE SYSTEM**





KEY RESULT AREAS OF NCAJ STRATEGIC PLAN 2021-2026

## 2.1 Introduction

Realising an efficient and effective administration of justice requires a well-coordinated justice system. To support this ideal, the National Council on the Administration of Justice (NCAJ) was established under the Judicial Service Act, Cap 8A. This chapter highlights the leadership and coordination of the justice system. It underscores the pivotal role the Council’s leadership plays in coordination supported by its Working Committees, the Secretariat and the Court Users’ Committees (CUCs) at the grassroots level. It also offers insights into the Council’s strategic partnerships to realise its agenda. Further, it provides brief highlights of cross-cutting achievements by NCAJ and its agencies.

## 2.2 Coordination of the Administration of Justice

The functional entities of the NCAJ that spearhead the coordination of the administration of justice are the Council, the Secretariat, the Working Committees, and the CUCs, as follows.



### 2.2.1 The Council

The Council is the highest coordination and governance authority that fosters a coordinated, efficient, effective and inclusive approach to administering justice and reforms. To achieve this, the Council formulates relevant policies, oversees their implementation and monitors progress. It also establishes CUCs at the county level and mobilises resources to support efficient administration of justice. To fulfil its responsibilities and improve its effectiveness, the Council has also established various sub-committees. These include executive, finance and administration, communication and information management, and administration of justice.

The Council fulfils its mandate by organising high-level forums and meetings. These fora primarily focus on coordination and establishing a reform agenda. In the financial year under review, the NCAJ convened all four statutory meetings on the 7th of July 2023, the 2nd of October 2023, the 28th of February 2024, and the 28th of May 2024. These meetings, also supported by those of the technical committee, delved into the efficient coordination and administration of justice and the advancement of the justice sector reform agenda. The reform outputs are comprehensively elaborated in subsequent thematic chapters.



*Council members during a working retreat in February 2024*



*Left to Right: The DPP & Vice Chairperson NCAJ, The Chief Justice & NCAJ Chairperson, Chief Registrar of the Judiciary & Secretary NCAJ and Executive Director NCAJ and during a Council meeting on 28<sup>th</sup> May 2024*

During the review period, the Council expanded its leadership team by welcoming several new members, demonstrating the capacity of the justice system to adjust seamlessly after transitions within its agencies. The new members who joined the Council in FY 2023/24 are:



**Mr. Renson Mulele Ingonga, OGW**  
Director of Public Prosecutions



**Hon. Winfridah B. Mokaya**  
Chief Registrar of the Judiciary  
& Secretary, NCAJ



**Ms. Anne Wangombe**  
PS, State Department for Gender  
& Affirmative Action



**Mr. Joseph M. Motari, EBS**  
PS, Ministry of Labour &  
Social Protection



**Hon. Lady Justice Lilian Mutende**  
Chairperson, CSO Programme



**Hon. Justice Stephen Radido**  
President, Kenya Magistrates and  
Judges Association



**Ms. Faith Odhiambo**  
President, Law Society of Kenya



**Dr. Mutuma Ruteere**  
Director/Chief Executive Officer  
National Crime Research Centre



**Ms. Jennifer Gitiri, HSC**  
Ag. CEO/Secretary Council for  
Legal Education



**Ms. Christine A. Kungu**  
Chairperson, FIDA Kenya



**Mr. Demas Kiprono**  
Ag. Executive Director  
ICJ -Kenya

## 2.2.2 The Working Committees

The Council establishes working committees to realise its reform programmes rapidly. They comprise members from diverse NCAJ agencies. The working committees offer the technical backbone for policy development and legal reforms. Moreover, the working committees bridge the gap between policy formulation and practical implementation.

During the period under review, the following Working Committees existed.

**Table 2.1: Existing NCAJ Working Committees, FY 2023/24**

Committee	No. of Members	Chairperson
1. Traffic Reforms	17	Mr. Renson Mulele Ingonga, Director of Public Prosecution.
2. Civil Justice Reforms	15	Hon. Justin B. N. Muturi, The Attorney General.
3. Criminal Justice Reforms	36	Hon. Lady Justice Grace Ngenye, Judge of Appeal.
4. Court Users	24	Hon. Justice Alfred Mabeya, Judge of the High Court.
5. Anti-Corruption	12	Mr. Twalib Mbarak, Secretary/CEO EACC.
6. Administration of Justice for Children	23	Hon. Lady Justice Teresia Matheka, Judge of the High Court.
7. ICT	20	Hon. Justice Isaac Lenaola, Judge of the Supreme Court
8. Review of Laws & Policies on SGBV	19	Ms. Christine Achieng Kungu, Chairperson of FIDA-Kenya.

Table 2.2 summarises the meetings conducted by the NCAJ Working Committees in FY 2023/24.

**Table 2.2: Meetings held by NCAJ Working Committees, FY 2023/24**

Committee	Number of Meetings Held
1 Court Users	3
2 Committee on Criminal Justice Reforms	3
3 Administration of Justice for Children	5
4 Traffic Reforms	5
5 Review of Laws and Policies on SGBV	4
6 Anti-Corruption	6
7 ICT	5
<b>Total</b>	<b>31</b>

The outcomes of the Working Committee meetings are elaborated in the thematic Chapters. The Terms of Reference (TORs) of the Working Committees are given in Appendix 2.

### 2.2.3 The Secretariat

The NCAJ Secretariat serves as a vital hub bridging the operations of the Council, Working Committees and CUCs. It provides secretaries for each Committee, ensuring streamlined coordination, planning, resourcing, information flow, progress monitoring, and reporting. The Secretariat also spearheads reforms on behalf of the Council for priorities not domiciled in any Working Committee. Other crucial functions of the Secretariat entail coordinating the planning, monitoring and reporting of justice sector programs, reviewing progress and performance, and managing NCAJ resources. During FY 2023/24, the following Departments existed at THE NCAJ Secretariat.

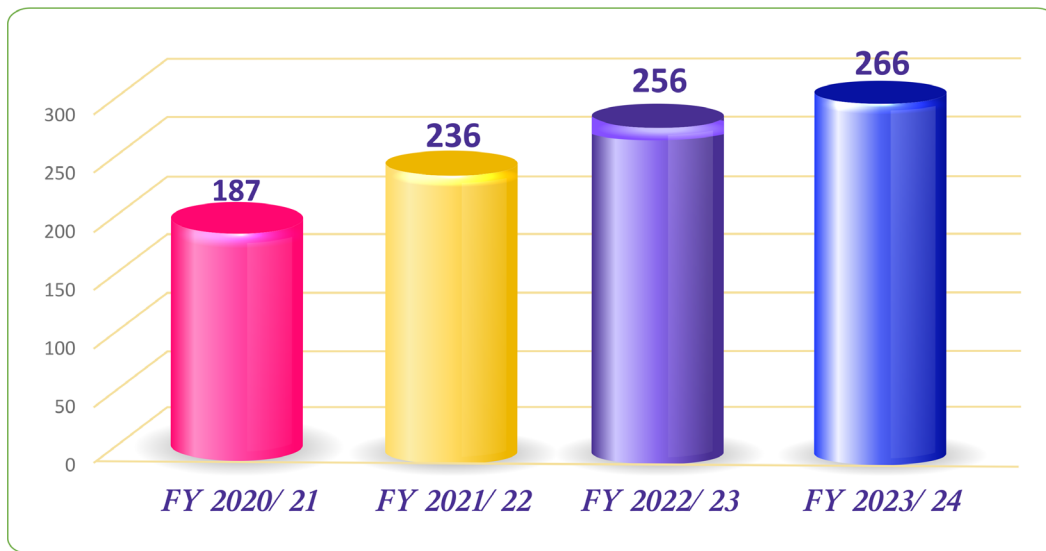
During FY 2023/24, the following Departments existed at NCAJ Secretariat.

**Table 2.3: Departments at the NCAJ Secretariat, FY 2023/24**

Department/Unit	Mandate
1. Council Coordination	Supporting the Council in coordinating the administration of justice.
2. Criminal Justice Reforms	Supports comprehensive criminal justice reforms actualised through, the Anti-Corruption, Criminal Justice Reforms and Traffic Reforms Working Committees.
3. Civil Justice Reforms	Supports comprehensive civil reforms and coordinated civil justice.
4. CUCs	Supports CUCs operations at the grassroots.
5. Access to Justice for Vulnerable Groups	Supports the promotion of access to justice for vulnerable groups.
6. Strategy, Monitoring, and Evaluation	Supports justice sector strategy, planning, monitoring and evaluation.
7. Human Resource and Administration	Manage personnel and administrative matters of the NCAJ Secretariat
8. Finance and Accounts	Undertake finance and accounting functions of the NCAJ Secretariat.
9. Supplies Chain	Undertake procurement of goods and services within the NCAJ Secretariat.

### 2.2.4 The Court Users' Committees

The CUCs represent the Council at the grassroots. They facilitate interventions at the local level and linkages with the Council. They also play a critical role in enhancing justice delivery within their jurisdictions, resolving local disputes, addressing emerging justice issues, and fostering inter-agency cooperation for seamless service delivery. They also serve as accountability mechanisms for justice sector actors at the service delivery level. The CUCs sustain a robust coordination system through quarterly meetings, channelling grassroots concerns and solutions to the Council for action. Generally, the membership of CUCs reflects that of the Council. Figure 2.1 shows the growth in the number of CUCs for the past four years.



**Figure 2.1: Growth of CUCs, FY 2020/21 - FY 2023/24**

In the 2023/24 financial year, there were three additional Magistrates’ Court CUCs, three SGBV CUCs, one Environment and Land Justice CUCs, two Child Justice CUCs, and one Tribunal CUCs, which were established, bringing the total number of CUCs at the grassroots in Kenya to 266, which translates to four per cent increase. The growth depicted in Figure 2.1 points to increased accountability and enhanced citizen engagement at the local level. Details on specific numbers of CUCs are shown in Table 2.4.

**Table 2.4: Number of CUCs by Type, FY 2021/22 - 2023/24**

Nature of CUC	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24
1. High Court (or County) CUCs	40	40	40	40
2. Employment and Labour Justice CUCs	2	2	4	4
3. Environment and Land Justice CUCs	2	37	37	38
4. Magistrates’ Court CUCs	123	125	133	136
5. Child Justice CUCs	2	7	14	16
6. Commercial Justice CUCs	1	5	5	5
7. Kadhis Court CUCs	14	14	14	14
8. SGBV CUCs	0	0	1	4
9. Tribunals CUCs	3	6	8	9
<b>Total</b>	187	236	256	266

The highest number of CUCs remained at the Magistrates’ Courts, followed by High Court/County CUCs and the Environment and Land Justice CUCs. During the review period, CUCs continued as pedestals for coordination at the grassroots, holding meetings as summarised in Table 2.5.

**Table 2.5: Meetings held by different CUCs, FY 2023/24**

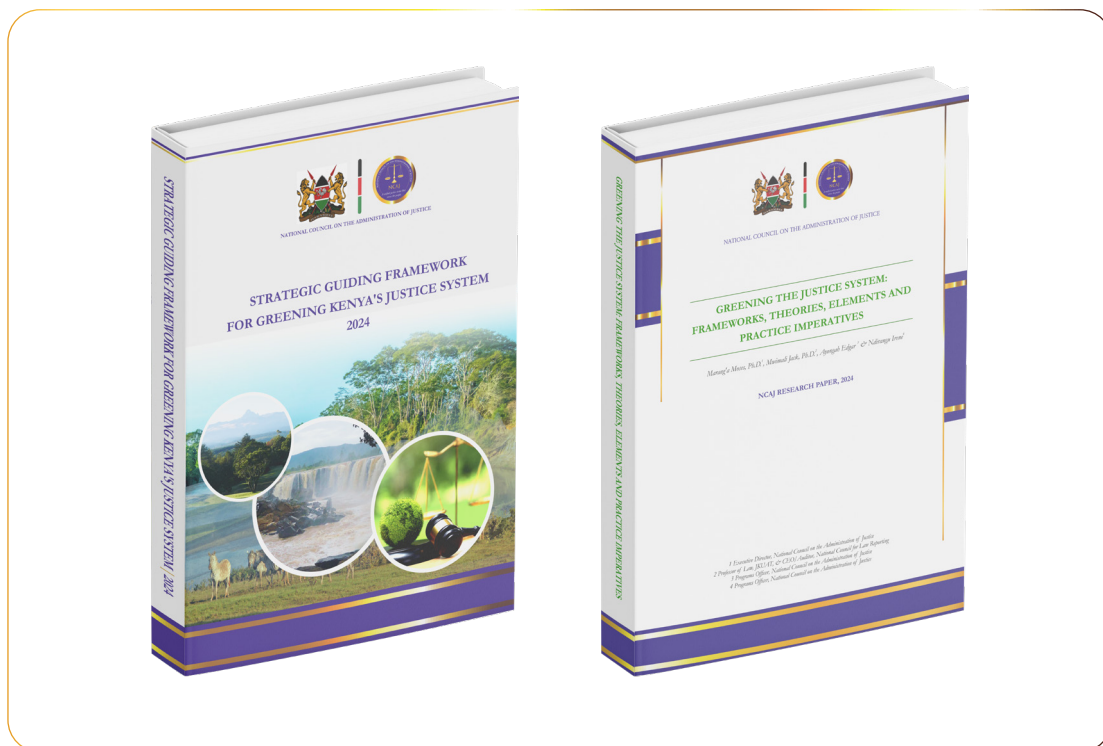
Nature of CUC	Number of CUCs Meetings Held
1 High Court (Or County) CUCs	70
2 Employment and Labour Justice CUCs	3
3 Environment and Land Justice CUCs	43
4 Magistrates' Court CUCs	318
5 Child Justice CUCs	36
6 Commercial Justice CUCs	0
7 Kadhis Court CUCs	36
8 SGBV CUCs	3
9 Tribunals CUCs	5
<b>Total</b>	<b>478</b>

Chapter 6 and the appendices provide detailed information on the achievements of the CUCs.

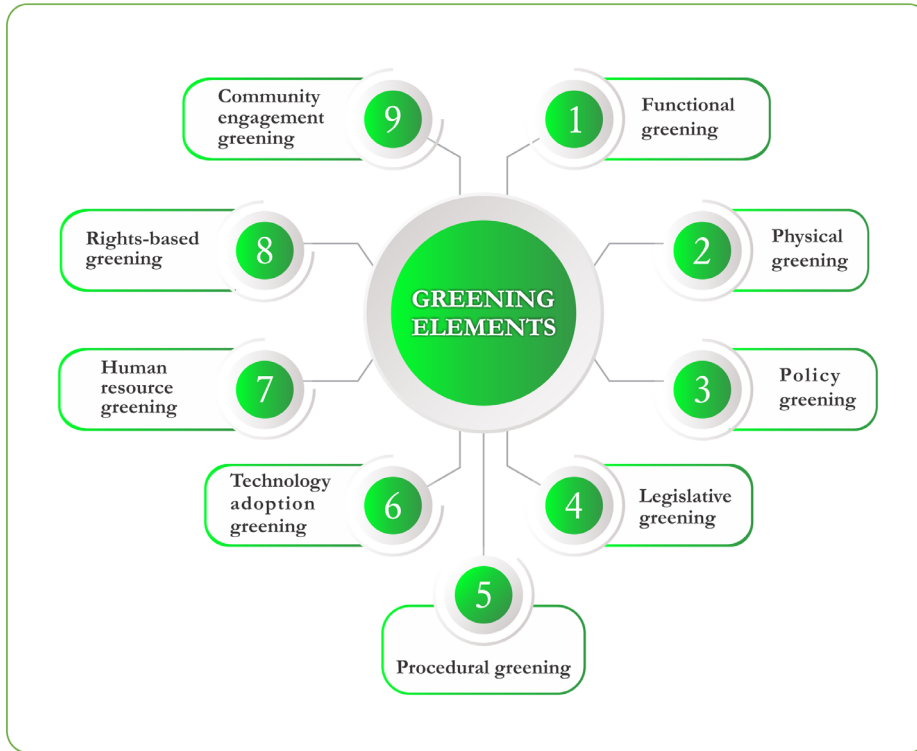
## 2.3 Highlights of Key Achievements by NCAJ on Crosscutting Programmes

### 2.3.1 Progress on Climate Change Action through Greening the Justice System

During the review period, the NCAJ developed the Strategic Guiding Framework for Greening the Justice System. The framework's main goal was to provide crosscutting and institutional-specific guidance on interventions and practices for mitigating the adverse impacts of climate change. The NCAJ also undertook a study on greening the Kenya justice system. The development of the framework was supported by the United Nations Environment Programme (UNEP), the Food and Agriculture Organization (FAO) and FIDA - Kenya.



Greening the justice system consists of numerous interconnected elements, each with many practice recommendations. In the FY 2023/24, NCAJ agencies made progress on greening.



### Greening Elements

**Functional greening** - integrating environmental sustainability goals and practices in the undertaking of core mandates of agencies.

**Physical greening** - Encompassing green practices in constructing and renovating buildings to enhance biodiversity and mitigate climate change’s adverse impacts.

**Policy greening** - Developing or revising policies to promote sustainable practices and effective responses to emerging environmental threats.

**Legislative greening** - Developing or reviewing laws while ensuring compliance with emerging regulations on greening and environmental protection.

**Procedural greening** - Revolutionising institutional operational processes and procedures to minimise greenhouse gas emissions and mitigate the adverse effects of climate change.

**Technology adoption greening** - Integrating technology to protect the environment, minimise the carbon footprint and promote sustainability.

**Human resource greening** - Using human resources management practices to reinforce sustainable practices and increase employee commitment to environmental protection.

**Rights-based greening** - Addressing environmental challenges by embracing and embedding inherent rights, human and non-human, on environmental protection.

**Community engagement greening** - Deepening society’s comprehension of its role and that of the institutions in environmental protection and sustainable development.

The institutional progress for the FY 2023/24 under each of the above greening element is provided in the Appendix 3.

### 2.3.2 Holding of the Inaugural National Conference on Sexual and Gender-Based Violence

The inaugural National Conference on Sexual and Gender-Based Violence (SGBV), organized and coordinated by the NCAJ, was held in October 2023 in Nairobi. The main goal of the conference was to improve the administration of and access to justice, as well as address issues of SGBV. The conference’s published report is available on the NCAJ website. Some of the attendees at the Conference were as follows:



*The Chief Justice*



*The EU Ambassador to Kenya*



*PS, Correctional Services*



*Chairperson JLAC*

FIDA



*Chairperson KLRC*



*Chairperson*

Some of the participants during the Inaugural National SGBV Conference held on 17<sup>th</sup> & 18<sup>th</sup> October 2023



*Diverse panel discussions during the Conference*

### 2.3.3 Undertaking of Service Delivery Initiatives

The NCAJ developed the Standard Operating Procedures (SOPs) to effectively implement Service Delivery Initiatives (SDIs). The SDIs are special activities carried out to address specific problems or improve specific service delivery objectives of the justice system. These include, but are not limited to, service days/open days, service weeks, Rapid Result Initiatives (RRI), case backlog reduction initiatives, prison decongestion exercises, execution of pending warrants, legal aid clinics, customer service initiatives and court circuits. Some noteworthy SDIs carried out by different agencies during the review period are detailed in Table 2.6.

**Table 2.6: SDIs undertaken by various Agencies and their outcomes, FY 2023/24**

AGENCY		SDIS OUTCOME REALIZED
<b>Service Months, Weeks or Days</b>		
<b>Judiciary (High Court)</b>		<ul style="list-style-type: none"> <li>• Number of Cases Handled – 1,158</li> <li>• Number of Rulings Delivered – 44</li> <li>• Number of Judgments Delivered – 33</li> <li>• Number of Cases Resolved by way of Dismissal – 92</li> </ul>
<b>FIDA-Kenya</b>		<ul style="list-style-type: none"> <li>• Took up three defilement cases at Tononoka during child justice service month in November and provided legal representation through pro bono advocates, with cases proceeding at the end of the review period.</li> <li>• Provided free legal, psychosocial support and dignity packs to 88 women inmates received during the Commemoration of International Women’s Day at Shimo la Tewa women’s prison in March 2024.</li> </ul>
<b>Rapid Results Initiatives (RRIs)</b>		
<b>Judiciary (High Court)</b>		<ul style="list-style-type: none"> <li>• Number of Cases Handled – 1,585</li> <li>• Number of Rulings Delivered – 58</li> <li>• Number of Judgments Delivered – 76</li> <li>• Number of Cases Resolved by way of Dismissal – 109</li> </ul>
<b>Circuits</b>		
<b>Judiciary</b>	Court of Appeal	<ul style="list-style-type: none"> <li>• Number of Cases Handled – 754</li> <li>• Number of Cases Concluded – 436</li> </ul>
	High Court	<ul style="list-style-type: none"> <li>• Number of Cases Handled – 2,717</li> <li>• Number of Rulings Delivered – 116</li> <li>• Number of Judgments Delivered – 251</li> </ul>
	ELRC	<ul style="list-style-type: none"> <li>• Number of Cases Handled – 1,367</li> </ul>
<b>Prison Decongestion</b>		
<b>Kenya Prisons Service</b>		<ul style="list-style-type: none"> <li>• Released over 800 inmates on CSO, revision of sentences, and probation.</li> </ul>
<b>Probation and Aftercare Service</b>		<ul style="list-style-type: none"> <li>• Handled 6,505 Cases.</li> <li>• Prison facilities were decongested.</li> </ul>
<b>Legal Aid and Case Follow-Up</b>		
<b>NLAS</b>		<ul style="list-style-type: none"> <li>• Offered legal to 1000 prisoners in diverse prisons</li> </ul>
<b>LRF</b>		<ul style="list-style-type: none"> <li>• Provided over 300 inmates with legal aid and case follow-ups.</li> </ul>
<b>FIDA - Kenya</b>		<ul style="list-style-type: none"> <li>• Offered Free legal aid to 500 members of the public at the LSK Legal Service Week at the Milimani Law Court in October 2023</li> </ul>
		<ul style="list-style-type: none"> <li>• Offered legal aid and psychosocial support to six minors in Kwale through external counsellors during the Msambweni CUC Children’s Service Week in November 2023.</li> </ul>
		<ul style="list-style-type: none"> <li>• Offered legal aid and psychosocial support to 50 survivors of Sexual and Gender-Based Violence during the Kisumu Law Courts Open Day held on 7th March 2024</li> </ul>

### 2.3.4 Development of the NCAJ Bill

In FY 2023/24, the Council approved the draft NCAJ Bill. The Bill aims to ensure a coordinated, efficient, and consultative approach to the administration of justice. It provides a framework for coordinating reforms in the administration of justice and for consultation and cooperation in the formulation. The stakeholder engagement will take place in the 2024/25 financial year.

### 2.3.5 Development of NCAJ Communication Strategy

An effective communication strategy is crucial for seamless service delivery, coordination, and continuous reforms within and across agencies. In FY 2023/24, NCAJ developed a comprehensive communication strategy to enhance effective communication. The main objectives of the strategy were to increase awareness and inform Kenyans and other stakeholders about the mandate and initiatives of the NCAJ. Additionally, the strategy aimed to build confidence among Kenyans regarding the administration of justice, inform the NCAJ members about the programs and activities, share knowledge about how the justice sector works and showcase the Kenyan justice system as a benchmark for justice sector excellence and the epitome of the rule of law.

### 2.3.6 Strengthened Monitoring, Evaluation and Reporting of Administration of Justice

During the review period, the NCAJ M&E Department was strengthened to support the effective monitoring of progress realised in the implementation of NCAJ SP 2021-2026, Council programmes, Working Committees, and CUCs. During the same period, the Council was appraised on its progress during its statutory quarterly meetings. Moreover, the NCAJ Secretariat employees were sensitised to strategy formulation, monitoring, evaluation, and performance reporting.



*Hon. Chief Justice, Martha K. Koome, EGH., together with the Hon. Attorney General, Justin B. N. Muturi, during the launch of the 2<sup>nd</sup> NCAJ Annual Report for the FY 2022/2023*

## 2.4 Highlights of Key Achievements by NCAJ Agencies on Crosscutting Programmes

### 2.4.1 Launch of the 24<sup>th</sup> Annual Supplement of the Laws of Kenya

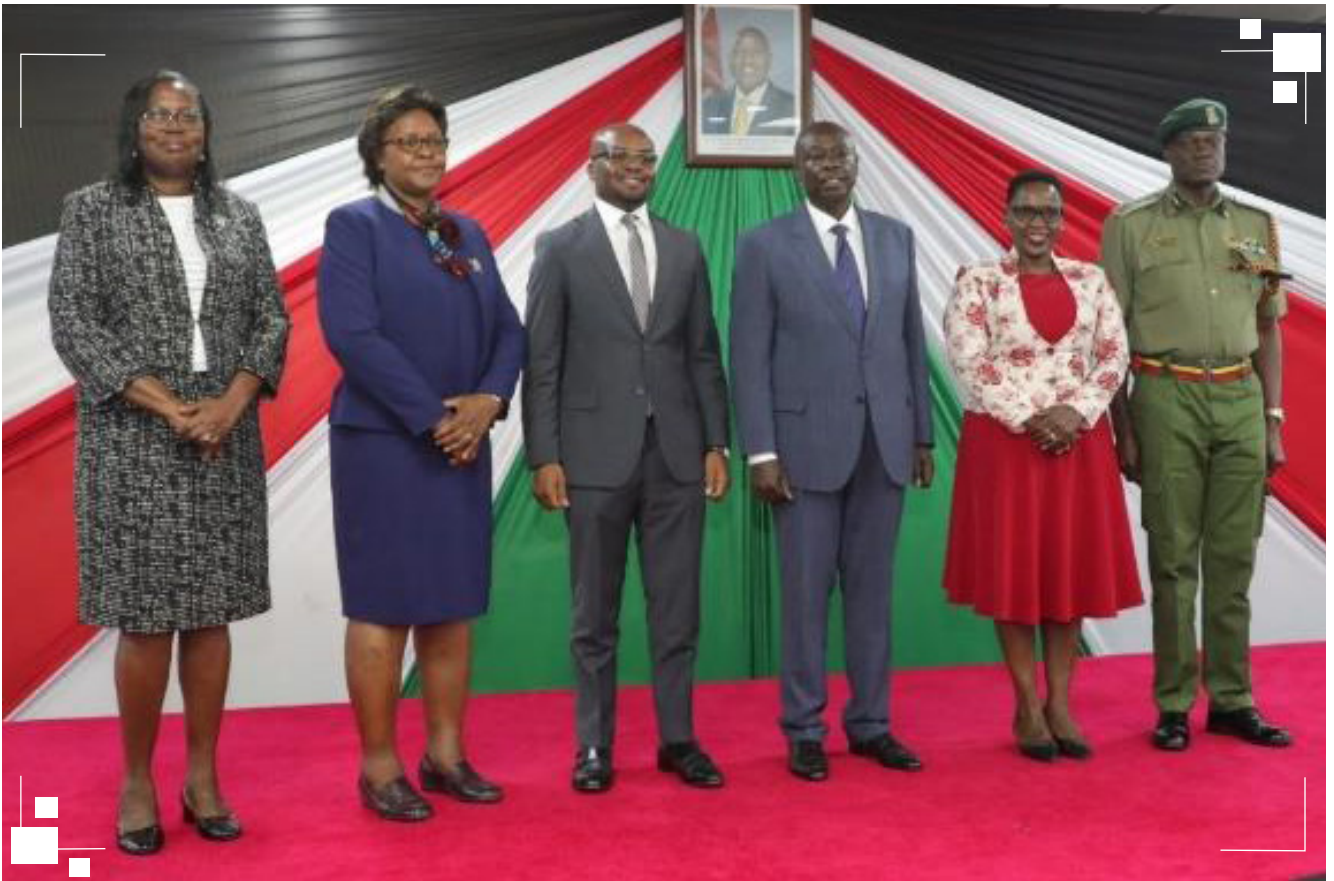
During the reporting period, the NCLR prepared the 24th Annual Supplement of the Laws of Kenya in line with the Revision of the Laws Act, Cap. Cap 1. The report was prepared, gazetted and became operational under the supervision of the Attorney General. The revision was done on the volume of the Laws of Kenya from January 1994 to December 2022. It was gazetted on the 22nd of December 2023 and came into force on the 30th of January, 2024. The launch took place at Safari Park Hotel, Nairobi, on 30th April 2024, presided by H.E., the President of the Republic of Kenya. The Twenty-Fourth Annual Supplement was a historic milestone representing updated Statute Book of the Laws of Kenya up to December 2022.



*H.E., the President of the Republic of Kenya, the Hon. Chief Justice and the Hon. Attorney General during the launch of the Twenty-Fourth Annual Supplement to the Laws of Kenya.*

### 2.4.2 Holding of the Correctional Service Week

The State Department for Correctional Services under the Ministry of Interior and National Administration held a Correctional Service Week in November 2023. The aim of the Service Week was to sensitise the public and stakeholders on the role of correctional services in the wider criminal Justice. The theme of the Service Week was ‘Promoting Holistic Rehabilitation and Reintegration Approaches for Sustainability and Economic Growth’.



*The Deputy President of Kenya, the PS, Correctional Services, the Commissioner General of Prison, the Secretary, PACS, and the Chairperson Community Service Orders Programme during the Service Week*



*Public outreach during the Service Week*



*The Panelist during the Correctional Service Week*

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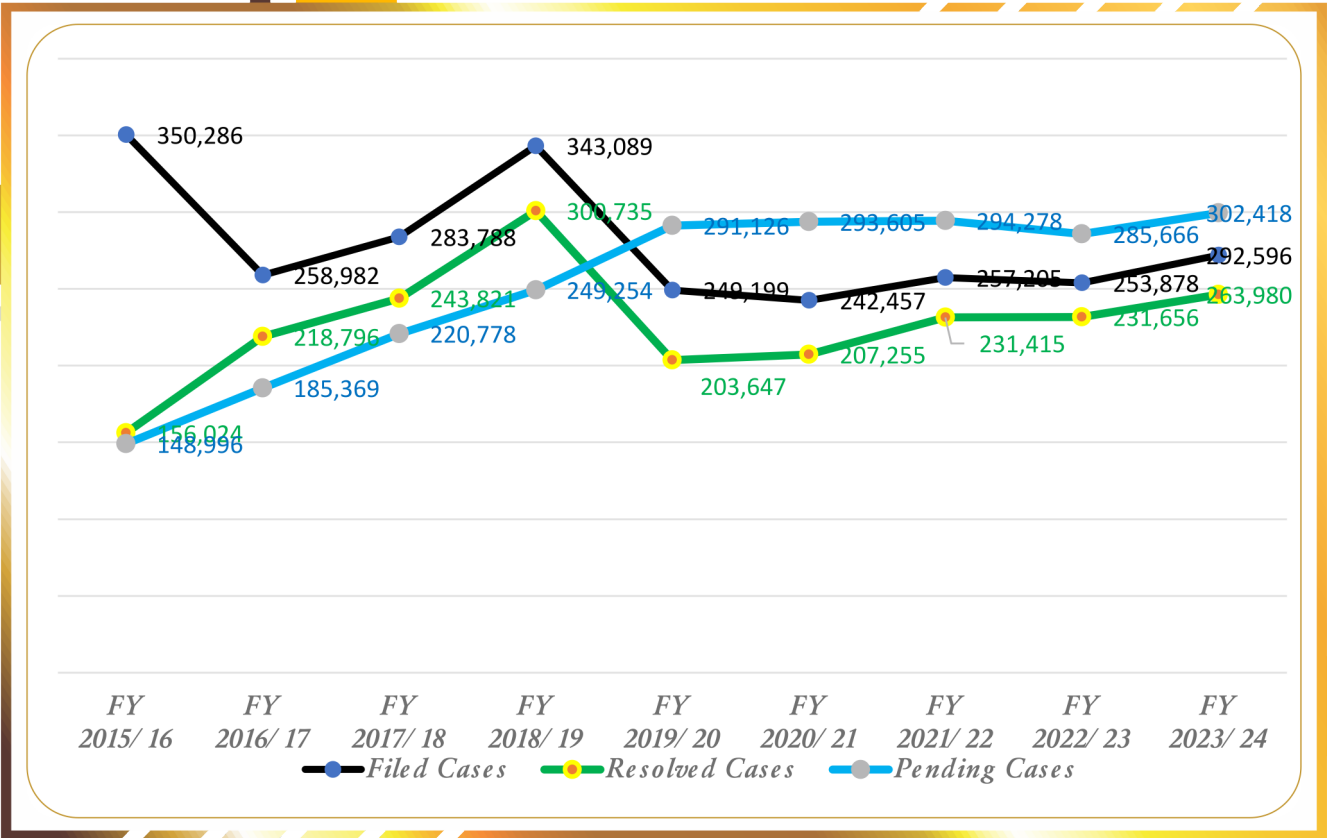
Some of the crucial outcomes of the conference were:

- Strengthening the cooperation and collaboration between the two departments in the state department for correctional services, namely Probation and Aftercare Service (PACS) and Kenya Prisons Service (KPS).
- Strengthening the cooperation and collaboration between the two departments in the state department for correctional services, namely Probation and Aftercare Services (PACS) and Kenya Prisons Service (KPS).
- Strengthened partnership and stakeholder engagement downstream of the justice system, especially the development partners and civil society organisations working downstream of the justice system.
- It enhanced publicity for the State Department of Correctional Services, anchoring it as a service delivery champion in the criminal justice sector.
- Officers and institutions were recognised and awarded for exemplary performance, which motivated and encouraged them to dedicate themselves to future service delivery.
- There was extensive sharing of knowledge and experiences from different parts of the country. The aim was to improve service delivery through an enhanced and homogenous approach.
- The Kenya Prisons Service marketed and sold merchandise, which showcased a model for optimally using the rehabilitation of offenders to boost entrepreneurship and economic performance.



Chapter **3** **PROGRESS AND REFORMS IN CRIMINAL JUSTICE**





Criminal cases handled by all courts, FY 2015/16 – FY 2023/24

### 3.1 Introduction

The Criminal Justice System (CJS) is crucial in delivering justice in line with diverse constitutional and other legal provisions. Its core mission is to protect the innocent, ensure community safety, apprehend and prosecute suspects, secure convictions, rehabilitate offenders, and provide necessary support to victims and survivors of crime. Continuous legal, policy and administrative reforms and implementation of various programs are essential to realise this mission.

These efforts aim to foster a peaceful and inclusive society, aligning with Kenya’s Vision 2030 development blueprint and the United Nations Sustainable Development Goal (SDG) 16. The Vision 2030 initiative aims to establish a society that is secure, just, cohesive and democratic to foster socio-economic and political growth. The Medium-Term Plan (MTP) IV (2023-2027) of the Vision targets strengthening security systems, improving the provision of legal services and governance reforms. Other strategies include the maintenance of law and order, enhancing police and prosecution services, bettering the welfare of security personnel, improving citizen services, promoting human rights, providing legal aid and policy and legal reforms.

To realise these national goals, effective administration of criminal justice requires the involved agencies to deliver on their legal mandates. To support these agencies, especially on cross-institutional programmes and partnerships, the National Council on Administration of Justice (NCAJ) ensures a coordinated and consultative approach to the administration of criminal justice in Kenya. The progress made in the criminal justice sector is elaborated in this Chapter. The Chapter outlines crucial achievements in the administration of criminal justice and reforms undertaken in FY 2023/24. Further, the Chapter provides information on sensitisation and capacity building carried out, research undertaken, and challenges experienced alongside recommendations to enhance service delivery.

### 3.2 Progress in the Administration of Criminal Justice

#### 3.2.1 Criminal Cases Processed by the National Police Service

The National Police Service (NPS) has a crucial mandate to maintain law and order and provide national security. To fulfil this critical role, the NPS investigates crimes and apprehends suspects. In the Financial Year (FY) 2023/24, the NPS processed 104,769 serious crimes nationwide. Figure 3.1 illustrates the percentages of these cases.

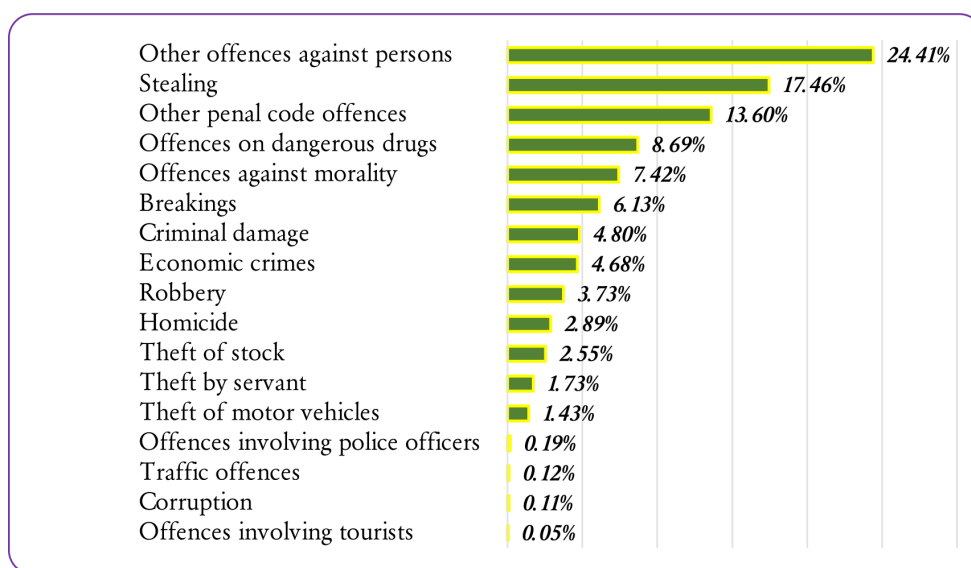
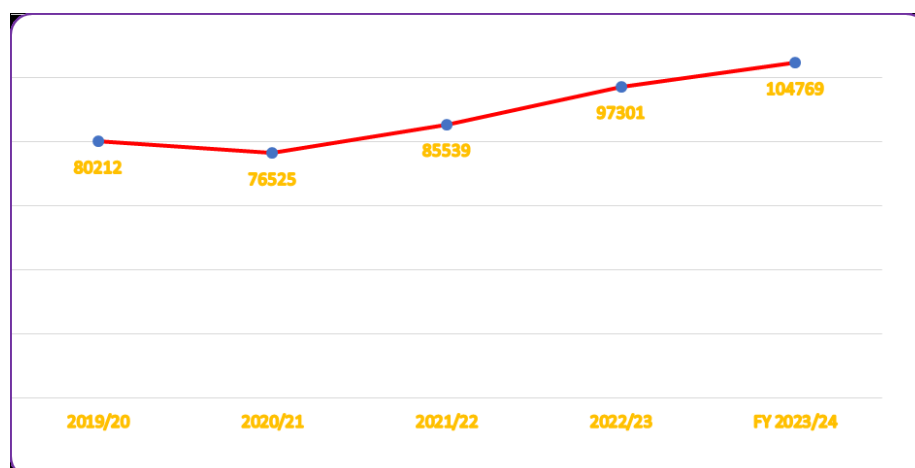


Figure 3.1: Percentages of serious crimes reported to the Police by type, FY 2023/24

Source: NCAJ Analysis using NPS Data

Figure 3.1 shows that the most prevalent crimes during the year under review were other offences against persons, accounting for 24.4 per cent of cases, followed by stealing at 17.5 per cent. Figure 3.2 illustrates the crime trend between FY 2019/20 and FY 2023/24.



**Figure 3.2: Serious crimes reported to the police, FY 2019/20 - FY 2023/24**

*Source: NCAJ Analysis using NPS Data*

As shown in Figure 3.2, serious criminal activities declined between fiscal years 2019/20 and 2020/21 but subsequently increased steadily to 104,769 in FY 2023/24. The rise could be attributed to high unemployment rates. Table 3.1 provides a breakdown of these cases by type.

**Table 3.1: Serious crimes reported to the police by type, FY 2019/20 – FY 2023/24**

Categories	2019/20	2020/21	2021/22	2022/23	2023/24
Homicide	2,966	3,288	3,128	3,102	3,028
Offences against morality	8,076	9,361	7,663	7,259	7,776
Other offences against persons	22,116	21,777	22,899	23,875	25,577
Robbery	2,670	2,316	2,801	3,530	3,913
Breakings	5,348	4,387	5,507	6,740	6,426
Theft of stock	1,728	1,740	2,322	2,927	2,667
Stealing	11,425	9,751	13,142	17,386	18,292
Theft by servant	1,737	1,707	1,752	1,762	1,817
Theft of Vehicles and other thefts	1,066	1,219	1,335	1,666	1,496
Offences Concerning Dangerous drugs	7,018	4,738	6,390	8,077	9,107
Traffic offences	295	113	174	132	124
Criminal damage	3,912	4,294	4,694	4,707	5,028
Economic crimes	4,081	3,821	4,258	4,619	4,901
Corruption	100	142	93	96	115
Offences involving police officers	85	60	70	131	203
Offences involving tourists	30	33	18	46	50
Other Penal Code offences	7,559	7,778	9,293	11,246	14,249
<b>Total</b>	<b>80,212</b>	<b>76,525</b>	<b>85,539</b>	<b>97,301</b>	<b>104,769</b>

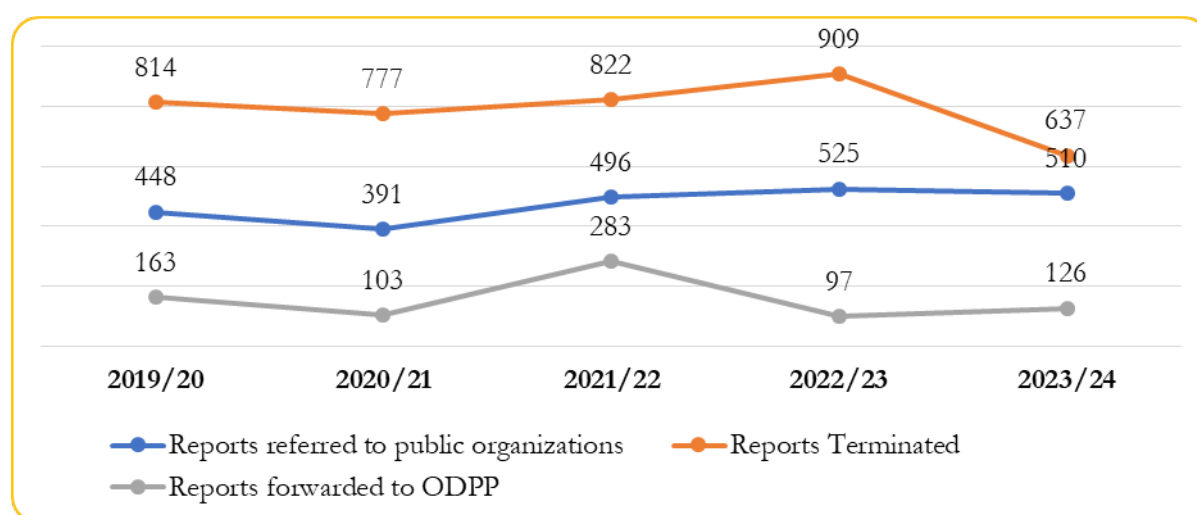
*Source: NCAJ analysis using NPS data*

In general, all crime types have been rising gradually over time.

### 3.2.2 Cases Handled by the Ethics and Anti-Corruption Commission

The Ethics and Anti-Corruption Commission (EACC) is mandated to combat and prevent corruption, economic crimes and unethical conduct in Kenya. It achieves this through law enforcement, prevention, public education, and promoting ethical standards. Upon receiving complaints, the EACC investigates and forwards the results to the Office of the Director of Public Prosecutions (ODPP) with recommendations on whether to prosecute for corruption or economic crimes. Complaints not requiring prosecution are referred to relevant institutions for further action, while those lacking merit are closed.

Figure 3.3 summarises crimes processed by the EACC in the fiscal years 2019/20 to 2023/24



**Figure 3.3: Processed reports by EACC, FY 2019/20 – FY 2023/24**

*Source: NCAJ Analysis using EACC Data from the 2023 KNBS Economic Survey*

During the review period, the EACC forwarded 126 cases to ODPP, an increase of 30 per cent from the previous year. Additionally, 510 cases were forwarded to other public organisations. Table 3.2 shows the trend of matters processed by EACC from FY 2019/20 to FY 2023/24.

**Table 3.2: Trend of Anti-corruption reports processed by EACC**

Matters processed	2019/20	2020/21	2021/22	2022/23	2023/24
1. Matters for investigation	2,221	2,032	1,916	1,952	2,187
2. Matters referred to public organisations	448	391	496	525	510
3. Matters pending more information	125	73	162	121	166
4. Complainants advised on where to report	2,308	1,621	1,652	1,745	1,629
5. Matters Terminated	814	777	822	909	637
6. Matters forwarded to ODPP	163	103	283	97	126
<b>Total Matters Processed</b>	<b>6,079</b>	<b>4,997</b>	<b>5,331</b>	<b>5,349</b>	<b>5,255</b>

*Source: NCAJ Analysis using EACC Data from the 2023 KNBS Economic Survey*

Over the past five years, the EACC has processed 27,011 cases. The number of reports submitted for investigation saw a relatively steady trend, peaking at 2,187 in FY 2023/24. This indicates many corruption and economic crime concerns are being flagged for investigation. Notably, the number of cases forwarded to the ODPP for potential prosecution also varied, with 126 being for the FY 2023/24.

### 3.2.3 Criminal Cases Processed by the Independent Policing Oversight Authority

The Independent Police Oversight Authority (IPOA) is vested with the mandate to provide civilian oversight over the police work in Kenya. As such, IPOA is responsible for monitoring police operations that affect the public and instances of police misconduct. As part of its mandate, the Authority also inspects police premises to ensure that the standards regarding the treatment of suspects and detainees align with the principles under domestic and international legal instruments.

Table 3.3 details matters handled by IPOA from FY 2019/20 to FY 2023/24.

**Table 3.3: Matters Handled by IPOA from FY 2019/20 – FY 2023/24**

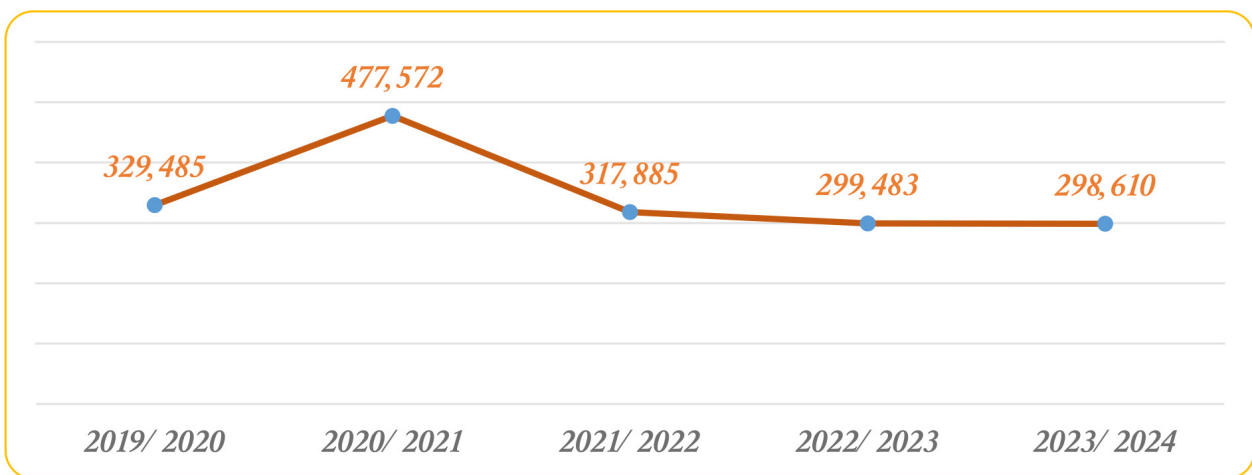
Matters Handled	2019/20	2020/21	2021/22	2022/23	2023/24
No. of police operations monitored	76	67	70	122	77
No. of investigations	763	625	781	995	895
No. of Cases Forwarded to ODPP	114	141	135	208	120
<b>Total No. of matters processed</b>	<b>953</b>	<b>833</b>	<b>986</b>	<b>1325</b>	<b>1092</b>

*Source: NCAJ analysis using IPOA Data*

Table 3.4 indicates that IPOA monitored 77 police operations in FY 2023/24, a decrease of 45 from the previous period. The Authority also investigated 895 cases and forwarded 120 to ODPP for prosecution. This represented a decrease in both the number of matters investigated and the cases sent to ODPP from the previous fiscal year.

### 3.2.4 Criminal Cases Processed by the Office of the Director of Public Prosecutions

Article 157(6) states that the ODPP prosecutes individuals for alleged offences committed in Kenya. This includes the power to initiate and conduct criminal proceedings in any Kenyan court, except for cases that fall under court-martial jurisdiction. Thus, the ODPP exercises powers in criminal trials, applications and appeals. It also handles extradition and mutual legal assistance cases, gives directions on inquiries, addresses complaints and gives advice on files submitted by investigative agencies. Figure 3.4 illustrates the trend of criminal cases handled by the ODPP from FY 2019/20 to FY 2023/24.



**Figure 3.4: Trend of cases processed by ODPP**

*Source: NCAJ analysis using data from ODPP*

Figure 3.4 shows a decrease in criminal trial cases handled between FY 2020/21 and the period under review. The decline could be attributed to the diversion of cases from the formal justice system, sustained policy interventions and the emphasis on the presence of solid evidence before charges are preferred. Additionally, increased awareness among key stakeholders, including The National Police Service, about the decision to charge and diversion guidelines may have also played a role in reducing cases filed by the ODPP.

Table 3.4 provides details of the types of cases processed by ODPP from FY 2019/20 to FY 2023/24.

**Table 3.4: Cases processed by ODPP by Type, FY 2019/20 – FY 2023/24**

Description	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024
Criminal Trial	310,313	448,762	289,880	277,562	276,898
Criminal Appeals	8,957	10,658	9,971	9,938	7,726
Criminal Applications	5,329	6,741	7,000	4,720	5,046
Advice Files	2,730	7,843	7,902	5,844	6,139
Complaints	2,128	3,546	3,085	1,371	2,801
<b>TOTAL</b>	<b>329,457</b>	<b>477,550</b>	<b>317,838</b>	<b>299,435</b>	<b>298,610</b>

*Source: NCAJ Analysis using data from the ODPP*

During the year under review, the ODPP handled 276,898 criminal trial cases, a slight decrease from 277,562 in the previous period. Similarly, criminal appeals declined by 22 per cent, from 9,938 to 7,726 in FY 2023/24. In FY 2023/24, cases were concluded by the ODPP leading to either discharge, convictions, acquittal diversion or plea bargaining.

The percentage outcomes are presented in Table 3.5.

**Table 3.5: Outcomes of Cases handled by the ODPP, FY 2024/24**

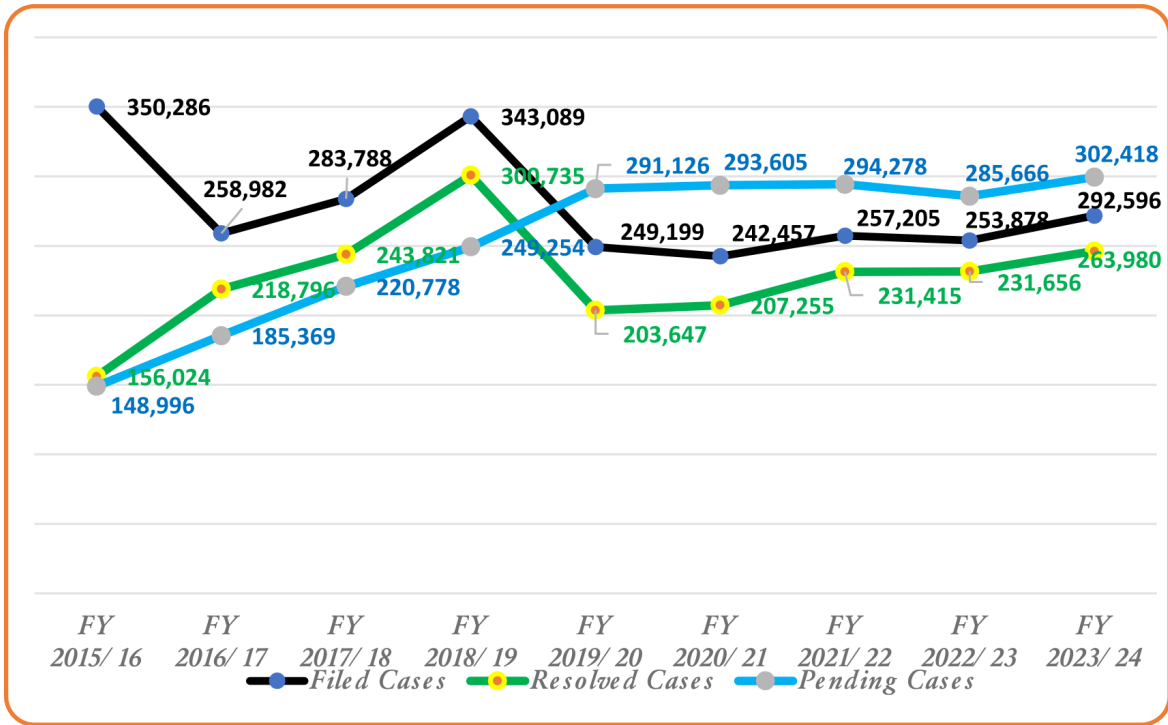
Outcome	% of Cases
Plea bargain	0.4%
Diversion	1.4%
Conviction	72.7%
Acquittal	5.4%
Discharge	20.1%

*Source: ODPP*

### 3.2.5 Criminal Cases Handled by Courts

#### *Filed, resolved and pending criminal cases in all Courts*

During the period under review, numerous criminal cases were filed in courts for determination, with diverse criminal justice actors involved in this process. Specifically, 292,596 criminal cases (including traffic) were filed in courts in FY 2023/24. In the same period, 263,890 cases were concluded. Over the years, the number of cases filed in court has steadily increased, save for the year under the Covid-19 pandemic, when the numbers drastically dropped. Though at a slightly lower level, the resolved cases have remained in tandem with the growth of filed cases, demonstrating a positive reaction of supply of justice to increased demand for justice. Figure 3.5 shows the trend of filed, resolved, and pending criminal court cases between FY 2015/16 and 2023/24.

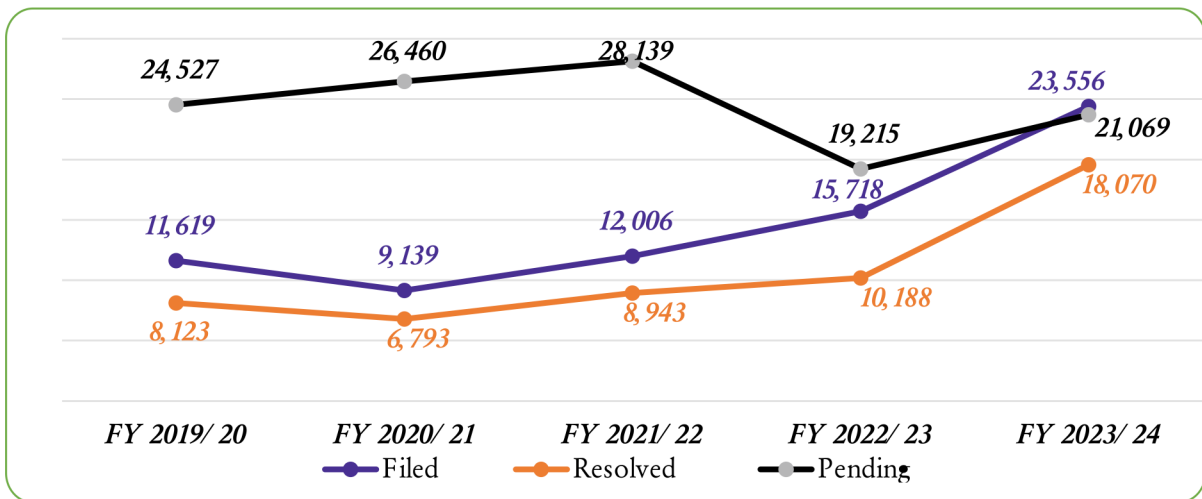


**Figure 3.5: Criminal cases handled by all courts, FY 2015/16 – FY 2023/24**  
 Source: NCAJ Analysis using data from Judiciary

The number of pending criminal cases increased by 6 percent from 285,666 to 302,418 at the end of the review period. Pendency growth is broadly attributed to filed cases remaining more than resolved cases over time.

**Filed, resolved and pending criminal cases in superior courts**

The superior courts primarily handling criminal cases are the Court of Appeal and the High Court. Figure 3.6 provides caseload statistics on the Court of Appeal and the High Court over time.



**Figure 3.6: Criminal cases handled by Superior Courts, FY 2019/23 – FY 2023/24**  
 Source: NCAJ Analysis using data from various editions of published SOJAR and Judiciary

The number of filed, concluded and pending cases in the Court of Appeal and the High Court increased during the review period compared to the preceding FY. Filed cases rose by 50 per cent, from 15,718 to 23,556. Concluded cases also increased by 77 per cent from 10,188 to 18,070. Since the filed cases were more than the resolved cases during the review period, the pending cases increased from 19,215 to 21,069.

Table 3.6 gives detailed statistics on cases handled by the Court of Appeal and High Court from FY 2019/20 to 2023/24.

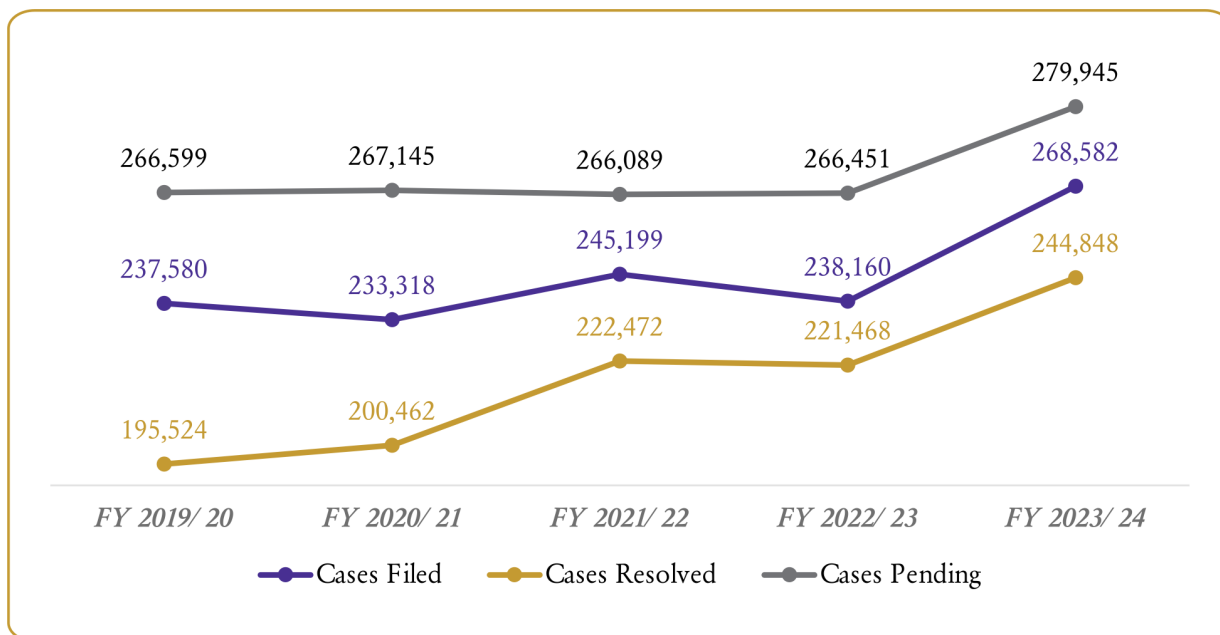
**Table 3.6: Criminal cases handled in Court of Appeal and High Court, FY 2019/20- 2023/24**

Court Type		FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24	Change (%)
Court of Appeal	Cases Filed	557	355	489	413	1,171	184%
	Cases Resolved	0	271	200	454	631	39%
	Cases Pending	2,069	2,153	2,442	3,121	3,809	22%
High Court	Cases Filed	11,062	8,784	11,517	15,305	22,385	46%
	Cases Resolved	8,123	6,522	8,743	9,734	17,439	79%
	Cases Pending	22,458	24,307	25,747	16,094	19,898	24%
Total	Cases Filed	11,619	9,139	12,006	15,718	23,556	50%
	Cases Resolved	8,123	6,793	8,943	10,188	18,070	77%
	Cases Pending	24,527	26,460	28,189	19,215	21,069	10%

Source: NCAJ Analysis of data from Judiciary

**Filed, resolved and pending criminal cases in subordinate courts**

Magistrates’ courts handle criminal cases within the subordinate courts’ system. Figure 3.7 portrays the number of cases filed, resolved and pending in these courts from FY 209/20 to FY 2023/24.



**Figure 3.7: Trend of criminal cases handled by magistrates’ courts**

Source: NCAJ Analysis using data from various editions of published SOJAR and Judiciary

Figure 3.7 shows that criminal cases filed in Magistrates’ Courts increased from 238,160 in the FY 2022/23 to 268,582 in 2023/24. Resolved and pending cases also increased. Details on the filed, resolved and pending criminal cases in subordinate courts are provided in Table 3.7.

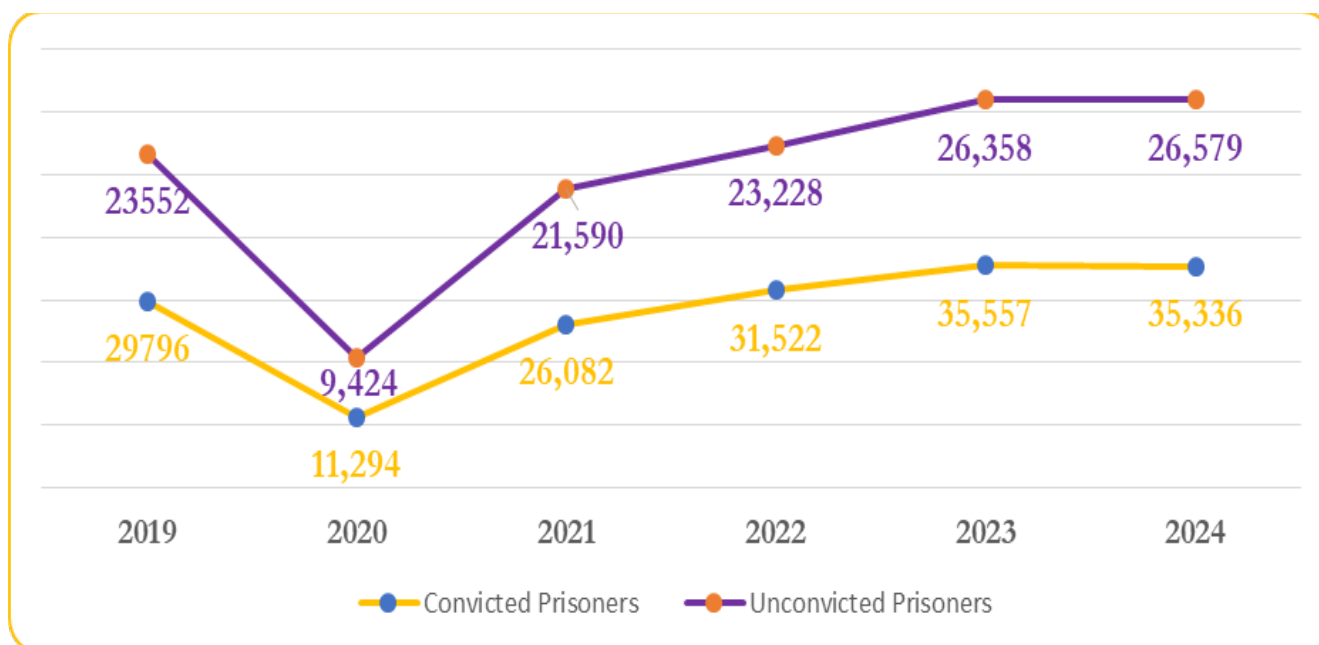
**Table 3.7: Criminal cases handled in subordinate courts, FY 2019/20 – FY 2023/24**

Court	Cases	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24	Change (%)
Magistrates' Courts	Cases Filed	237,580	233,318	245,199	238,160	268,582	13%
	Cases Resolved	195,524	200,462	222,472	221,468	244,848	11%
	Cases Pending	266,599	267,145	266,089	266,451	279,945	5%

Source: NCAJ Analysis using data from Judiciary

### 3.2.6 Committal of Offenders to Prisons

In the criminal justice system, the outcome of a trial process may yield conviction and subsequent imprisonment. Whereas the number of convicted and un-convicted offenders has been gradually rising since 2020, there was a slight decline in convicted offenders in the year under review, as depicted in Figure 3.8.



**Figure 3.8: Daily average prison population, 2019 – 2024**

Source: NCAJ Analysis using KPS data

Figure 3.8 shows that the prison population in the fiscal year under review remained unchanged from the previous period. This trend is attributable to the increased use of offender diversion programmes and noncustodial sanctions like community service orders and probation for petty offenders.

Table 3.8 summarises the distribution of persons in prisons' custody from 2020 to 2024.

**Table 3.8: Daily average prison population, 2020 – 2024**

	2020	2021	2022	2023	2024
<b>Convicted Prisoners</b>					
Males	10,727	24,331	30,081	33,787	33,774
Females	567	1,751	1,441	1,770	1,562
Convicted Prisoners	11,294	26,082	31,522	35,557	35,336
<b>Un-convicted Prisoners</b>					
Males	8,725	19,954	21,480	24,885	25,226
Females	699	1,636	1,748	1,473	1,353
Un-convicted Prisoners	9,424	21,590	23,228	26,358	26,579
<b>Total Prisoners</b>	<b>20,718</b>	<b>47,672</b>	<b>54,750</b>	<b>61,915</b>	<b>61,915</b>
% Convicted Prisoners	55	55	58	57	57
% un-convicted Prisoners	45	45	42	43	43
% Male Prisoners	94	93	94	95	95
% Female Prisoners	6	7	6	5	5

*Source: NCAJ Analysis using KPS data*

As shown in Table 3.8, the prison population in FY 2023/24 was predominantly male, constituting 95 per cent of the total inmates. Female prisoners accounted for the remaining 5 per cent. By the end of the review period, 57 per cent of the prisoners had been convicted, with 43 per cent remaining un-convicted.

Table 3.9 provides a detailed analysis of convicted and un-convicted persons from 2019 to 2023.

**Table 3.9: Analysis of convicted and un-convicted persons, 2019 - 2023**

	2019		2020		2021		2022		2023	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
<b>Sentenced to</b>										
Less than one month	16,400	1,643	3,563	522	12,579	1,198	12,767	1,209	14,424	1,916
One month to 2yrs	42,712	7,627	17,254	2,854	37,171	6,885	37,928	6,487	43,724	6,379
Above two years	7,797	538	4,642	321	6,881	403	7,073	537	12,582	500
Life Imprisonment	507	4	128	2	268	5	318	7	377	29
Death Sentence	114	5	20	0	72	1	93	1	136	4
<b>Total convicted prisoners</b>	<b>67,530</b>	<b>9,817</b>	<b>25,607</b>	<b>3,699</b>	<b>56,971</b>	<b>8,492</b>	<b>58,179</b>	<b>8,241</b>	<b>71,243</b>	<b>8,828</b>
Committed for Civil Debt	503	145	178	22	307	115	505	137	585	154
Committed to Remand	129,049	12,251	52,446	4,167	87,824	6,412	94,632	78,85	156,442	10,809
<b>Total Remandees</b>	<b>129,552</b>	<b>12,396</b>	<b>52,624</b>	<b>4,189</b>	<b>88,131</b>	<b>6,527</b>	<b>95,137</b>	<b>8,022</b>	<b>157,027</b>	<b>10,963</b>

Total Committed to Prisons	197,082	22,213	78,231	7,888	145,102	14,919	153,316	16,263	228,270	19,791
Previously Convicted	16,484	1,265	7,780	391	9,876	645	10,537	963	14,059	2,016
Previously Convicted (%)	24%	23%	30%	11%	17%	8%	18%	12%	20%	23%
Convicted (%)	34%	44%	33%	47%	39%	57%	38%	51%	31%	45%
Un-convicted (%)	66%	56%	67%	53%	61%	44%	62%	49%	69%	55%
% Sentenced to < One Month	24%	17%	14%	14%	22%	14%	22%	15%	20%	22%

Source: NCAJ Analysis using KPS data and published KNBS Economic Survey 2023

Table 3.9 highlights notable trends within Kenya’s prison system. The male prison population with prior convictions vastly outnumbers the female population, with 14,059 males compared to 2,016 females. During the review period, recidivism rates rose by 2 per cent for males and 11 per cent for females. Additionally, many prisoners had received sentences of less than one month, totalling 14,424 males and 1,916 females. Remandees increased sharply from 103,159 in 2022 to 167,990 in 2023. Furthermore, there was a notable 49 per cent rise in individuals sentenced to death, growing from 94 in 2022 to 140 in 2023.

### 3.2.7 Probation and Aftercare Service

The Probation and Aftercare Service (PACS) plays a crucial role in generating advisory reports to courts and penal institutions, managing, reintegrating, and resettling offenders on non-custodial measures and sanctions. Depending on the circumstances of criminal cases, trial courts often rely on Social Inquiry Reports (SIRs) from PACS for decision-making. Figure 3.9 illustrates the percentage breakdown of the 68,643 referrals made to PACS.

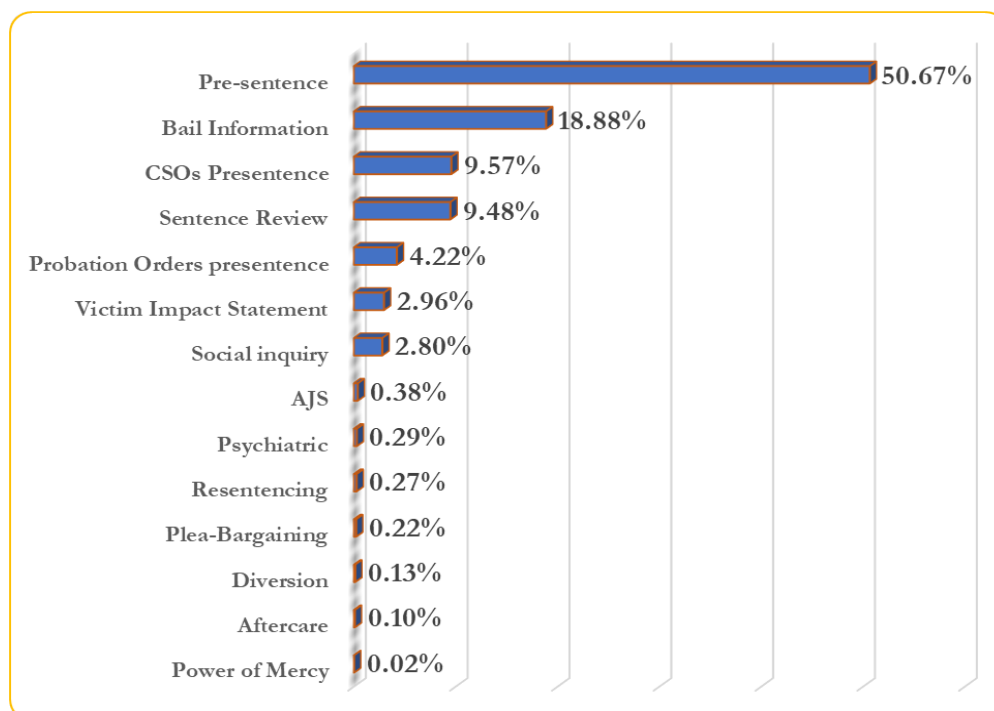


Figure 3.9: Percentage of referrals to PACS by type, FY 2023/24

Source: NCAJ Analysis using PACS data

Figure 3.9 highlights that the pre-sentence referral type constituted the largest portion, at 50.67 per cent, followed by bail information referrals, at 18.88 per cent. CSOs' pre-sentence and sentence reviews are the next most common, with 9.57 per cent and 9.48 per cent, respectively. Other types contributed minimally to the overall referrals.

Table 3.10 provides a detailed analysis of the cases referred to PACS.

**Table 3.10: Distribution of nature of cases referred to PACS, FY 2023/24**

Nature of Referral	FY 2022/23	FY 2023/24
Aftercare	110	70
Bail Information	12,436	12,960
CSOs Pre-sentence	8,607	6,571
Diversion	104	91
AJS	387	261
Probation Orders pre-sentence	35,306	2,898
Plea-Bargaining	59	153
Power of Mercy	348	13
Resentencing	219	187
Sentence Review	4,535	6,505
Pre-sentence		34,779
Victim Impact Statement	1,457	2,033
Social inquiry		1,921
Psychiatric	10	201
Protection & Care	3	0
<b>Total</b>	<b>63,581</b>	<b>68,643</b>

*Source: NCAJ Analysis using data from PACS*

Table 3.11 shows that the PACS received 68,643 referrals by the end of the 2023/24 fiscal year. The majority of these referrals, totalling 34,779, involved creating and submitting SIRs to the courts for pre-sentencing purposes. This represents a decrease of 535 from the 35,306 referrals received in the previous year. Bail Information and CSOs pre-sentence followed with 12,960 and 6,571 referrals, respectively.

During FY 2023/24, PACS received placement orders for non-custodial sentences, 6,663 of which were Probation Orders, 7,427 Community Service Orders, and 13 Aftercare Sanctions. The orders were distributed in various counties, as detailed in Table 3.11.

**Table 3.11: Placement orders for non-custodial sentences per county, FY 2023/24**

County	Probation Orders	Community Service Orders	Aftercare
1. Mombasa	216	83	1
2. Kwale	18	11	0
3. Kilifi	174	233	1
4. Tana River	40	30	0
5. Lamu	15	73	0
6. Taita/Taveta	71	158	0
7. Garissa	55	96	1
8. Wajir	12	7	0
9. Mandera	2	11	0
10. Marsabit	21	4	0
11. Isiolo	35	17	0
12. Meru	224	359	0
13. Tharaka-Nithi	76	197	0
14. Embu	153	155	0
15. Kitui	171	250	2
16. Machakos	365	570	0
17. Makueni	377	177	0
18. Nyandarua	158	281	1
19. Nyeri	201	127	0
20. Kirinyaga	89	116	0
21. Murang'a	333	379	2
22. Kiambu	429	318	0
23. Turkana	108	23	0
24. West pokot	31	19	0
25. Samburu	14	2	0
26. Trans Nzoia	18	335	0
27. Uasin Gishu	215	45	0
28. Elgeyo/Marakwet	92	58	0
29. Nandi	206	211	0
30. Baringo	60	106	0
31. Laikipia	15	74	0
32. Nakuru	280	421	0
33. Narok	57	50	0
34. Kajiado	42	124	0
35. Kericho	152	244	0
36. Bomet	138	158	0
37. Kakamega	144	244	0
38. Vihiga	91	89	0
39. Bungoma	336	372	1
40. Busia	99	181	0
41. Siaya	110	80	0
42. Kisumu	256	89	0
43. Homa Bay	206	144	0
44. Migori	40	31	4
45. Kisii	226	235	0
46. Nyamira	113	33	0
47. Nairobi	379	407	0
<b>TOTAL</b>	<b>6,663</b>	<b>7,427</b>	<b>13</b>

As shown in Table 3.11, Nakuru County had the highest number of Community Service Orders, 421, followed by Nairobi County at 407. Migori County had the least, 31. Nairobi County had the highest number of probation orders, 379, followed by Bungoma County at 336, while Laikipia had the least, 15.

During the FY 2023/24, PACS supervised 54,538 cases under Probation Orders, Community Service Orders and Aftercare sanctions, as detailed in Table 3.12. The offenders under supervision received various services, including counselling, skills development, and educational support.

**Table 3.12: Distribution of offenders under supervision per programme FY 2023/24**

Programme	Adult Male	Boys	Adult Female	Girls	Total
Probation Orders	20,835	2,452	3,842	306	27,435
Community Service Orders	21,598	430	4,771	20	26,819
Aftercare	28	223	22	11	284
<b>Total</b>	<b>42,461</b>	<b>3,105</b>	<b>8,635</b>	<b>337</b>	<b>54,538</b>

*Source: NCAJ Analysis using data from PACS*

During the period under review, 27,435 offenders were serving Probation Orders, 26,819 were serving Community Service Orders, and 284 individuals were undergoing Aftercare Services. A summary of the Referrals to PACS by type per County for the period under review is further provided for in Appendix 4.

### 3.3 Legal, Policy and Administrative Reforms in the Criminal Justice

In FY 2023/24, notable legal, policy and administrative reforms were undertaken to enhance the administration and access to criminal justice in Kenya. The achievements are expounded as follows.

#### 3.3.1 Legal Reforms

##### *The Whistle Blowers Protection Bill, 2024*

The Office of the Attorney General and the Department of Justice spearheaded the development of the Whistleblowers Protection Bill, which seeks to facilitate whistleblowing and protect persons reporting improper conduct in public and private sectors.

##### *The Penal Code (Amendment) Bill, 2023 and the Criminal Procedure Code (Bill) 2023*

The National Committee on Criminal Justice Reforms spearheaded diverse amendments to the Penal Code (Amendment) Bill, 2023 and the Criminal Procedure Code (Bill) 2023. The Bills were presented to Parliament and are awaiting approval.

##### *The Independent Policing Oversight Authority Act (General) Regulations 2024*

The Independent Policing Oversight Authority spearheaded the Gazettement of the IPOA Act (General) Regulations 2024. The Regulations operationalise the Independent Policing Oversight Act Cap 86 of the Laws of Kenya.

##### *The Security Services Laws (Amendment) Bill 2023*

IPOA submitted a memorandum on the Security Services (Amendment) Bill, 2023, to the Senate. The Bill proposes amending various security laws to clarify the agencies and expand IPOA's mandate to cover other security agencies, such as the Kenya Prisons Service, the Kenya Wildlife Service, and the Borstal Institutions.

##### *The Review of Kenya Prisons Service Act and the Borstal Institutions Act*

The Kenya Prisons Service initiated a review of the Kenya Prisons Service Act Cap. 90 Laws of Kenya and Borstal Institutions Act Cap. 92 Laws of Kenya, which are currently in the public participation stage. The Bills emphasise rehabilitation over punishment to reduce recidivism.

### *The Protection Against Domestic Violence Rules, 2020*

The State Department for Gender and Affirmative Action, in collaboration with the Judiciary Rules Committee, launched the Protection Against Domestic Violence Rules (2020). The rules aim at protecting victims of domestic violence and facilitate support for justice.

### *The Victim Protection (Amendment) Bill, 2024*

During the period under review, the Victim Protection Board and the inter-agency task force appointed by the National Treasury developed a draft of the Victim Protection (Amendment) Bill, 2024. The Bill aimed to rectify specific ambiguities and inconsistencies in the original Act that may hinder its implementation.

### *The Public Finance Management (Victim Protection Fund) Regulations, 2024*

The National Treasury created an inter-agency task force to align the regulations to section 24 of the Public Finance Management Act in creating a fund through the draft Public Finance Management (Victim Protection Fund) Regulations, 2024. These regulations are to operationalise the victim protection services as provided for in the Victim Protection Act Cap. 79A.

### *The Traffic School Rules 2024 and the Traffic (School Transport) Rules, 2024*

The National Transport and Safety Authority (NTSA) developed regulations in response to gaps identified in the traffic laws. These regulations give the NTSA the power to suspend or revoke any license in instances where the license holder fails or neglects to comply with the laws.

### *Diverse Legal Refoms Spearheaded by Witness Protection Agency*

The Witness Protection Agency (WPA) is mandated to provide the framework and procedures for giving special protection, on behalf of the State, to persons possessing important information and facing potential risk or intimidation due to their cooperation with prosecution and other law enforcement agencies. The Agency has received over 2,200 applications and protected over 800 witnesses from 2009 to the end of FY 2023/24.

In FY 2023/24, WPA spearheaded the development of diverse legal reforms on witness protection. These are Witness Protection (Amendment) Bill 2024, Witness Protection (General) Regulations, Amendment 2024, Witness Protection (Court) Rules Amendment 2024, Witness Protection (Reciprocal) Regulations 2024, Witness Protection (Victims Compensation Fund Administration) Regulations, 2024 and Witness Protection (Complaints Committee) Regulations, 2024.

#### **3.3.2 Policy Reforms**

The administration of justice also gained a lot from policy reform initiatives that were carried out in FY 2023/24. These reforms are expounded below.

### *Commencement of the Development of the Anti-Corruption Guiding Framework for the Justice Sector*

Following a meeting of the heads of the three arms of Government on January 22, 2024, convened by H.E. Dr. William Samoei Ruto, the President of the Republic of Kenya, the National Council on the Administration of Justice (NCAJ) initiated the development of the Anti-Corruption Guiding Framework for the Justice Sector. The Guiding Framework aims to support the fight against corruption, enhance accountability and improve service delivery for the people of Kenya. It will provide short-term, mid-term and long-term strategies and action points for implementation by justice sector agencies. The Guiding Framework seeks to enhance efficiency and coordination in investigating, prosecuting and adjudicating corruption and economic crimes. Moreover, it aims to upscale citizens' engagement in the fight against corruption.

The draft framework was developed through a consultative and collaborative process. Feedback was gathered from all the justice sector agencies using a questionnaire supported by focus group discussions involving technical persons from NCAJ agencies. Additionally, the NCAJ Anti-corruption Committee conducted an extensive review of the previously published reports on anti-corruption initiatives and conducted extensive stakeholder engagements.

The draft framework was developed through a consultative and collaborative process involving using questionnaires to gather feedback from member agencies, conducting meetings with technical persons from each NCAJ agency, reviewing previously published materials on anti-corruption initiatives, and holding extensive stakeholder engagements to elicit diverse views.



*Hon. Chief Justice Martha Koome attending a meeting by the NCAJ Committee on Anti-corruption for a discussion on coordination and reforms in the fight against corruption*



*NCAJ Committee on Anti-Corruption chaired by Mr. Twalib Mbarak, CEO/Secretary EACC, during a workshop to develop the Anti-Corruption Guiding Framework for the Justice Sector.*



*Stakeholder engagement on the draft Anti-Corruption Guiding framework.*

### *Development of Alternative Dispute Resolution (ADR) Policy by EACC*

The EACC developed ADR policies for anti-corruption and commenced internal training on their implementation.

### *The Model Procedures for Prevention of Bribery and Corruption under the Bribery Act*

The EACC developed Model Procedures for preventing bribery and corruption under Kenya's Bribery Act Cap 79B Laws.

### *Adoption of Cyber Security Measures by KEPSA*

KEPSA supported the adoption of new cybersecurity policies that aim to protect businesses operating in the digital space. These policies include provisions for prosecuting cybercriminals and safeguarding digital transactions.

### *Development of a Complaints Policy at IPOA*

IPOA developed a Complaints Policy, which outlines how complaints are to be processed from when they are lodged to the end. The agency also created the Witness Expenses Policy, which guides how the Authority will facilitate witnesses to ensure court attendance.

### *Development of Witness Protection Auxiliary Policies by the Witness Protection Agency*

In a move to enhance its efficiency, the WPA collaborated with stakeholders in the criminal justice sector to come up with two central policies:

- *The Witness Protection Victim Compensation Policy* aims to provide restitution to victims and their families affected by crimes committed by protected persons, including compensation for death to the family of the deceased caused by a protected person. It provides a legal framework and mechanisms to ensure victims receive fair and timely restitution and compensation.
- *The Witness Protection Operations and Security Policy* guides generally on the operational and security issues in the agency's critical mandate.

### **3.3.3 Administrative Reforms and Other Initiatives of NCAJ Agencies**

During the period under review, NCAJ agencies in the criminal justice sector initiated the below administrative reforms that influenced the administration of justice.

#### *Probation and Aftercare Service (PACS)*

The PACS had several administrative outputs during the year under review, namely, the implementation of Probation and Aftercare Service Operational/Practice Guidelines, partnering with the Japan International Cooperation Agency on the implementation of the Community Probation Volunteer Programme, and a CPV training manual and communication strategy.

#### *Ethics and Anti-Corruption Commission (EACC)*

The EACC developed and launched its strategic plan 2023-2028, which focuses on, among other priorities, effective deterrence and punishment of corruption and unethical practices through upscaling investigations and asset recovery on high-impact cases.



*Launch of the EACC Strategic Plan 2023-2028 on 26<sup>th</sup> September 2023*



*Hon. Musalia Mudavadi, Prime Cabinet Secretary, during the launch of EACC strategic plan. On the right is EACC chairperson Dr. David Oginde, and on the left is EACC CEO Mr. Twalib Mbarak*

**Launching of the National Ethics and Corruption Survey (NECS)**

The EACC launched the National Ethics and Corruption Survey (NECS). This report provides data on the perceptions, magnitude, forms and levels of corruption in county and national governments. The survey findings inform diverse reform actions in addressing the challenge of corruption in the criminal Justice Sector.



*EACC Chairperson Dr David Oginde, Commissioners and EACC CEO Mr Twalib Mbarak and Deputy CEO Mr Abdi Mohamud during the Launch of the National Ethics and Corruption Survey in March 2024.*

### ***Development of Standard Operating Procedures for Monitoring the Status and Rights of Migrants in places of detention.***

The KNCHR developed Standard Operating Procedures for Monitoring the Status and Rights of Migrants in Places of Detention. These procedures aim to support the KNCHR in undertaking future audits of detention facilities and monitoring human rights compliance in the thematic area of migration and human rights.

### **3.4 Sensitisation and Capacity-building in the Criminal Justice System**

The justice system agencies undertook sensitisation and capacity-building initiatives in the year under review. The highlights of some of the initiatives are as follows:

- In conjunction with the NCAJ Committee on Criminal Justice Reforms, Raoul Wallenberg Institute of Human Rights and Humanitarian Law sensitised justice actors on the Sentencing Policy Guidelines 2023. The training aimed to enhance the understanding and application of Sentencing Policy Guidelines in the criminal justice system. A total of 30 participants, including judges, magistrates, police officers, and prosecutors from Naivasha and Nakuru Law Courts, were sensitised.
- ICJ Kenya conducted capacity-building sessions with journalists and students on abolishing the death penalty. It also published a publication titled “Women and the Death Penalty in Kenya”, which seeks to make visible the gender and intersectional discrimination faced by women in the judicial process leading to the death penalty.

- IJM Kenya held an inter-agency forum with 37 communication officers drawn from the NPS, the National Police Service Commission (NPSC), IPOA, ODPP, and the WPA. The workshop focused on the central role communications plays in the Criminal Justice System and the protection of the public from violence.
- IJM and the Missing Voices Coalition organised a consultative forum between criminal justice actors and other stakeholders to mark the Day of Delayed Justice and enhance collaboration in addressing the challenges causing delayed justice.
- **Kenya National Commission on Human Rights** undertook 14 legal aid clinics. The KNCHR leveraged the Annual LSK Event of Legal Awareness Week and the Legal Aid Day launch by the National Legal Aid Services to conduct the clinics. The aim of the clinics is to provide services closer to the people, build networks at the community level, and educate the local population about KNCHR's role and activities.



*Right: Professor of Criminology at Oxford University Carolyn Hoyle. Left: KNCHR Chairperson during the launch of the report of prisoners' experience of crime, punishment and death row in Nairobi*

- **Legal Resources Foundation (LRF)** trained 50 prison officers in Machakos and Nakuru counties, covering Human Rights in detention facilities.
- **The Kenya Prisons Service (KPS)** trained over 400 paralegals, 140 Staff members, and inmates on trial advocacy in collaboration with other stakeholders. The KPS also engaged diverse stakeholders and members of the public during Correctional Service Week in Nairobi. The Commissioner General of Prisons emphasized the need to enhance inmates' rights and proper treatment..



*Diverse sensitisation programmes by Kenya Prsons Service*

### 3.5 Research in the Criminal Justice System

Policy, legal and administrative reforms require continuous and rigorous research on emerging trends, crimes and contemporary justice issues. To facilitate research-based decision-making by NCAJ and its agencies, the National Crime Research Center of Kenya carried out crucial research on the criminal justice sector, addressing various issues of national concern:

- **Religion and Crime in Kenya:** The study aimed to examine criminal practices under the guise of religion. The study found that harmful practices, including human rights abuses and rejection of conventional medicine, were perpetuated by religious groups with charismatic, often untrained leaders. A key recommendation was the enhancement of community-level oversight mechanisms, such as community policing, to monitor and prevent criminal activities under religious cover.
- **Managing the Dangerous Drift in Livestock Rustling and Banditry in Kenya.** The study focused on identifying the drivers of livestock rustling and banditry. The research revealed the commercialization of rustling and proliferation of illegal arms as critical factors. It recommended the implementation of security regulations and databases to improve livestock management and control these criminal activities.

- **Enforcement Challenges to Illicit Alcohol and Mapping Cannabis Trafficking in Kenya.** This study examined the challenges of illicit alcohol production and cannabis trafficking. It found that weak law enforcement and corruption were significant enablers. A key recommendation was to address the regulatory and legal framework in the alcohol sector.
- **An Evaluation of the Bail and Bond Programme in the Administration of Criminal Justice in Kenya** assessed satisfaction with the bail and bond process and highlighted gaps in legal and institutional structures. The study recommended enhancing the application of bail and bond policy guidelines to improve pre-trial release rates and reduce incarceration.

### 3.6 Challenges and Recommendations on Efficient Administration of Criminal Justice

#### 3.6.1 Challenges

Diverse challenges hindered the efficient administration of criminal justice during the period under review. Some of these challenges are;

- Overcrowding in detention facilities created custodial challenges.
- Financial austerity measures hindered the justice sector's operational capacity, efficiency and overall functionality.
- Inadequate infrastructure and human resources adversely affected the capacity to handle complex cases effectively.
- Delays in finalising regulations and legal frameworks and low awareness among stakeholders adversely affected repatriation, compensation and special protection for vulnerable victims.
- Inadequate transport resources affected mobility, delaying timely responses in critical situations.
- Inadequate training affected the preparedness of officers to handle high-risk protection cases.
- Low uptake of plea-bargaining and diversion slowed down the justice process.
- High bail and bond terms made bail out of reach for most defendants.
- Delays in case determinations led to financial and mental strain, witness fatigue, and a reduced willingness to cooperate.
- Low cooperation from witnesses during investigations led to delays in concluding cases.
- Instances of limited cooperation from law enforcement officers affected the timely resolution of some cases.
- Delays in resolving business-related economic crimes eroded trust in the justice system's efficiency.
- Sub-optimal partnerships by some law enforcement agencies delayed arrests and collection of critical evidence in investigations.
- Inadequate security desks at critical points slowed the handling of gender-related criminal cases.

### 3.6.2 Recommendations

The following key recommendations have been identified to address the challenges encountered in the efficient administration of criminal justice:

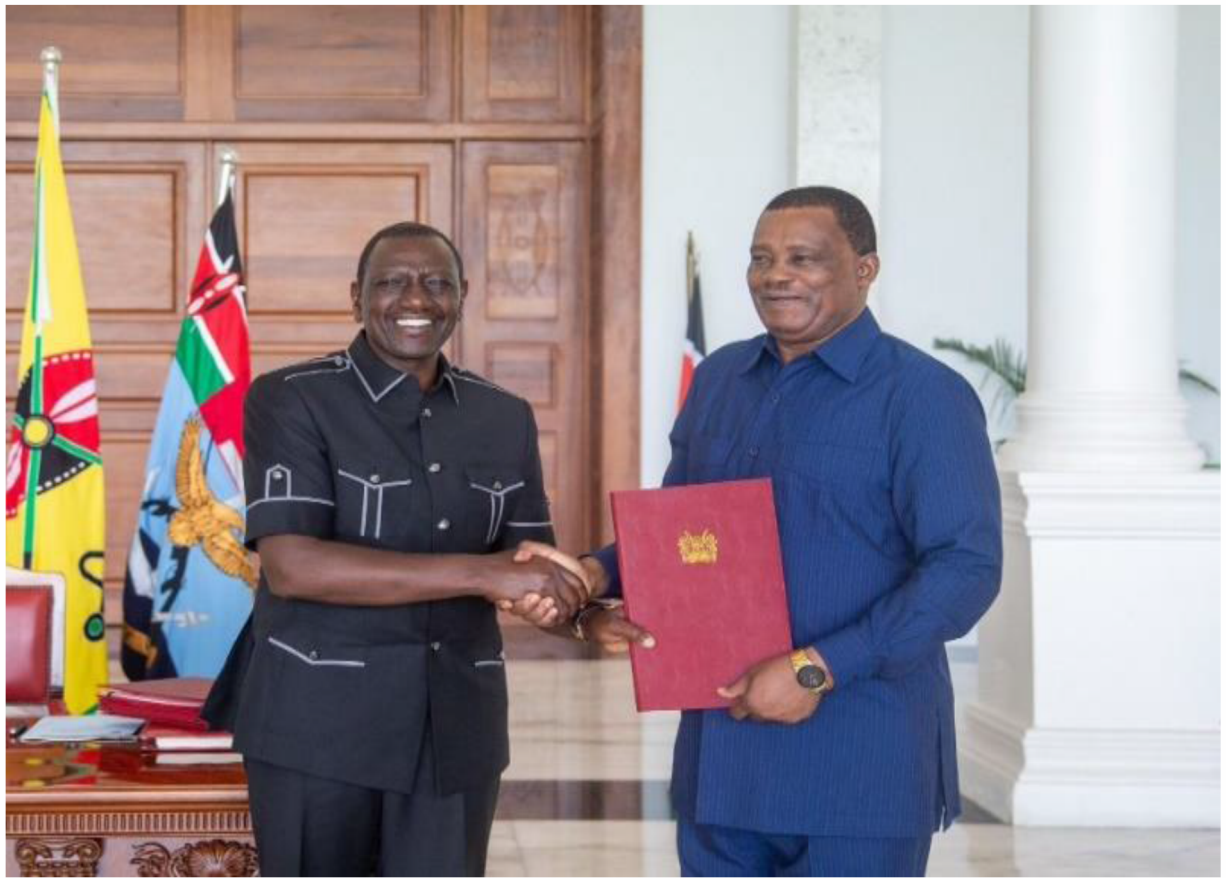
- Sustain de-congestion as part of service delivery initiatives.
- Upscale the use of Alternative Dispute Resolution and diversion programs to reduce case backlog.
- Timely release of funds by the National Treasury.
- Continuous capacity-building for staff on emerging legal crimes and challenges.
- Construct modern infrastructure to enhance service delivery efficiency.
- Operationalise the Victim Protection Agency and the Compensation Trust Fund.
- Enactment of regulations to establish safe houses and implement rehabilitative programmes offering psychosocial services to offenders.
- Prioritise cases involving protected persons, including persons living with disabilities and other vulnerable persons.
- Regular sensitisation of the public on witness protection.
- Strengthen inter-agency partnerships and collaborations on resource mobilisation.
- Provide adequate motor vehicles to all criminal justice agencies at the local level.
- Setting of reasonable bail/bond terms and upscaling of diversion programmes.
- Hold regular service weeks to reduce the backlog of criminal cases
- Increase the provision of legal aid services.
- Enhance honouring of court summons to promote accountability and the rule of law.
- Develop guidelines to manage electoral offences and prevent the withdrawal of cases without proper procedure.

Develop integrated systems that allow seamless sharing of information between agencies.



Chapter **4** **PROGRESS AND REFORMS IN CIVIL JUSTICE**





## 4.1 Introduction

This chapter provides the progress made in advancing civil justice, including the reforms undertaken during the Financial Year (FY) 2023/24. It highlights key initiatives, policy developments and reforms aimed at enhancing the efficiency, accessibility and fairness of the civil justice system. The civil justice system in Kenya comprises three principal facets that collectively strive to facilitate timely access to justice for citizens, whether they are claimants or respondents. These are the institutional, the professional, and the procedural facets.

The institutional aspect revolves around the adequate legal entrenchment and effectiveness of agencies mandated to administer justice. These institutions include, among others, the Judiciary, which serves as the platform for resolving civil disputes, and the Office of the Attorney General and Department of Justice (OAG & DOJ), which acts as the government's representative in civil cases in accordance with provisions of the OAG Act, Cap 6A. The two work alongside other state and non-state entities operating within the broader administration of justice set-up.

The professional component encompasses values and attitudes adopted to ensure optimal service delivery within the sector. For instance, it encompasses the entrenchment of values of independence and integrity in the organs charged with the administration of justice to ensure equitable, unbiased and expeditious adjudication of conflicts in line with Chapter 10 of the Constitution. The procedural dimension emphasises the methodologies employed for settling civil disputes, primarily through litigation, alternative dispute resolution and other mechanisms for lodging complaints.

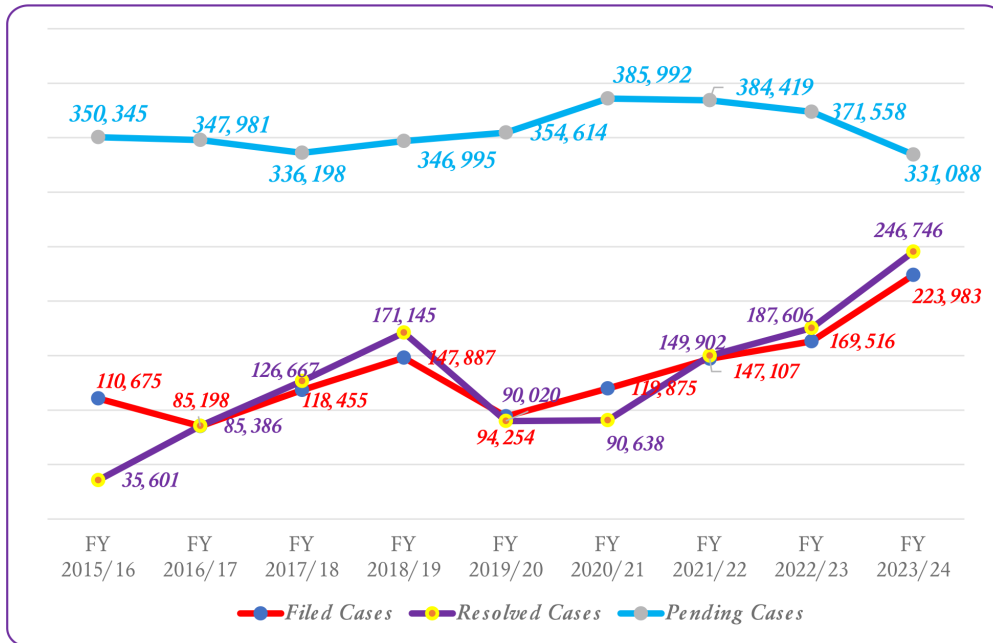
## 4.2 Progress in Administration of Civil Justice within the NCAJ Agencies

### 4.2.1 Progress in Civil Litigation at Courts

Civil litigation in Kenya follows formal legal procedures, which may include pre-trial negotiations, the presentation of evidence, and legal arguments before a judge or magistrate. The outcome of a civil case may involve the issuance of a court order for monetary damages, injunctive relief, or other remedies as determined by the court. Civil cases are typically filed in different courts depending on factors like the nature of the dispute and the pecuniary amount involved.

Though there was significant progress in civil litigation in FY 2023/24, challenges like case backlog, litigation costs and service delivery inefficiencies continued to hinder the full realisation of an expeditious and accessible civil justice system. A total of 223,983 civil matters were filed, with 246,746 matters being resolved in FY 2023/24. At the end of the FY, 331,088 matters remained pending, an improvement from 371,588 cases that were pending at the end of the previous review period.

The trend of the filed, resolved and pending civil cases in courts is illustrated in Figure 4.1.



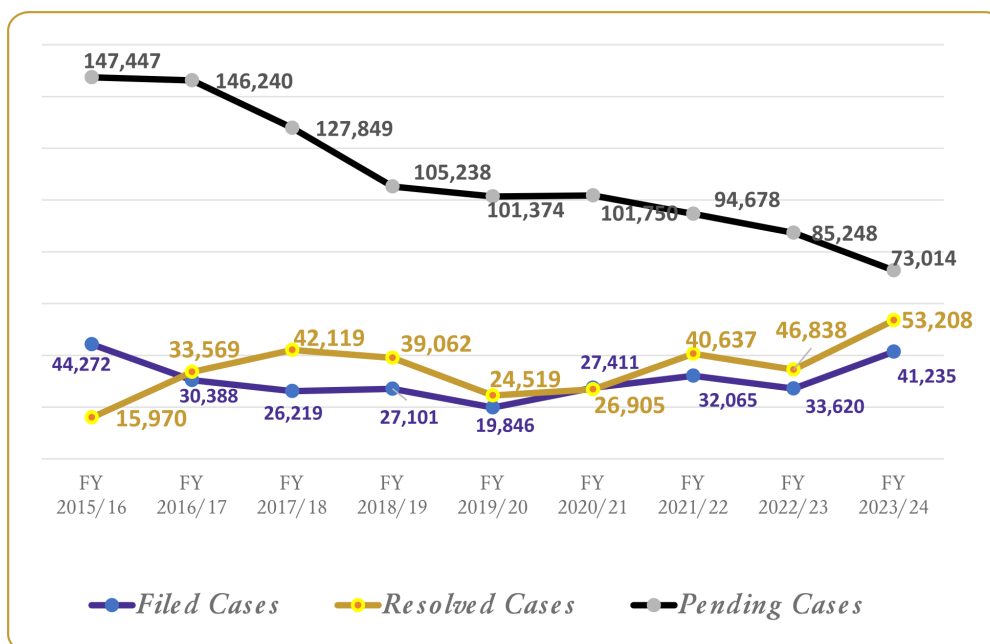
**Figure 4.1: Trend of civil litigation in all courts, FY 2015/16 - 2023/24**

Source: NCAJ Analysis using data from various editions of published SOJARs, Judiciary Submissions

Notably, in FY 2023/24, there were more resolved cases than those that were filed, a pointer to an improvement in case management and efficiency levels.

#### A. Civil Litigation in Superior Courts

The Superior courts consist of the Supreme Court, the Court of Appeal, the High Court, the Employment and Labour Relations Court (ELRC) and the Environment and Land Court (ELC). All the superior courts, except for the Court of Appeal, have original jurisdiction on some civil matters. In the superior courts, 41,505 civil matters were filed, 54,034 were resolved, and 73,014 were pending at the end of FY 2023/24. The trend of civil litigation is shown in Figure 4.2.



**Figure 4.2: Trend of civil litigation in superior courts, FY 2015/16 - 2023/24**

Source: NCAJ Analysis using data from various editions of published SOJARs, Judiciary Submissions

From Figure 4.2, a marginal decline in cases filed was noted between FY 2016/17 and 2019/20, followed by a general but marginal increase up to the end of the review period. Conversely, pending civil cases decreased from 85,248 in FY 2022/23 to 73,014 in FY 2023/24 due to a case clearance rate that exceeded 100 per cent. Table 4.1 shows trends in the various superior courts for the past five years.

**Table 4.1: Civil litigation in superior courts, FY 2019/20 - 2023/24**

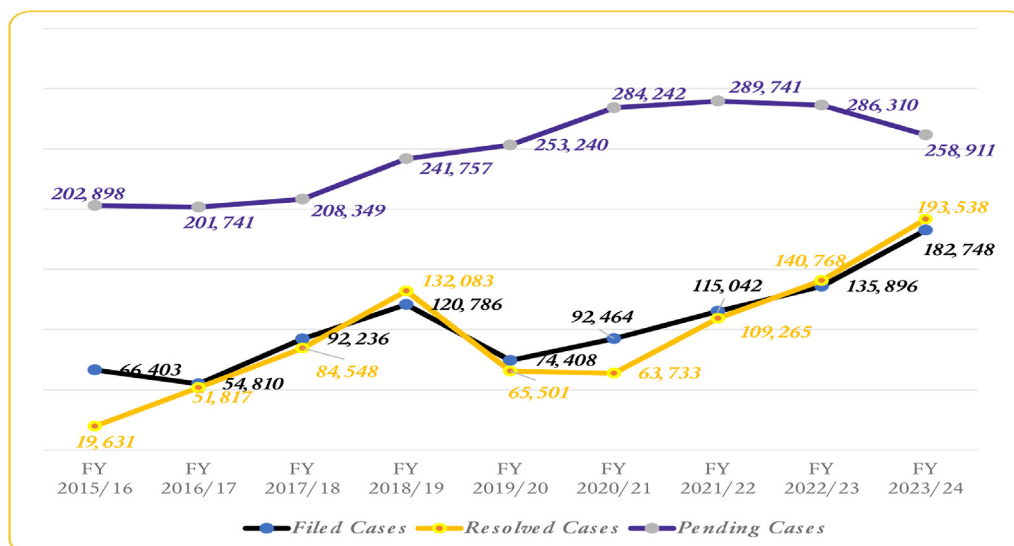
Court Type	Cases Handled	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24	Change 22/23– 23/24
Supreme Court	Filed	72	47	41	59	82	39%
	Resolved	76	62	63	58	67	16%
	Pending	89	74	52	54	47	-13%
Court of Appeal	Filed	2,063	2,150	2,345	1,879	3,456	84%
	Resolved	745	969	1,020	934	2,200	136%
	Pending	5,529	6,637	7,962	8,907	10,006	12%
High Court	Filed	12,540	17,440	19,760	15,673	26,007	66%
	Resolved	14,612	17,692	25,628	22,793	33,298	46%
	Pending	66,957	66,594	57,105	49,986	44,288	-11%
ELRC	Filed	2,015	2,918	3,518	3,808	4,215	11%
	Resolved	3,568	2,434	5,662	3,870	8,014	107%
	Pending	12,907	14,040	11,943	11,881	6,966	-41%
ELC	Filed	3,156	4,856	6,401	5,752	7,475	30%
	Resolved	5,518	5,748	8,264	6,814	9,629	41%
	Pending	15,892	14,405	17,616	16,554	11,707	-29%
All superior Courts	<b>Filed</b>	<b>19,846</b>	<b>27,411</b>	<b>32,065</b>	<b>27,172</b>	<b>41,235</b>	<b>52%</b>
	<b>Resolved</b>	<b>24,519</b>	<b>26,905</b>	<b>40,637</b>	<b>34,469</b>	<b>53,208</b>	<b>54%</b>
	<b>Pending</b>	<b>101,374</b>	<b>101,750</b>	<b>94,678</b>	<b>87,382</b>	<b>73,014</b>	<b>-16%</b>

*Source: NCAJ Analysis using data from various editions of published SOJARs, Judiciary Submissions*

From Table 4.1, it can be deduced that the demand for justice in superior courts increased by 52 per cent between FYs 2022/23 and 2023/24. Similarly, the resolved cases, a pointer to the overall supply of justice, increased by 54 per cent between FYs 2022/23 and 2023/24. This points to a huge commitment by the Superior Courts to reducing the civil case backlog. The overall pending caseload at the end of the period under review was 73,014, a 16 per cent decline from the previous period. Therefore, there was an improvement in the delivery of civil justice through superior courts.

### A. Civil Litigation in Subordinate Courts

The subordinate courts are established under Article 169 of the Constitution of Kenya and consist of the Magistrates' Courts, Small Claims Court, Kadhis Courts, Court Martial as well as tribunals established by Parliament. In FY 2023/24, a total of 182,748 civil cases were filed, while 193,538 were resolved in these courts. At the end of the period under review, 258,911 cases were pending in the subordinate courts. Figure 4.3 shows the trend of caseload between the FY 2015/16 and 2023/24.



**Figure 4.3: Trend of civil litigation in subordinate courts, FY 2019/20- 2023/24**

Source: NCAJ Analysis using data from various editions of published SOJARs and Judiciary Submissions

Civil matters pending at the Subordinate Courts decreased by 10 per cent from 286,310 cases at the end of 2022/23 FY to 258,911 at the end of the review period. The reduction was occasioned by a case clearance rate above 100 per cent during the review period. Notably, the resolved cases rose from 140,768 in 2022/23 FY to 193,538 in FY 2023/24.

**Table 4.2: Trend in civil litigation in subordinate courts from FY 2019/20 to 2023/24**

Court Type	Cases Handled	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24	% Change 22/23 to 23/24
Magistrate Court	Filed	61,258	77,152	91,748	88,695	114,695	29%
	Resolved	55,972	52,810	86,010	98,695	131,612	33%
	Pending	217,265	245,309	255,734	253,007	224,591	-11%
Small Claims Court	Filed	-	1,023	8,503	27,161	41,524	53%
	Resolved	-	637	8,226	21,210	33,527	58%
	Pending	-	386	1,239	7,264	16,255	124%
Kadhis Court	Filed	7,207	8,954	9,017	11,850	12,615	6%
	Resolved	5,261	7,230	6,540	11,490	12,896	12%
	Pending	7,817	8,062	10,404	3,482	3,369	-3%
Tribunals	Filed	5,943	5,335	5,774	8,190	13,914	70%
	Resolved	4,268	3,056	8,489	9,373	15,503	65%
	Pending	28,158	30,485	22,364	22,557	14,696	-35%
All	Filed	74,408	92,464	115,042	135,896	182,748	34%
	Resolved	65,501	63,733	109,265	140,768	193,538	37%
	Pending	253,240	284,242	289,741	286,310	258,911	-10%

Source: NCAJ Analysis using data from various editions of published SOJARs, Judiciary Submissions

From Table 4.2, it is clear that the Small Claims Courts have continued to positively impact the administration and efficiency in the civil justice sector, as evidenced by their rising statistics of filed, resolved, and pending cases since FY 2021/22.

## 4.2.2 Progress in Civil Justice Processes within the Attorney General's Office

The Office of the Attorney General and Department of Justice (OAG & DOJ) is dedicated to promoting, protecting, and upholding the rule of law while safeguarding the public interest. As the chief legal advisor to the Government, as outlined in Article 156(4)(a) of the Constitution, the Attorney General has been instrumental in advancing civil justice reforms in Kenya. The role of the Attorney General is multifaceted, involving both advisory and supervisory responsibilities. One key function is representing the Government in civil litigation, including constitutional and public administrative law cases, land disputes, and tort claims.

In addition, the Office manages commercial contract disputes, judicial reviews, human rights cases, public interest litigation, and international law disputes. It also acts as amicus curiae in civil proceedings where the Government is not a party. Other duties include legislative drafting, vetting treaties and agreements, and representing the public in succession cases or other legal matters authorised by deceased estate heirs, excluding criminal proceedings.

Further responsibilities of the Attorney General include promoting good governance, overseeing legal education and the legal profession, providing national registration services for marriages and societies, acting as the public trustee, and facilitating access to justice through legal aid. The OAG & DOJ also represent the National Government in civil, constitutional, and arbitration matters, as well as alternative dispute resolution processes like mediation, negotiation, and adjudication. Moreover, OAG & DOJ represent the Government before international courts and tribunals.

From the functions above, OAG & DOJ realised myriad achievements as follows.



*The Attorney General, Hon. Justin B. N. Muturi and Solicitor General, Hon. Shadrack Mose, during a meeting with the HODs and Ministry of Public Service on enhancing performance at the State Law Office*

### a) *Civil Cases Processed by the Office of the Attorney General*

In FY 2023/24, 5,569 civil cases were filed in OAG & DOJ across the country, with 2,897 being concluded. At the end of the review period, 19,876 cases were pending in the State Law Office. Table 4.3 shows the details of these cases per station across the country.

**Table 4.3: Civil registered and processed by the State Law Office in FY 2023/24**

State Law Office	Filed Cases	Concluded Cases	Pending Cases
Nairobi (headquarters)	2088	1,498	1006
Mombasa	409	87	4309
Malindi	382	302	1494
Kisumu	165	132	2424
Kakamega	442	162	850
Nyeri	193	23	689
Meru	393	239	826
Embu	162	78	1640
Eldoret	385	110	1789
Kisii	291	146	1563
Machakos	217	67	272
Nakuru	347	28	2558
Kericho	95	25	456
<b>All Stations</b>	<b>5,569</b>	<b>2,897</b>	<b>19,876</b>

Source: OAG&DOJ

The high number of pending cases in the State Law Office points to the need to enhance the capacity of the Office at the grassroots, especially opening more offices in additional counties.

#### b) *Compliance with Human Rights Obligations*

A significant milestone in FY 2023/24 was the submission of the Mid-Term Report under the 3rd Cycle Review of the Universal Periodic Review (UPR) in January 2024. This peer-to-peer review process under the Human Rights Council allows member states to assess each other's human rights records. By participating in this mechanism, Kenya reaffirmed its role in international human rights diplomacy and accountability. Additionally, the Attorney General's office facilitated Kenya's fulfilment of its obligations under the International Covenant on Economic, Social, and Cultural Rights (ICESCR) by responding to issues raised from the 6th Periodic Report of May 2024.

#### c) *Constitutional Implementation and Reform*

Kenya made significant progress in constitutional reform and implementation. In FY 2023/24, the OAG &DOJ submitted a Checklist focused on Kenya's compliance with the African Charter on Democracy, Elections, and Good Governance to the Ministry of Foreign Affairs. The Attorney General's office also contributed to the development of a Political Parties Primaries Policy, which aimed to strengthen political party democracy and participated in the review of the Political Parties Act and the IEBC Bill, 2023, to align electoral processes with constitutional values.

#### d) *Anti-Corruption, Ethics, and Integrity Section*

In FY 2023/24, the Attorney General's office advanced the anti-corruption framework in the Country by developing the Whistleblower Protection Bill, 2023, which was drafted to provide legal safeguards for individuals who report corruption and unethical conduct. Moreover, the Attorney General made a documentary to commemorate Kenya's 20-year journey under the United Nations Convention against Corruption (UNCAC). The documentary reviews the achievements and challenges in Kenya's fight against corruption over the past two decades.

#### e) *International Law Division*

The International Law Division under the Attorney General's office played a critical role in safeguarding Kenya's interests on the global stage. In FY 2023/24, the division issued **843 legal opinions** to various ministries, departments, and agencies (MDAs). The advisories were issued within six working days of the request, ensuring that government actions and policies aligned with international legal standards. Furthermore, the office of the Attorney General successfully represented Kenya in **five international arbitration and litigation cases**, defending national interests in complex international legal matters. A total of **224 judicial cooperation matters** were also coordinated by the office of the Attorney General, facilitating international criminal justice efforts and enhancing cross-border legal collaboration.

#### f) *Department of Justice*

In FY 2023/24, the Office of the Attorney General and Department of Justice sensitized **2,400 citizens** across 12 counties on **constitutional provisions, good governance, electoral processes and victim and witness protection**. This initiative aimed to strengthen public understanding of governance, electoral and human rights, contributing to informed citizen participation in democratic processes. The Office of the Attorney General and Department of Justice also developed the Policy on Public Participation (Sessional Paper No. 3 of 2023) and submitted it to the National Assembly for debate and adoption. This policy proposes a structured framework for public participation in decision-making, setting minimum standards to ensure the effective involvement of citizens in governance.

#### g) *Registrar General*

In FY 2023/24, the Registrar General's office registered **60,700 marriages** and **456 child adoptions**, reflecting the department's effort to formalize civil unions, provide legal recognition to matrimonial relationships and facilitate the legal processes of family integration for adopted children. Moreover, 1,118 associations were registered by the Registrar General's office, contributing to a more organized civil society and promoting diverse group interests in the social, economic, and political spheres.

#### h) *Legal Advisory & Research Department*

The Legal Advisory and Research Department conducts research and legal advisory for government ministries, departments, and agencies on problems in implementing the Constitution and other laws. In FY 2023/24, the Department provided 560 Legal opinions and advisories to client Ministries, Departments and Agencies compared to 99 in the previous FY.

#### i) *Public Trustee*

The Public Trustee Department offers services of a specialised nature that involve the management of the estates of the deceased and trusts. In FY 2023/24, the Department administered and finalised 2,896 estates, managed and finalised 1,317 trusts and resolved 263 inheritance disputes.

#### j) *Legislative Drafting Division*

The primary function of the Legislative Drafting Division is to provide legislative drafting services to the Government. In the period under review, the Division drafted 13 pieces of prioritized items, which the National Assembly later passed. Further, the Department also provided legal services to support the implementation of National Priorities by drafting 56 pieces of legislation.

### k) *Civil Litigation Department*

The mandate of the Civil Litigation Department is to provide legal advice and legal representation to Government Ministries, Departments and Semi-Autonomous Agencies (MDAs) in all Civil and Constitutional matters in local, regional and international Courts of Law and Tribunals, amongst other functions. In FY 2023/24, the Department concluded 2,468 Cases.

#### 4.2.3 Progress in Thematic Areas of Civil Justice

##### a. *Environment and Land Justice*

During the period under review, a total of 7,538 environment and land cases were filed at the ELC, while 9,528 were concluded. In the same breadth, 11,707 cases remained pending at the end of the period. At the Magistrates' Courts, 10,463 cases were filed, while 10,269 cases were concluded during the review period. Moreover, the 38 Environment and Land Court Users' Committees (E&LCUCs) in the country continued to ensure a coordinated, efficient, effective and consultative approach to the administration of environment and land justice at the grassroots.

##### b. *Commercial Justice*

The justice sector handles diverse cases with a potentially huge impact on entrepreneurship, investments and overall economic performance. These cases, mainly entailed commercial cases, tax appeals tribunal cases and small claims cases. In FY 2023/24, 2,654 cases were filed, while 3,817 were resolved at the Milimani Commercial and Tax Division, 13,613 cases were filed, and 22,122 resolved at Magistrates' Courts. In the Tax Appeals Tribunal, 961 cases were filed, while 1,083 were resolved, leaving 2,484 pending cases. Further, 41,082 cases were filed in all Small Claims Courts in Kenya, with 32,373 being resolved, leaving 16,255 pending.

##### c. *Employment and Labour Relations Justice*

In FY 2023/24, **4,210 cases** were filed at ELRC, with 8,014 cases resolved. At the end of the review period, **6,076 cases** were pending. At the Magistrates' Courts, 6,184 cases were filed, while a total of 5,901 cases were resolved. Moreover, the CUCs operating under Employment and Labour Relations recorded diverse achievements, which are elaborated on in Chapter 6.

##### d. *Family and Succession Matters*

In the period under review, 3046 cases involving family issues, notably divorce and succession, were filed at the High Court stations in Kenya. Over the same period, 9,325 cases were resolved. At the Magistrates' Courts, 4,472 divorce cases were filed, and 5,796 cases were resolved, while at the Kadhi's Courts, 2,670 divorce cases were filed, with 3,057 cases resolved during the financial year. For succession matters in the magistrates' court, 35,797 cases were filed, and 30,892 cases were resolved during the financial year under review. Moreover, 1,775 and 14,503 disputes related to children in conflict and children in contact with the law respectively were filed at the Magistrates' Courts, with 1,169 and 14,960 matters being concluded.

#### 4.2.4 Adoption of Alternative Dispute Resolution Mechanisms

Article 159(2)(c) of the Constitution provides that in exercising judicial authority, the courts and tribunals shall be guided by, among others, the principle that, Alternative forms of dispute resolution including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms shall be promoted. Consequently, alternative dispute resolution mechanisms have gained prominence over time and have had a huge impact on the resolution of disputes. In the FY 2023/24, the NCAJ agencies continued to adopt ADR as follows.

### a. Court Annexed Mediation

In the Judiciary, 6,238 cases were referred for mediation from various Courts, with 5,711 concluded with settlement agreements. The details of these cases are given in Table 4.4.

**Table 4.4: Cases were referred and settled through CAM, FY 2023/24**

Court Type	Case referred to CAM	Cases with Settlement Agreement
Court of Appeal	3	2
Employment and Labour Relations Court	160	169
Environment and Land Court	286	265
High Court	1,081	1,021
Kadhi Court	21	16
Magistrate Court	4,608	4,217
Small Claims Court	78	70
Tribunal	1	1
<b>All Courts</b>	<b>6,238</b>	<b>5,761</b>

Source: NCAJ Analysis using data from Judiciary

### b. ADR Matters Processed through OAG & DOJ

The OAG & DOJ adopted mediation, arbitration, adjudication and negotiation to resolve disputes both internationally and locally. Regarding this, the following successes were realised:

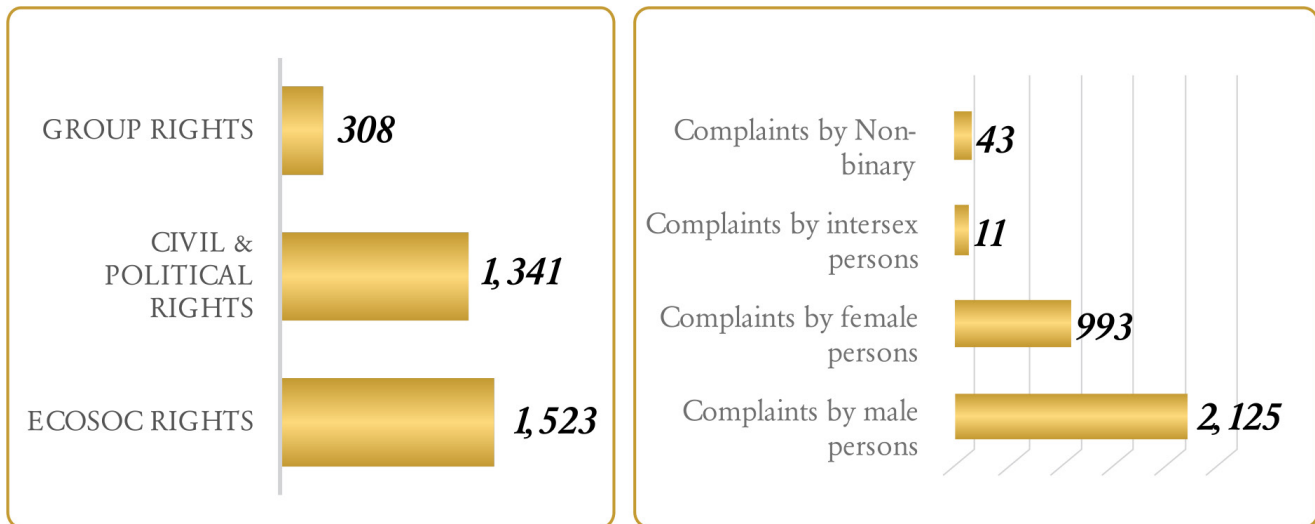
- In the arbitration of a dispute between *Elevonic Lift Services Limited and the National Treasury*, a claim for Kshs. 26,777,955 was awarded Kshs 4,647,535, yielding a saving of Kshs 22,130,420 to the Government.
- In the arbitration dispute *Over the Erection and Completion of Buildings for Student Facilities and Staff Houses at Naivasha Phase III for the National Youth Service by N.K Brothers* Kshs. 873,678,194 was claimed. However, Kshs 336,020,347 was awarded, yielding a saving of Kshs 537,657,847.
- In *Divafa Investments Ltd v State Department for Housing and Urban Development*, a claim of Kshs. 21,424,885 was made, but a consent of Kshs. 19,642,000 as the final payment agreed.
- In the arbitration dispute between *Vagbjiyani Enterprises Ltd and KIRDI on the contract for the proposed research technology and innovation laboratories and related infrastructure*, a claim of Kshs. 2,752,458,364 was made, but consent was given to pay the claimant 342,000,000.

#### 4.2.5 Dispute Resolution through Administrative Petitions and Complaint Handling

The Constitution of Kenya, as well as specific pieces of legislation, acknowledge administrative petitions and complaint handling as complementary methods of civil dispute resolution. Several NCAJ agencies, including the Kenya National Commission on Human Rights (KNCHR), the Commission on Administrative Justice (CAJ), the National Gender and Equality Commission (NGEC) and the National Land Commission (NLC), are responsible for resolving civil disputes within their respective mandates. The following are some of the notable achievements that were realised by justice sector agencies.

##### a) Kenya National Commission on Human Rights (KNCHR)

The KNCHR processed **3,172** new complaints. In the same year, **3,138** complaints were resolved. Out of the new complaints processed by KNCHR, **1,341** (42.2%) concerned Civil and Political Rights, **1,523** (48%) concerned economic, social and cultural rights and **308** (4.8%) concerned group rights.



**Figure 4.4: Complaints handled by KNHCR**

*NCAJ Analysis using data provided by KNCHR*

The majority of the complaints were received from Nairobi (539), followed by Kiambu (109), Makueni (66) and Kitui (63). In terms of gender, 2,125 complaints were by male persons, 993 by female persons and 11 by Intersex person.

#### b) *Commission on Administrative Justice (CAJ)*

The Commission on Administrative Justice received 2,643 complaints in FY 2023/24. Over the same period, the Commission resolved 913 with 1,730 remaining pending.

#### 4.2.6 Sensitisation and Capacity Building in the Civil Justice Arena

- The **OAG &DOJ** sensitised stakeholders in the justice system on civil justice which was conducted in 12 counties, targeting opinion leaders such as the *Nyumba Kumi* leaders, youth leaders, women leaders, religious leaders and community-based groups. The sensitisation covered an array of legal matters that involve their day-to-day lives like the Constitution, provisions on consumer protection and in human rights. Citizens were also sensitized on the mandate of the Victim Protection Board, Advocate Complaints Commission, Public Trustee and all other departments under OAG&DOJ and their roles in the civil justice system. The Office also sensitised 50 state counsels regarding the Charter on Democracy, Elections, and Good Governance



### *Sensitisation of Stakeholders at Muranga County*

- The **CRADLE** conducted training on self-representation and the process of instituting, prosecuting and enforcing custody and maintenance matters. It also engaged the public on child rights, the justice system, and available support services.
- **FIDA-K** trained 30 of its members and pro bono advocates on the International Labour Organization (ILO). The training covered aspects such as the freedom from violence and harassment, including gender-based violence and harassment.
- **Council of Governors** trained selected officers from all Counties on access to information, grievance handling and good governance.
- **CAJ** conducted Ombudsman Mashinani forums and reached over 2,000 people. These forums are community outreach forums to sensitize the public on issues of maladministration and the Commission's mandate. The forums also serve as platforms for empowering citizens to demand for efficient and effective service delivery. To successfully implement these forums, the Commission.

#### **4.2.7 Other Activities on Civil Justice Undertaken in FY 2023/24**

The NCAJ agencies continued to undertake critical activities aimed at enhancing civil justice in Kenya during the period under review. Notable activities in FY 2023/24 included:

##### **a) National Council for Law Reporting (NCLR)**

Developed a new Case Law Database (CLD) and Kenya Law Database (KLD) to enhance access to legal information. It also sensitized the judiciary, parliamentary committees, and legislative drafters at the Office of the Attorney General, National Assembly, and Senate regarding access to public legal information. NCLR also partnered with various stakeholders to publish case digests on various thematic areas, including Devolution, Competition Law Case Digests, and a Compendium on Ecological Jurisprudence to track the development in jurisprudence.

##### **b) The Council of Governors (COG)**

Oversaw the process of domesticating the Access to Information Act, Cap 7M, by the counties in line with section 96(3) of the County Governments Act, Cap 265, which demands that counties domesticate the Access to Information Act.

### c) *The ICJ Kenya*

Hosted the Africa Litigation Surgery Conference 2024, which brought together participants from across the region addressing issues on violation of human rights and fundamental freedoms, which in turn hamper the effective administration of justice. ICJ also supported the training and debriefing of the Court of Appeal and High Court Judges and Magistrates who handled election offences with a view to enhancing electoral justice

### d) *FIDA-Kenya*

FIDA-Kenya also developed a policy framework for the application of the ILO Convention 190 in workplaces. FIDA-Kenya facilitated 77 AJS practitioners and eight staff members for the 3<sup>rd</sup> Annual AJS Conference, themed Accelerating People-Centred Justice in Kenya: Engaging, Expanding and Retooling AJS.

### e) *The LSK*

The LSK undertook diverse administration of justice activities in the reporting period as follows:

- Held a seminar titled *Harmonizing Justice: An in-depth analysis of Kenya's National Alternative Dispute Resolution (ADR) Policy* in partnership with the Nairobi Centre for International Arbitration. Other seminars were also held in collaboration with the Mediation Training Institute.
- Organised conveyancing training jointly with the Ministry of Land.
- Launched the Young Advocates Mentorship Programme in Collaboration with the Judiciary, attracting over 100 advocates, and oversaw the admissions of advocates to the bar.
- Launched three specialised three-day Continuous Professional Development (CPD) training for advocates covering Legislative Drafting, targeting the Senate; Devolution and the Law, targeting County Attorneys; and professional mediation training targeting ADR practitioners.
- Held the 2023 LSK Annual Conference themed *Empowering Legal Excellence: Good Governance and the Rule of Law for Sustainable Development*, attended by over 1200 advocates nationwide.
- Conducted a webinar on AJS systems in partnership with the National Steering Committee on the Implementation of the AJS Policy.
- Hosted the Annual Women's Breakfast forum attended by over 200 advocates, tackling the topics of women's role in climate change and their vulnerabilities therein.
- Embarked on review of the Advocates Remuneration Order to align the rules in response to obtaining and reviewing the Advocates Act, Cap.16 on practising certificate fees.

Other achievements by LSK are summarised in Table 4.5.

**Table 4.5: Diverse Achievement by LSK, FY 2023/24**

1. Pro bono cases handled countrywide	73 referrals
2. Legal education programs conducted	90 Continuous Professional Development (CPD) programmes offered to advocates.
3. Contributions made to legislations	64 memoranda prepared
4. Individuals served through legal aid clinics	Over 1200 through legal awareness week
5. Partnerships and collaborations established to enhance the administration of Justice	9
6. Public interest litigation cases instituted	48
7. Complaints against advocates filed/received	373
8. Complaints against advocates resolved	16



*Hon. Gladys Boss Shollei, Deputy Speaker of the National Assembly, addressing participants at the LSK Annual Conference in August 2023*

#### f) National Legal Aid Service

In the year under review, the National Legal Aid Service (NLAS) received 3,391 matters requiring legal aid, of which 1,139 were successfully handled. Table 4.6 provides a breakdown of these cases.

**Table 4.6: Cases requiring legal aid that were processed by NLAS, FY 2023/24**

Case Type	Filed	Handled	Pending
Children cases	2673	891	1,782
Land matters	76	32	44
Employment matter	79	36	43
Small Claims	32	20	10
Family divorce,matrimonial,succession	54	21	33
Criminal matters	477	139	338
<b>Total</b>	<b>3,391</b>	<b>1,139</b>	<b>2,250</b>

### 4.3 Legal, Policy and Administrative Reforms in the Civil Justice Sector

#### 4.3.1 Legal Reforms

In FY 2023/24, various justice sector agencies undertook the following legislative reforms.

##### A. Legislative Reform Measures by the Office of the Attorney General

OAG&DOJ undertook the drafting of the following legislations in compliance to its mandate, hence championing the reform agenda on our legislations.

- i. National Cereals Produce Board (National Reserve) Regulations 2023;
- ii. Fisheries Management and Development (General) Regulations 2024;
- iii. Fisheries Management and Development (Fish Levy Fund) Order 2024;

- iv. Fisheries Management and Development (Marine Fisheries) Regulations 2024;
- v. Fisheries Management and Development (Inland) Regulations 2024;
- vi. Fisheries Management and Development (Beach Management Units) Regulations 2024;
- vii. Fisheries Management and Development (Recreational Fisheries) Regulations 2024;
- viii. Fisheries Management and Development (Fish safety and quality) Regulations 2024;
- ix. Fisheries Management and Development (Aquaculture) Regulations 2024;
- x. Land (Amendment) Regulations 2023;
- xi. Land Adjudication (Amendment) Regulations 2023;
- xii. Community Land (Amendment) Regulations 2023;
- xiii. Physical and Land Use Planning (Planning Fees Amendment) Regulations 2023;
- xiv. Land Administration (General Amendment) Regulations 2023;
- xv. Land Registration (Revocation) Regulations 2023;
- xvi. National Building Code 2023; and
- xvii. Affordable Housing Bill, 2023.

## **B. Legislative Reform Measures by KLRC**

The KLRC disseminated the Second Edition of ‘A Guide to the Legislative Process in Kenya’. This publication comprehensively consolidates the key procedural and substantive facets of law-making in Kenya at both levels of government. Additionally, KLRC provided technical support in the development or review of the following county legislation:

- i. Public Finance Management (Kitui County Emergency Fund) Regulations, 2023.
- ii. Model county legislation to provide a legal and institutional framework for the County Governments in relation to the management of waste.
- iii. County Government Review of the Mombasa County Waste Management Bill, 2023 and an advisory opinion issued to the county government of Mombasa.
- iv. Review of Marsabit County Community Health services bill, 2023.
- v. Review of Nyamira County Persons with Disabilities Bill, 2019.
- vi. Foundation of Kilifi County Statutory Instruments Bill.
- vii. Review of Laikipia County government legislation.
- viii. Review of the County Disaster Risk Management bill for Turkana County.

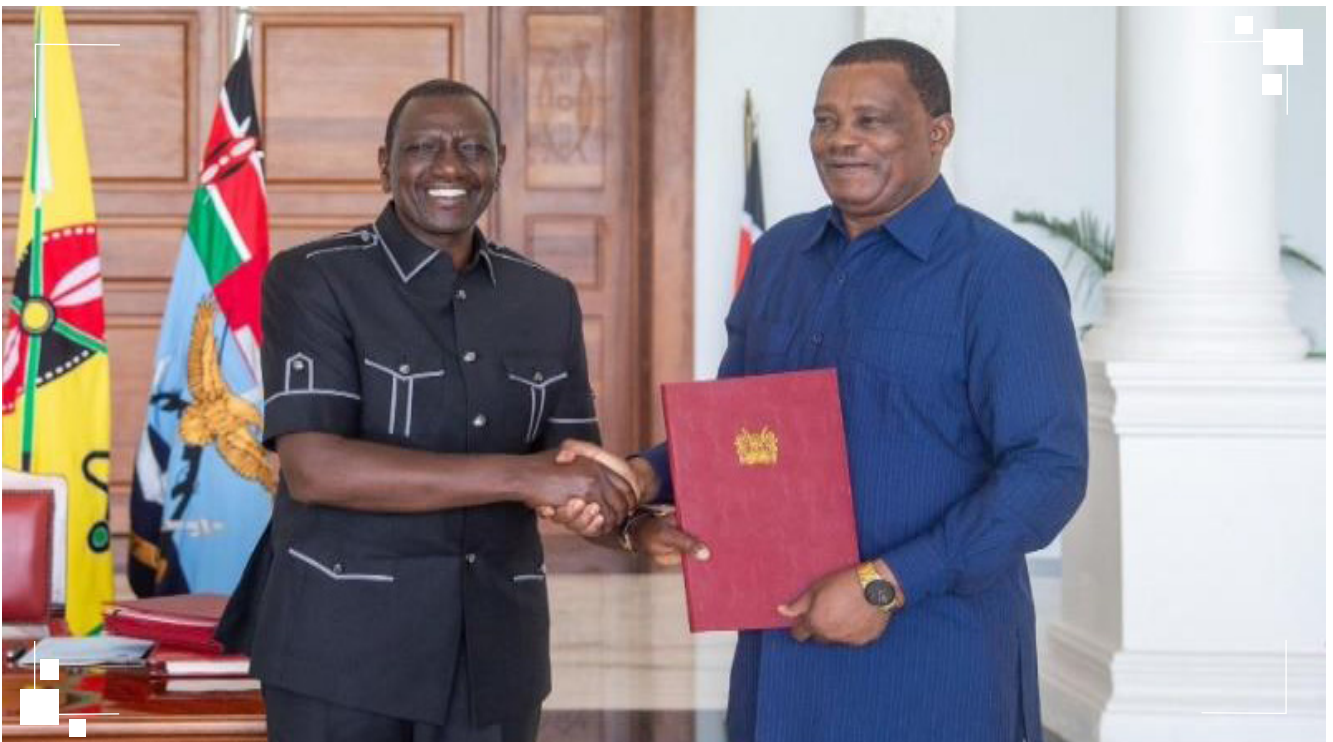
## **C. Legislative Reform Measures by Other Justice Sector Agencies**

- Ethics and Anti-Corruption Commission (EACC), in collaboration with the Office of the Attorney General and the Department of Justice, developed the Conflict of Interest Bill 2023. The Bill provides for the management and regulation of conflict of interest and for connected purposes. The primary aim of this bill is to ensure that public officials do not make decisions in situations where there is a potential for their personal interests to conflict with their public duty.
- The Independent Electoral and Boundaries Commission (IEBC) reviewed and segregated its dispute resolution rules to meet its mandate. To that end, the IEBC initiated the development of the following rules:

- i. The Rules of Procedure on Settlement for the Electoral Dispute Resolution Committee Disputes, 2024
  - ii. The Rules of Procedure on Settlement of Disputes for the Electoral Code of Conduct Enforcement Committee.
  - iii. The Rules of Procedure on the Leadership and Integrity Vetting Committee.
  - iv. Draft Election Campaign Financing (Amendment) Bill, 2024
  - v. Draft Election Campaign Financing Regulations, 2024.
- The CRADLE collaborated with other CSOs to draft the Care and Protection of Child Parents Bill 2023, which seeks to provide a framework for the care and protection of child parents.
  - The Commission on Administrative Justice (CAJ), developed the ‘Access to Information (General) Regulations, 2023 to operationalise the Access to Information Act, Cap.7M, through public participation in conjunction with other key stakeholders. The Regulations 2023 were published in the Kenya Gazette Supplement No. 197 (Legislative Supplement 69) vide Legal Notice No. 161 of 19th October, 2023 and were approved by Parliament on 23rd November 2023.

#### **D. Preparation of the 24th Annual Supplement of the Laws of Kenya**

In FY 2023/24, the 24th Annual Supplement of the Laws of Kenya was prepared, gazetted and became operational. The preparation was done by NCLR in line with the Revision of Laws Act, Cap 1, under the supervision of the Attorney General. The Supplement to the Laws of Kenya revised the volume of the laws of Kenya from January 1994 to December 2022. It was gazetted on 22<sup>nd</sup> December 2023 under Legal Notice No. 221 of 2023 and came into force on 30<sup>th</sup> January 2024. It was launched by H.E. the President of the Republic of Kenya, in April 2024.



*H.E. The President of the Republic of Kenya, together with the Hon. Attorney General at the Statehouse during a briefing on the 24<sup>th</sup> Annual Supplement of the Laws of Kenya*

## E. Law Reform Issues Arising from Judicial Decisions

In the period under review, the Judiciary pronounced itself on diverse cases and gave direction on various issues, including the constitutionality of different provisions of the law and timelines within which petitions on the removal of Judges from office, amongst others. Consequently, the NCLR identified 3 law reform issues from judicial decisions. A detailed summary of the Judicial Decisions is contained in Appendix 5. There is a need for extensive follow-up on reforming the mentioned laws.

### 4.3.2 Policy Reforms

To improve the efficiencies and effectiveness of the administration of civil justice, various policy measures geared towards addressing gaps and challenges observed in the justice system were undertaken as follows.

- The office of the Attorney General was officially delinked from the Public Service Commission after the passage of the Statute Law (Miscellaneous Amendment) Act 2024.
- The State Law Office (SLO) Strategic Plan 2023-2028 was launched. It has four priority areas: transformation, decentralisation and digitalisation; constitution and legal reforms; legal aid and awareness; and promotion of human rights.
- The OAG & DOJ submitted the Policy on Public Participation, Sessional Paper No. 3 of 2023, to the National Assembly for debate. It seeks to provide an overarching framework for public participation in Kenya. It sets the minimum standards for effective public participation.
- NCLR launched its Strategic Plan for 2023-2028, prioritising the digitization and dissemination of public legal information in user-friendly formats; capacity-building of stakeholders on the access, use and development of public legal information; and the facilitation of the government's legislative agenda.
- FIDA-Kenya developed a policy framework for applying the ILO Violence and Harassment Convention, 2019 (No. 190) in workplaces to be implemented by FIDA-Kenya, its members, and other partners in their respective work environments.
- KLRC partnered with the Ministry of Lands to review the sessional Paper No. 3 of 2009 on National Land Policy and develop a new National Land Policy aligned to the COK.

### 4.3.3 Administrative Reforms and Other Initiatives

Various administrative measures were also undertaken in FY 2023/24 to improve the operational environment and enhance efficiency in the administration of the justice sector. Interventions by some of the NCAJ agencies are as follows:

#### a) *The Judiciary*

- Upgraded the Isiolo sub-registry to a fully-fledged High Court vide Gazette Notice no. 6949. This increased the total number of High Court stations to 46.
- Elevated Thika High Court from a sub-registry to a full-fledged High Court with supervisory Jurisdiction over Thika, Ruiru and Gatundu Magistrates Courts, vide Gazette Notice No. 11082 of 25<sup>th</sup> August 2023.
- Established Kibera High Court with supervisory jurisdiction over Kibera, JKIA and Kahawa Magistrates Courts, vide Gazette Notice No. 11083 of 15<sup>th</sup> September, 2023.
- Established a High Court in Nyandarua, based at Ol-Kalou, with supervisory Jurisdiction over Engineer and Ol-Kalou Magistrate's courts, via Gazette Notice No. 11084 of 15<sup>th</sup> August, 2023.
- Launched the Kwale High Court on 25<sup>th</sup> of September, 2023.

- Established the Naivasha ELC on 6<sup>th</sup> of November 2023, bringing the total number of ELCs to forty (40). Additionally, a new ELC sub-registry was established in Lodwar, Turkana County, on 11<sup>th</sup> of December 2023, and began its operations in January 2024.
- Operationalised three magistrate courts in Port Victoria, Etago and Malaba.
- Established five Kadhi courts in Hola, Busia, Mashuru, Vihiga and Tongaren.

#### b) *Administrative Reforms by other NCAJ Agencies*

- The Directorate of Children Services (DCS) developed draft After-Care Guidelines for Children Exiting Rehabilitation Institutions.
- ICJ Kenya developed a publication titled “Right to Health Bench Book.” The Health Bench Book is part of ICJ Kenya’s effort to unpack health rights for accountability and facilitate access to health services in Kenya.

## 4.4 Challenges and Recommendations on Civil Justice Reforms

### 4.4.1 Challenges

Some of the notable challenges in the administration of civil justice during the period under review that adversely affected the administration and access to civil justice include:

- An increase in workload resulting from increased filing of civil cases. This was coupled with delays in the conclusion of civil cases in courts due to backlog.
- The low public awareness regarding the functions and responsibilities of public institutions significantly hampers quick access to civil justice, putting citizens at risk of exploitation.
- Non-compliance with court orders adversely affects citizens pursuing civil justice through the court process;
- Non-compliance with court orders adversely affects citizens pursuing civil justice through the court process;
- Some excessive awards led to unnecessary appeals and challenges in implementation.
- Limitation of access to Public Trustee services in the counties.
- Inadequate budget to support emerging and other crucial civil justice reforms.
- Low digitalisation of public trustee services and weak data base on marriage and divorces
- Challenges in effective enforcement of recommendations by CAJ. The Commission’s ability to effectively enforce its recommendations on cases of maladministration have been greatly affected as a result of the effects of the Court decision made in Supreme Court Petition 42 of 2019 Kenya Vision 2030 Board VS CAJ & Eng. Judah Abekah. The court ruled that recommendations by the Commission are not binding on public institutions, a position that has undermined enforcement of recommendations by the Commission.

#### 4.4.2 Recommendations

The justice sector requires to upscale interventions and reforms in the civil justice arena. Some of the recommendations are highlighted below:

- Upscaling the use of ICT in the civil justice arena
- Employing additional counsel and other staff including paralegal and process servers to handle court and arbitration matters.
- Creating a national database of marriage and divorces and digitalise Public Trustee Services.
- Decentralising justice sector services and departments to ensure service delivery is accessible throughout the country.
- Providing adequate budgetary to meet the civil justice sector needs. Attention should be paid to priority civil justice reforms.
- Prioritise public interest matters, including the implication of judgments and court orders.
- Surveying the enforceability of the awards given by the courts to unearth the underlying challenges and develop a strategy to guide compliance.
- Enhancing civic education on civil justice issues, processes, emerging laws and policies to meet citizens' expectations
- Undertaking service delivery initiatives to clear civil case backlog and reduce the high pendency of civil cases is crucial.
- Amendment of the Commission on Administrative Justice Act, Cap. 7J on enforceability of its recommendations.



Chapter

**5**

**ADMINISTRATION  
OF JUSTICE FOR  
THE VULNERABLE  
GROUPS**





*Deputy Chief Justice Philomena Mwilu is flanked by Hon. Justice Teresia Matheka, Chairperson NCAJ Standing Committee on the Administration of Justice for Children.*

## 5.1. Introduction

In Kenya, the vulnerable persons are recognised and protected by the Constitution. In cognisance of vulnerable persons in society, the Constitution under Article 21(3) places a statutory obligation on agencies to treat every individual equally and with dignity and, wherever possible, make available the services, provide infrastructure, and ease the processes that enhance access to justice for the vulnerable groups within society. To strengthen the administration of justice for vulnerable groups in the justice sector, the NCAJ established a Department on Access to Justice for Vulnerable Groups as well as several Working Committees, namely the Committee on the Review of Laws and Policies on Sexual and Gender-Based Violence (SGBV) and the Standing Committee on the Administration of Justice for Children.

This chapter provides the activities and accomplishments of NCAJ and its agencies in administering justice for vulnerable groups during FY 2023/2024. Further, it sheds light on policy, legal and administrative reforms that were implemented to enhance access to justice for vulnerable groups.

## 5.2. Administration of Justice for Children

Children come into contact with the justice system by being victims, witnesses, offenders, and in need of care and protection. The NCAJ and its agencies, through the support of the Committee on Administration of Justice for Children and Secretariat, have been instrumental in addressing the justice needs of children. The concerted efforts of both state and non-state agencies associated with the NCAJ, while fulfilling their respective mandates, have resulted in notable advancements in ensuring that children access justice. This section underscores the accomplishments realised.

### 5.2.1. Handling of Children by the Directorate of Children Services

The Directorate of Children Services (DCS) rescues children who may be lost, abandoned or neglected through its statutory children’s institutions. Further, the Directorate runs children’s remand homes to hold children in conflict with the law for their care and protection. While these children serve their term in rehabilitation schools, they are engaged in vocational skills training such as carpentry, building and masonry, bakery and confectionery, hairdressing, and electrical wiring. Table 5.1 details the number of children who were held in the various children institutions during the period under review

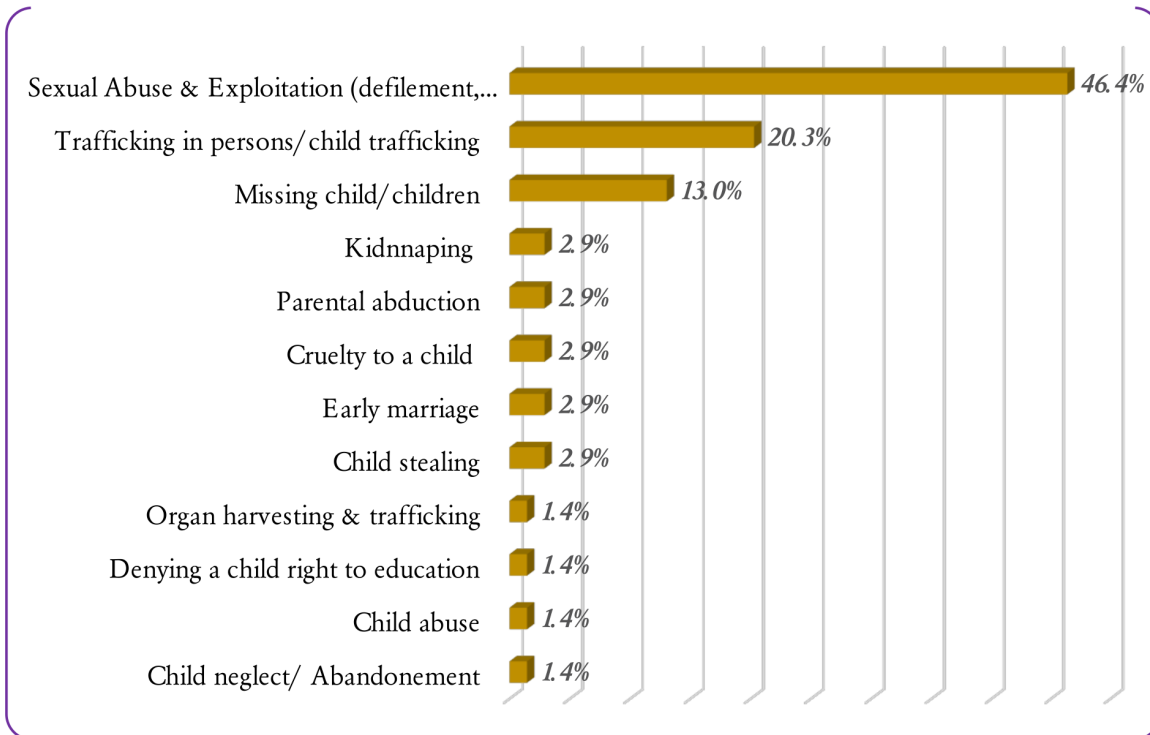
**Table 5.1: No. of Children held in Statutory Institutions by 30<sup>th</sup> June 2023**

Institution	No.	No. of Children Admitted	No. of children exits	No. of Children Remaining in the institutions
Children Rescue Centres	5	757	555	202
Children Remand Homes	9	3,620	2,952	668
Reception, Assessment and Classification Centres	2	234	212	22
Rehabilitation Schools	9	298	171	127

*Source: NCAJ analysis using sample data submitted by the Directorate of Children Services*

## 5.2.2. Investigation of Children-Related Offenses

The National Police Service (NPS) has a broad mandate that includes investigating crimes and protecting people’s rights and fundamental freedoms. This mandate includes the investigation of child-related offences such as sexual abuse, exploitation, and victimization. The Directorate of Criminal Investigation’s Anti-Human Trafficking and Child Protection Unit (AHTCPU) is a specialized unit under the NPS specifically tasked with investigating and addressing these types of crimes against children. As shown in Figure 5.1, in FY 2023/24, the Unit handled many crimes involving children.



**Figure 5.1: Types of cases handled by the AHTCPU in FY2023/24**

*Source: NCAJ Analysis Using AHTCPU Data*

From Figure 5.1, the majority of cases (46%) were related to sexual abuse and exploitation, including defilement, attempted defilement, incest, and child pornography. This was followed by child trafficking cases, accounting for 20% of the total, and missing children cases, which made up 13% of the cases handled. Regarding the victim’s age, it was observed that the majority were 13-15 years (32%), followed by those aged 16-17 years (22%), 10-12 years (19%), and 7-9 years (15%), as shown in Table 5.3.

**Table 5.2: Age distribution of child victims handled by AHTCPU in FY 2023/24**

Age Bracket (Years)	Total	Percentage
0 -3 years	6	8
4- 6 years	3	4
7 - 9 years	12	15
10-12 years	15	19
13-15 years	25	32
16-17 years	17	22
<b>Total</b>	<b>78</b>	<b>100</b>

*Source: NCAJ Analysis Using AHTCPU Data*

### 5.2.3. Handling of Child Offenders

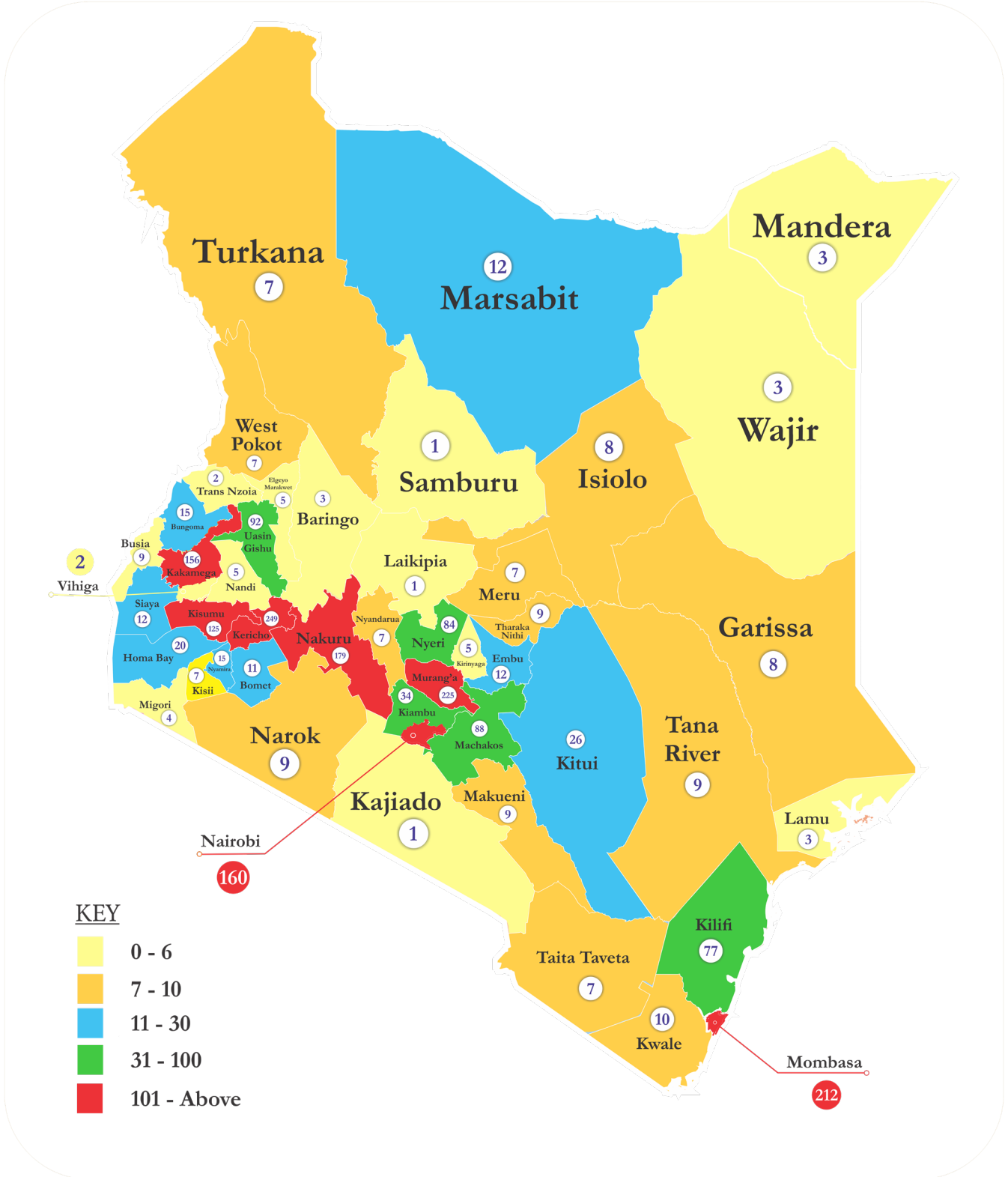
The DCS establishes, provides, promotes, coordinates, and supervises services and facilities designed to advance the protection of children. Table 5.5 provides the caseload for child offenders from various counties in Kenya and highlights details of the status of the cases.

**Table 5.3: Child offenses Caseload by County, FY 2023/24**

County	Cases Filed	Resolved Cases	Pending Cases	Active Cases
Bomet	11	3	-	8
Bungoma	15	15	-	
Busia	9	7	-	2
Elgeyo/Marakwet	5	5	-	
Embu	12	8	-	4
Homa Bay	20	5	4	11
Isiolo	8	7	-	1
Kajiado	1	-	-	1
Kakamega	155	-	1	154
Kericho	249	1	-	248
Kiambu	32	13	-	19
Kilifi	72	-	-	72
Kisii	7	3	-	4
Kisumu	102	-	-	102
Kitui	26	19	-	7
Kwale	10	5	-	5
Laikipia	1	1	-	
Lamu	3	-	-	3
Machakos	88	12	-	76
Makueni	9	-	-	9
Marsabit	12	9	-	3
Meru	7	2	-	5
Migori	4	-	-	4
Mombasa	209	-	-	209
Murang'a	225	9	-	216
Nairobi	157	26	-	131
Nakuru	178	4	-	174
Narok	9	2	-	7
Nyamira	15	4	-	11
Nyandarua	7	7	-	
Nyeri	83	17	-	66
Siaya	10	10	-	
Taita Taveta	7	2	-	5
Tana River	9	7	-	2
Tharaka - Nithi	6	6	-	
Trans Nzoia	2	-	-	2
Turkana	7	-	-	7
Uasin Gishu	87	-	-	87
Vihiga	2	1	-	1
Wajir	3	3	-	
West Pokot	7	-	-	7
Grand Total	1881	213	5	1663

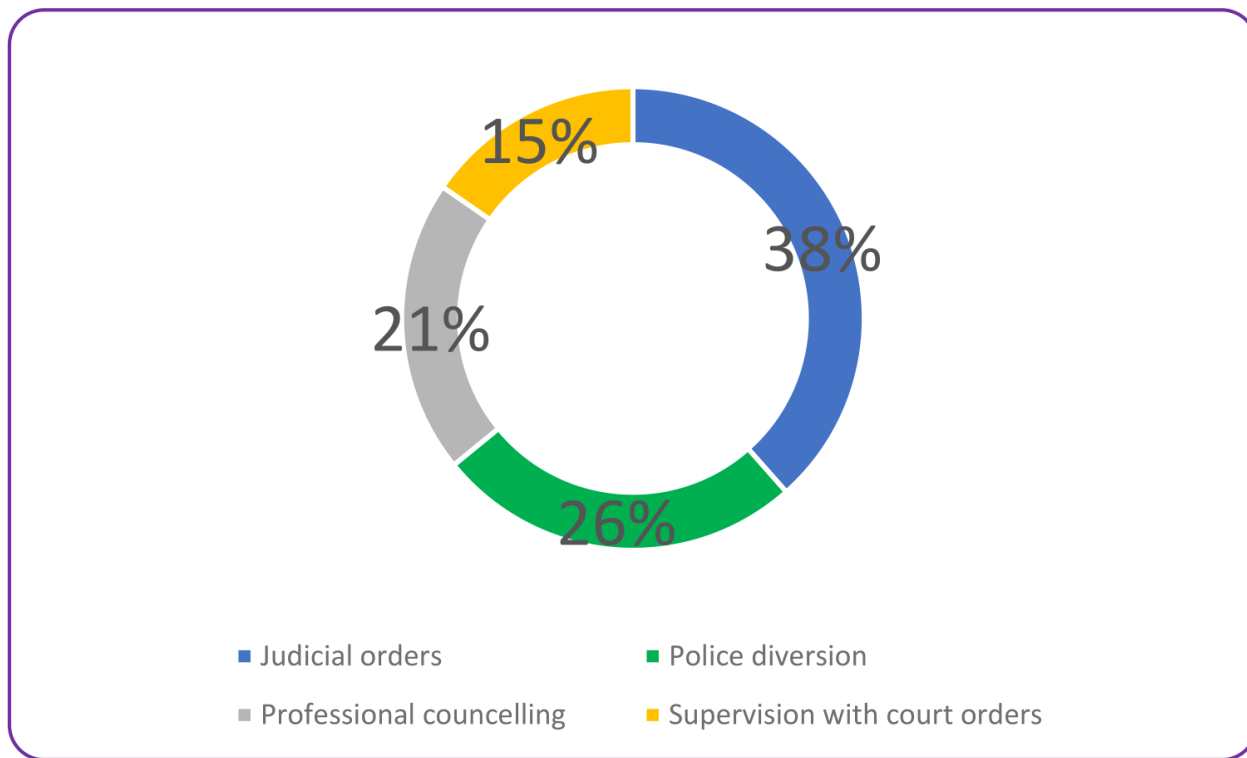
Source: NCAJ analysis using sample data submitted by the Directorate of Children Services

## Number of Child Offenders Per County



In FY 2023/2024, the department handled 1,881 cases involving child offenders. Kericho had the highest number of offenders, 249, followed by Murang'a, 225, and Mombasa, 209. Appendix 10 provides a detailed breakdown of the types of offences committed by children per county in FY 2023/24.

Figure 5.2 summarizes the percentage of interventions that were undertaken to handle children.



**Figure 5.2: Interventions undertaken to handle child offenders**

*Source: NCAJ analysis using sample data submitted by the Directorate of Children Services*

Figure 5.2 shows that the issuance of judicial orders formed the highest percentage of interventions at forty-two per cent (42%), followed by supervision with court orders at thirty-one per cent (31%). Fourteen per cent (14%) of child offenders were subjected to police diversion and professional counselling, respectively.

#### 5.2.4. Handling of Children Who Are Victims of Abuse

##### Violence Against Children

In Kenya, children continue to be subjected to various forms of abuse, including physical, sexual, and emotional abuse, as well as harmful cultural practices such as female genital mutilation (FGM) and child marriage. Furthermore, some children are also vulnerable to trafficking, substance abuse, radicalisation, hazardous labour, and online exploitation. During the review period, a total of 117,602 children experienced various forms of violence.

Table 5.4 shows the statistics of cases of violence against children (VAC).

**Table 5.4: Cases of violence against children per County, FY 2023/24**

COUNTY	FILED
Baringo	1,739
Bomet	1,501
Bungoma	3,712
Busia	2,834
Elgeyo/Marakwet	1,663
Embu	2,952
Garissa	940
Homa Bay	2,046
Isiolo	544
Kajiado	2,186
Kakamega	4,171
Kericho	2,206
Kiambu	9,660
Kilifi	2,997
Kirinyaga	1,544
Kisii	1,625
Kisumu	3,708
Kitui	1,901
Kwale	1,365
Laikipia	745
Lamu	522
Machakos	5,432
Makueni	2,289
Mandera	996
Marsabit	486
Meru	2,599
Migori	3,207
Mombasa	3,001
Murang'a	3,655
Nairobi	16,855
Nakuru	5,377
Nandi	635
Narok	3,386
Nyamira	616
Nyandarua	777
Nyeri	2,147
Samburu	376
Siaya	2,361
Taita Taveta	1,138
Tana River	738
Tharaka - Nithi	1,023

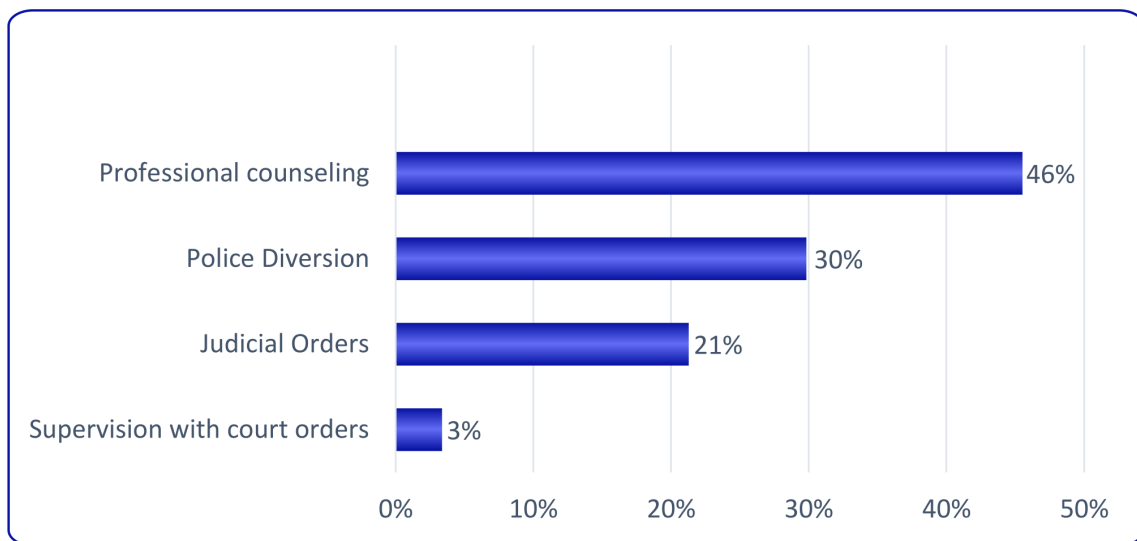
Trans Nzoia	2,923
Turkana	2,345
Uasin Gishu	1,256
Vihiga	751
Wajir	629
West Pokot	2,043
Grand Total	117,602

Source:.....-

From Table 5.6, it is notable that Nairobi, Kiambu, and Machakos counties registered the highest number of VAC cases in the FY 2023/24.

### Interventions undertaken by DCS to Address Violence Against Children

Figure 5.3 summarises the interventions that DCS undertook for the children who had experienced violence.

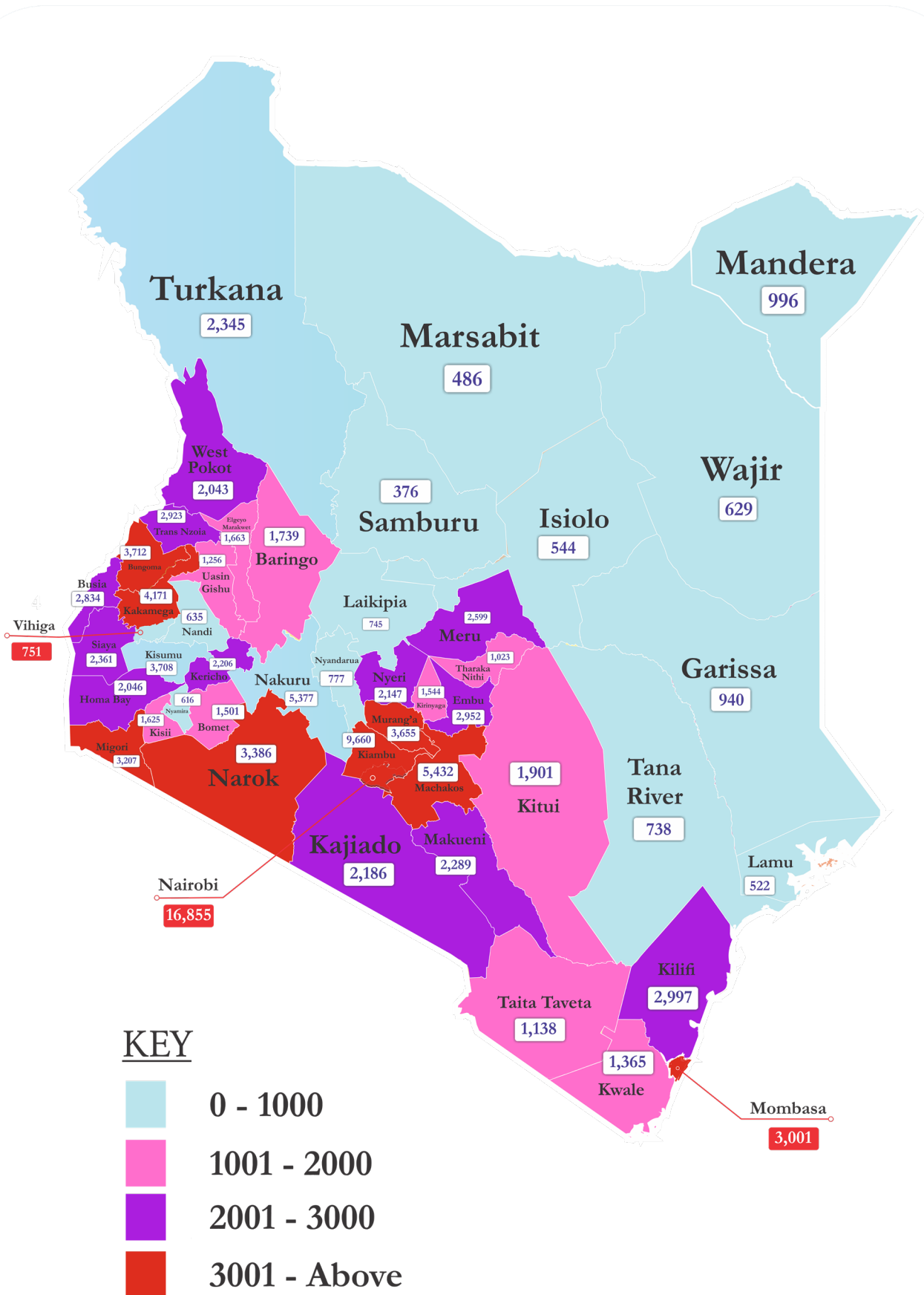


**Figure 5.3: Percentage interventions on violence against children**

Source: NCAJ analysis using sample data of 6 Counties submitted by the Directorate of Children Services

Forty-six per cent of children went through professional counselling designed to help them cope with emotional distress and psychological trauma.

## Cases of violence against children per County



## Handling Children Matters in Court

Throughout FY 2023/24, courts continued to address cases involving children. A total of 16,267 new cases were filed concerning children. Over the same period, 16,119 of such cases were resolved.

**Table 5.5: Caseload statistics for children accessing courts, FY 2023/24**

County Name	Filed Cases		Resolved Cases	
	Children in Conflict with the Law	Children in Contact with the Law	Children in Conflict with the Law	Children in Contact with the Law
Baringo	77	61	76	63
Bomet	31	118	8	105
Bungoma	175	161	150	220
Busia	39	97	14	51
Elgeyo Marakwet	18	34	4	42
Embu	26	115	18	113
Garissa	5	92	4	98
Homa Bay	83	123	47	99
Isiolo	27	15	25	7
Kajiado	51	675	24	603
Kakamega	179	150	134	144
Kericho	219	72	115	69
Kiambu	192	980	154	698
Kilifi	27	188	31	201
Kirinyaga	47	164	14	165
Kisii	74	205	26	135
Kisumu	97	435	88	350
Kitui	25	114	11	107
Kwale	11	219	17	66
Laikipia	50	181	45	226
Lamu	28	20	30	30
Machakos	59	265	30	285
Makueni	92	93	32	61
Mandera	6	55	5	43
Marsabit	20	55	13	64
Meru	183	277	126	258
Migori	66	282	32	258
Mombasa	233	984	175	1,148
Murang'a	74	109	29	118
Nairobi City	218	3,429	348	3,896
Nakuru	413	967	430	1,167
Nandi	31	82	31	66
Narok	65	171	30	124
Nyamira	15	90	10	67
Nyandarua	57	155	39	122
Nyeri	162	182	140	154
Samburu	21	48	9	27
Siaya	19	111	21	80
Taita Taveta	124	88	139	65

Tana River	28	29	25	36
Tharaka-Nithi	64	47	82	90
Trans Nzoia	28	622	13	375
Turkana	14	57	10	55
Uasin Gishu	5	300	5	567
Vihiga	18	75	7	68
Wajir	11	79	6	68
West Pokot	25	74	16	34
All Courts	3,532	12,945	2,838	12,888

*Source: The Judiciary*

### 5.2.5. Strategic Initiatives for Enhancing the Administration of Justice for Children

#### *Undertaking the National Service Month on Children Matters*

Every November, the National Service Month on Children is observed to promote a child-centred service delivery initiative (SDI). In November 2023, a total of 9,746 matters were handled in various courts across the country. The majority of the child offenders were boys, constituting 91 per cent, whereas girls represented 9 per cent. Of those in need of care and protection, 39 per cent were girls, while 30 per cent were boys. Most of the victims were girls, constituting 96 per cent. The girls who testified as witnesses comprised 37 per cent, whereas boys were 32 per cent.

During the same period, 44 per cent of the children who appeared in court had legal representation, while 56 per cent lacked legal representation. Girls were the majority, as they comprised 72 per cent of those represented in court, while boys constituted 27 per cent. The children with special needs constituted 1 per cent, and those without special needs represented 99 per cent.



*Deputy Chief Justice Philomena Mwilu, inspects a guard of honour and proceeds to lay the foundation stone for the Child Protection Unit at Mavoko Police Station. She is flanked by Hon. Justice Teresia Matheka, Chairperson NCAJ Standing Committee on the Administration of Justice for Children.*



*Sam Smith ( President ) and Hope Mbithe ( Clerk ), Kenya Children Assembly, giving speeches during the launch of child justice month in November 2023 at Mavoko Law Court*

### ***Holding of the International Conference on Child Protection (ICCP)***

The International Conference on Child Protection was held on 22<sup>nd</sup> to 24<sup>th</sup> November 2023 at Daystar University bringing all actors, local and international in the justice arena. During the conference, there was an emphasis on initiatives aimed at protecting and caring for children without parental care within families and communities. The following issues were noted as priorities.

- Develop, enhance and implement legal, policy and regulatory frameworks to prevent and respond to violence against children.
- Support and strengthen the social services workforce for child protection with the aim of ending Violence Against Children (VAC).
- Strengthen oversight and coordination and collaboratively support community structures with a focus on ending VAC to ensure effective use of resources and avoid duplication of efforts.
- Invest in the response and prevention of VAC through increased fiscal allocations and coordinated financial support from development partners.
- Improve evidence-based child protection programming by supporting research, data collection and information management systems to end VAC.
- Strengthen structures and design working programs to address emerging child protection concerns with a focus on climate change, emerging technologies, and pandemics.
- Increase support for effective and coherent efforts to protect children from violence in the digital environment.
- Prioritise and fund coordinated and coherent efforts towards humanitarian interventions to end VAC in emergency and humanitarian situations.
- Increase resources toward strengthening the family unit to prevent family separation and placement in Alternative Care.
- Promote good governance and leadership to end political instability that perpetuates VAC.
- Support multi-sectoral approaches and initiatives geared towards addressing retrogressive cultural practices that perpetuate VAC.
- Strengthen the capacity of children to be actors in prevention and response to VAC.



*NCAJ delegates during the Conference*

***Launch of the Wakili wa Watoto Club, Kisii University Chapter***

The Wakili wa Watoto is a pioneering initiative of the Standing Committee on the Administration of Justice for Children. It embodies the NCAJ’s pursuit of justice for collaboration. It remains a powerful testament to the NCAJs and academia’s shared dedication to nurturing the legal minds that will shape the future of child advocacy. The NCAJ Standing Committee on the administration of Justice for Children, represented by Deputy Commissioner General of Prisons (DCGP), Madam Florence Omundi, called upon the students of Kisii University to engage with the Wakili wa Watoto Club wholeheartedly. During the launch, the Wakili wa Watoto Club of Kisii University pledged to offer legal services to the children and provide interdisciplinary expertise from different faculties, including social sciences and psychology, to meet and promote children’s



best interests..

*Participants at the launch of the Kisii University Chapter of the Wakili wa Watoto Club*

### *Setting up of Child-Friendly Interview Rooms*

The ODPP Children Division established a child-friendly interview room for pre-recording the evidence of vulnerable victims while using trauma-centred approaches and forensic interviewing methods at the NSSF building in Nairobi. The objective of the interview room is to pre-record the evidence of vulnerable victims and enhance the achievement of the best proof while using trauma-centred approaches and forensic interviewing methods.



*Image of the child-friendly interview room*



*Mr. Renson M. Ingonga, the Director of Public Prosecutions and the Representative of the Lawyers Without Borders during the launch of child-friendly interview room*

### *Other Initiatives in the Child Justice Arena*

- The CRADLE offered direct legal representation to over 50 children in need of care and protection and those in conflict with the law. It also provided direct legal representation for custody, provision and maintenance cases for 80 children and young women who are victims of sexual gender-based violence.
- The Counter Trafficking in Persons Secretariat, housed at the Directorate of Children Services, conducted stakeholder forums on reviewing the Counter Trafficking in Persons (CTIP) Act (Cap. 61) to align the Act with the Constitution and address emerging issues.

#### **5.2.6. Legal and Policy Reforms on the Administration of Justice for Children**

- The development of Rules in Support of the Children Act, Cap. 141 continued with finalisation expected in FY 2024/25.
- The National Strategy on Justice for Children, 2023- 2028 was finalised, launched and disseminated.



*Winfrida Mokaya, CRJ and Secretary NCAJ, and Hon. Justice Teresia Matheaka, Chairperson of NCAJ Standing Committee on the Administration of Justice for Children, addressing the gathering during the launch held at Kabete Rehabilitation School.*

### **5.3. Administration of Justice on Sexual and Gender-Based Violence**

Sexual and Gender-Based Violence (SGBV) encompasses a range of harmful acts, including sexual assault, domestic violence, and harmful cultural practices, all of which inflict profound physical, psychological, and social harm on survivors. In Kenya, the justice sector plays a pivotal role in addressing SGBV through the enforcement of laws, prosecution of offenders, and protection of victims. However, challenges persist in the administration of justice for SGBV cases. To enhance the justice system's effectiveness in handling SGBV cases, there is a need for continued reforms and a collaborative and coordinated approach.

### 5.3.1. SGBV Offenses Committed

Diverse sexual-related offences that were reported during the review period. Table 5.8 provides the details.

**Table 5.6: Persons reported to have committed different types of sexual offences**

OFFENCE	2020		2021		2022		2023*	
	Male	Female	Male	Female	Male	Female	Male	Female
Rape	924	49	955	58	792	35	917	22
Defilement	6,512	289	6,275	217	5,415	115	5731	134
Incest	288	35	352	15	254	25	289	15
Unnatural/sodomy	52	2	79	9	79	7	85	8
Indecent assault	235	32	287	28	311	64	364	35
<b>TOTAL</b>	<b>8,011</b>	<b>407</b>	<b>7,948</b>	<b>327</b>	<b>6,851</b>	<b>246</b>	<b>7386</b>	<b>214</b>

*Source: NCAJ Analysis using data published under KNBS Economic Survey of 2024*

Table 5.8 shows that defilement continues to be more prevalent among reported sexual offences, followed by rape and indecent assault.

### 5.3.2. Handling of SGBV Cases in Courts

During the period under review, a total of 32,909 SGBV cases were filed with 30,877 being resolved. The break down of these cases by county is provided in Table 5.8 and 5.9.



**Table 5.7: Filed SGBV Cases in Courts by County, FY 2023/24**

County	Defilement	Rape	Sexual	Assault	Grievous	Incest	Indecent	All SGBV
Baringo	67	9	1	3	272	0	6	358
Bomet	114	15	3	1	419	2	7	561
Bungoma	324	34	3	1	1,112	8	4	1,486
Busia	251	23	5	1	597	5	10	892
Elgeyo Marakwet	53	10	0	0	218	5	2	288
Embu	92	15	0	0	344	1	2	454
Garissa	34	8	1	0	256	1	3	303
Homa Bay	182	26	3	2	484	11	8	716
Isiolo	25	3	1	0	109	0	3	141
Kajiado	112	19	6	4	534	7	7	689
Kakamega	318	38	9	7	1,067	21	6	1,466
Kericho	95	7	0	0	374	6	4	486
Kiambu	279	78	56	6	1,386	22	44	1,871
Kilifi	362	29	15	0	585	16	17	1,024
Kirinyaga	102	20	5	5	476	9	15	632
Kisii	254	32	15	2	871	16	22	1,212
Kisumu	211	27	14	2	612	5	6	877
Kitui	147	38	4	2	541	11	8	751
Kwale	126	14	14	0	164	11	4	333
Laikipia	132	30	3	0	403	3	6	577
Lamu	41	2	5	1	95	1	4	149
Machakos	174	57	8	4	821	19	13	1,096
Makueni	143	18	5	0	421	22	15	624
Mandera	20	4	0	0	70	1	3	98
Marsabit	38	12	2	1	181	0	3	237
Meru	200	29	3	6	1,371	11	20	1,640
Migori	187	30	2	4	467	9	1	700
Mombasa	230	34	53	0	596	17	35	965
Murang'a	182	24	11	3	612	10	22	864
Nairobi City	416	97	38	3	2,169	18	66	2,807
Nakuru	277	35	10	8	997	12	18	1,357
Nandi	134	14	0	4	515	9	12	688
Narok	137	19	0	2	396	1	2	557
Nyamira	154	7	1	1	506	3	6	678
Nyandarua	71	8	4	4	213	5	1	306
Nyeri	79	31	6	0	295	1	8	420

Samburu	14	3	0	0	80	0	0	97
Siaya	137	28	4	1	442	2	3	617
Taita Taveta	91	12	4	1	189	2	4	303
Tana River	40	7	0	2	89	1	0	139
Tharaka-Nithi	54	18	2	0	271	2	2	349
Trans Nzoia	169	27	4	0	698	6	8	912
Turkana	92	31	3	1	347	2	0	476
Uasin Gishu	149	26	8	0	627	11	4	825
Vihiga	131	20	1	1	315	2	4	474
Wajir	17	10	3	0	87	0	1	118
West Pokot	64	15	6	0	206	2	3	296
All Counties	6,721	1,093	341	83	23,900	329	442	32,909

The counties that had highest filed SGBV Cases were Nairobi, Kiambu, Meru and Bungoma Counties.

**Table 5.8: Resolved SGBV Cases in Courts by County, FY 2023/24**

County	Defilement	Rape	Sexual	Assault	Grievious	Incest	Indecent	All SGBV
Baringo	64	11	2	0	271	3	2	353
Bomet	97	10	2	0	353	3	5	470
Bungoma	353	29	7	0	1,037	9	10	1,445
Busia	121	10	2	0	393	2	5	533
Elgeyo Marakwet	48	11	0	0	205	5	3	272
Embu	152	18	1	0	431	6	6	614
Garissa	49	12	0	0	265	0	3	329
Homa Bay	154	19	1	1	470	11	5	661
Isiolo	36	11	0	0	109	1	3	160
Kajiado	140	25	3	3	534	4	12	721
Kakamega	300	34	5	6	935	15	13	1,308
Kericho	71	5	1	0	355	3	5	440
Kiambu	280	70	23	4	1,238	15	46	1,676
Kilifi	397	33	19	0	578	28	30	1,085
Kirinyaga	120	22	1	2	443	2	11	601
Kisii	209	24	4	0	730	14	20	1,001
Kisumu	223	22	13	0	512	6	8	784
Kitui	132	24	8	2	439	14	12	631
Kwale	143	17	4	0	187	10	3	364
Laikipia	231	28	7	0	435	15	6	722
Lamu	38	2	3	0	90	2	2	137
Machakos	276	61	11	2	796	27	26	1,199
Makueni	151	19	10	0	403	20	24	627
Mandera	21	5	0	0	66	1	4	97

Marsabit	49	6	3	1	175	0	3	237
Meru	134	30	0	0	1,125	3	13	1,305
Migori	141	18	0	2	333	2	3	499
Mombasa	234	26	35	0	584	15	24	918
Murang'a	192	35	8	0	562	14	17	828
Nairobi City	470	78	43	30	1,659	24	51	2,355
Nakuru	476	52	32	10	883	23	23	1,499
Nandi	251	30	1	2	494	11	21	810
Narok	160	23	2	0	415	2	5	607
Nyamira	158	17	1	0	412	2	5	595
Nyandarua	52	6	1	0	160	2	4	225
Nyeri	70	17	10	0	240	8	13	358
Samburu	8	4	0	0	67	1	0	80
Siaya	155	27	6	0	449	2	7	646
Taita Taveta	75	6	0	0	169	3	3	256
Tana River	35	2	0	0	99	0	0	136
Tharaka-Nithi	52	10	0	0	258	4	5	329
Trans Nzoia	156	16	4	0	606	6	9	797
Turkana	68	15	3	0	299	0	0	385
Uasin Gishu	230	47	5	0	709	21	7	1,019
Vihiga	94	20	1	0	290	2	8	415
Wajir	16	9	2	0	87	0	1	115
West Pokot	46	14	1	0	170	0	2	233
All Counties	7,128	1,030	285	65	21,520	361	488	30,877

Majority of the cases were resolved in Nairobi, Kiambu, Meru and Bungoma Counties.

### 5.3.3. Holding of the Inaugural National Conference on SGBV

The NCAJ organised the Inaugural National Conference on SGBV to facilitate rigorous and extensive discussions and stakeholder engagement in the fight against SGBV. The conference, held on 17th and 18th October 2023 at the Safari Park Hotel in Nairobi, demonstrated the Kenyan government's commitment to addressing SGBV challenges. The conference brought together diverse stakeholders from the justice sector, including those responsible for the investigation, arrest, prosecution, and trial of SGBV perpetrators, as well as development partners, civil society organisations and private sector.

The Conference focused on survivor centred interventions and opportunities at the grassroots, reduction of bottlenecks to expedite the disposal of SGBV cases in Kenya, leveraging on innovation and technology global and regional lessons on addressing SGBV, emerging issues on SGBV and the required optimal interventions, and the socio-economic costs of SGBV in Kenya.



*Some panel discussions during the conference*





*Some of the Delegates in attendance at the Inaugural National Conference on SGBV held on 17<sup>th</sup> and 18<sup>th</sup> October, 2023 at the Safari Park Hotel, Nairobi*

#### **5.3.4. Legal, Policy and Administrative Reforms on Administration of Justice for SGBV**

Notable legal and administrative reforms and initiatives undertaken during FY 2023/24 include:

- County-specific SGBV laws and policies were developed at Taita Taveta, Wajir, Meru, Nairobi, Embu, Makueni, Nandi, Kisumu, Kakamega and Migori.
- The KNCHR reviewed the draft model guidelines for Operational Grievance Mechanisms and further developed a Guidance Note for Gender Responsive Grievance Mechanisms within the business and human rights action plan.
- The KNCHR, in collaboration with County governments, provided safe spaces for SGBV survivors by establishing Gender-Based Violence Recovery Centers (GBVRCs) at Makueni, Homabay, Samburu, Kajiado, and Wajir.

#### **5.4. Administration of Justice for Intersex Persons**

Section 2 of the Persons Deprived of Liberty Act (Cap. 90A) defines an intersex person as one certified by a competent medical practitioner to have both male and female reproductive organs. During the review period, the Intersex Bill of 2024 was finalised and submitted to Parliament. It seeks to provide recognition, protection, and safeguarding of the rights of intersex persons in Kenya.

#### **5.5. Administration of Justice for Persons with Disabilities**

Some notable milestones were realised in enhancing the administration of justice for persons with disabilities during the review period. These are;

- KNCHR processed complaints related to persons with physical disabilities. A total of 14 entailed people with psychological/mental disabilities, five with hearing impairment, four with learning difficulties, three with epilepsy, three persons with visual impairment and one person with autism.

- The ICJ Kenya developed a simplified version of the Access to Justice Manual titled “Promoting Inclusion and Responding to Justice Needs for Persons with Mental Disabilities” The simplified easy to read version summarises the policy framework, challenges in the criminal justice system and the recommendations to various duty bearers to afford persons with mental disabilities reasonable accommodation in the judicial process.
- The KNCHR, in collaboration with the Ministry of Labour and Social Protection and other partners, launched the Needs Assessment Report for persons with disabilities.
- The Kenya Disability Inclusion Conference was held from 28th to 29th November 2023 at the Kenya School of Government, Lower Kabete. The conference’s objective was to disseminate the GDS Commitments and engage stakeholders at national and county levels in adopting and strategising the implementation of the commitments. The conference culminated in launching the National Action Plan on implementing the 2022 GDS Commitments, which aims to foster a disability-inclusive development culture that uses evidence for interventions.
- The KNCHR, in collaboration with the National Council for Persons with Disabilities, supported the launch of the Second Status Report on Disability Inclusion in Kenya, which brought together more than 70 Ministries, Departments, and Agencies (MDAs). The Report highlights the level of inclusion of persons with disabilities in the public service.
- The KNCHR, in collaboration with the Directorate of Social Development of the State Department for Social Protection and Senior Citizens Affairs and organisations for people with disabilities, developed a draft National Policy for People with Disabilities.
- The Council for Legal Education continued to support candidates with special needs during the Advocates Training Programme (ATP) examination administration. The Council also revised its service delivery charter to include steps to accommodate persons with disabilities, including Braille, video, and audio systems.

## 5.6. Administration of Justice for Persons with Psychological/Mental Disorder/Illness

During the period under review, the following initiatives to enhance administration and access to justice for persons with mental illness were noted.

- The KNCHR developed memoranda for persons with Psychological/Mental Disorders/Illnesses and submitted it to Parliament.
- KNCHR also Convened a network of stakeholders on mental health to commemorate Mental Health Awareness Month, where concerns about access to justice for persons with mental disabilities were highlighted and a call for decriminalisation of suicide.

## 5.7. Administration of Justice for Other vulnerable Groups

- The Kenya Private Sector Alliance (KEPSA) established a Gender Sector Board to add to its economic sector boards with the mandate to spearhead, coordinate and champion private sector diversity and inclusion advocacy and initiatives to enhance gender responsiveness.
- The State Department for Gender and Affirmative Action (SDGAA) developed the National Care policy to recognise unpaid care for children, older persons, the sick, and persons with disabilities and domestic workers to ensure shared responsibility within the house and invest in social services and infrastructure provision and social protection policies to reduce the burden on women.
- The Council of Governors supported County Governments in developing social protection policies to respond to the needs of vulnerable and marginalised communities. This aimed to address the existing social and economic inequalities and injustices through which counties have embarked on developing their county-specific social protection laws. The Council of Governors has played a key role in providing the requisite technical support for the development of social protection policies in Garissa, Makueni, Marsabit, Isiolo and Baringo Counties.

- The Probation and Aftercare Service served diverse vulnerable groups in the FY 2023/24. These are 3,442 children, 54 Persons Living with Disabilities (PWDs), 3,693 SGBV cases and 8,635 women.

## 5.8. Sensitization and Capacity building on Access to Justice for Vulnerable Groups

In FY 2023/24, numerous initiatives were undertaken to sensitise and build capacity among justice sector employees on administration and access to justice for vulnerable groups. Some of the main ones are elaborated below.

- The NCAJ, through its Standing Committee on the Administration of Justice for Children, planned and coordinated an outreach in Dadaab, Kenya. The outreach targeted to train and sensitise Save the Children staff and the CCUC justice actors, on the Children Act, Cap. 141 in preparation for the Annual November Child Justice Service Month. In collaboration with Save the Children, the Refugee Consortium of Kenya and UNHCR, the outreach program/pre-service week trainings not only enhanced the administration of justice for children during and after the service weeks but also promoted interagency collaboration and cooperation.

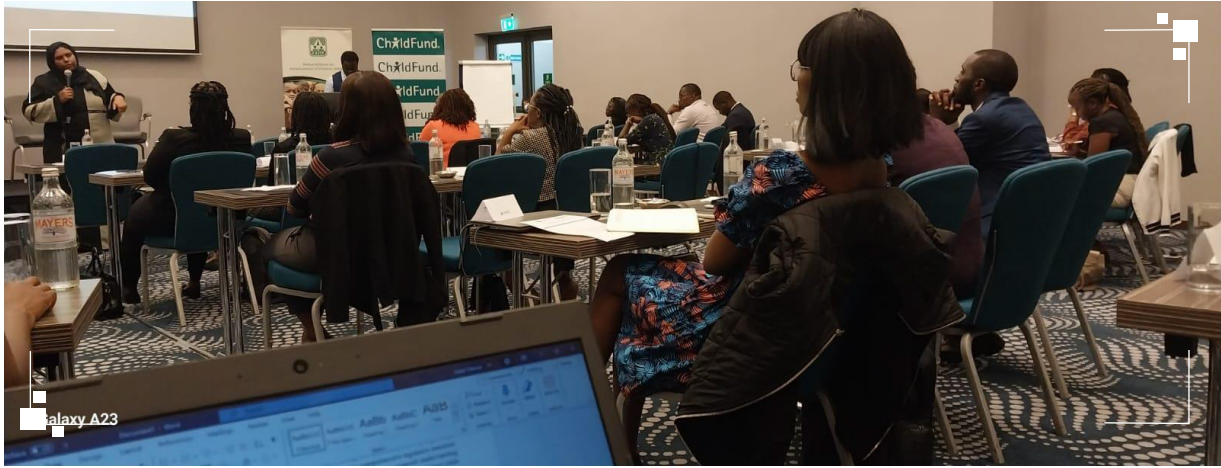


*Hon. Lady Justice Teresia Matheka addressing the Daadab CUC*

- The NCAJ Standing Committee on the Administration of Justice for Children in Kenya, in collaboration with UNICEF, undertook three training sessions for the magistrates, Law Society of Kenya members and CUCs on on Investigation and Prosecution of OCSEA.



*Training on Investigation and Prosecution of OCSEA for Kisumu, Bungoma and Busia CUCs*



*Training on Investigation and Prosecution of OCSEA for LSK Members*



*Training on Investigation and Prosecution of OCSEA for Magistrates*

Fida-Kenya undertook capacity 34 CUC actors on SGBV enhanced in partnership with Kisii CUC in August 2023. Moreover, it trained 120 inmates and paralegals at Nyeri women’s prison, 140 at Langatta, and 65 at Thika women’s prisons, covering re-sentencing, plea-bargaining, diversions, appeal and self-representation topics.

- Kenya National Commission on Human Rights undertook 14 legal aid clinics. The aim of the clinics is to provide services closer to the people and build networks in the community level Educate the local population about KNCHR’s role and activities.
- The IEBC, in efforts to inculcate citizenship and the right to vote through civic education, conducted elections in 6 schools. As a result, learners from six schools were empowered with their voting rights. The IEBC established committees representing vulnerable groups, including the Youth Coordinating Committee, the Women Coordinating Committee and the Disability Inclusion Coordinating Committee, that developed key messaging for education on matters related to the delimitation of boundaries.

## 5.9. Challenges and Recommendations on Administration of Justice for Vulnerable Groups

### 5.9.1. Challenges

The following challenges negatively impacted the efficient and effective administration and access to justice for vulnerable persons. They include:

- Inadequate funding impeded the provision of services and basic needs like medical care, transport, reintegration and equipment maintenance.
- Inadequate staff in most roles, including teachers, counsellors, technical instructors and drivers, results in overwhelmed personnel and compromised quality of services.
- Inadequate Victim Protection Fund for vulnerable victims.
- Inadequate skills and officers to handle children and other vulnerable groups with special needs such as epilepsy, autism, behavioural and speech disorders, hearing loss, physical disability, and cerebral palsy.
- Poor condition of children's holding facilities, including inadequate play equipment for children.
- Intersex persons continue to face challenges in recognition and registration.
- Inefficient handling of migrants and refugees in the justice system
- Some communities continue to face challenges related to their land rights.
- Inadequate legal aid, legal representation and protection to the vulnerable group category.
- Lengthy investigation and trial process for cases with child victims and other vulnerable groups.
- Low conviction rate for defilement cases and instances of using ADR to settle defilement cases.
- Insufficient physical infrastructure to handle diverse vulnerable persons.
- Most courtrooms lack witness protection boxes, separate entry alleys and screens to safeguard and conceal witnesses under protection.
- Limited access to Public Trustee services in the counties.

### 5.9.2. Recommendations

The following interventions are recommended to address some of the notable challenges:

- Finalise intersex bill.
- Enhance the protection of the rights of migrants and refugees.
- Support the Victim Protection Agency to provide services to the vulnerable and indigent.
- Upscale the use of care and protection form to enhance the protection of children in the justice sector.
- Expand partnerships with development partners, CSOs, and other stakeholders to support programmes for vulnerable persons, including the provision of legal aid.
- Improve coordination of the justice sector in addressing the needs of the vulnerable groups.
- Fast-track cases dealing with vulnerable victims and witnesses.
- Enhance witness protection in sensitive cases.
- Enhance physical infrastructure for institutions handling vulnerable persons.
- Conduct regular children's service weeks.
- Provide Pro-bono legal services to vulnerable persons in the justice system.
- Sensitise stakeholders to the needs of the vulnerable groups in the justice system.
- Provide separate virtual links for the protection of vulnerable persons in sensitive cases.
- Justice sector services should be decentralised to meet the needs of vulnerable persons.
- Partnerships and collaborations within the legal sector and with community groups, universities, and pro bono networks should be enhanced to share resources, knowledge, and expertise.



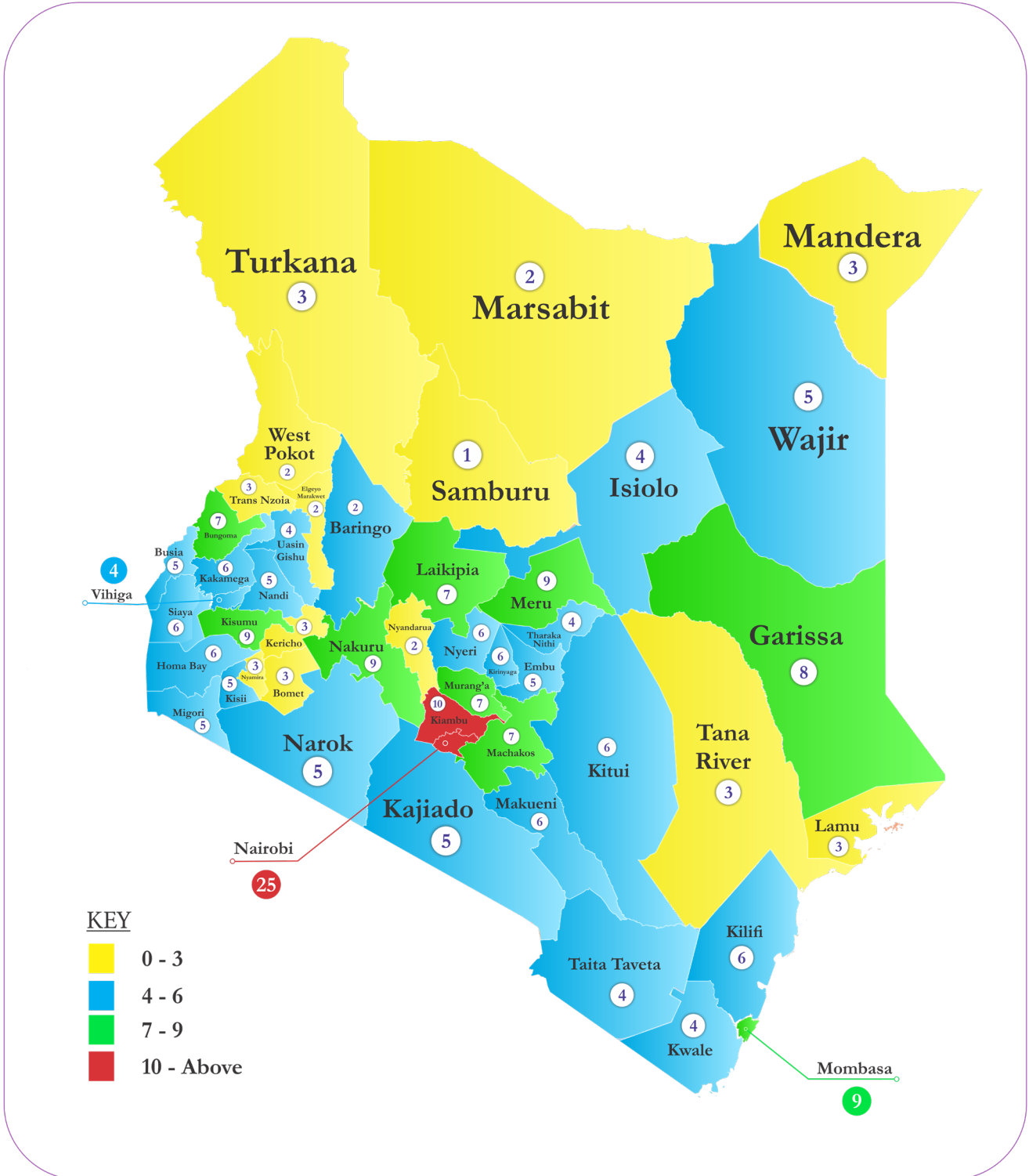
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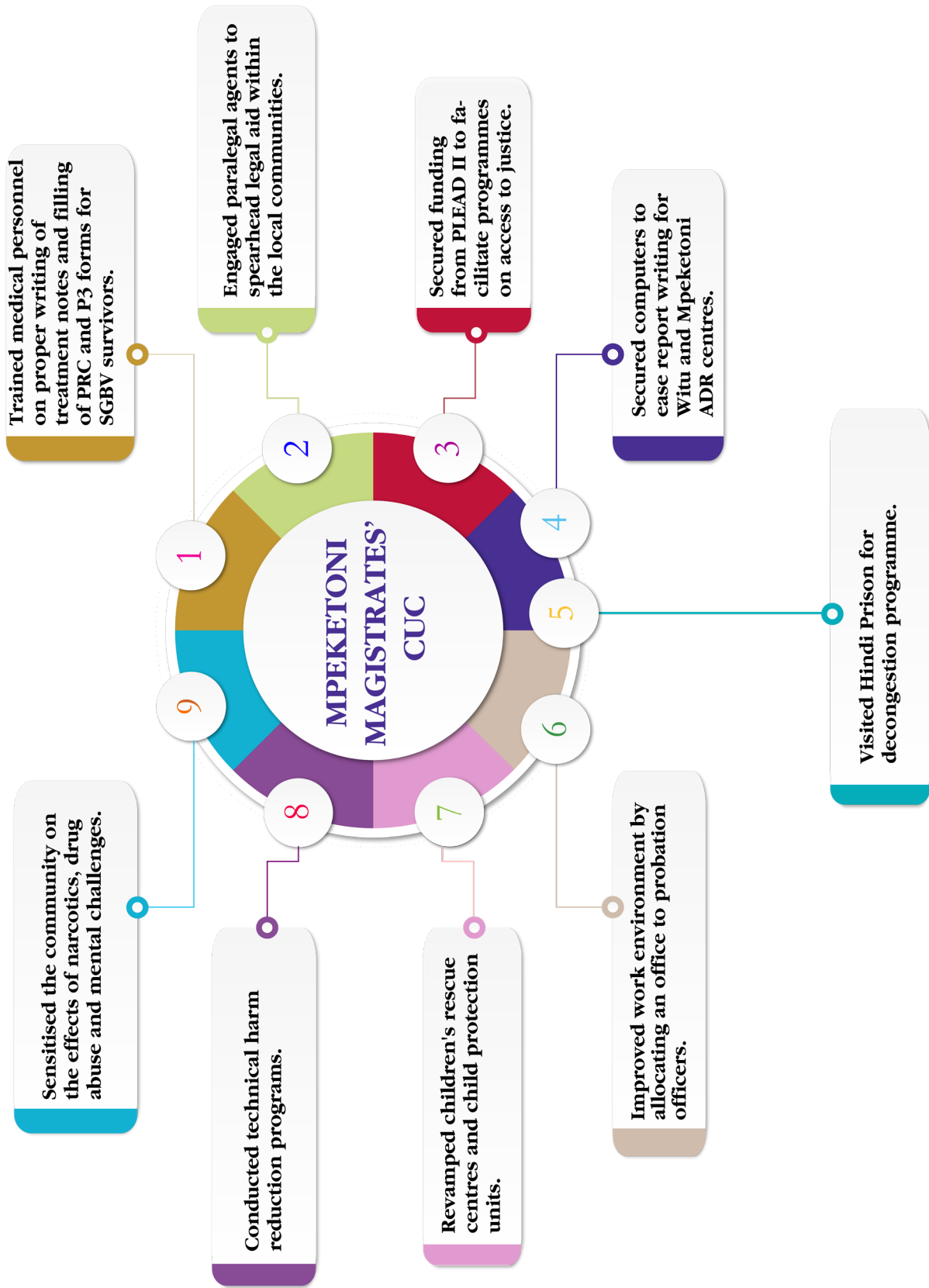


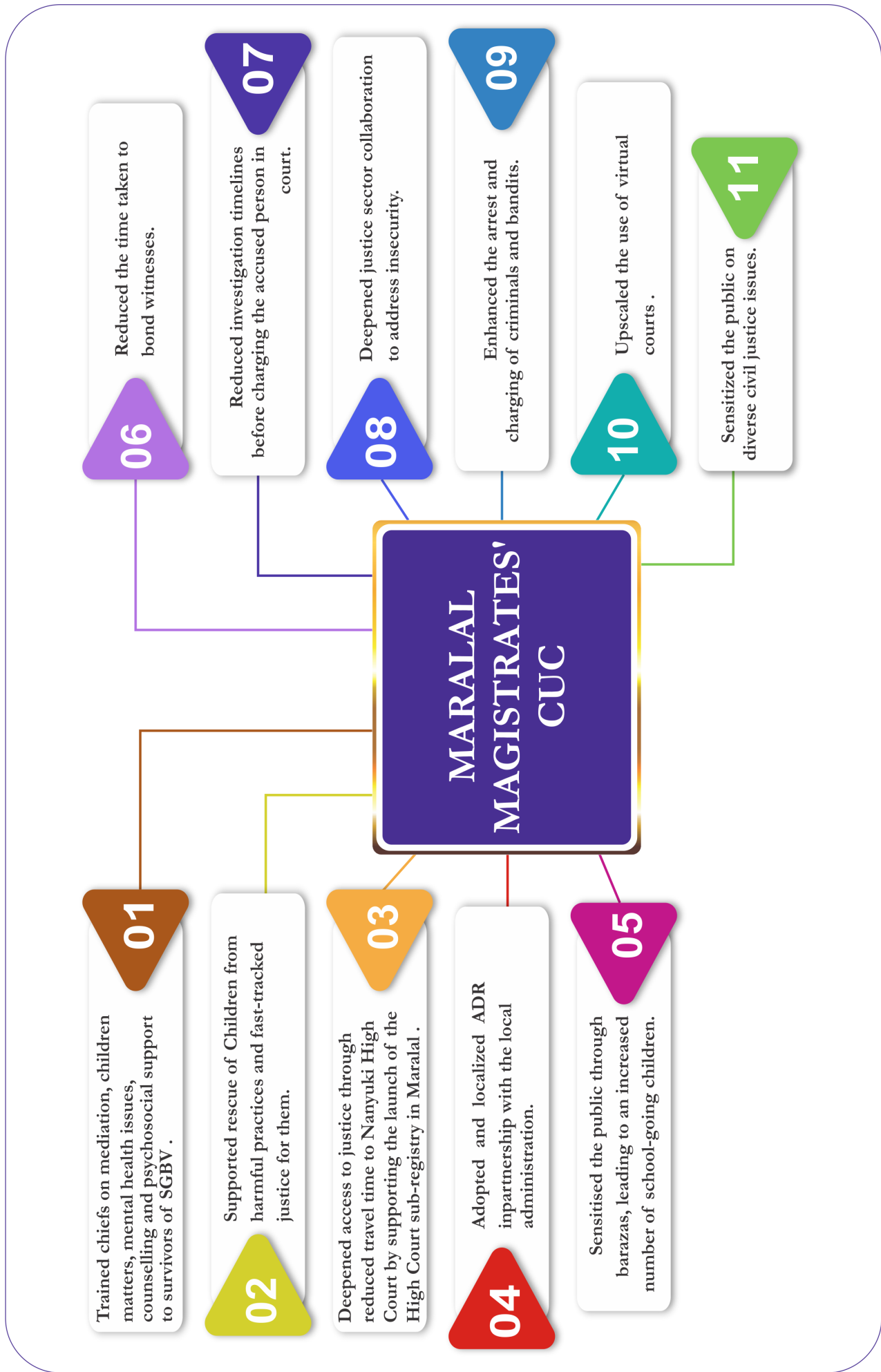
**ADMINISTRATION  
OF JUSTICE AT THE  
GRASSROOTS  
THROUGH COURT  
USER'S COMMITTEES**



## Number of CUCs Per County







**1**  
Trained police officers on legal issues, prosecution and handling of witnesses, children and SGBV cases

**10**  
Improved client services through daily briefs, having priority/express service card for vulnerable persons and a full-time customer care officer

**9**  
Introduced weekly mentions at the prisons

**8**  
Improved the availing of police files and witnesses to court

**7**  
Successfully lobbied for the allocation of court registry offices from the County Commissioner

**2**  
Sensitised members on adjudication of land matters and e-filing Identified and allocated office space for a mobile court in Marigat

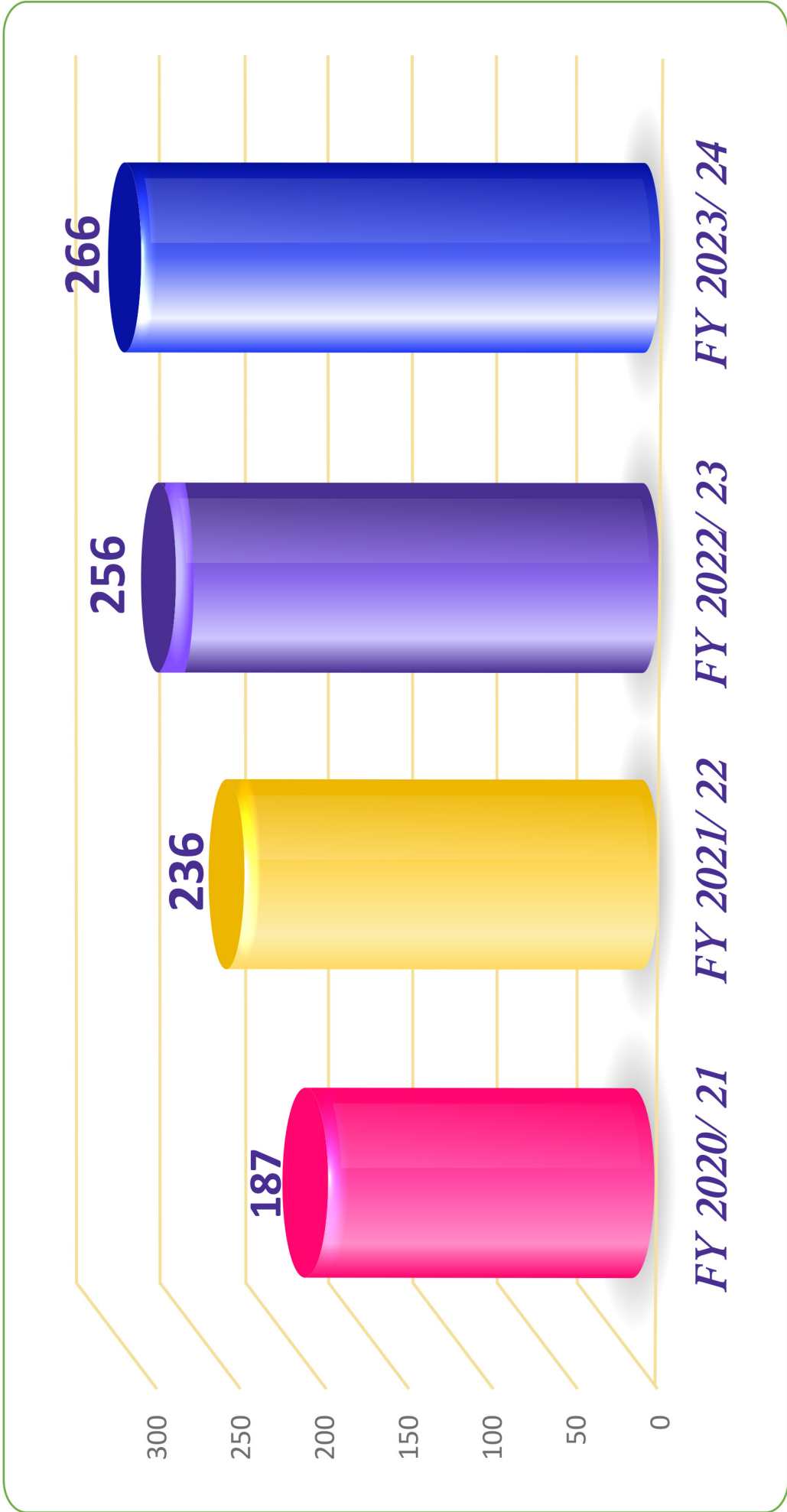
**3**  
Appointed liaison officers to assist in coordination between the Police and ODPPP

**4**  
Increased court days from 3 to 6 for Marigat Mobile Court

**5**  
Held service/legal aid week supported by LSK

**6**  
Mentored children at Marigat and trained them on the Children Act

# KABARNET MAGISTRATES' CUC



**Growth of CUCs, FY 2020/21 - FY 2023/24**



## **6.1 Introduction**

Section 35 of the Judicial Service Act, Cap. 8A, provides for the establishment of Court Users Committees (CUCs) under the National Council on the Administration of Justice (NCAJ). The aim of the CUCs is to foster a coordinated, effective and consultative approach to service delivery at the grassroots. The strategic focus of CUCs includes expediting the delivery of justice by addressing case backlogs, reducing delays and enhancing case management practices. They also play a critical role in ensuring the proper implementation of bail and bond procedures, improving detention conditions and facilitating better communication. Additionally, CUCs address infrastructure, ICT, mobility and staffing concerns within their jurisdictions.

This chapter outlines the key achievements, challenges, and proposed areas for reform in the administration of justice by CUCs. As of 30<sup>th</sup> June 2024, there were 40 County CUCs, 38 Environment and Land (E&L) CUCs, 4 Employment and Labour Relations CUCs, 136 Magistrate's Court CUCs, 5 Commercial Justice CUCs, 14 at the Kadhi's Courts, 4 focused on Sexual and Gender-Based Violence (SGBV), 9 Tribunal Users Committees, and 16 dealing with Child Justice.

## **6.2 Interventions to Enhance Administration of Justice at the Grassroots through CUCs**

Diverse interventions were carried out through CUCs to improve the administration of justice at the grassroots. The following section highlights some of the key initiatives undertaken.

### **6.2.1 Development of Specialised CUC Guidelines**

The NCAJ developed specialised CUC guidelines, including the Commercial Justice, the SGBV, and the Environment and Land CUC guidelines. These guidelines provide a structured framework for organising CUC meetings, defining membership, and identifying priority areas of enhancing access to justice, ensuring that each committee effectively addresses its unique challenges and priorities. The guidelines are to be published and disseminated in FY 2024/25.





*Stakeholders Engagement during a consultative meeting on the Specialized CUC Guidelines in Nairobi.*

### **6.2.2 Adoption of Innovative Solutions to Systemic Challenges on Justice for SGBV Cases**

During the review period, 22 CUCs participated in a convening organised by NCAJ in partnership with Equality Now on adopting innovative solutions to address systemic challenges impeding access to justice for SGBV cases. The CUCs were drawn from Busia, Port Victoria, Malaba, Kajiado, Kerugoya, Kilungu, Kisumu, Tamu, Winam, Maseno, Kisii, Kwale, Loitoktok, Makindu, Makueni, Msambweni, Narok, Tawa, Meru, Shanzu, Kehancha and Migori. The engagement targeted representatives from the Judiciary, the Office of the Director of Public Prosecutions (ODPP), the National Police Service, the Department of Children Services (DCS), and medical officers.

The deliberation provided a platform to discuss best practices and recent developments in Kenya on access to justice for SGBV, such as the SGBV Courts, Sexual Offenders Register, legal reforms on sexual violence, and the SGBV CUC Guidelines. Additionally, the intersectional nature of GBV issues like sexual exploitation, defilement, child marriage, and FGM were discussed, with a focus on the role of various stakeholders and the importance of incorporating survivors' voices throughout the criminal litigation process. Moreover, the need for CUCs to develop innovative solutions to fast-track the disposal of SGBV cases was emphasised.



*Representatives of various CUCs at a convening to discuss the adoption of innovative Solutions to Systemic Challenges impeding Access to Justice for SGBV Cases.*

### **6.2.3 Capacity Building of CUCs**

Capacity building of CUCs is part of the ongoing initiatives to strengthen justice sector reforms at the grassroots level. During the review period, Milimani Children’s CUC underwent a sensitization session on strategic approaches to promote child-sensitive practices within the justice sector. The session was organized with the support of the Kenya Alliance for Advancement of Children (KAAACR) in collaboration with End Child Prostitution and Trafficking (ECPAT) International. The focus was on ensuring a holistic approach to addressing children’s needs within the judicial process.

Elsewhere, members of the Kirinyaga County CUC were trained on critical topics such as Diversion, Plea Bargaining, Legal Aid provision strategies, and the Sentencing Policy Guidelines 2023. There were also prison visits to Embu, Mwea, and Kerugoya G.K. Prisons, where legal aid was provided to a prison population of over 1,306 individuals. This was followed by service weeks at Baricho, Kerugoya, Wanguru and Gichugu Law Courts. These initiatives were supported by the Legal Resources Foundation (LRF) and the United States Department of Justice (USDOJ). Similar training sessions were conducted for the Narok, Kisii, and Kibera CUCs, focusing on Diversion, Plea Bargaining, and the Alternative Justice System (AJS).

Additionally, the NCAJ held a sensitisation meeting for the Transport Licensing Appeals Board members aimed at operationalising the Tribunal Users’ Committee. The NCAJ also supported Tribunal Users Committee meetings for the Tax Appeals Tribunal and the Political Parties Tribunal within the financial year, further reinforcing the monitoring and coordination of justice services at the grassroots level.

### **6.2.4 Strengthening of CUC Operations through Effective Monitoring of Programmes**

The NCAJ Standing Committee on Court Users in Kenya conducted a spot-check monitoring exercise in six counties to assess the operations of various CUCs. The courts covered were Makueni, Kitui, Kilifi, Mombasa, Taita Taveta, Makindu, Kilungu, Tawa, Mwingi, Kyuso, Mutomo, Malindi, Tononoka, Shanzu, Mariakani, Wundanyi and Voi Law Courts. Seventeen CUCs actively participated in these meetings, during which key issues requiring NCAJ’s attention were identified and best practices shared and documented.



*NCAJ Standing Committee on Court Users in Kenya on a Spot-check visit in Mariakani Law Courts.*

### **6.2.5 Strategic Partnership and Stakeholder Engagement**

The NCAJ appreciates the critical role of strategic partnerships and stakeholder engagement in enhancing the administration of justice at the grassroots. In Kisumu County, the NCAJ Committee on CUCs engaged stakeholders, including judicial officers, law enforcement, civil society, and community leaders, to address emerging issues on the administration of justice. Through collaborative dialogues, the committee worked to align service delivery with the unique needs of the community, focusing on reducing case backlogs, improving court accessibility, and enhancing legal aid services. This engagement fostered a more responsive justice system, ensuring that local challenges, such as access to justice for vulnerable populations, were effectively addressed. Detailed information on the Strategic Partnership and Support to CUCs during the review period is given in Appendix 8.



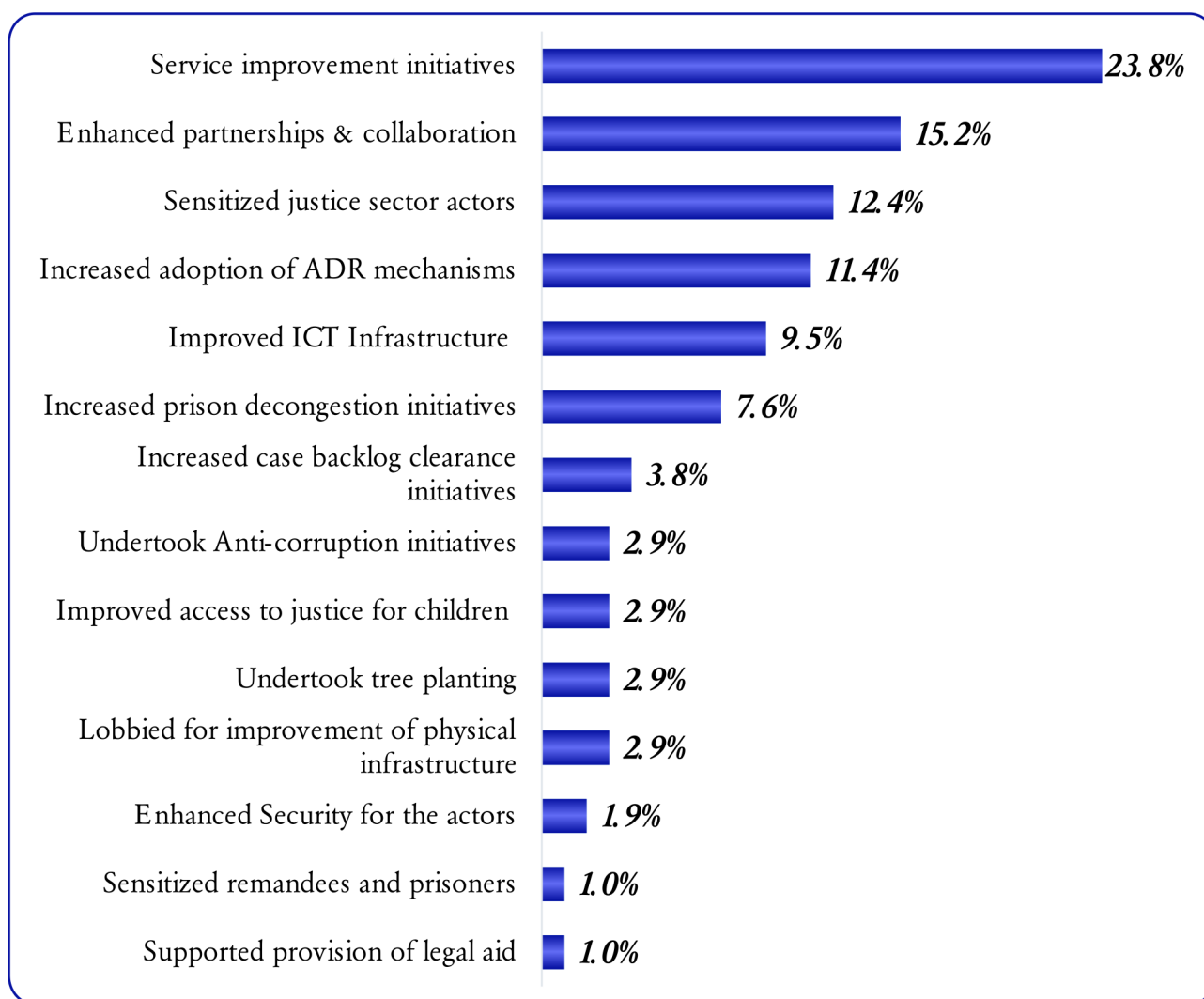
*Chairpersons of the Various CUCs in Kisumu County at a meeting with County Government Officials. In attendance was the Deputy Governor and the Chairperson of the NCAJ Standing Committee on Court Users in Kenya, Justice Alfred Mabeya, EBS.*

## 6.3 Achievements, Challenges, and Proposed Reform Areas by Different Types of CUCs

### 6.3.1 High Court/County CUCs

#### *Achievements of the High Court/ County CUCs*

The County CUCs, also known as High Court CUCs, were established to address and coordinate the administration of justice at the county level. Chaired by the High Court Judges, these CUCs consist of members from the respective NCAJ agencies' county heads. At the end of the review period, there were 40 County CUCs operating across the country. Figure 6.1 highlights the achievement of the County CUCs in the FY 2023/24.



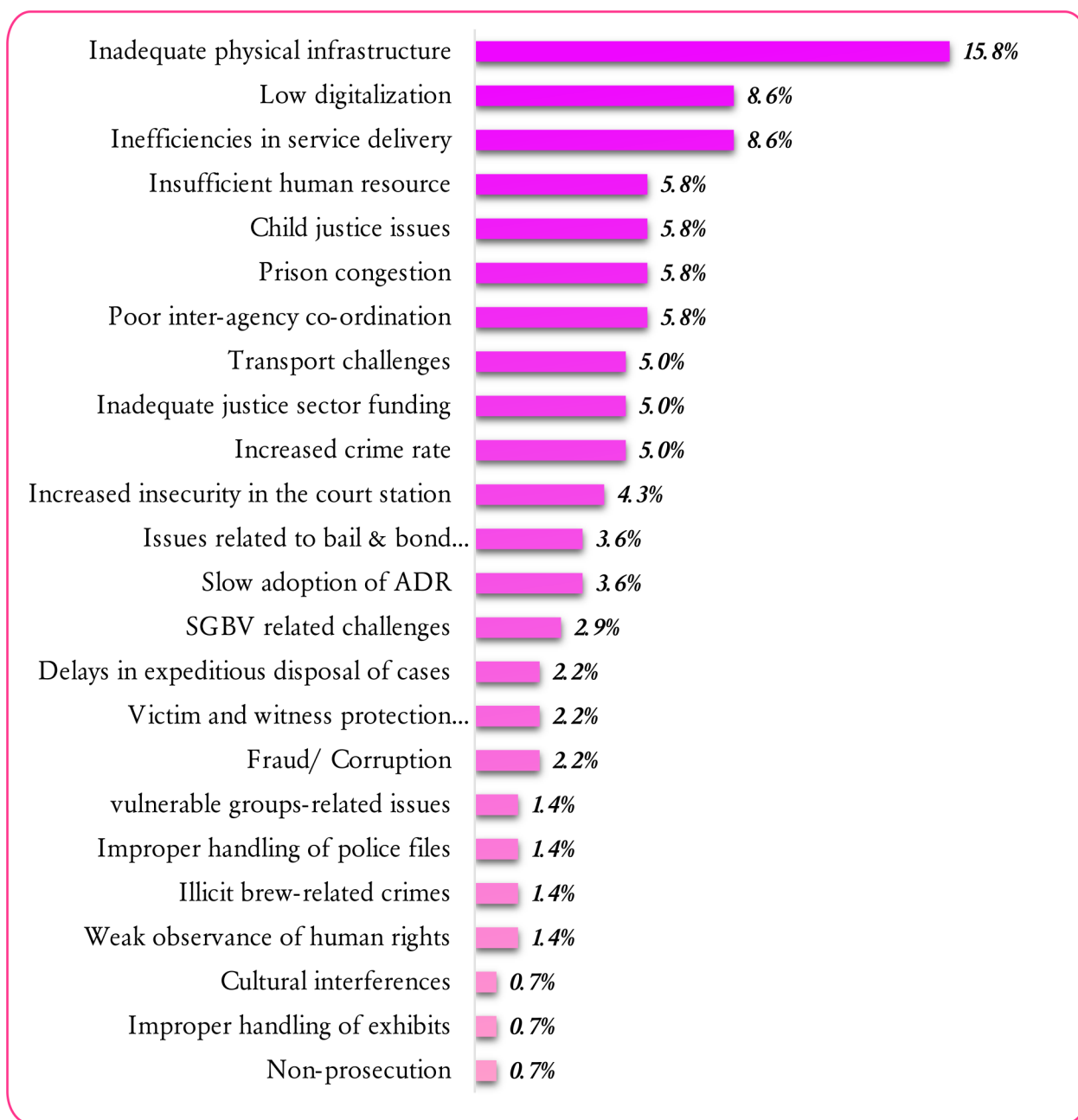
**Figure 6.1: Key achievements by County CUCs, FY 2023/24**

*Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24*

From Figure 6.4, most CUCs focused on measures to strengthen partnerships with stakeholders and improve efficiency in service delivery. Capacity-building initiatives were also prominent, accounting for 12 per cent. Moreover, using ADR mechanisms to solve disputes was among the notable achievements at 11 per cent.

## High Court / County CUCs Challenges

The diverse challenges faced by the County CUCs during the reporting period are illustrated in Figure 6.2.



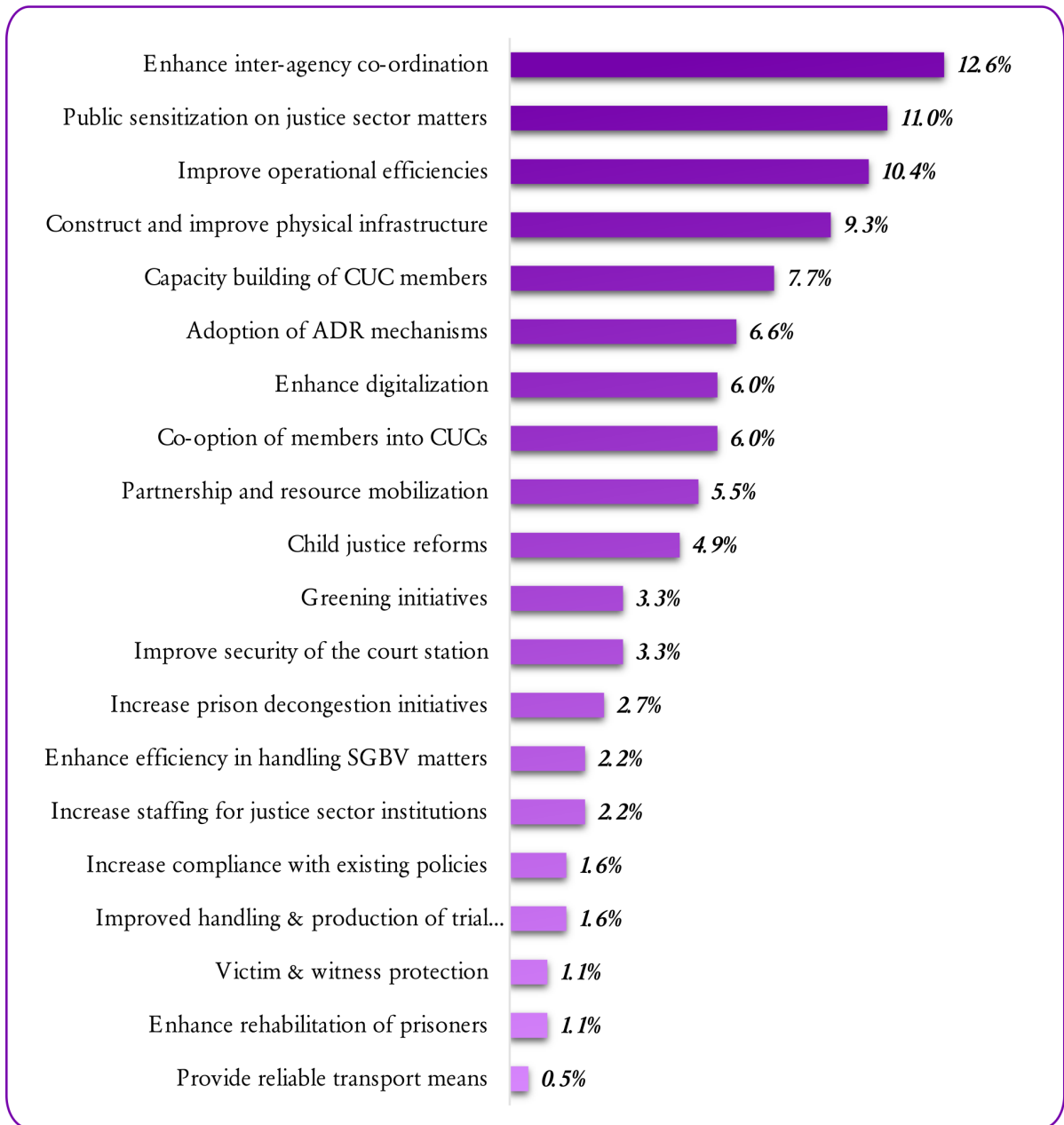
**Figure 6.2: Key challenges faced by County CUCs, FY 2023/24**

*Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24*

The findings highlighted in Figure 6.2 illustrate that the most commonly reported challenge among the County CUCs was inadequate physical infrastructure, followed by gaps in ICT. Inefficiencies in service delivery and inadequate human capacity were also significant concerns, along with noticeable gaps in child justice services.

### Reforms Proposed by the High Court/ County CUCs

During the financial year 2023/24, the County CUCs identified key reform areas in response to the challenges encountered. Figure 6.3. summarizes the proposed reform areas.



**Figure 6.3: Proposed reform areas by County CUCs, FY 2023/24**

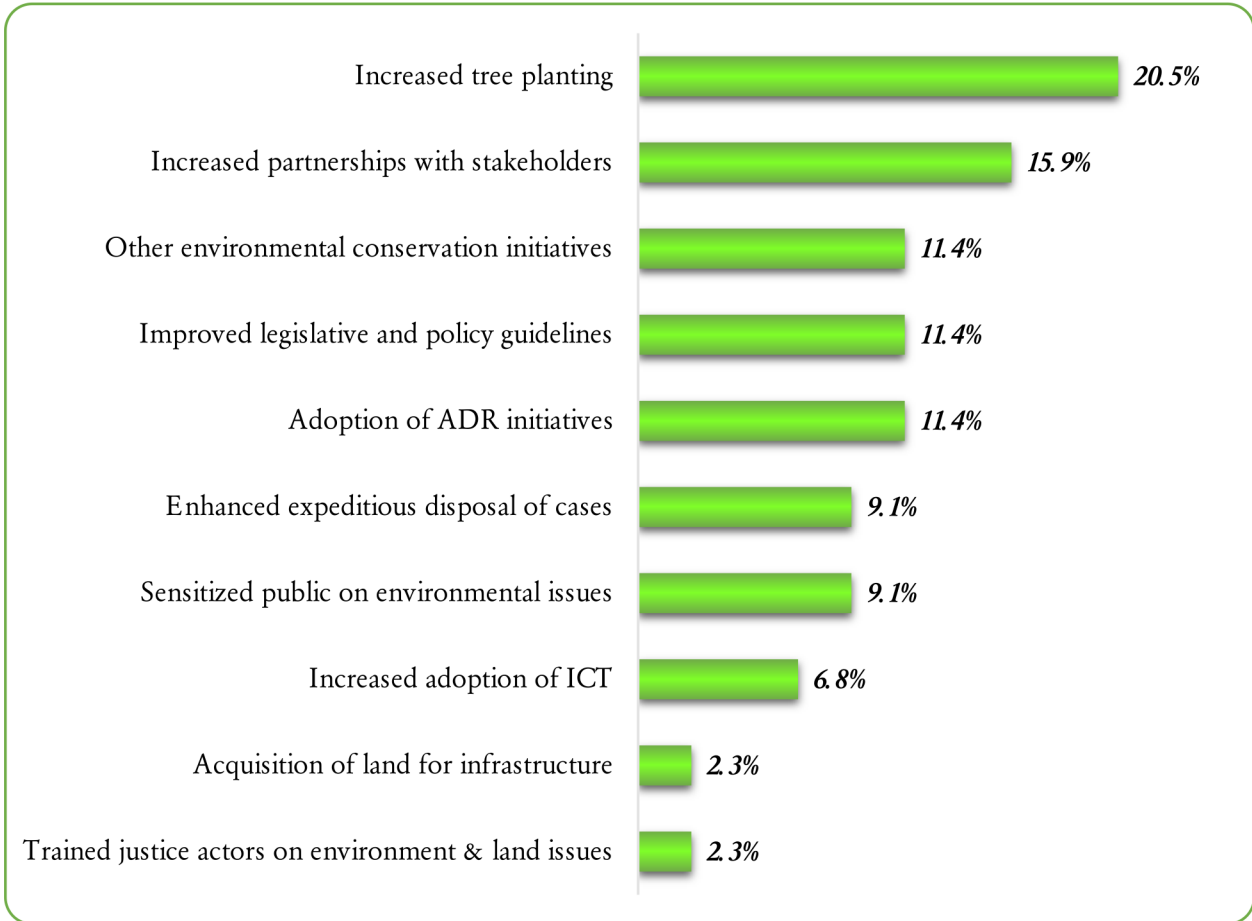
*Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24*

To address the challenges encountered by the County CUCs, it is proposed that interagency coordination be strengthened, public awareness on justice sector issues should be raised, and service delivery be improved. Additionally, building the capacity of CUC members and agencies on emerging issues through training and benchmarking is essential. There is also need to increase the adoption of Alternative Dispute Resolution (ADR), expand CUC membership by co-opting more stakeholders, enhance partnerships, mobilise resources, and focus on improving access to justice for children.

### 6.3.2 Environment & Land CUCs

#### *Achievements of the Environment & Land (E&L) CUCs*

The E&L CUCs comprise of justice sector stakeholders involved in environmental, land, and climate justice, established as specialized committees to facilitate the efficient handling of cases within the Environment and Land Courts. During the period under review, 37 E&L CUCs were operational across the country, with their reported achievements summarized in Figure 6.4.



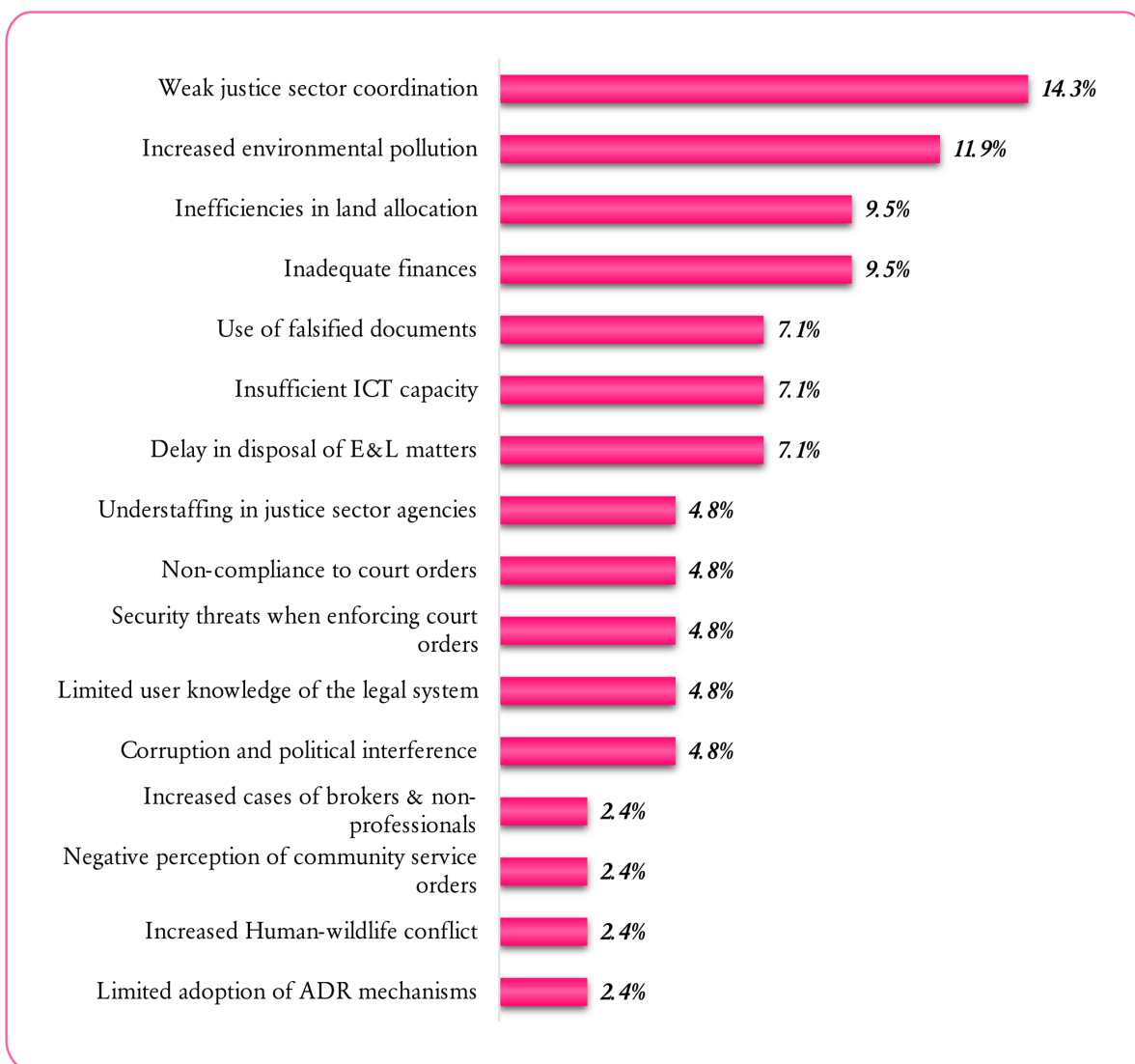
**Figure 6.4: Achievements realized by Environment & Land CUCs, FY 2023/24**

*Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24*

In support of global reforestation efforts and contribution to increasing national forest cover, the E&L CUCs engaged in tree planting initiatives across various regions of the country. They also expanded partnerships with stakeholders to address land-related issues and promoted the adoption of ADR mechanisms. Notably, the adoption of ADR initiatives was reported to have increased by 11 per cent of the E&L CUCs during the period under review.

## Challenges noted by the Environment & Land CUCs

The E&L CUCs identified several key challenges during the reporting period, as illustrated in Figure 6.5.



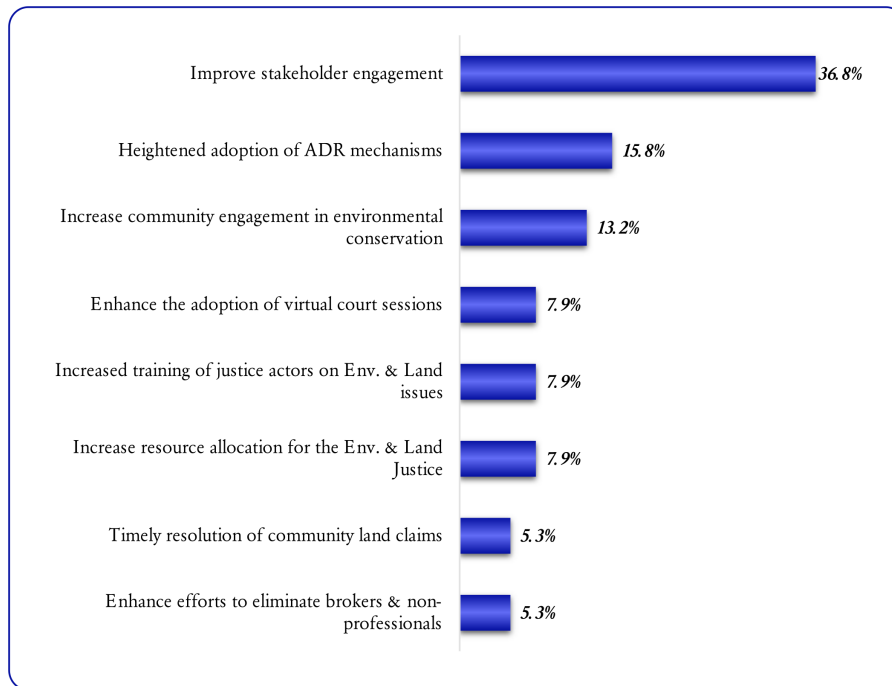
**Figure 6.5: Key recurrent challenges faced by E&L CUCs, FY 2023/24.**

*Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24*

The most prominent issue was inadequate justice sector coordination, accounting for 14 per cent of the challenges reported. Additionally, there was a marked increase in environmental pollution, inefficiencies in land allocation processes, and insufficient financial resources dedicated to the administration of environment and land justice. These challenges impacted the effectiveness of the E&L CUCs in addressing environmental and land-related matters.

## Proposed Reforms by the Environment & Land CUCs

To address the challenges affecting the E&L CUCs and enhance the achievements, a summary of the proposed reform areas is provided in Figure 6.6.



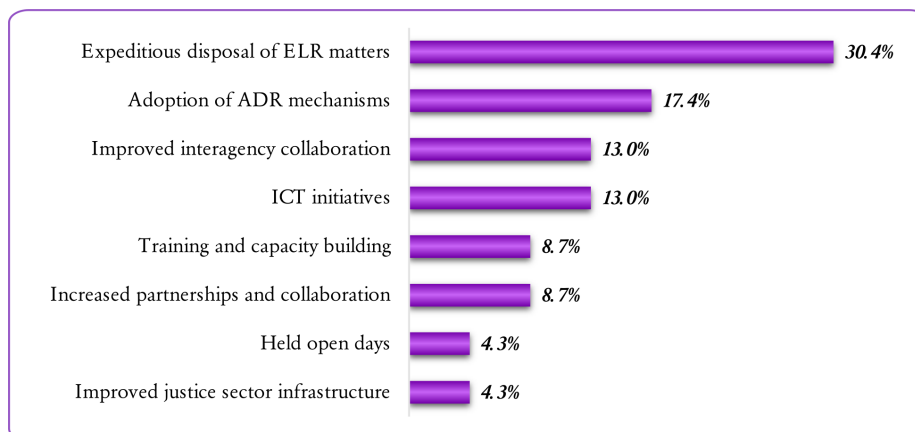
**Figure 6.6: Proposed reform areas by E&L CUCs, FY 2023/24**  
 Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24

The proposed priority reform areas included enhanced stakeholder engagement and increased uptake of ADR mechanisms. Increased engagement with the community on environmental conservation, enhanced adoption of virtual court sessions and increased trainings for justice actors are also among the key proposed areas of reform.

### 6.3.3 Employment & Labour Relations (E&LR) CUCs

#### Achievements of the Employment & Labour Relations (E&LR) CUCs

The Employment and Labour Relations CUCs facilitate the seamless handling of cases brought before the E&LR Court with membership from justice actors in the labour and employment sector. Figure 6.7 illustrates the achievements realized for the FY 2023/24.

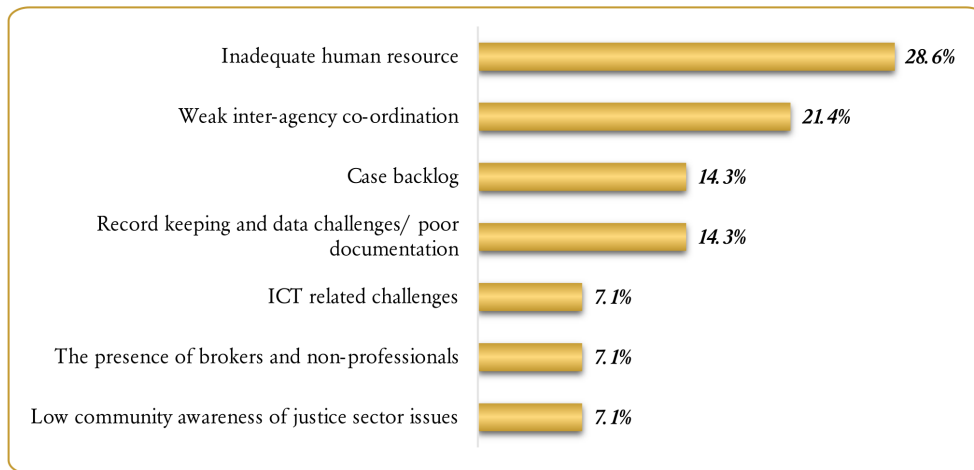


**Figure 6.7: Achievements realized by Employment & Labour Relations CUCs**  
 Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24

The reporting period saw several key achievements by the E&LR CUC including faster resolution of employment and labour relations cases, increased adoption of ADR mechanisms, and strengthened interagency collaboration.

### Challenges Faced by the Employment & Labour Relations (E&LR) CUCs

The E&LR CUCs noted various challenges in the administration of justice during the reporting period, as highlighted on Figure 6.8.



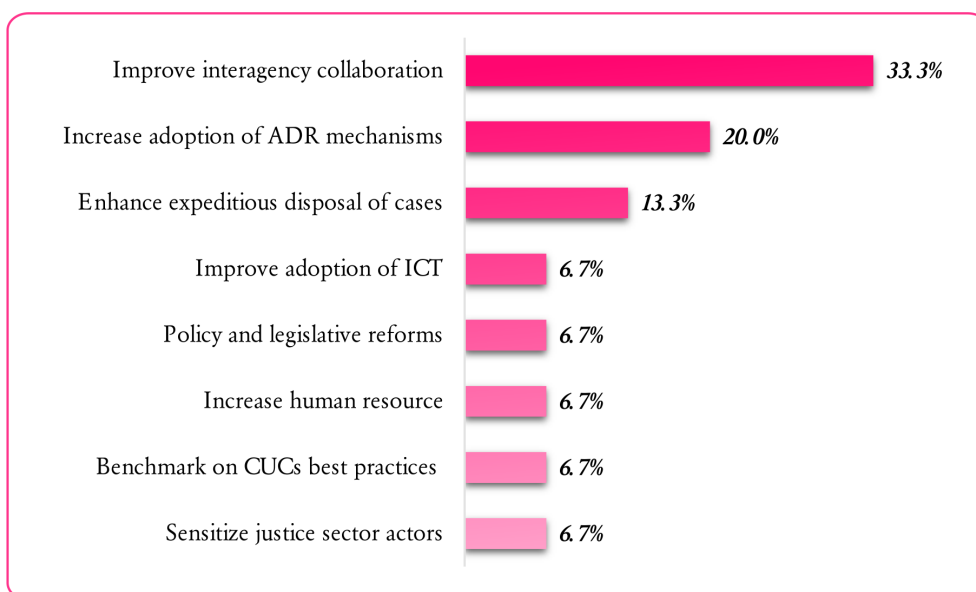
**Figure 6.8: challenges faced by Employment & Labour Relations CUCs, FY 2023/24.**

*Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24*

The Employment & Labour Relations CUCs reported several challenges, with the most significant being insufficient human resource capacity in key offices handling labour matters and inadequate interagency coordination.

### Employment & Labour Relations (E&LR) CUCs Proposed Reforms

In the year under review, various reform areas were proposed to enhance the administration of Justice in the Employment and Labour Relations sector. These are highlighted in Figure 6.9.



**Figure 6.9: Proposed reform areas by Employment & Labour Relations CUCs, FY 2023/24**

*Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24*

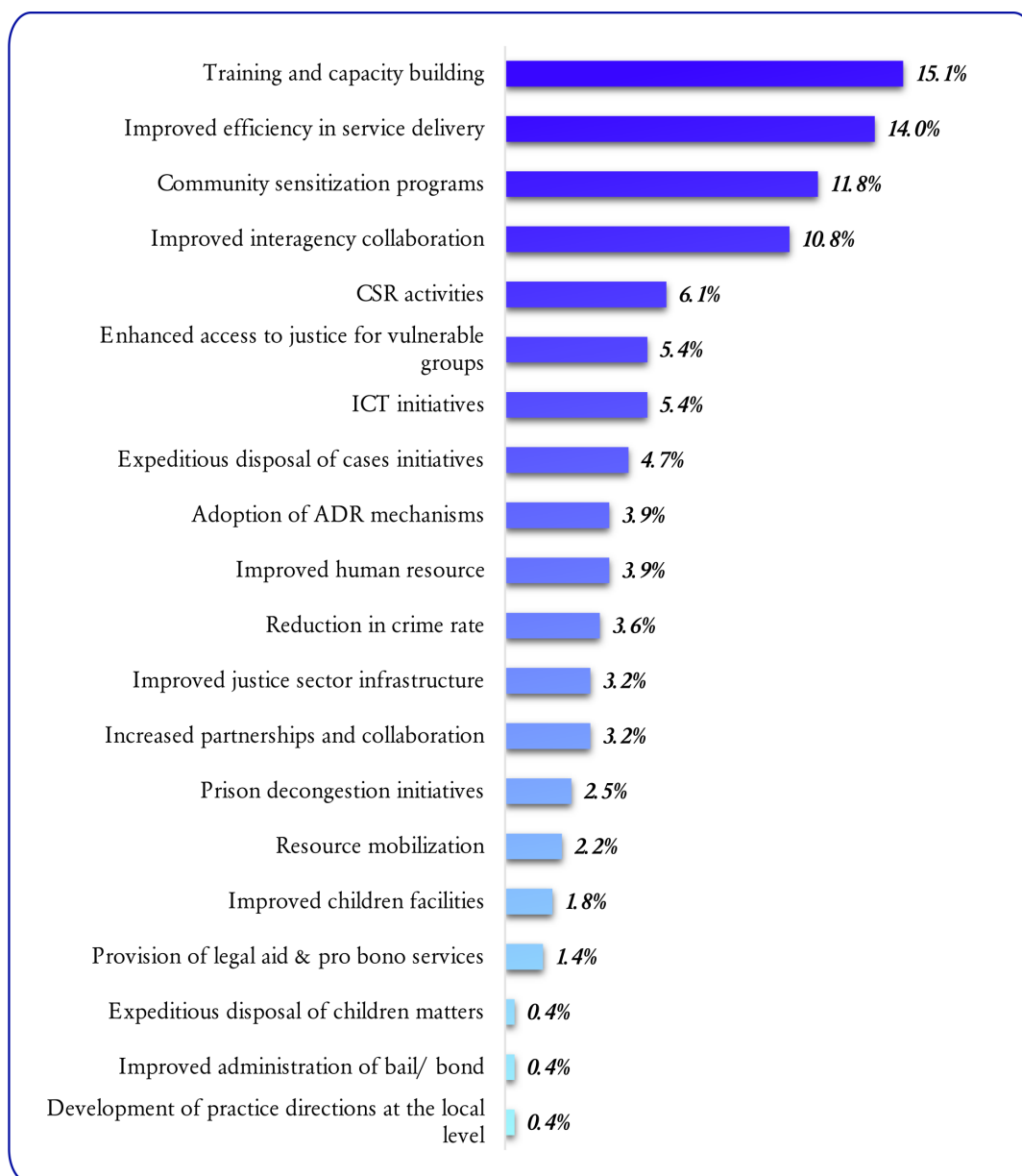
The key reform areas proposed by the Employment & Labour Relations CUCs for FY 2023/24 include improving interagency collaboration, increasing the adoption of ADR mechanisms, and expediting case disposal.

### 6.3.4 Magistrate’s Court CUCs

The Magistrate’s Court User Committees exist in every court station and are chaired by the respective Head of the Station. They provide a platform for justice sector agencies, stakeholders and members of the public to deliberate and address issues appertaining to the administration and access to justice for court users. There were one hundred and thirty-six (136) magistrate court user committees across the country by the end of the review period.

#### *Achievements of the Magistrates’ CUCs*

Figure 6.9 below summarizes the achievement of the County CUCs in the FY 2023-24



**Figure 6.10: Key achievements by Magistrates CUCs, FY 2023/24**

*Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24*

In FY 2023/24, the Magistrates' CUCs enhanced the capacity of their members and agencies through training, improved their service delivery and operations, and sensitized the community on various justice sector initiatives and aspects.

### Magistrate's CUCs Challenges

In the year under review, the Magistrates' Court User Committees (CUCs) also encountered several challenges, as detailed in Figure 6.11.



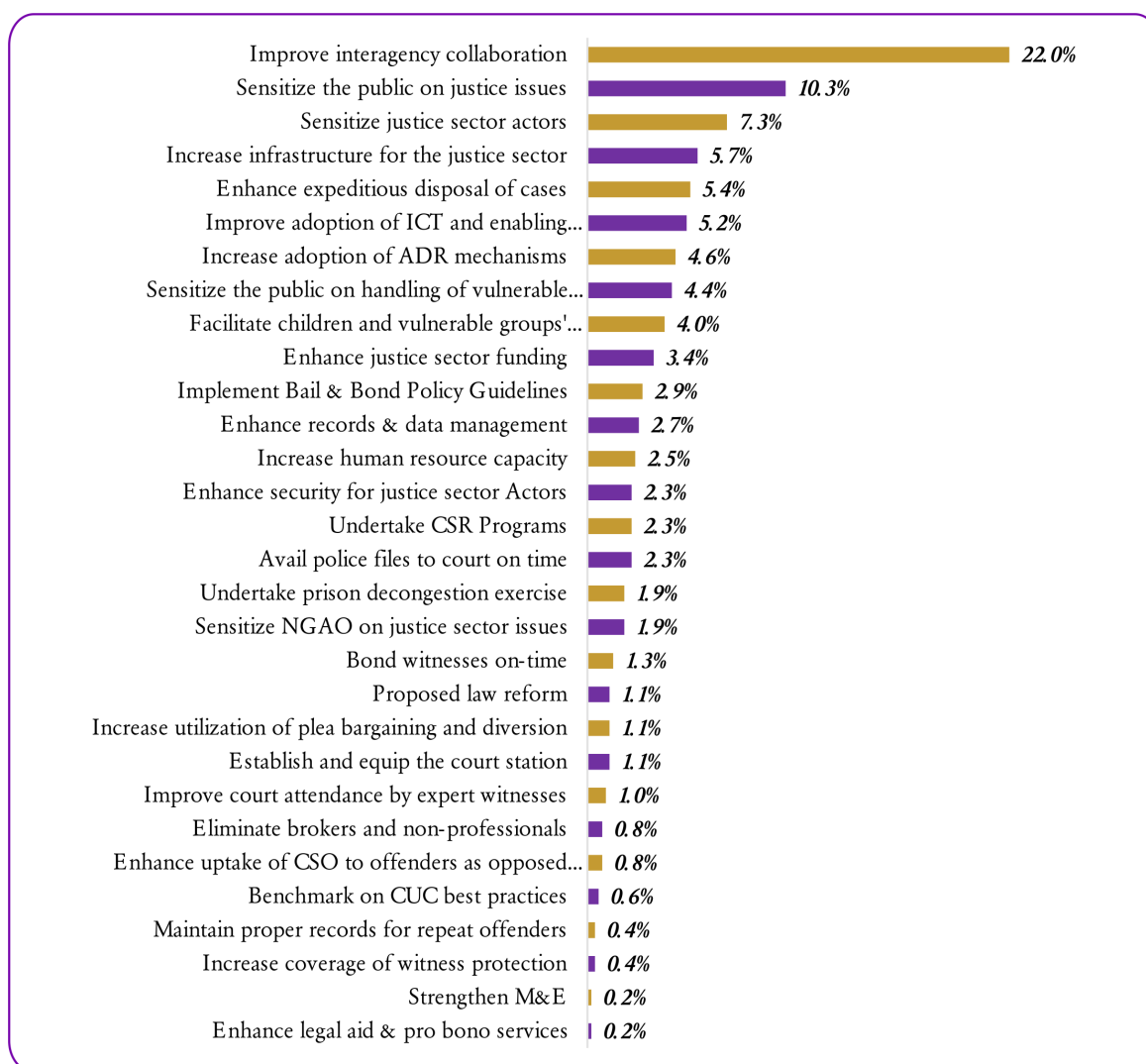
**Figure 6.11: Key challenges faced by Magistrates' CUCs, FY 2023/24**

*Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24*

From Figure 6.11, it is observed that there still exist bottlenecks in service delivery, access to justice for children, victims of (S)GBV & other vulnerable groups as well as in efforts to curb the increase in crime rate among other challenges. It was also noted that member agencies and the public also face challenges relating to inadequacies in infrastructure, transport facilities, finances, human resource capacity, and ICT.

## Reforms Proposed by the Magistrates' CUCs

Figure 6.12 depicts a sample of the proposed areas of reform suggested by the CUCs.



**Figure 6.12: Proposed reform areas by Magistrates' CUCs, FY 2023/24**

*Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24*

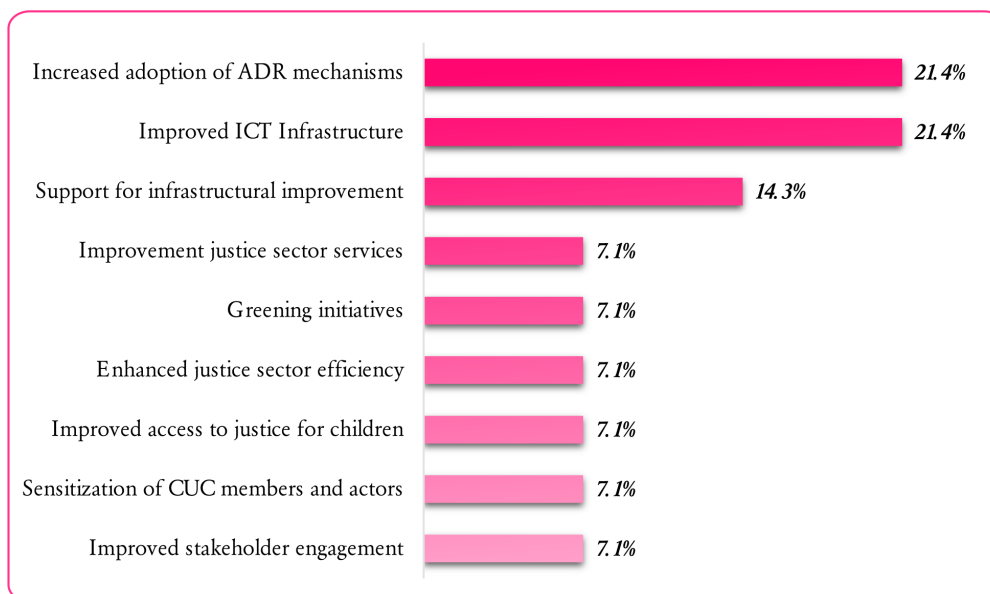
Improvement of interagency collaboration, sensitization of the public on justice sector issues, and enhancing the capacity of CUC members and justice sector actors holistically were highlighted as the major areas for reforms. Additionally, other reform areas recommended included improvement of physical and ICT infrastructure, adoption of ADR, and enhancing the expeditious disposal of cases.

### 6.3.5 Kadhis' Court CUCs

The Kadhi's Court CUCs were established to enhance the administration of justice in Kadhi's Courts. There were fourteen Kadhis' CUCs in the period under review. This subsection highlights the achievements, challenges and proposed reform areas by the Kadhis Court CUC across Kenya.

### Achievements of the Kadhis' Court CUCs

The Kadhi's Court CUCs reported key achievements through various initiatives across the country, summarized in Figure 6.13



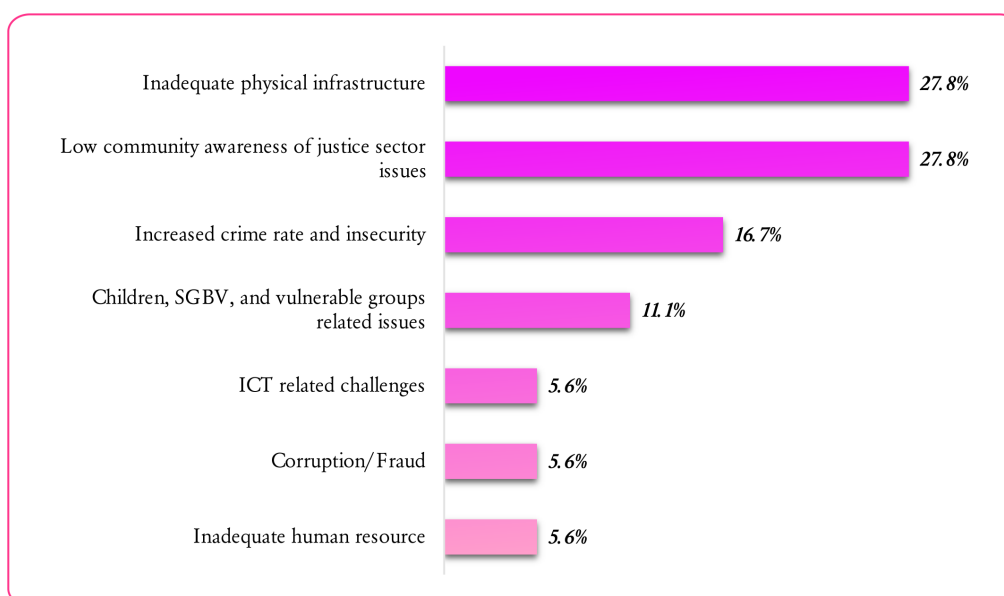
**Figure 6.13: Key achievements by Kadhis' Court CUCs, FY 2023/24**

Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24

The Kadhis' Court CUCs made significant achievements in enhancing the expeditious disposal of cases by increasing the use of ADR, improving ICT utilization, and deploying additional staff. Other key accomplishments include the establishment of new courts, improved service delivery and the implementation of greening initiatives.

### Challenges Noted by the Kadhis' Court CUCs

In the administration of justice at the grassroot level, the Kadhis' Court CUCs noted the challenges highlighted in Figure 6.14.



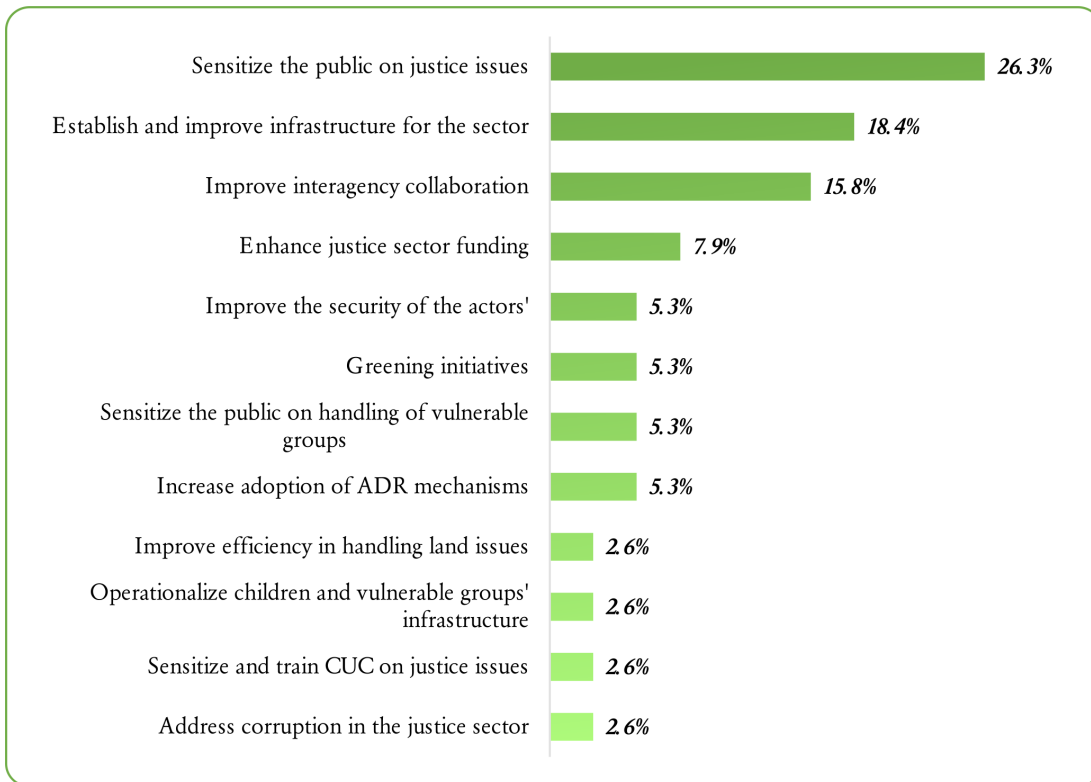
**Figure 6.14: Key challenges faced by Kadhis' Court CUCs, FY 2023/24**

Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24

The most prominent challenge reported was inadequate physical infrastructure. Lack of awareness of the mandate of Kadhis Courts and increased crime and insecurity. Challenges related to vulnerable groups, particularly those involving sexual and gender-based violence (SGBV) and children’s issues, were also reported by the Kadhi’s Court CUC.

**Areas of Reform Proposed by the Kadhi’s Court CUCs**

The Kadhi’s Court CUCs proposed interventions to enhance the delivery of justice at the grassroots. A summary is given in Figure 6.15



**Figure 6.15: Proposed reform areas by Kadhi’s Court CUCs, FY 2023/24**

*Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24*

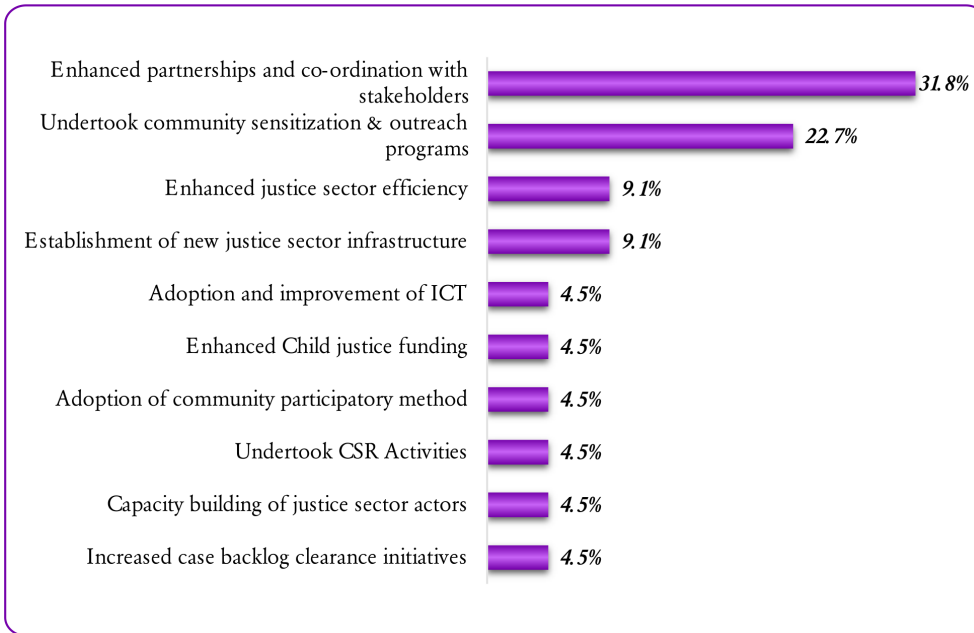
The Kadhi’s Court CUCs proposed the need to sensitize the public on Kadhi’s Court mandate, establish new court infrastructure, and improve coordination and collaboration among the agencies. The need to partner and fundraise to expand services was also noted.

**6.3.6 Children’s Court CUCs**

The Children’s Court CUCs (CCUCs) are responsible for administering justice locally to children who are involved with or in dispute with the law. Two CCUCs were created and operationalized during the reporting year, increasing the overall number of CCUCs to 16.

**Achievements of the Child Justice CUCs**

The Child Justice CUCs made significant strides in their operations and initiatives, as highlighted in Figure 6.16, showcasing their achievements during the review period.



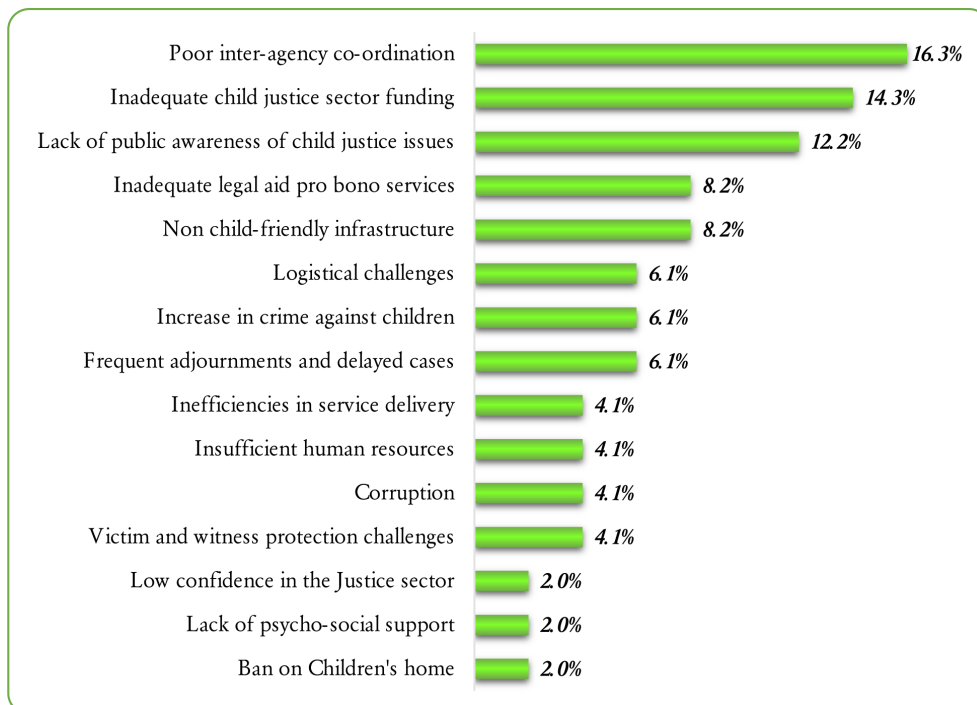
**Figure 6.16: Key achievements by Child Justice CUCs, FY 2023/24**

*Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24*

The Child Justice CUCs strengthened partnerships and coordination with stakeholders, conducted community sensitization and outreach programs, and improved efficiency within the justice sector. They also established new justice sector infrastructure and adopted ICT solutions. Other notable achievements include enhancing funding for child justice, utilizing focused group discussions and community participatory methods.

### *Challenges Noted by the CCUCs*

The Child Justice CUCs noted the challenges shown in Figure 6.17 in the administration of justice at the grassroots level.



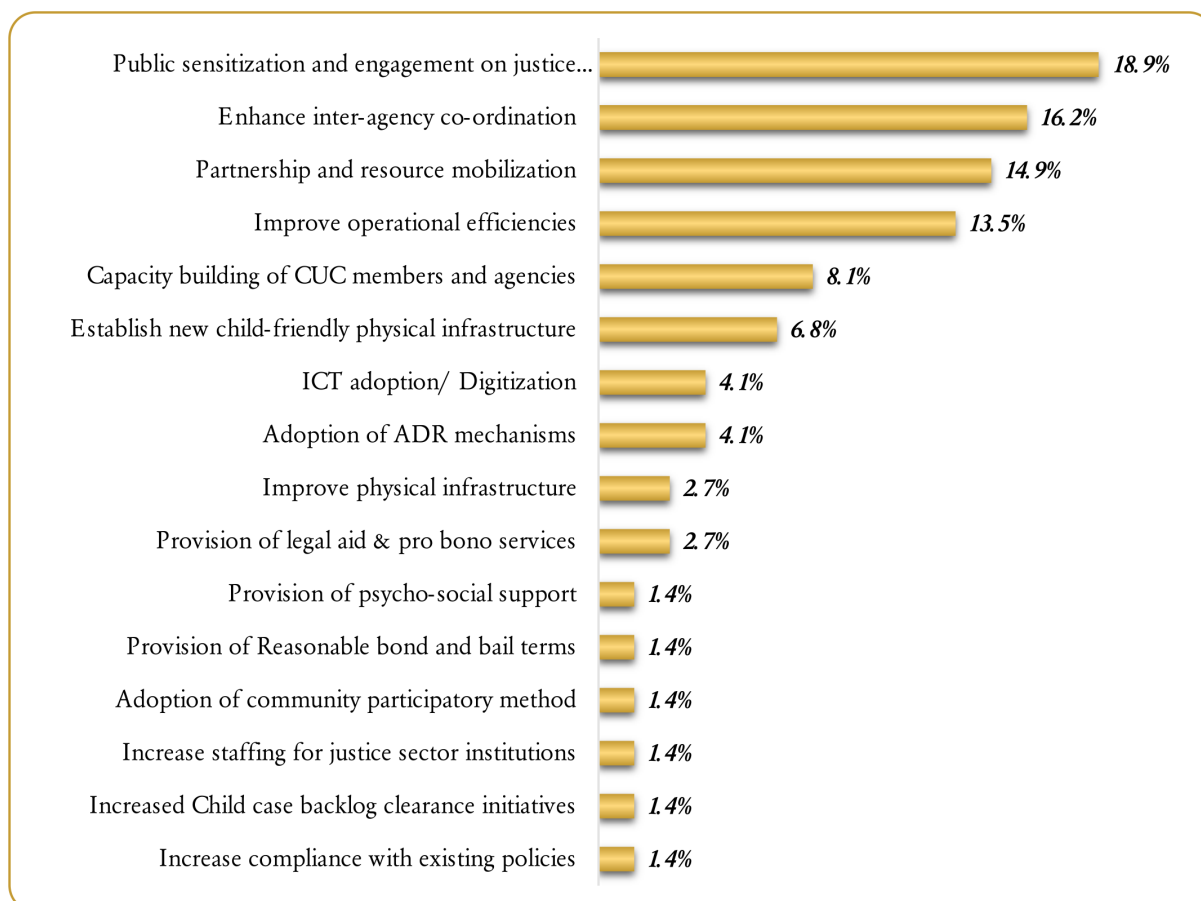
**Figure 6.17: Key challenges faced by Child Justice CUCs, FY 2023/24**

*Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24*

During FY 2023/24, poor inter-agency coordination was noted as the primary challenge in the child justice sector, followed by inadequate funding. Additional challenges include lack of public awareness on child justice issues, concerns regarding legal aid and pro bono services, and the presence of inadequate and non-child-friendly infrastructure.

### *Areas of Reforms Proposed by the CCUCs*

The Child Justice CUCs proposed interventions to enhance the delivery of justice at the grassroots. A summary of the proposals is given in Figure 6.18.



**Figure 6.18: Proposed reform areas by Child Justice CUCs, FY 2023/24**

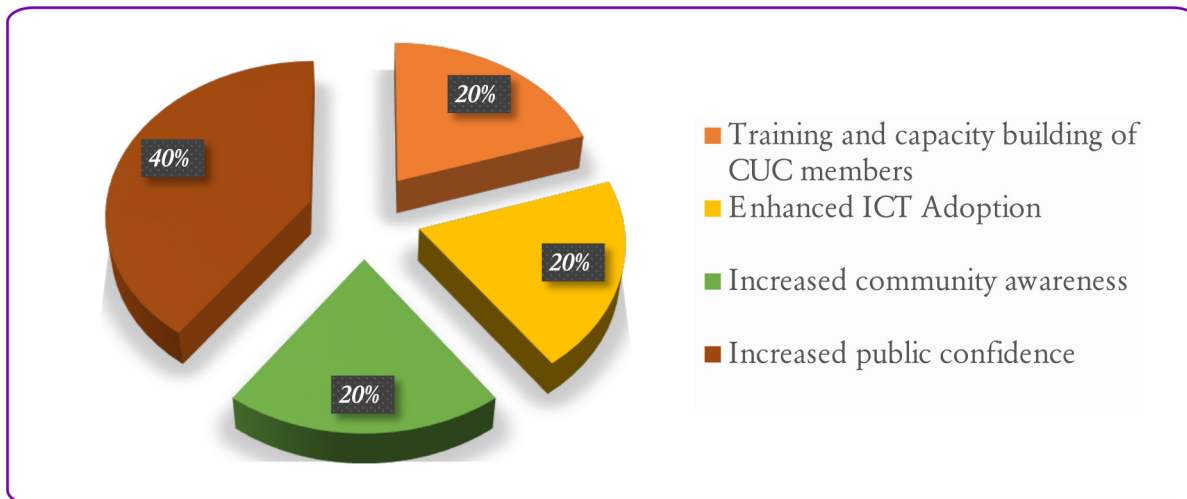
*Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24*

The key proposals for reform in the child justice sector emphasized the need to engage the public on justice and enhanced inter-agency coordination. Additional priorities included fostering partnerships, improving operational efficiencies, building the capacity of CUC members, establishing child-friendly infrastructure, adopting ICT and digitization in children’s courts, and implementing alternative dispute-resolution mechanisms.

### **6.3.7 Sexual & Gender-Based CUCs**

#### **Achievements of the Sexual & Gender Based Violence CUCs**

The SGBV CUCs are specialized CUCs primarily established to enhance access to justice for survivors of SGBV-related crimes. During the year under review, there were 4 SGBV CUCs and their achievements are illustrated in Figure 6.19 below.



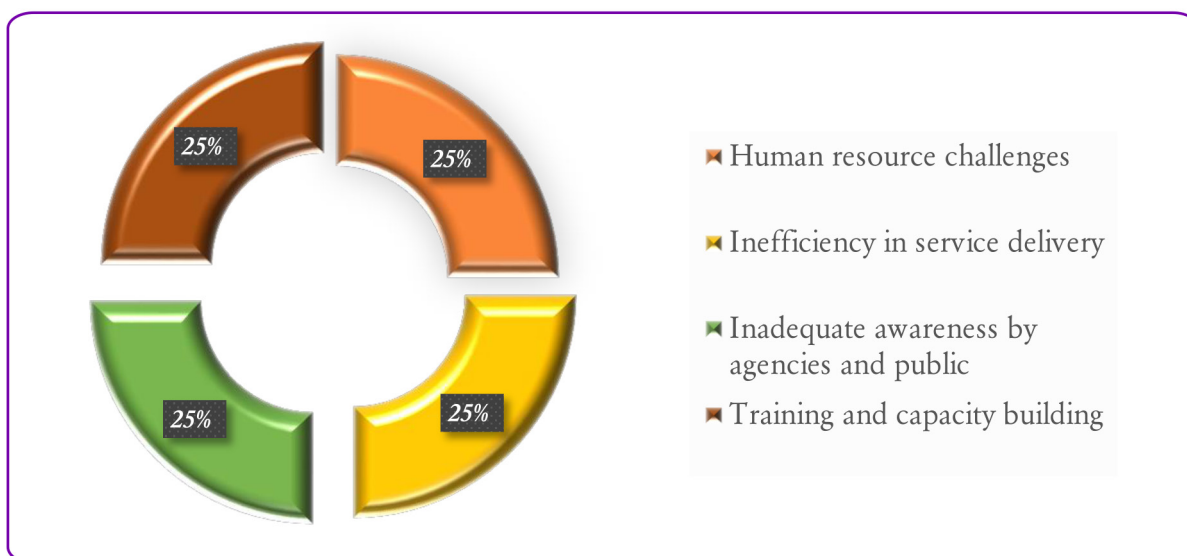
**Figure 6.19: Achievements of the Sexual & Gender Based Violence CUCs**

*Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24*

Training and capacity-building initiatives were reported to be the highest at 40 per cent. The adoption of ICT, increased community awareness of SGBV-related issues, and increased public confidence in administering SGBV issues were reported at 20 per cent.

### *Challenges Faced by the Sexual & Gender Based Violence (SGBV) CUCs*

The SGBV CUCs noted the following challenges in the administration of justice for SGBV cases at the grassroots, illustrated in Figure 6.20 below.



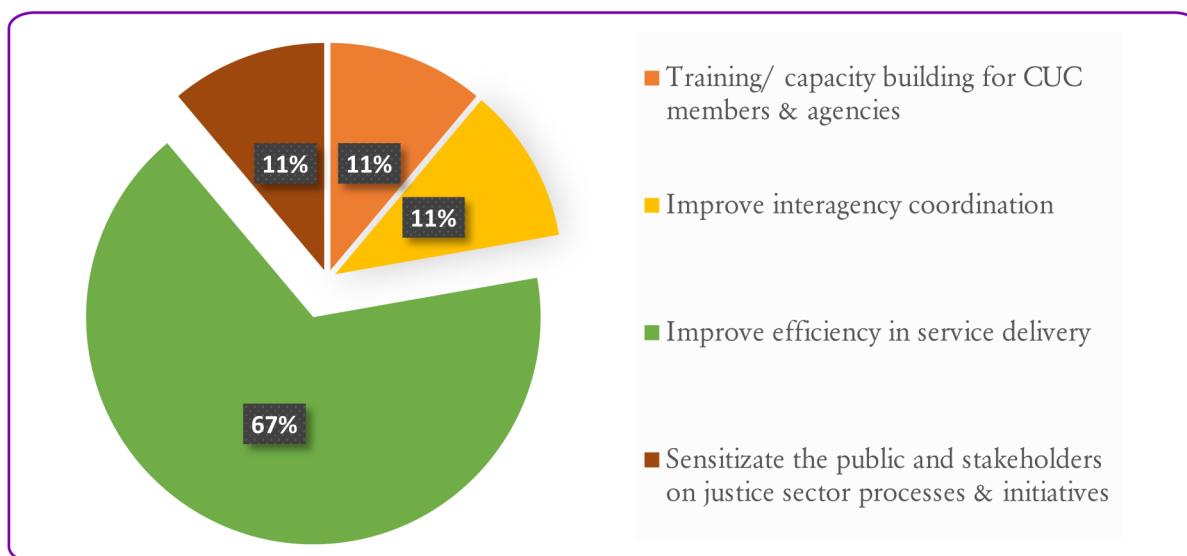
**Figure 6.20: Key Challenges Faced by the Sexual & Gender Based Violence CUCs**

*Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24*

The SGBV CUCs faced various challenges that hindered their effectiveness, including human resource shortages, inefficiencies in service delivery, and inadequate awareness by both the public and justice actors. Additionally, limited capacity-building initiatives for justice sector employees challenged their need to meet the needs of court users.

## Areas of Reform Proposed by the SGBV CUCs

The key reform areas proposed by the SGBV Court Users Committees for FY 2023/24 are illustrated in Figure 6.21.



**Figure 6.21: Proposed reform areas by the SGBV CUCs, FY 2023/24**

*Source: NCAJ Analysis using Submitted CUC Minutes for the FY 2023/24*

The proposed reforms by the SGBV CUCs for FY 2023/24 emphasized improving efficiency in service delivery, focusing on capacity building and training for CUC members and agencies. These reforms aim to enhance the effectiveness of the SGBV CUCs in responding to gender-based violence in the justice system.

### 6.4 Achievements Challenges and Proposed Reform Areas by CUCs on Diverse Themes

During the year under review, CUCs undertook initiatives on various thematic areas of the justice system, achieving notable milestones while facing a range of challenges. In response to these obstacles, the CUCs proposed key reforms aimed at strengthening the justice system and improving service delivery. These efforts, challenges, and proposed reforms are summarized in this section according to the various justice themes.

#### 6.4.1 Criminal Justice Reforms

Achievements noted by the CUCs in the Criminal Justice Sector include:

- Increased adoption of alternatives to prosecution, including diversion, plea bargains, and deferred prosecution agreements by the ODPP.
- Increased staffing at the Probation and Aftercare Services (PACS), leading to enhanced access to justice for probation clients.
- Enhanced supervision of offenders released on non-custodial sanctions, which has ensured their rehabilitation.
- Increased engagement with the community, resulting in increased public confidence in the Criminal Justice System (CJS) sector.
- Train judicial officers, probation officers, and community leaders on Alternative Justice System (AJS) and e-filing.

- Increased adoption of AJS by litigants.
- Trained police officers on various legal frameworks, prosecution of cases, witness handling, children's matters and handling SGBV cases.
- Trained prison officers on paralegal matters.
- Conducted visits to Courts, Prisons, Youth Correctional Training Centres, Children's Remand Homes, Children's Rescue Centres, Children's Homes, and Schools.
- Undertook prison decongestion exercises.
- Successful launch of e-filing in additional stations.
- There was a continuation of the construction of new courts and the renovation of existing infrastructure.
- Increased inter-agency partnerships and collaborations, and civic education on the CJS and its processes.

### *Challenges Noted by the CUCs in the Criminal Justice Sector*

The following are some of the challenges experienced by CUCs in the Criminal Justice Sector.

- Inadequate financial capacity affecting the ability to execute planned projects effectively.
- Inadequate human resources which negatively impacted the ability to execute planned projects effectively.
- Frequent blackouts within the court, resulting in disruption of the court process.
- Inadequate technology and infrastructure, which affected the delivery of certain services.
- Technical Challenges in e-Filing system due to blackouts and network failures, which hinder the full implementation of the system.
- Persistent power outages which affect the services by agencies.
- Prison congestion.
- Delays in the submission of police files to the ODPP hindering the timely processing of cases and consequently affecting the efficiency of judicial proceedings.
- Inadequate resources for various agencies within the NCAJ.

### *Areas of Criminal Justice Reforms Proposed by the CUCs*

Premised on the above challenges, the following reforms were proposed by the CUCs.

- Upscale community outreach and education on the benefits of AJS and ADR to boost their adoption and reduce case backlogs.
- Explore alternative funding sources and optimizing available resources to address the resource constraints.
- Streamline administrative processes to reduce delays and improve efficiency.
- Establish better coordination frameworks between various departments and stakeholders
- Invest in modern technology to support service delivery and overall county operations.
- Adopt of non-custodial sentences to assist in decongestion of detention facilities.
- Install solar power and generators to address rampant power outages.
- Enhance sensitization and training on the e-filing system for prison officers to ensure smooth adoption of the system across all relevant parties.
- Adopt and implement appropriate security measures to address cyber insecurity and electronic interference with documents in the e-filing system.

- Expand the CUCs to include more stakeholders and contributors to the justice system, such as the local CDF offices, local business communities, civil societies, the liquor and licensing boards, the NCCK, the Muslim and Indian community, *boda boda* and *matatu* associations, farmers' association among others.
- Expedite the operationalization of newly gazetted courts to improve access to justice.
- Continuation of prison decongestion exercises through review of bail terms and sentences and review of prosecution files.
- On-board counsellors to provide psycho-social therapy for CUC members.
- Increase resource mobilization to support the setup of essential infrastructure.

#### 6.4.2 Civil Justice Reforms

##### *Achievements Highlighted by CUCs in Civil Justice Reforms*

The following Civil Justice Reforms were realized by CUCs across the country:

- The Successful adoption of AJS by the community/litigants in various courts led to a significant drop in the ELC disputes.
- Improved transparency and accountability among CUC members, the Community and the Courts.
- Automated court process enabled easy access to case progress information and court orders.
- The successful continuance of the Virtual court systems.
- The Small claims courts continue to be a success with enhanced sensitizations on their operations.
- New Adjudicators were posted where there were none.
- Court-annexed mediation was adopted in several courts in Murang'a, Busia and Ukwala law courts among other stations.
- CUCs were established and operationalised in new courts such as the Thika High Court.
- ELC matters were segregated with a distinction made between environment matters and land matter to assist court users to distinguish and properly file their cases in Nanyuki High Court.
- User guidelines were developed on the ELC division case filing.
- ICT Connectivity at the courts was improved with commitments from the county government to further assist in this area.
- Administrative process for various courts was improved through enhancing great stakeholder collaboration and synergy.
- Open days and chief barazas were used to carry out sensitization and awareness of CUC operations.
- Sensitization of the public on *Ardhi sasa* was undertaken.

##### *Challenges Faced by CUCs in Civil Justice Reforms*

The following are the challenges reported by CUCs in Civil Justice Reforms.

- Security concerns for the CUCs due to poorly planned court premises.
- Frequent blackouts within the court disrupt the court process.
- There is still insufficient knowledge of the new Children Act, Cap. 141 by the justice sector players.
- Financial challenges made it difficult to carry out training of CUC members.
- Low Uptake of AJS and ADR mechanisms, causing a backlog of cases in the Judiciary.
- ICT challenges caused by delays in supplying IT equipment, hindering the full implementation of the e-filing system and proper maintenance of data

- Failure by some advocates to join online court continued to cause case delays.
- Housing challenges persisted in the Meru law courts.
- Brokers in court registries and imposters at the land offices continued to pose a risk of corruption, fraud, and malpractice.
- Lack of a binding legal framework to enforce mediation awards persisted.
- The lack of payment for court-annexed mediators attached to certain areas has hampered service delivery, affecting the efficiency of mediation processes.
- Court annexed mediation was yet to be launched in some court stations due to lack of funding.
- There were delays in receiving reports, organizing training sessions and executing planned actions.
- Inadequate staffing affected the ability of CUCs to execute planned projects effectively.
- Delayed Appeals in Land Adjudication cases before Deputy County Commissioners persisted.
- Outdated customary practices that are repugnant to the delivery of justice such as the practice of Chiefs omitting daughters' names from succession lists persisted.
- Distance between agencies and the vastness of the area continued to impede the delivery of justice.
- Case backlogs, particularly in civil matters affected by frequent adjournments persisted.
- Low understanding within the communities and justice sector members.

### *Proposed areas of reform noted by CUCs for the Civil Justice Sector*

The following are the proposed Civil Justice Reforms by CUCs.

- Continuously sensitizing the public on the e-Filing system.
- The CUC should prioritize continuous sensitization on human rights and AJS through local radio stations and community meetings.
- Mobilize resources to equip GJLOs stations with necessary ICT infrastructure and reliable power supply.
- Increase community outreach and education on the benefits of AJS and ADR.
- Enhance RRI as well as more service weeks to help deal with the issue of case backlog.
- The Judiciary should expedite the operationalization of the newly gazetted courts as well as mobile courts to improve access to justice for all.
- Establish a communication channel through the LSK Chair to ensure that advocates are properly identified with badges.
- Develop ELC CUC guidelines; create and implement clear guidelines for ELC CUC and increase community integration.
- Segregate ELC matters into environment and land to assist court users to distinguish and properly file their cases.
- Land registrar to support the ELC Court in providing the required evidence including requesting LSK to guide the land registrar on weeding out rampant challenges of fake title deeds.
- Increase the number of Magistrates handling Civil/ELRC matters.
- Enhance engagement between the Court Registry and CUC members.
- Continuous training for CUC members on emerging issues and improving measures to encourage dialogue amongst stakeholders for improved access to justice.

### 6.4.3 Access to Justice for the Vulnerable Groups

#### *Achievements Noted in Access to Justice for Vulnerable Groups*

- Created and shared SGBV Standard Operating Procedures (SOPs).
- Developed and distributed a Psychosocial Support Catalogue for SGBV survivors.
- Established an SGBV Registry and clinics in Bungoma, training 100 health workers.
- Established children's courts in Sirisia and Webuye to expedite SGBV cases.
- Developed infrastructure for a safe house in Ndengelwa, Bungoma South.
- Set up committees and proposed new ones to address child protection issues.
- Improved completion of investigations and prioritization of children's matters.
- Trained medical personnel in Lamu and police officers on handling SGBV cases and legal frameworks.
- Conducted public sensitization through radio, community dialogues, and Chief Barazas.
- Organized training sessions on various legal and child protection topics.
- Commenced construction of children's rescue centers in Bura and Kitui.
- Operationalized the SGBV survivors' clinic and a Children's Liaison Office.
- Identified and allocated space for mobile courts and probation offices.
- Increased interagency collaboration and improved client services in the justice sector.
- Engaged in community outreach, including donation drives and public awareness programs.
- Successfully held a Child Justice Service Month and various training sessions for CUC members and the public.
- Reduced defilement cases and improvements in case clearance rates.
- Enhanced reintegration of children into the community and better protection for vulnerable groups.

#### *Challenges Noted in Access to Justice for Vulnerable Groups*

The following challenges were reported by CUCs, concerning access to justice by vulnerable groups:

- Lack of training on e-filing and insufficient facilities for court staff and orderlies.
- Poor conditions in remand homes, holding cells, and court premises.
- Inadequate ICT infrastructure causing disruptions in virtual court proceedings.
- Manhandling by officers, poor security planning, and frequent blackouts affecting court operations.
- Rampant escape cases from remand homes and the unsafe environment in holding facilities.
- Insufficient funding for training, projects, and post-trial support for victims.
- High costs for necessary documents and medical assessments affecting access to justice.
- Ineffective coordination among departments and delays in receiving important documents.
- Poor communication with and between stakeholders, including children's officers and legal representatives.
- Understaffed departments, particularly for children's services and SGBV cases.
- Overburdened personnel leading to inefficiencies in handling cases and reports.
- Delays in case processing, including issues with medical reports, court orders, and legal representation for children.
- Challenges in implementing the new Children's Act, Cap. 141 and handling high case backlogs.
- Lack of awareness about children's rights and legal procedures among the public.

- Resistance to plea bargains and public misconceptions about the justice system.
- Increased cases of SGBV, child neglect, and teenage pregnancies.
- Issues with handling intersex individuals and inadequate support for mental health and special needs.

### *Proposed Reform Areas to Enhance Access to Justice for the Vulnerable Groups*

- Prioritize children’s cases to expedite their legal proceedings and address long-term stays in rescue centers.
- Establish a one-stop center for capturing victim statements to minimize re-victimization.
- Set up a Rescue Centre for children aged 5-14 and improve provisions like food and clothing for children attending court.
- Mobilize CUC members, encourage partnerships and exchange visits
- Improve community engagement by involving local leaders and expanding dialogue campaigns.
- Train on evidence collection for SGBV cases and engage media to raise awareness about children’s issues.
- Increase awareness of the Children’s Act, Cap.141 and educate stakeholders on children’s rights and reporting procedures.
- Improve communication between police, prisons, and courts; streamline case registration and dates.
- Advocate for more child officers to enhance efficiency in court.
- Engage community leaders, local organizations, and seek support for pro bono advocates.
- Consider flexible court operations for children’s cases and use NGAAF and local officers for public sensitization.
- Establish witness boxes for children’s cases and seek donor support for court facilities.
- Secure funding and support from external organizations partners.
- Enhance case tracking systems and facilitate witness transportation to court, with potential reimbursement depending on funds.
- Provide specialized training on plea bargaining and handling of cases involving intersex persons
- Increase public awareness on SGBV, early mental illness treatment, intersex rights, drug effects, early marriages, and crime prevention.
- Improve facilities for SGBV, child protection, and women’s services; address infrastructure needs like power backup and water.
- Address budget allocation, and secure additional resources for Justice sector facilities for children including CPUs, and consider improvements in facilities for intersex individuals.
- Improve coordination among law enforcement, judiciary, and community organizations.

#### **6.4.4 Infrastructural Improvement in the Justice System**

### *Achievements in Infrastructure at the Grassroots*

The Justice Sector achieved the following improvements in infrastructure at the grassroots:

- Established new courts, police posts, and witness protection infrastructures
- Renovated and Improved the existing justice sector facilities
- Enhanced security in the court stations
- Developed children-friendly infrastructure including safe houses
- Obtained land for the construction of a Justice Centre/building at Iten ELC and a rescue center. in Kitui, Elwak Law Court.

## *Infrastructural Challenges faced at the Grassroots*

The infrastructural challenges noted at the CUC level include:

- Vulnerable groups and Children's Unfriendly infrastructure that exposes them to an inappropriate environment including Children Protection Units, Safe Houses, Children's Homes, rescue centers, and Juvenile cells.
- Encroached, disputed, and inadequate land for the development of courts and other justice sector facilities.
- Transport facilities are Inadequate and in poor condition affecting the movement of children in conflict with law, remandees, prisoners, exhibits, and justice sector actors to undertake their day-to-day duties.
- Inadequate AJS infrastructure at the grassroots.
- Inadequate, incomplete, congested, and outdated facilities including court stations, probation offices, exhibit stores, remand, prisons, and other justice sector infrastructure limiting access to justice.
- Lack of basic working tools like office equipment and furniture to undertake their mandate.
- Unutilized infrastructure due to Lack of policy and guidelines to operationalize like safe houses.
- Insecurity caused by poor mapping of the courts and stations, non-existence of protocols, security equipment and gadgets.

## *Proposed Infrastructural Reforms at the Grassroots*

The CUCs proposed the following actions to improve infrastructure at the grassroots:

- Provision and maintenance of adequate transport for the sector.
- Undertaking strategic prison decongestion exercises to avoid overcrowding.
- Enhancing security of the courts and station through mapping and equipping with CCTV and screening gadgets for individuals and vehicles.
- Develop security protocol.
- Establishment, improvement, and completion of court stations, mobile courts, police stations, and prisons.
- Establishment and operationalization of Vulnerable and child-friendly facilities at police stations and prisons.
- Establishment of safe houses to protect the witnesses and victims.

### **6.4.5 Digitization in the Justice System at the grass root**

## *Achievements in Digitization of the Justice System at the Grassroots*

The CUCs achieved the following at the grassroots:

- Improved ICT connectivity at the courts.
- Successfully rolled out and Adopted E-filing at the grassroots
- Increased uptake of virtual hearings
- Adopted automated online platforms by agencies like Uadilifu, Ardhi sasa, and Adili
- Provided laptops and computers for the Hindi GK prison and Witu and Mpeketoni ADR centers

## *Challenges in the Digitization at the Grassroots*

- The CUCs noted the following challenges in digitization at the grassroots.

- Inadequate ICT equipment and infrastructure gadgets to support the roll-out of digital service drivers.
- Poor network coverage hinders the successful implementation of the e-Filing system and virtual proceedings.
- Unreliable and expensive power supply.
- Miscellaneous Services for instance the commissioning of affidavits, are not yet integrated into the e-filing system and still require in-person interaction.
- Insufficient sensitization of Stakeholders on e-Filing.
- Lack of technical know-how in operating the e-filing system.

### *Areas of Proposed Reforms on Digitization at the Grassroots*

- Embracing greening initiatives like the installation of solar power.
- Train and capacity-build the public and justice sector on new platforms.
- Equipping the justice sector with adequate and modern ICT equipment and infrastructure.
- Strategic integrated coordinated Rollout of systems with Integration of Miscellaneous Services to ensure a seamless user experience.
- Integration and digitization of ICT systems of the actors through interagency coordination.
- Establishment of dedicated Support services for new systems.
- Enhancement and adoption of virtual hearings and E-Systems.

## **6.5 Proposed Interventions by CUCs by Reform Category**

### **6.5.1 Legislative reforms**

The CUCs proposed the following Legislative Reforms to improve the administration of justice at the grassroots:

- Amend the Children Act, Cap. 141 to standardize reporting forms.
- Review law to enable the registration and inclusion of intersex children and adults in our law.
- Harmonize the county and national laws to find the best way to deal with the persistent cattle rustling menace.
- Court to commission miscellaneous affidavits, which could streamline certain legal processes related to children's cases.
- Legal reforms to address concerns regarding bail and bond, to align them with current needs.
- Enact amendments to the ELC Bill, 2023
- Amendments to the NCAJ Bill be considered for incorporation

### **6.5.2 Policy reforms**

The CUCs proposed the following Policy Reforms to improve the administration of justice at the grassroots:

- Develop guidelines to implement rules and regulations on court premises and related court procedures to discourage undesirable practices
- Provision of a guidance list on the threshold to sustain charges by the ODPP.
- Provide guidelines for Doctors on how to write reports easily understood by non-medical personnel.
- Develop policies on how to handle vulnerable groups within the Justice System
- Improve monitoring and evaluation by gathering and sharing data with stakeholders to track the progress and effects of initiatives, ensuring accountability and promoting ongoing improvement.

- Enhance victim and witness protection measures to minimize interference in GBV cases
- Prioritize the development of infrastructure for the vulnerable group
- Promote the adoption of ADR.
- Increase and enhance the utilization and uptake of plea bargaining and diversion
- Increase child case backlog clearance initiatives to decongest rescue centres and reduce the backlog.
- Enhance the adoption of virtual hearings and E-filing.
- Devolve the government chemist office to the counties.
- NCAJ to assist in standardizing the digitization and integration of CJS agencies to ensure that no one is excluded.
- Develop a policy to ensure the increase of prison decongestion exercises.
- Increase funding and staffing for justice sector institutions.

### 6.5.3 Administrative reforms

The CUCs proposed the following Administrative Reforms to improve the administration of justice at the grassroots;

- Enhance the security of the court stations and other justice sector infrastructure.
- Enhance the implementation of Bail & Bond Policy Guidelines.
- Enhance the provision of ICT infrastructure to enhance virtual hearings and e-Filing.
- Enhance the quality of the charge sheet by coordinating efforts between the ODPP and the police.
- Develop measures to safely store and avail police files on time.
- Enhance and facilitate age assessment.
- Establish a specific register for children matters to avoid mixing with other cases.
- Enhance the provision of legal aid & *pro bono* services.
- Liaise with LSK to have measures to deal with quacks and masqueraders.
- Enhance the provision of psycho-social support for victims of GBV cases.
- Enhance greening initiatives like solar power and tree planting.
- Improve witness management and ensure witnesses are bonded and present in court on time.
- Undertake measures to ensure expert witnesses attend court hearings.
- Establish, maintain, and improve justice sector infrastructure
- Provide reliable and sustainable transport for the justice sector
- Improve the application of non-custodial sentences to decongest the main prison
- Optimize administrative procedures to decrease delays in issuing production orders and updating online cause lists, thereby ensuring prompt and efficient court proceedings.
- Improve agency coordination and communication through routine inspections and verification procedures to ensure compliance with court orders and the effective execution of judicial decisions.
- Address inefficiencies in court processes related to the disposal of exhibits and verification of documents
- Fastrack timely processing of pleas.
- Put in measures to ensure strict adherence to court times and orders
- Ensure timely production of suspects by the police
- Enhance resource mobilization and partnership

- Enhance public sensitization and engagement on justice sector matters and services
- Sensitize and train the court users on the emerging justice sector issues
- Enhance inter-agency co-ordination through the co-option of additional stakeholders and ensure consistence attendance of CUC meetings by all members
- Enhance the expeditious execution of warrants of arrest.
- Increase support to the discharge board in prisons to ensure smooth release of inmates.
- Court to streamline the processing of traffic matters by allow hand written charges and extension of time allocated for registration of traffic matters.
- Ensure timely payments for court-annexed mediators to ensure the continuity of services.
- Ensure timely availing of remandees to court.
- Enhance timely signing of committals and probation orders.
- Establish robust technical support system to assist users during the transition period to E-filing.
- Change timing of children’s service month to avoid conflicts with school calendar.
- Ensure sufficient notices are given when Judicial Officers are not sitting.
- Increase training of officers on sign language.
- Enhance mechanisms for the ODPP to inform the court if accused person is a repeat offender.
- Enhance adherence to the 24-hour rule concerning the production of suspect before court.

## 6.6 CUCs Achievements in the Counties

The following section presents the achievements of CUCs across the country, highlighting progress made in each county. It offers an overview of initiatives aimed at enhancing service delivery, strengthening interagency collaboration and improving access to justice. A detailed report of the CUC achievements is provided in Appendix 9.

### 1. MOMBASA COUNTY

- Adopted AJS for expeditious dispute resolution
- Undertook prison decongestion at Shimo la Tewa Prison and other prison visits
- Enhanced reintegration of released inmates and probationers into the community
- Improved verification of sureties
- Increased Community Service Orders (CSO) placements
- Increased appreciation and upholding of human rights
- Improved probation officers reporting resulting in better and more informed decisions
- Continued support from CUC members
- Conducted a successful open-day event
- Conducted two ICT trainings for the CUC members
- Conducted mediation training
- Sensitized the public on the small claims court operations in one of the local radio stations
- Handled methadone clients through the Reachout Centre Trust
- Supported the automation of court process at Shanzu Law Courts
- Conducted training and sensitization in collaboration with Physicians for Human Rights (PHR)
- Engaged the public on support for SGBV victims

## 2. KWALE COUNTY

- Improved transparency and accountability among CUC members, the community and the court
- Developed SGBV Standard Operating Procedures (SOPs)
- Developed and disseminated Psychosocial Support Catalogue for SGBV survivors
- Adopted AJS for expeditious dispute resolution
- Sensitized CUC members on Ardhi Saa
- Expedited disposal of ELC disputes
- Improved case clearance rate
- Undertook decongestion of Kwale main prison
- Reduced number of stock theft cases in Msambweni
- Improved interagency collaboration and coordination
- Improved plea taking at the Msambweni Law Courts
- Availed police files on time
- Improved the running of ODPP operations
- Launched Lukore police post with the support of Kwale County Government and NG-CDF
- Reduced the crime rate in Shimoni area due to increased community policing
- Undertook sensitization on child protection and rights at the kids care center

## 3. KILIFI COUNTY

- Completed several critical projects on time and within budget
- Improved efficiency and effectiveness of services provided by both the CUC County and ELC
- Enhanced accountability of allocated resources
- Enhanced community engagement
- Conducted a Tree-planting exercise
- Trained CUC Members on the Sentencing Policy Guidelines
- Revamped the Marafa mobile court
- Enhanced the use of social inquiry reports
- Built a witness protection center and purchased a water tank
- Incorporated ADR and AJS for expeditious dispute resolution
- Conducted capacity building judicial officers, probation officers and community leaders on mediation
- Reduced the rate of defilement cases
- Conducted sensitization in Hademu Primary
- Sensitized CUC Members on practice guidelines on timely processing of payment of fines and cash bail
- Conducted an open day at Kaloleni ground on 29th November 2023
- Incorporated government resources like vehicles from the DCI, DCC and Education to address the issue of delaying or unreported cases of defilement to the relevant bodies
- Reduced cases involving the elderly
- Sensitized CUC Members on the children's CUC guidelines
- Operationalized the children's subcommittee

- Sensitized the community on SGBV and Mental health through radio sessions

#### **4. TANA RIVER COUNTY**

- Trained and sensitized CUC members
- Undertook timely completion of investigations on defilement matters
- Disposed children matters expeditiously
- Improved availing of police files in court at Hola

#### **5. LAMU COUNTY**

- Procured a laptop for the Hindi GK prison reducing the logistical and security challenge
- Trained prison officers on paralegal matters
- Supported the construction of the perimeter wall
- Conducted a successful visit to Hindi Prison
- Allocated a room for probation officers
- On-boarded PLEAD II to support the CUCs as well as a monthly stipend to the ADR Members
- Recruited paralegal agents to spearhead legal aid within the local communities
- Purchased computers to ease report writing for Witu and Mpeketoni ADR centres
- Conducted technical harm reduction programs to sensitize the community on the effects of narcotics, drug abuse and mental challenges
- Trained medical personnel within LAMU on how to properly write treatment notes, PRC forms and fill P3 forms for SGBV victims to boost their skills in the area
- Established and operationalized a sub-committee to follow up on the issue of children's rescue centres and child protection units

#### **6. TAITA TAVETA COUNTY**

- Conducted a successful training held in June
- Undertook prisons' decongestion exercise
- Undertook Construction of court complex building
- Court to be set up in Mwatete is a work in progress
- Automated court processes
- Resolved cases through mediation
- Sensitized the community during the children service month
- Children sub-committee visited Children Rescue centre at Bura to ascertain the progress of the construction project
- Trained Alternative Justice System (AJS) sub-committee
- Carried out village Barazas mobilized by the local administration
- Commenced construction of children's rescue centre in Bura

## 7. GARISSA COUNTY

- Improved accountability as no complaints were recorded in regards to soliciting
- Conducted a service week
- Increased virtual court proceedings
- Introduced e-filing in the court system at the Bura Fafi Kadhis Court
- Improved the performance of the Bura Kadhi's Court, with an increase in the number of registered cases
- Lobbied for the establishment of a Maslaha centre to help in the dispensation of justice
- Procurement of power panels are at an advanced stage for Balambala Kadhis Court

## 8. WAJIR COUNTY

- Expeditiously disposed SGBV cases
- Trained both the registry and Kadhi's court on e-filing
- Conducted AJS training for CUC members with the support of UNODC
- Lobbied funds for the construction of a CPU at Wajir Police Station with the support of the CDF
- Conducted a successful children's service month
- Conducted public sensitization on functions of the court, e- Filing, small claims court and Children service month through local radio stations
- Conducted a successful prison visit to sensitize inmates
- Supported court automation
- The CUC Habaswein Court station was hailed as one of the most active, objective and accessible community structures
- Decreased cases of divorce and child abuse through the application of the law
- Introduced the Kafala concept by Bute Kadhi

## 9. MANDERA COUNTY

- Rolled out Maslaha's in the pursuit of justice as an Alternative Justice System at Takaba Kadhis which was well embraced by the public and justice sector actors
- Obtained land for establishing a law court in Elwak Sub-county
- Commenced lobbying for the establishment of a law court and Kadhi's court in Elwak

## 10. MARSABIT COUNTY

- Improved security situation in the county
- Improved attendance to court by investigating officers
- Implemented the Global Fund HIV program in Marsabit County in partnership with the Ministry of Health
- Sensitized members of staff on how to handle litigants with dignity
- Conducted a successful Children's service month
- Conducted a prison visit on 6th October 2023
- Successfully disposed of exhibits

## 11. ISIOLO COUNTY

- Adopted AJS for expeditious dispute resolution
- Improved interagency cooperation
- Launched and operationalized the e-Filing system

## 12. MERU COUNTY

- Established the SGBV Registry
- Supported the construction of a new court building
- Constituted and operationalised the Pro-bono scheme
- Facilitated prison decongestion process
- Undertook child justice month
- Sensitized the public on Children Act
- Adopted Family Group Conferences as a method of dealing with cases involving children, ensuring that relevant stakeholders and family members are involved in decision-making

## 13. THARAKA-NITHI COUNTY

- Commenced plans to buy solar power
- Lobbied for the construction of the court wall from CDF
- Disposed small claims cases expeditiously
- Enhanced the fight against illicit brews
- Conducted proactive citizen engagement in administration of Justice
- Undertook better management of remandees/convicted prisoners
- Strengthened partnership with stakeholders on training and funding possibilities and strategies
- Undertook decongestion of prisons through successful sentence reviews
- Undertook Infrastructure Development
- Introduced new judicial officers
- Conducted sensitization on alternative justice systems, SGBV courts and small claims courts
- Incorporated various agencies into the CUC
- Operationalized the Small Claims Court at Chuka
- Undertook successful community engagements and sensitization forum

## 14. EMBU COUNTY

- Incorporated Kenya Forest Service (KFS) into the CUC
- Embraced innovation by ensuring child offenders are picked up from far flung agencies on sundays for monday hearings
- Operationalised the small claims court
- Conducted public sensitization through the public barazas and chiefs
- Court administrators allocated an office to the police

## 15. KITUI COUNTY

- Operationalised the e-Filing System and participated in the National launch of e-filing system led by the Chief Justice
- Conducted public sensitization on ELC matters through barazas
- Implemented the tree-cutting policy
- Undertook tree planting exercise
- Engaged NCAJ through the Spot Check for active oversight and engagement
- Undertook sensitization on Alternative Justice Systems (AJS)
- Participated in the launch of the Small Claims Court
- Promoted alternative dispute resolution mechanisms
- Obtained land with the support of the county for court use
- Undertook decongestion of Prisons
- Enhanced interagency collaboration and support
- Conducted child justice service month
- Undertook community engagement in CUC activities eg inclusion of children in the service month launch event
- Trained on diversion and plea bargaining with support from the Legal Resource Foundation
- Obtained land for the construction of a rescue center
- Commenced construction of the Kitui Gender Department with the support of the county
- Donated clothing and sanitary towels for prisoners
- Collaborated with chiefs and local authorities for community sensitization on sexual offences and child abuse

## 16. MACHAKOS

- Renovated a court building
- Embraced mediation as an alternative dispute resolution mechanism
- Conducted a joint training for CUC members and mediators
- Expeditiously disposed of SGBV cases
- Completed the construction of the Court's Ultra-Modern Toilet
- Undertook a tree planting exercise
- Enhanced interagency collaboration
- Conducted sensitization of the police
- Increased uptake of ADR
- Completed registration of vulnerable groups in/ members of society
- Launched Gender Desk in place at police stations
- Held Mavoko Law Courts Children Court Users Committee (CCUC) meeting
- Improved timeliness in collecting remandees from Prison to Court
- The Land Registrar eased work by allocating a specific day for handling advocate matters

## 17. MAKUENI COUNTY

- CUC members undertook training on e-filing
- Undertook decongestion of remand prison
- Improved virtual court connection
- Enhanced communication from DR ELC court
- Launched court-annexed mediation in Makueni
- Reduced case backlog by fast-tracking cases
- Introduced booklet for capital offenders/offences
- Improved communication among the stakeholders
- Enhanced interagency collaboration
- Operationalized pro-bono service at Tawa law courts
- Improved time management
- Conducted a CSR activity during the children's service month at the Tawa sub-county hospital
- ODPP was commended for booking several witnesses in a day
- Undertook tree planting exercise
- Participated in the free legal awareness
- Contained the Outbreak of scabies which was in the facility
- Conducted day of the African child
- Enhanced availability of files from Sultan Hamud police station
- Opened protection and care files for defilement case
- Reduced drug related crimes

## 18. NYANDARUA COUNTY

- Improved engagement with public health and doctors
- Conducted Gender-Based Violence Awareness on November 17, 2023, in Njabini
- Heightened partnerships with various NGOs and stakeholders
- Improved access to court services with e-Filing allowing easy access to court services
- Enhanced integrity for criminal cases through collaboration with the ODPP
- Established a Gender Desk /customer care desk within court premises to assist the vulnerable and provide support
- Conducted an Open Day

## 19. NYERI COUNTY

- Improved report writing
- The committee trained on various aspects about KRA
- Conducted a successful children service month
- Conducted a visit at Mwai Kibaki Hospital
- Undertook training on SGBV
- Resolved issues that were posing challenges while working with some stakeholders

## 20. KIRINYAGA COUNTY

- Resolved challenges associated with Thiba Police Station
- Undertook a CSR activity at the children's home
- Enhanced diversion of matters
- Merged the legal-aid and capacity building sub-committee for efficiency
- Embarked on the construction of the waiting bay
- Conducted a successful children's service month
- Continued to run 'Kutana na Mahakama' initiative for the second year since its inception
- Improved clinical officer's court attendance

## 21. MURANG'A COUNTY

- Increased uptake of e-Filing
- Sensitized/trained members on Court annexed mediation
- Conducted a free legal awareness week with advocates offering free legal advice to the public
- Identified and organised CSR visits to Murang'a Children's home and two chief's camps
- Identified key areas for sensitization in Murang'a South and Ithanga/Kakuzi sub-counties during the Children's Justice Month
- Engaged with local administrators to protect children, reflecting a commitment to grassroots involvement in children's welfare
- Undertook prison decongestion exercise
- Enhanced cooperation among OCSs facilitating smoother operations despite challenges
- OCSs reported providing briefs and lectures on a weekly basis contributing to ongoing training and awareness among personnel
- Undertook tree planting exercise
- Conducted training for clinical officers, ensuring a standardized approach to filling out P3 forms, likely leading to more accurate and consistent documentation of medical examinations
- Embraced and conducted sensitization on Alternative Dispute Resolution (ADR)
- Mobilized resources and held Open Day
- Supported the automation of the court process
- Conducted training and sensitization on Alternative Justice System

## 22. KIAMBU COUNTY

- Conducted judicial open day at ACK Bishop Kariuki Centre at Wangige in Kabete, with positive community feedback
- Adopted court-annexed mediation, aiding in backlog clearance
- Supported the establishment of a high court in Thika with a presiding judge appointed, indicating the feasibility of having one in Kikuyu
- Facilitated resumption of Law Society of Kenya pro bono services, with proposed improvements in allocation to individual clients
- Launched Children Service Month on November 17th, 2023 and sensitized CUC members on children's matters

- Visited Kamiti Youth Correctional Training Centre during Children Service month
- Implemented the e-Filing System across departments
- Ensured a child-friendly holding unit at Limuru police station
- Resolved challenges related to lack of police files in court through the implementation of photocopying statements and issuing summons to county commanders
- Collaborated with external organizations like KENDAT and Brooke East Africa for workshops on donkey welfare and protection
- Undertook supervision of offenders and successful prison decongestion exercise

### **23. TURKANA COUNTY**

- Undertook integrated child vulnerability mapping
- Expanded monitoring and planning issues that affect children

### **24. SAMBURU COUNTY**

- Undertook a disarming exercise of the community recovering 103 firearms through surrender
- Enhanced the arrest and charging of bandits in courts resulting in improved security in the jurisdiction
- Adopted virtual courts enhancing administration of and access to justice
- Improved interagency collaboration
- Successfully held a public barazas
- Increased number of school-going children as a result of the public sensitization that took place
- Launched the High Court sub-registry in Maralal
- Improved the time taken to bond witnesses and carry out thorough investigations before charging the accused person in court
- Improved public literacy and more people are confident in filing civil cases in court
- Conducted capacity building of chiefs on mediation, children matters, mental health issues and counselling as psychosocial support to survivors of (S)GBV
- Adopted ADR in dispute resolution

### **25. TRANS NZOIA COUNTY**

- Held inaugural County CUC meeting
- Launched the Small Claims Court
- Conducted sensitization of the CUC members on the Small Claims Court Act, Cap. 10A
- Embraced AJS

### **26. ELGEYO MARAKWET COUNTY**

- Conducted a successful CSR visit to Tambach Prison
- Lobbied for additional staff to the ODPP in the region
- Undertook a visit to Nakuru CUC to benchmark on AJS
- Implemented mediation and diversion
- Undertook tree planting exercise in collaboration with the county government and the E&L court
- Embraced community service orders as an alternative to incarceration

- Obtained land for the construction of a Justice Centre/building
- Enhanced the payment of lawyers for their pro bono services were done hence more lawyers are signing up to take up pro bono cases
- Conducted a CSR visit to Tambach Prison

## 27. NANDI COUNTY

- Sensitized CUC members and the public on e-Filing
- Improve access to justice through e-Filing
- Obtained land from the county government to construct modern Kapsabet courts
- Conducted public sensitization through a roadshow improving the relationship between the public and the court
- Conducted a successful open day at Chepterwai
- Reduced cases/ crimes of murder, and stock theft
- Improved availing of files and witnesses to court
- Improved public perception about the court and the court process
- Increased adoption and uptake of ADR by the community and the court
- Conducted civic education/ public sensitization on matters of succession during open days
- The ODPP was allocated an office by the Deputy County Commissioner (DCC)
- Donated cooking resources (firewood) to the Tachasis School for the physically challenged
- Provided free services to victims of SGBV by the Hospital The hospital is working to embrace digital backup for P3 forms
- Conducted a successful visit to Tachasis Special School

## 28. BARINGO COUNTY

- County Commissioner offices allocated office space for the court registries
- OCPD Baringo allocated liaison officers to assist in coordination between Police and ODPP
- Increased Marigat Mobile Court days from 3 to 6 to enhance the promotion of access to justice
- There was a commitment by Kabarnet prison to allocate 1 acre of land to the courts
- Improved availing of police files to court
- Improved availing of witnesses to court
- Introduced weekly mentions at the prisons (every Friday)
- Improved client services by the court through holding daily briefs before the commencement of court sessions,
- Innovated through an express service card for vulnerable persons to enable priority placement on the cause list, posting officers full-time to serve clients
- Trained police officers on legal framework, prosecution of cases, witness handling, children's matters and handling SGBV cases (best practices and shared experiences)
- Identified and allocated office space for mobile court in Marigat
- Identified and allocated office space for probation office
- Conducted training of children on mentorship, discipline, the Children Act, their rights and the court process (in Marigat supported by Childfund and the children's officer, Marigat sub-county)

- Conducted successful service/ legal aid week by LSK
- Conducted sensitization of CUC on matters land registration, searches, survey, acquisition, transfer, boundaries and overlapping, adjudication and handling of disputes
- Conducted sensitization of CUC on e-Filing covering account registration, filing a case, uploading documents, court fees assessment and payment, filing documents on existing cases

## 29. LAIKIPIA COUNTY

- Conducted high court service week
- Undertook expansion of Nanyuki High Court jurisdiction to cover Nyahururu High Court
- Undertook segregation of ELC matters into (i) environment and (ii) land to assist court users to distinguish and properly file their cases
- Developed user guidelines on the ELC division case filing
- Improved interagency collaboration
- Undertook decongestion of the probation hostel in November 2023
- Developed user guidelines on the ELC Division case filing
- Sensitized CUC members on the Imarisha Program by ACK Mt Kenya West Justice and Children Rights
- Registered and operationalized Policare
- Operationalized SGBV survivors' clinic
- Improved interagency collaboration on child justice
- Conducted sensitization of CUC on key populations and work done by Hope worldwide
- Settled Pro bono pending bills
- Reduced illegal burning of charcoal and red cedar
- Lobbied for additional probation officers and magistrates to be posted to the area
- Improved production of inmates from Nyahururu GK Prison and bonding of witnesses
- Improved interagency collaboration enabling service delivery and administration of justice
- Improved case clearance rate in children matters owing to the service month
- Conducted sensitization of CUC on AJS and mandate of IPOA
- Improved time production of court documents by agencies eg the police

## 30. NAKURU COUNTY

- Improved on time taken to obtain court orders
- Conducted sensitization of CUC members on the ELC and Court (Amendment) Bill
- Improved interagency collaboration
- Improved efficiency in disposal of cases and service delivery
- Improved uptake of AJS in land matters
- Undertook tree planting exercise and open day
- Aided in the realisation of 8214 % clearance rate
- Aided in reduction of case backlog at the High Court to only 266 cases pending determination, with a clearance rate of 140 %
- Improved serviced delivery like on-time issuance of court notices

- Improved interagency collaboration
- Rolled out e-Filing and conducted sensitization of CUC members on e-Filing
- Improved service of high court proceedings
- Improved interagency collaborations
- Conducted sensitization of CUC members on Small Claims Court
- Improved interagency collaboration eg between the ODPP, the courts and the NPS
- Improved compliance with court orders by probationers
- Established and operationalized Olenguruone mobile court
- Conducted training of junior police officers on diversion
- Conducted a successful probation open day
- Received support from development partners eg donation of sanitary towels by UNICEF
- Trained CUC members on mental health
- Improved availing of witness statements to accused persons
- Improved working relationships and interagency collaboration

### **31. NAROK COUNTY**

- Improved the time taken to peruse and approve police files
- Completed construction of new court building
- Resource mobilized for the construction of an ablution block
- Rolled out the e-Filing system
- Conducted training of the CUC members on AJS and e-Filing

### **32. KAJIADO COUNTY**

- Held a week-long AJS forum in Iloodokilani
- Improved staffing eg prosecutors posted to the court
- Improved the production and documents to the court
- Undertook Legal Awareness Week
- Launched e-Filing, data tracking dashboard, and cause list
- Improved the plea-taking process
- Undertook tree planting and children engagement activity
- Improved interagency collaboration
- Embraced innovation particularly the incorporation of stage numbers on boda bodas to help curb crime by boda boda riders
- Undertook smooth reintegration of children back into the community
- Disposed cases expeditiously

### **33. KERICHO COUNTY**

- Improved the Prison Department Operations
- Facilitated the resumption of Mobile Courts
- Enhanced security efforts within the court premises

- Embraced ADR in settlement of disputes
- Embraced ICT Connectivity

#### **34. BOMET COUNTY**

- Conducted open day to sensitize members of the public on agencies mandates as well as justice sector processes and initiatives eg succession, ADR, prosecution, and rights of litigants
- Conducted a tree-planting exercise
- Launched Children's Court CUC
- Sensitized the public on children's matters during the Child Justice Service Month
- Improved interagency collaboration

#### **35. KAKAMEGA COUNTY**

- Conducted a verification process at Butali and Mumias ELC
- NLC applauded CUC for cooperation
- Conducted clean-up exercise
- Undertook fencing of Kakamega forest
- Reduced illegal logging due to forest fencing
- Introduced new charges for persons entering closed areas without authorization
- Set up extension forest centers in every sub-county, availed polybags for seedlings and donated to private tree nurseries
- Published a report on the ELC Amendment Act 2023
- Introduced tree for life to the CUC Committee
- Conducted a successful Children's Service Month
- Conducted a successful visit to the Kakamega remand centre
- Reduced case backlog
- Improved interagency collaboration
- Improved the public waiting area as the benches were replaced
- Conducted Successful Children's Service Month in November
- Improved the production and submission of release orders to the prisons department
- Reduced incidences of mob-justice through awareness creation and action against perpetrators
- Conducted Sensitization of CUC members on e-filing

#### **36. VIHIGA COUNTY**

- Enhanced provision of social inquiry reports to assist court in determining appropriate decisions in sentencing
- Sensitized the public on topical issues
- Undertook a stop of inmates from being released without requisite orders
- Established a subcommittee for the training of mediators
- Scheduled a legal service week
- Conducted a correctional service week

### 37. BUNGOMA COUNTY

- Trained about 100 health workers on Sexual and Gender-Based Violence (SGBV)
- Established SGBV clinics in various facilities
- Established Children's Courts at Sirisia and Webuye stations
- Developed Infrastructure for a safe house at the Ndengelwa area in Bungoma South
- Sensitized clients and members of the public against bribing and using brokers

### 38. BUSIA COUNTY

- Revamped the court building
- Operationalised the small claims court at Busia Law Court
- Incorporated cashless payments
- Adopted AJS in dispute resolution
- Sensitized elders on AJS
- Consolidated feedback on ELC amendment bill 2023
- Undertook tree planting
- Conducted an open day

### 39. SIAYA COUNTY

- Conducted an AJS training
- Set up of children prosecution witnesses in Yala, Siaya, Bondo, and Aram
- Assignment of a probation officer in Madiany law courts
- Planned regional meetings
- Planned establishment of a child protection unit and gender desk at Yala police station
- Operationalised Mediation at Ukwala Law Courts Improved staffing at Ukwala Law Courts
- Increased uptake of ADR
- Improved Case Clearance Rate
- Participated in the launch of Ugunja Court
- Developed a comprehensive Child Protection Work Plan
- Promoted Mental Health Awareness
- Conducted a training and sensitization workshop on SGBV
- Established a Pro Bono Committee
- Adopted and operationalized e-filing

### 40. KISUMU COUNTY

- Conducted a Kisumu law court open day
- Alleviation of case registration at Tamu Law Courts
- Established a city court
- Resolved issue on prosecution counsels
- Embraced resolution of cases through Mediation
- Increased uptake of ADR

- E-filing rolled out
- Courts performance lauded
- Operationalized the Kisii sub registry
- Embraced Virtual hearings
- Enhanced uploading of judgments/rulings on CTS platform on the day of delivery
- Reduced case backlog and missing files
- Increased disposal rate of cases

#### **41. HOMA BAY COUNTY**

- Developed and implemented a work plan for the Children’s Unit Committee (CUC)
- Conducted a Children Service Month in November 2023
- Conducted virtual hearing procedures
- Undertook infrastructure development
- Adopted E-filing and digital processes within the court system
- Enhanced community engagement and awareness through prison visitations, school visits, and sensitization programs

#### **42. MIGORI COUNTY**

- Opened a bank account for the child protection unit
- Launched the small claims court
- Reduced FGM and other retrogressive cultural practices
- Sensitized remandees on plea bargaining and diversion
- Sensitized chiefs on the issues of Gender Based Violence, Sexual offences Act, Cap. 63A, land related issues and Succession
- Launched and operationalised E-Filing System
- Strengthened interagency collaboration on mining
- Increased Probation and Aftercare Services
- Enhanced law enforcement efforts on crackdown on illegal activities

#### **43. KISII COUNTY**

- Elders and mediators were commended for their good work

#### **44. NAIROBI COUNTY**

- Established the Nairobi Land Justice Working Group and the Nairobi Environment and Planning Working Group
- Conducted sensitization on the AJS model towards developing the Nairobi County Action Plan
- Undertook benchmarking with the Kajiado Cosmopolitan AJS Panel
- Participated in validation of E & L CUC Guidelines
- Undertook Child Justice Service Month and Open Day at Makadara Law Courts
- Enhanced partnerships & collaboration among stakeholders
- Created awareness about the Children Act 2022

- Undertook clearing backlogs on children's matters
- Promoted plea bargaining, and providing Pro Bono advocates for children
- Planned an Open Day at camp Toyoyo marking the culmination of children service month
- Coordinated the JKIA Law Courts Open Day, aimed at demystifying court procedures and enhancing public understanding of the judicial process
- Engaged with representatives from UNHCR and the Children Protection Unit, highlighting collaborative efforts to address issues related to refugees, asylum seekers, and child protection
- Increased referrals and supervision by the Probation Department
- Established Judiciary Desks at Huduma Centers to aid self-represented individuals, aiming to improve access to justice and streamline court procedures
- Enhanced judgments delivery, integrity and file management
- Trained Community Service Order (CSO) supervisors to address knowledge gaps and enhance capacity within the Probation Department
- Enhanced Coordination and collaboration among agency representatives

## 6.7 Achievements Realized by Tribunal's Users Committee

### Sports Disputes Tribunal

- Embraced ADR in resolving disputes and handled cases of doping expeditiously.
- Undertook sensitization in collaboration with the Anti-Doping Agency Kenya.
- Sensitized pro bono lawyers on issues of women and sexual harassment in sports.
- Sensitized advocates on prohibited substances, the WADA code, and ADAK rules.
- Engaged in forums to amend the Sports Act, Cap. 223 on jurisdiction issues and appeal mechanisms.

### Rent Restriction Tribunal

- Encouraged parties to adopt ADR and AJS for dispute resolution.
- Operationalized e-Filing and virtual hearing and procured laptops.
- Established e-Filing desk at the court to assist the public when faced with challenges.
- Conducted community awareness on the rent restriction and its processes.



Chapter

**7**

**JUSTICE SECTOR  
CAPACITY AND  
SUSTAINABILITY**





## 7.1 Introduction

The Justice Sector is heavily dependent on skilled and properly trained human resources to ensure effective service delivery. Additionally, efficient service delivery necessitates sufficient physical infrastructure and amenities. These factors require an environment characterized by high-level digitalisation to enhance efficiency and effectiveness. This chapter covers the human capital, infrastructure, and information communication technology (ICT) capacities of the justice sector and the National Council on the Administration of Justice (NCAJ) Secretariat.

## 7.2 Justice Sector Human Capital Resource Capacity

### 7.2.1 Human Capital Requirements and Recruitment in the Justice Sector

At the end of the review period, there were **46,707** staff in **19** selected justice sector agencies, which was **26 per cent** below the approved establishment of **62,993**. Agency-specific information is provided in Table 7.1.

**Table 7.1: Number of employees in select NCAJ Agencies, FY 2023/24**

Agency	Approved Establishment	Total Employee Complement (In-post)					Persons with Disability
		Female	Male	Intersex	Total	Gap	
1. Judiciary	10,111	3,427	3,459	0	6,886	32%	138
2. OAG & DOJ	1,709	696	473	0	1,169	32%	27
3. ODPP	2,428	755	659	0	1,414	42%	26
4. NPS	-	16,412	89,663	0	106,075	-	567
5. KPS	37,868	7,298	23,719	0	30,677	19%	92
6. IEBC	1,145	300	533	0	833	27%	9
7. PACS	2,462	1,072	885	0	1,957	21%	33
8. NTSA	-	299	438	0	737		11
9. EACC	1,508	307	449	0	756	50%	6
10. KNCHR	461	48	81	2	131	72%	2
11. NCLR	163	42	32	0	74	55%	3
12. NLAS	169	19	12	0	31	82%	0
13. CLE	87	21	19	0	40	54%	1
14. NCRC	134	9	14	0	23	83%	0
15. WPA	296	44	73	0	117	60%	0
16. IPOA	1,377	96	155	0	251	82%	8
17. CAJ	239	54	53	0	107	55%	2
18. DCS	2,280	568	525	0	1093	52%	15
19. State Dept. for Gender	208	102	98	0	200	4%	11
20. VPB	71	13	7	0	20	72%	0
Total*	62,993	15,350	31,695	2	46,707	26%	951

*This excludes data for the NPS since data for the approved establishment is not available*

The quest to appoint and retain qualified and competent staff continues to be at the forefront of the justice sector actors.

The number of employees recruited or appointed in select NCAJ Agencies in the FY 2023/24 is given in Table 7.2.

**Table 7.2: Employee recruitment and appointments, FY 2023/24**

Institution/Agency	Female	Male	Total	PWD
1. Judiciary	486	469	955	2
2. OAG & DOJ	45	30	75	0
3. ODPP	84	80	164	1
4. NPS	18	16	34	0
5. KPS	0	0	0	0
6. IEBC	0	0	0	0
7. PACS	237	163	400	13
8. NTSA	51	51	102	2
9. EACC	5	6	11	0
10. KNCHR	4	8	12	0
11. NCLR	0	2	2	1
12. KLRC	0	0	0	0
13. NLAS	0	0	0	0
14. CLE	4	4	8	0
15. NCRC	0	1	1	0
16. WPA	3	3	6	0
17. IPO	0	0	0	0
18. CAJ	10	6	16	0
19. VPB	3	0	3	0
20. DCS	30	20	50	0
<b>Total</b>	<b>980</b>	<b>859</b>	<b>1839</b>	<b>19</b>



*Induction programme for newly appointed Probation and Aftercare Services Officers*

## 7.2.2 Employees Succession Management in the Justice Sector

Effective succession management in the justice sector is crucial to ensure continuity of service delivery. Therefore, updating employee information by age for proper succession planning is vital.

Table 7.3 displays justice sector staff from select agencies categorized by age.

**Table 7.3: NCAJ agencies employees by age, FY 2023/24**

Institution/ Agency	Total	18-29 yrs.	30-39 yrs.	40-49 yrs.	50 and above
1. Judiciary	6,886	1,250	2,631	1,871	1,134
2. OAG & DOJ	1,071	95	450	306	220
3. ODPD	1,414	161	746	394	113
4. NPS	106,075	16,937	48,773	24,385	15,980
5. KPS	31,017	9,568	10,991	5,563	4,895
6. IEBC	833	8	250	312	263
7. PACS	1,957	210	999	405	343
8. NTSA	737	83	357	234	63
9. EACC	756	13	282	331	130
10. KNCHR	126	8	52	49	17
11. NCLR	74	4	26	38	6
12. KLRC	0	0	0	0	0
13. NLAS	30	0	19	10	1
14. CLE	40	2	17	16	5
15. NCRC	23	0	7	9	7
16. WPA	117	1	39	58	19
17. IPO	251	20	118	96	17
18. CAJ	107	2	49	48	8
19. SDG&AA	194	9	52	49	84
20. VPB	20	2	12	5	1
<b>Total</b>	<b>151,728</b>	<b>28,373</b>	<b>65,870</b>	<b>34,179</b>	<b>23,306</b>

Out of **151,728** employees from select agencies, **28,373** were aged between 18 and 29, while **65,870** were between 30 and 39. This indicates that most employees are youthful, which is ideal for succession planning. Additionally, **23,306** are above 50, pointing to the need to recruit new staff.

### 7.2.3 Exit from Service of Employees in the Justice Sector

A total of 2,239 employees exited the justice sector during FY 2023/24. Table 7.4 shows the details.

**Table 7.4: Exit from service of NCAJ agencies' employees, FY 2023/24**

Agency	Mandatory age	50-year Rule	End of contract	Death	Resignation	Dismissal	Transfer of Service	Total
1. Judiciary	68	0	2	21	52	12	0	155
2. OAG & DOJ	5	0	5	0	2	0	0	12
3. ODPP	7	1	0	3	12	1	52	76
4. NPS	818	20	0	398	152	80	0	1468
5. KPS	235	27	0	79	10	98	13	462
6. IEBC	2	7	3	0	18	15	0	45
7. PACS	28	2	1	2	24	0	5	62
8. NTSA	2	0	0	0	6	0	0	8
9. EACC	3	1	0	1	13	2	0	20
10. KNCHR	1	0	2	1	7	0	0	11
11. NCLR	0	0	0	0	2	0	0	2
12. KLRC	0	0	0	0	0	0	0	0
13. NLAS	0	0	0	0	0	0	0	0
14. CLE	0	0	0	0	4	3	0	7
15. NCRC	0	0	0	0	0	0	0	0
16. WPA	2	0	0	0	1	0	0	3
17. IPO	0	0	6	1	10	0	0	17
18. CAJ	1	0	0	0	3	0	0	4
19. SDG&AA	5	1	1	0	1	0	15	23
20. VPB	0	0	0	0	0	0	0	0
21. DCS	15	1	0	5	0	0	2	23
<b>Total</b>	<b>1192</b>	<b>60</b>	<b>20</b>	<b>511</b>	<b>317</b>	<b>211</b>	<b>87</b>	<b>2398</b>

From Table 7.4, 1,192 exited, having attained the mandatory retirement age as the main reason. Further, 511 exited by natural attrition, 317 through resignation, and 211 were dismissed on different grounds.

## 7.2.4 Human Resource Capacity Challenges and Recommendations

### Challenges

The following are some of the HR challenges that were reported to have been experienced in the justice sector during the period under review:

- Inadequate staffing.
- Escalating staff welfare and mental wellness concerns.
- Narrow salary bands with few incremental steps which hinder growth.
- Inadequate budget hampering the implementation of human capital-related initiatives.
- Reduced budget for medical insurance.
- Gaps in workflow upon staff exit due to poor succession planning.
- Limited office space.
- High employee turnover due to competitive attractions.
- Lack of requisite equipment necessary for office operation.
- Delays in decision-making on sensitive human resource matters.

### Proposed Recommendations

- Justice sector institutions to be allowed to recruit more staff.
- Institutions to establish counselling and psychology units with well-resourced staff.
- Review of the remuneration structure and expansion of salary bands.
- Increase the human resources budget, especially on the provision of medical insurance.
- Effective and efficient planning and implementation of the organizational structure.
- Promote continuous learning, training and professional development.
- Improve work environment conditions.
- Provide adequate office equipment and office space.
- Timely address human capital concerns.

## 7.3 Justice Sector Infrastructural Capacity

### 7.3.1 Infrastructural Improvement in FY 2023/24

To enhance the administration and access to justice, having adequate and conducive physical infrastructure for the justice system agencies is crucial. During the review period, diverse agencies made the following improvements in physical infrastructure.

- EACC commenced installation of lifts at the Integrity Centre to improve physical access.
- KNCHR established three new regional offices in Isiolo, Garissa and Kajiado.
- The Kenya Prison Service undertook the following structural improvements:
  - a) Construction of perimeter fences in 13 stations.
  - b) Drilling of boreholes in three stations.
  - c) Construction of prisoner's accommodation block in 4 stations.
  - d) Construction of Level IV hospital at Prison Staff Training College, Ruiru.
  - e) Construction of septic tanks in six stations.

- f) Construction and improvement of prison kitchen in 13 stations.
  - g) Construction of staff houses in 13 stations.
  - h) Backup solar system in one station through a development partner.
  - i) Construction of administration blocks in 13 stations.
- National Legal Aid Services rolled out NLAS services in the seven marginalized counties of Marsabit, Wajir, Mandera, Tana River, Garissa, Isiolo and Lamu.
  - The National Police Service undertook the following structural improvements:
    - a) Developed Police Land Infrastructure Documentation to avert encroachment in 10 stations.
    - b) Constructed new police stations in partnership with NGCDF in 15 areas.
    - c) Constructed perimeter walls to secure police facilities in ten stations.
    - d) Constructed social amenities to improve sanitation in eight stations.
    - e) Upgraded one police post to a police station.
    - f) Leased police offices to get closer to citizens in nine stations.
    - g) Constructed police houses with 68 units.
  - The Office of the Attorney General undertook the following:
    - a) Acquired more office space at pension towers.
    - b) Constructed regional offices at Kisii, Machakos and Malindi.
    - c) Refurbished Sheria House Offices to accommodate more staff.
  - The Department of Probation and After Care Service has completed the Construction of five office blocks and four probation hostel infrastructure.

### 7.3.2 Challenges on Infrastructure

The following infrastructural challenges were experienced in the justice sector during the period under review:

- Inadequate office space for staff creating uncondusive work environment.
- Budgetary inadequacies limiting the implementation of structural plans and completion of ongoing projects.
- Lack of sewerage system and water connection to support existing infrastructure.
- Encroachment and grabbing of justice sector office land.
- Limited government-owned buildings to cater for infrastructural needs.
- Inadequate support facilities for PWDs.

### 7.3.3 Recommendations on Infrastructural Improvement

- Increase the budget for the justice sector in the short-run to enable the acquisition of enough space for staff.
- Continuously engage the National Treasury and National Assembly for agencies seeking more funding allocation.
- Adopt water treatment and rain water harvest, where there is low water supply.
- Embrace Public Private Partnerships in infrastructure development programmes.
- Equip the newly acquired offices with all the necessary office equipment.
- Document all justice sector agencies land with assistance from relevant agencies.

- Conduct a thorough assessment of government buildings across the country to determine their suitability to hold critical offices.
- Build customized containerized offices as a short-term measure.
- Establish more offices to decentralise services.

## 7.4 Justice Sector ICT Capacity

Digitalization of justice sector operations ensures timely and accurate service delivery across all agencies. This section highlights the progress made in embracing ICT in justice sector operations and processes.

### 7.4.1 Review of Policy and Legal Environment for Justice Sector Digitalization

During FY 2023/24, the NCAJ Working Committee on ICT developed the draft of the justice sector ICT Action Plan. The Plan seeks to ensure, among other things, that NCAJ agencies' ICT systems interlink and that no agency is left far behind in embracing technology. The Plan will be finalised in FY 2024/25.



*Members of NCAJ Working Committee on ICT led by Hon. Justice Isaac Lenaola, Supreme Court Judge, during a working retreat in Nakuru between 26<sup>th</sup> and 30<sup>th</sup> September 2023.*

The NCAJ Working Committee on ICT engaged Konza Technopolis Development Authority, exploring using technology to enhance service delivery and expand access, data hosting & resource sharing strategies, knowledge sharing and advisory and facilitating IT partnerships between justice agencies and Konza firms. The Committee also held a consultative meeting with the team from Estonia on 26<sup>th</sup> April 2024 to discuss knowledge transfer arrangements and e-justice solutions on digitalization with the Republic of Estonia through the Estonian Centre for International Development.



*NCAJ Working Committee on ICT Engagement with the Estonian Team*

### 7.4.2 Acquisition of ICT Hardware in the Justice Sector

During the review period, NCAJ agencies acquired diverse ICT equipment. These comprised laptops, desktop computers, scanners, projectors, screens, photocopiers and printers, among other equipment. Table 7.5 provides detailed information for select NCAJ agencies.

**Table 7.5: ICT equipment acquired by justice sector agencies**

Institution	Laptops	Desktop Computers	Tablets	Printers	Scanners	Projector	Photo Copiers
Judiciary	365	550	4	0	0	0	0
CLE	0	0	9	0	0	0	0
DCS	0	0	0	0	0	0	0
ODPP	22	30	0	5	33	0	0
EACC	135	100	0	13	0	0	0
PACS	45	37	0	0	1	1	0
IEBC	0	30	0	18	0	0	0
IPOA	0	0	0	1	0	0	0
KNCHR	0	0	0	0	0	0	0
KPS	0	100	0	80	0	0	0
NCLR	4	4	0	2	0	0	0
NCRC	0	0	25	0	0	0	0
NLAS	50	0	0	0	0	0	0
NPS	11	500	0	21	0	0	71
NTSA	12	1	2	4	0	0	0
OAG &DOJ	91	194	0	10	0	0	4

Institution	Laptops	Desktop Computers	Tablets	Printers	Scanners	Projector	Photo Copiers
SDG&AA	8	8	0	2	0	0	0
VPD	0	0	0	0	0	0	0
WPA	22	20	0	5	1	0	0
<b>Total</b>	<b>765</b>	<b>1,544</b>	<b>40</b>	<b>161</b>	<b>35</b>	<b>1</b>	<b>75</b>

### 7.4.3 Acquisition of ICT Software and Development of Systems in the Justice Sector

During the period under review, various NCAJ agencies continued to develop their ICT systems and the acquisition of software. Some of these efforts are highlighted below.

- The Council for Legal Education (CLE) migrated its Servers to Konza Techno polis cloud, revamped its website and connected the E-board through Konza Technopolis for Council members’ meetings. It also developed a Quality Assurance and Management module in its system.
- The Directorate of Children’s Services (DCS) procured Antivirus software to protect laptops and computers. It also developed a five-functional Management Information System, a web-based system for child protection case reporting and case management.
- The Ethics and Anti-Corruption Commission (EACC) acquired a Call Centre to manage all the Commission’s communications. EACC further developed a Budget and Procurement System (Version 2) to automate budgeting, imprest management, and procurement processes.
- The Independent Electrical and Boundaries Commission (IEBC) developed and deployed an Inventory Management System to automate the Commission’s inventories and continued to support and maintain its Software systems, which included the KIEMS, Legal Case Management System, Candidate Registration System, and Human Resource Management systems, among others. The Commission also has continued to support and upgrade its security systems to protect the Commission’s data and infrastructure against unauthorized access.
- The Independent Police Oversight Authority (IPOA) developed the Enterprise Content Management (ECM) system, built on the Microsoft CRM platform, designed for efficient complaint management, investigation, inspection, and monitoring processes. It also developed an Enterprise Resource Planning (ERP) system on the Microsoft Dynamics platform that supports critical functions such as finance, procurement, and human resources, ensuring seamless integration and streamlined operations.

Kenya National Commission on Human Rights (KNCHR) renewed licenses for critical systems such as SMS, Toll-Free, and Mail Security. The availability of the systems has been vital in maintaining service delivery for all stakeholders, including the public. KNCHR development of the National Action Plan on Business and Human Rights and the *Haki na Ushirikiano* microsites (<https://bbr.knchr.org> and <https://ushirikiano.knchr.org>). The two sites have been crucial in enhancing the work being done among the communities in strengthening business and human rights as well as promoting refugees’ rights in the country.

The National Council for Law Reporting (NCLR) developed the Kenya Legislation Database (KLD), a system for publishing the Laws of Kenya and related material emanating from the National and County Assemblies. Further, it developed the Case Law Database (CLD), a system for publishing Judicial decisions emanating from the superior courts of record.

The National Crime Research Centre (NCRC) acquired software and developed online and offline data collection and digitization systems.

National Legal Aid Service (NLAS) acquired a case management system to manage clients and offer services efficiently.

The National Transport Safety Authority (NTSA) acquired the following software:

- a) Link Load Balancer, a software dealing with internet traffic generated being distributed between two Wide Area Network (WAN) links to improve accessibility to NTSA systems through the increase of response time and network latency being reduced. Bulk SMS Gateway solution to facilitate the Authority in remitting bulk SMSes and offering information through shortcodes and USSD requests.
  - b) Network Access Control is a security solution that enforces policies on devices that access the network to increase network visibility and reduce risk.
  - c) Zero-trust network architecture, an enterprise cybersecurity architecture based on zero-trust principles designed to prevent data breaches and limit internal lateral movements. It supports infrastructure devices such as servers, storage, and networks.
  - d) The Integrated Transport Management System (iTIMS, which is the core operational system of the Authority and is also used by the public to access services.
- The OAG & DOJ acquired 700 corporate antivirus licenses. It developed the Public Trustee operations and payment system to automate the payment process to the beneficiaries. The OAG&DOJ also developed the Ministers of Faith Management System licensing to license pastors and sheikhs who conduct marriages in Kenya as per the Marriages Act Cap. 150.
  - The office of the Director of Public Prosecution (ODPP) continued integrating the Uadilifu Case Management System into other stations. The system facilitates the filing and retrieval of documents to the court and the retrieval of case status and outcomes.
  - The Probation and Aftercare Service (PACS) procured assorted ICT Software accessories and anti-viruses.
  - The State Department of Gender and Affirmative Action (SDGAA) acquired 20 Kaspersky Antivirus software.
  - Witness Protection Agency (WPA) acquired the following software: MS SQL Server 5 Client access Licences, Antivirus software -150, VMware software, Document conversion software, Microsoft 365 licences, Zoom conferencing software, Statistical analysis platform, User and Windows server latest. The Agency also integrated with E-citizen - application for Protection.
  - The Judiciary activated the Electronic Filing System for all the 142 Courts Stations, deployed the Case Tracking System for all Registries in all 142 Court Stations, deployed the Cause List Portal for all Litigants to make the Court Diary Public and also deployed the ERP System for the Administrative Function Automation.

#### **7.4.4 Installation of Internet and Connectivity in the Justice Sector**

During the reporting period, various justice agencies installed and enhanced internet connectivity in their respective offices as follows:

- The Council for Legal Education (CLE) installed 100 Mb/s dedicated (CIR 1:1 contention ratio/ zero contention) Primary Internet bandwidth and 100 Mb/s dedicated (CIR 1:1) Secondary Internet bandwidth, 50 Mb/s dedicated bandwidth capacity between CLE and Konza Technopolis data centre.
- The Directorate of Children Services (DCS) upgraded the core internet/networking infrastructure at the headquarters through the ICT authority.
- The Ethics and Anti-Corruption Commission (EACC) acquired and installed SDWAN connectivity capabilities to provide network redundancy in all eleven regional offices.

- The Independent Electrical and Boundaries Commission (IEBC) continued to support and maintain internet and connectivity at the headquarters, 47 County offices, and all 290 constituency offices to ensure the efficient and effective delivery of electoral operations.
- The Judiciary maintained the internet connectivity in all the 142 Court Stations.
- KNCHR migrated to a new Internet Service Provider (ISP).
- KPS installed NSTS- Microwave link for the Prisons Headquarters and Kamiti Security Maximum Prisons.
- NCLR installed a 70Mbps fibre link at its Head Office, and a secondary 10Mbps link in case the primary link fails.
- The NPS connected to National Optic Fibre Backbone Infrastructure (NOFBI) and other internet connection sources.
- The OAG & DOJ acquired Safaricom Internet for 13 regional offices.
- PACS connected the internet to headquarters and some stations. Mapping up for the remaining stations was completed and is awaiting installation.
- The ODPP installed fibre in all main county offices.

#### 7.4.5 Installation of backup power supplies

The justice sector agencies embraced various methods to enhance power supply in their offices to support service delivery:

- CLE and DCS acquired backup generators to supply electrical power during blackouts, thus ensuring continuity of operations.
- The Judiciary acquired and deployed 37 generators and 40 End to End Solar Solutions at the Court stations.
- EACC acquired a new Uninterruptible Power Supply (UPS) to secure desktop computers, servers, network points, and other critical infrastructure from power surges, blackouts, and untimely interruptions. Additionally, the Commission has a generator at both the Head Office and Regional Offices.
- IEBC continued to service standby generators at the headquarters and county offices.
- KNCHR upgraded the Power Backup Solution, which ensured optimal performance and continued system availability.
- KPS continued to service existing generators at the Prisons Headquarters and Kamiti Security Maximum Prisons.
- NTSA installed generators and UPS at its data centres.
- WPA installed a Data centre with 6KVA power backup and desktop power backup units (60no).
- IPOA had four robust, heavy-duty, intelligent, Uninterruptible Power Supply (UPS) units, each with a capacity of 40 KVA at the data Centre at the Nairobi office and the Disaster Recovery Centre in the Nakuru region and a 60 KVA UPS, complemented by a reliable power generator at Nairobi regional office and in four out of the nine regional offices.

## 7.4.6 ICT System Integration in the Justice Sector

During the reporting period, the justice sector integrated their ICT systems with other agencies as outlined:

- CLE integrated its system with the Judiciary and Kenya School of Law.
- The IEBC voter registration system was integrated with the National Registration Bureau to verify citizen registration and identification.
- NTSA integrated its system with other government agencies, such as the Kenya Revenue Authority, Insurance Regulatory Authority, Kenya Copyrights Board, and Nairobi County.
- The ODPP made 30 per cent progress in integrating its Uadilifu system with the Judiciary's CTS.
- WPA has integrated its system with E-citizen.
- The Judiciary integrated the E-filing and case tracking systems which aims to:
  - a) Automate all the Manual processes of the Court Registries e.g. Making of Cause list, Date Fixing, Case Status, DCRT etc.
  - b) Provide timely performance statistics showing Court and Judicial Officer performance output.
  - c) Provide a platform for Judges and Judicial Officers access electronic Court Documents
  - d) Facilitate Tracking of Files and Introduce Efficiency in Registry Processes by all litigants.

## 7.4.7 Technical ICT Staff in the Justice Sector Agencies

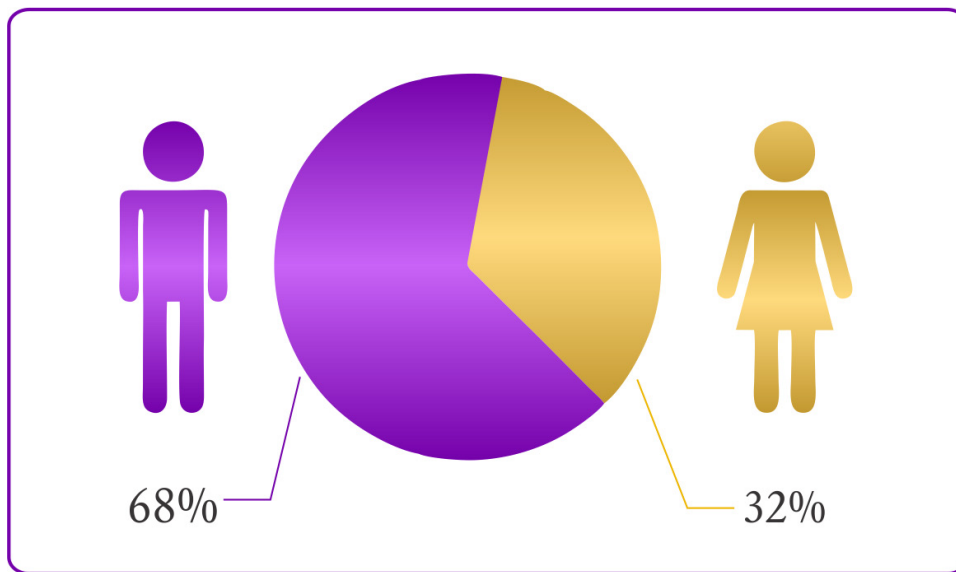
The number of ICT technical staff in the justice sector institutions directly affects the speed at which agencies adopt and implement ICT initiatives. Table 7.6 outlines the number of ICT staff in select NCAJ agencies during the reporting period.

**Table 7.6: Technical ICT employees in NCAJ Agencies, FY 2023/24**

Agency	Male	Female	Intersex	Total
1. OAG & DOJ	3	4	0	7
2. NCRC	0	2	0	2
3. NLAS	2	1	0	3
4. NTSA	21	6	0	27
5. WPA	2	3	0	5
6. Judiciary	110	37	-	147
7. IEBC	47	13	0	60
8. PACS	0	1	0	1
9. NPS	-	-	-	-
10. IPOA	6	1	0	7
11. KPS	150	100	0	250
12. CLE	1	1	0	2
13. KNCHR	2	1	0	3
14. ODPP	12	0	0	12
15. EACC	8	1	0	9

16.	KLRC	-	-	-	-
17.	NCLR	5	1	0	6
18.	NCRC	0	2	0	2
19.	NPS	6	1	0	7
20.	SDG&AA	2	2	0	4
21.	VPB	-	-	-	-
22.	DCS	5	1	0	6
<b>Total</b>		<b>382</b>	<b>178</b>	<b>0</b>	<b>560</b>

From Table 7.6, the listed justice sector agencies had **560** technical ICT employees, supporting over **154,840** employees collectively.



Technical ICT employees in NCAJ Agencies

#### 7.4.8 ICT Resource Challenges & Recommendations

##### A. Challenges

Justice sector agencies experienced diverse challenges in their quest to digitalise. Some of the notable challenges were:

- Inadequate funds to support and strengthen the ICT infrastructure.
- Low Capacity building of ICT personnel.
- Inadequate end-user devices and ICT equipment.
- System downtime has slowed down work processes, causing service delivery delays.
- Low integration of justice information systems with stakeholders.
- Budget constraints to fully implement the ICT strategies.
- Inadequate ICT technical staff.
- Rapidly advancing technology coupled with outdated ICT systems no longer supported or secure pose

significant challenges.

- Cyber security threats.
- Inadequate network infrastructure.
- Lack of ICT Policy for some agencies and the justice sector.
- Inadequate and fluctuating internet connectivity in some areas.
- Standardisation of technology for the Justice Sector

### ***B. Proposed Recommendations***

- Increase ICT budgetary allocation.
- Enhance backup internet services.
- Periodic Cyber Security awareness training
- Enhance capacity building of ICT staff.
- Facilitate end users with the necessary ICT tools.
- Upscale the integration of the ICT system within justice sector institutions.
- Implement existing institutional ICT strategies.
- Hire, train and deploy more ICT-skilled personnel.
- Make the ICT systems more robust and secure.
- Upgrade hardware and software to optimal standards and ensure compatibility between new and existing systems.
- Invest in modern, scalable ICT infrastructure and systems.
- Develop and implement ICT Policies and Plans.
- Expand internet connectivity.
- Establish a Resource Mobilisation Framework for the Sector (Similar to GJLOS).
- Establish the Sharing Framework.

## **7.5 NCAJ Secretariat Capacity**

### **7.5.1 NCAJ Secretariat Human Resource Capacity**

#### ***A. Staffing level***

Enhancing the NCAJ Secretariat’s staff capacity is crucial to supporting the Council Programs, working committees, and CUCs. During the reporting period, the Secretariat had **19 staff**, compared to the **15** it had in the previous financial year. **Table 7.7** illustrates the Secretariat’s staff establishment during the period under review.

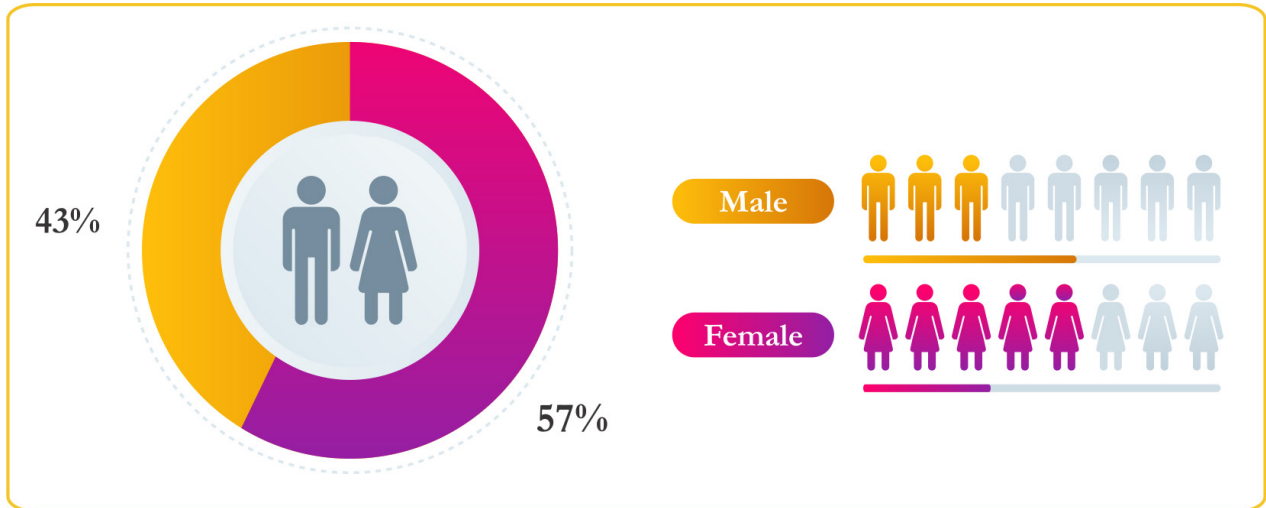
**Table 7.7: NCAJ secretariat staffing by department, FY 2023/24**

<b>Department/Unit</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>
Office of the Executive Director	1	2	3
Council Coordination	1	0	1
Criminal Justice Reforms*	3	0	3
Access to Justice for Vulnerable Groups	1	1	2
Court Users Committee	2	1	3

Human Resource and Administration	1	2	3
Finance and Accounts	1	1	2
Monitoring & Evaluation	1	0	1
Supplies Chain Unit	0	1	1
<b>Total</b>	<b>11</b>	<b>8</b>	<b>19</b>

*\*One embedded staff supported by a development partner*

The staffing distribution has embraced the two-third gender rule, with 57% being female and 43% male, as shown in Figure 7.2.



**Percentage composition of the NCAJ secretariat staff by gender**

### B. Skills Development

To improve efficiency, productivity and customer satisfaction experience at the Secretariat, 16 secretariat staff underwent a five-day ISO Quality Management system implementation and Internal Quality Audit Course facilitated by the Kenya Bureau of Standards (KEBS) between 19<sup>th</sup> and 22<sup>nd</sup> December 2023. Consequently, 11 staff members were certified as ISO 9001:2015 internal quality auditors, paving the way for the NCAJ Secretariat’s journey to ISO certification.

Further, to boost employee performance, seven staff members participated in various trainings. These included a First Aid, defensive, and refresher course for the two drivers; a procurement fraud masterclass workshop for the procurement staff; result-based monitoring and evaluation for one staff member; leading with emotional intelligence for one staff member; and conducting meetings and report writing for the two staff members.

### C. Academic Qualifications

Table 7.8 tabulates the academic qualifications of the staff deployed to the NCAJ secretariat.

**Table 7.8: Academic Qualifications for NCAJ secretariat staff, FY 2023/24**

Education Level	No. of Staff	Percentage (%)
PhD	1	5%
Master's Degree	4	21%
Bachelor's Degree	10	53%
Diploma	1	5%
O level and below	3	16%
<b>Total</b>	<b>19</b>	

### D. Internship and Attachment

The NCAJ provides three to six months of internship and attachment to students from various learning institutions to allow them to gain practical experience in their areas of study. During the reporting period, the Secretariat took up to eight students on internship and/or attachment. The students were attached to diverse departments during their respective internship periods.

### E. Enhancing Internal Policy Environment

During the reporting period, the NCAJ Secretariat communication strategy was finalised and approved by the Council for implementation. Subsequently, the Secretariat staff were sensitized.

### F. Performance Management

Performance Management Measurement Understanding (PMMU) is the primary tool for the overall NCAJ Secretariat performance. The performance targets were set and cascaded to individual employees using the Performance Appraisal System (PAS). To track and evaluate the performance of the staff against the set targets, all staff at the secretariat were under PAS, which was aligned with the Performance Management Measurement Understanding (PMMU).

### G. Improvement of Work Environment

In the reporting period, the Secretariat held a two-day team-building retreat. The retreat's main aim was to build synergies among themselves with the help of a professional team-building coach. This ensured that the spirit of teamwork was lived within the spheres of the staff and that they embraced strong synergies of work-life balance, thus having a conducive work environment.



*NCAJ secretariat staff during the team building exercise in Mombasa*

**H. Promoting a Healthy Work Environment**

Mental health awareness has taken centre stage in today’s work environment. In February 2024, the NCAJ Secretariat undertook various wellness medical tests through medical service providers who sensitised them on the prevention of lifestyle diseases. The staff were also taken through a mental awareness and work-life balance by a leading psychologist from the Chiromo Hospital in May 2024.



*NCAJ Staff undergoing the medical tests during a Wellness Session*

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### 7.5.2 NCAJ Secretariat Infrastructural Capacity

To ensure that the Secretariat continued to have a conducive and safe working environment that is easily accessible to its clients, stakeholders, and staff, NCAJ renewed its lease at the Mayfair Centre Building.

### 7.5.3 NCAJ Secretariat ICT Capacity

The Secretariat expanded its ICT infrastructure and Wi-Fi accessibility. A firewall was installed to monitor and control incoming and outgoing network traffic within the Secretariat and prevent unauthorized access. The resource centre was equipped with a stand-alone desktop for ease of access and classification of the publications received in the centres. A modern Smart TV was procured to enhance presentations.



Chapter  **NCAJ FINANCIAL  
RESOURCES AND  
UTILISATION**



Resource Gap for the Justice sector

Required Budget

Kshs  
331.4  
billion

Allocated Budget

Kshs  
192.2  
billion

Deficit

Kshs  
139.2  
billion

### 8.1 Introduction

The justice system requires adequate financial resources to support its institutions in fulfilling their mandates and providing high-quality services. Hence, continuously identifying and monitoring funding trends and dynamics within the justice sector is pivotal for effective program implementation, future planning, and budgeting. During the Financial Year (FY) 2023/24, the Government of Kenya, in collaboration with development partners, Civil Society Organisations (CSOs), and the private sector, funded various programs and activities for the National Council on the Administration of Justice (NCAJ) and its agencies. This chapter provides this information. Notably, an analysis of the financial resources of NCAJ agencies, especially state actors whose budgets are allocated through appropriations by the National Assembly, has been given. The chapter also delves into the financial requirements, allocation, gap, utilisation and mobilisation efforts in FY 2023/24. It concludes with a with an overview of financial constraints encountered and ensuing recommendations.

### 8.2 The NCAJ Budget Requirement, Allocation and Utilisation

The NCAJ budget supports the Council, Secretariat, CUCs and Working Committees. In FY 2023/24, the budget was developed, executed and accounted for within the Judiciary’s budgeting framework since NCAJ had no direct budgetary allocation from the National Treasury. As part of this process, the Secretariat submitted its Medium-Term Expenditure Framework (MTEF) Report, detailing resource needs and performance reviews. Based on the allocated budget ceiling, a final work plan and procurement plan for FY 2024/25 were prepared, covering priority programs for each Key Result Area (KRA) of the Strategic Plan 2021-2026.

#### 8.2.1 Budget Requirement Versus Allocation for the NCAJ

In FY 2023/24, NCAJ required a total budget of **KShs 512 million** to support its programs. An allocation of **KShs. 118.8 million** implied a funding gap of **KShs 393.2 million** that significantly constrained the implementation of critical programs, particularly reform initiatives. Figure 8.1 provides a trend of the resource requirements versus allocation for the NCAJ.

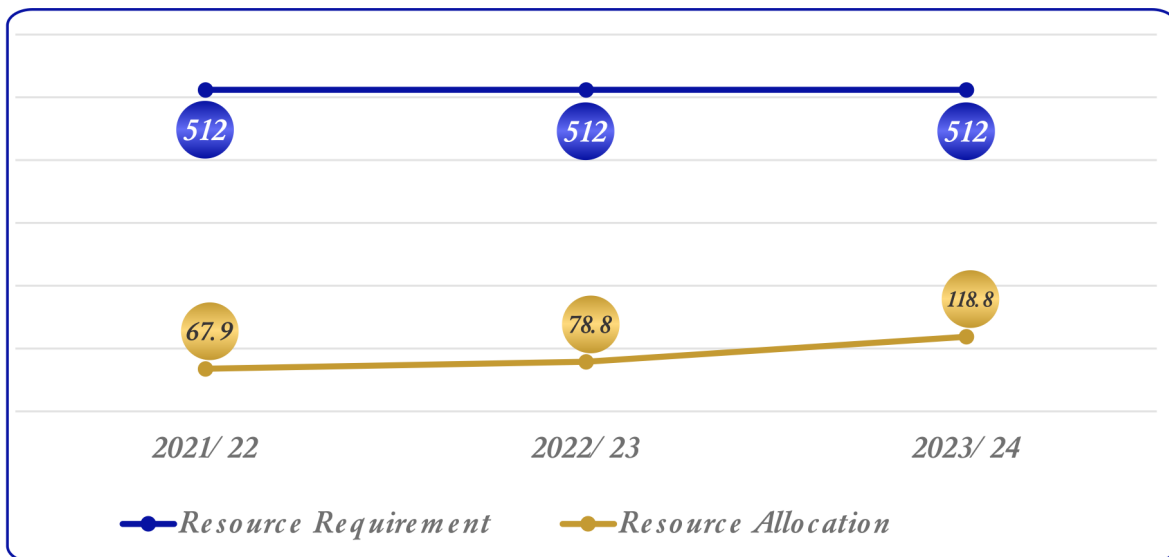
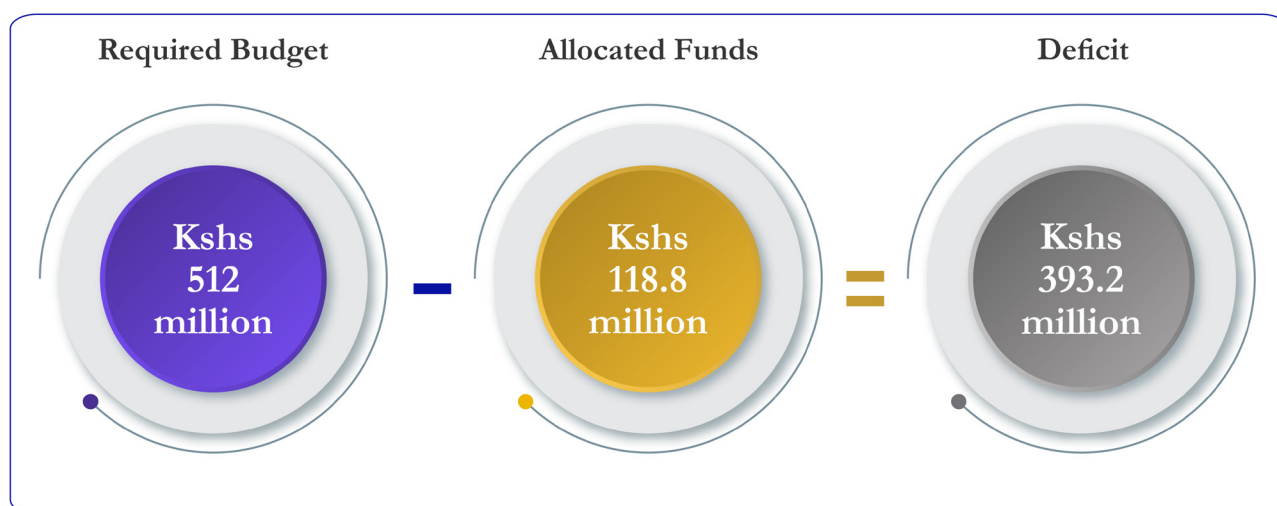


Figure 8.1: NCAJ Secretariat Funding Gap, FY 2021/22 to 2023/24 (KShs. Millions)

## Budget Requirement Versus Allocation for the NCAJ



As illustrated in Figure 8.1, the implementation of NCAJ programs over the past three years required an average annual budget of KShs 512 million. However, the average yearly allocation amounted to only KShs 88.5 million, resulting in a resource gap of KShs 423.5 million (83 Percent Gap). This substantial funding deficit adversely affected the effective administration of justice and the reform efforts within Kenya's justice system.

### 8.2.2 Budget Utilisation at NCAJ

Allocated funds are intended to be fully utilised to support the planned execution of strategies and programs. During the review period, NCAJ utilised a total of KShs 118.5 million, representing 99.8 percent of NCAJ's gross allocation. The expenditure was distributed across four main categories: Rent (KShs 9.7 million), Secretariat Operations and Maintenance (KShs 43 million), direct disbursements to CUCs (KShs 31.56 million) and estimated personnel emoluments (KShs 33.5 million). Table 8.1 provides a comparative analysis of NCAJ expenditures for FY 2022/23 and FY 2023/24.

**Table 8.1: Expenditure Analysis of the NCAJ budget, FY 2022/23 & FY 2023/24**

Item	FY 2022/23 (Kshs Millions)			FY 2023/24 (Kshs Millions)		
	Approved Budget	Actual Expenditure	Absorption	Approved Budget	Actual Expenditure	Absorption
Secretariat Office Operations	13.6	13.4	97%	44.03	43.74	99%
Office Rent	8.6	8.2	98%	9.72	9.72	100%
Direct Disbursements to CUCs	30	30	100%	31.56	31.56	100%
Personnel Emoluments	26.6	26.6	100%	33.5	33.5	100%
<b>TOTAL</b>	<b>78.8</b>	<b>78.2</b>	<b>99.2%</b>	<b>118.81</b>	<b>118.52</b>	<b>99.8%</b>

Table 8.1 illustrates an increase in budget absorption, rising from 99.2 percent in FY 2022/23 to 99.8 percent in FY 2023/24.

### 8.3 Budgetary Requirements, Allocation and Utilisation for NCAJ Agencies

In the context of national planning, budgeting and economic classification, the NCAJ agencies fall under the Governance, Justice, Law and Order (GJLO) sector. This section addresses the budgetary requirements, allocations, and utilisation for 19 NCAJ agencies whose programs primarily focus on administration and access to justice initiatives. It is important to note that while other NCAJ agencies also contribute significantly to the administration of justice, they allocate a substantial portion of their budgets to functions not directly related to administration of justice. Consequently, their financial information has been excluded from this analysis.

#### 8.3.1 Resource Requirements for NCAJ Agencies

In the year under review, the NCAJ agencies required KShs 331.4 billion for the implementation of administration of justice programs, an increase from KShs 293 billion in the previous period. This requirement included KShs 283 billion for recurrent expenditures and KShs 48.5 billion for development initiatives. Table 8.2 outlines the funding requirements for both recurrent and development expenditures for NCAJ agencies.

**Table 8.2: NCAJ Agencies Funding Requirements, FY 2023/24 (KShs Millions)**

Institution	Recurrent	Development	Total
1. Judiciary	35,814	7,360	43,174
2. Office of the Attorney General (OAG & DOJ)	6,366	285	6,651
3. Kenya Law Reform Commission (KLRC)	351	-	351
4. Victim Protection Board (VPB)	45	-	45
5. National Council for Law Reporting (NCLR)	451	-	451
6. Council for Legal Education (CLE)	384	-	384
7. National Legal Aid Service (NLAS)	43	-	43
8. Office of the Director Public Prosecutions (ODPP)	4,860	555	5,415
9. National Police Services (NPS)	156,112	32,823	188,934
10. Ethics and Anti-Corruption Commission (EACC)	5,445	582	6,027
11. Kenya Prisons Service (KPS)	51,184	2,699	53,883
12. Probation & Aftercare Services Department (PAC)	6,454	475	6,929
13. Witness Protection Agency (WPA)	1,108	-	1,108
14. Independent Police Oversight Authority (IPOA)	1,829	-	1,829
15. Kenya National Commission on Human Rights (KNCHR)	1,700	-	1,700
16. Commission on Administrative Justice (CAJ)	1,621	-	1,621
17. National Crime Research Centre (NCRC)	291	-	291
18. National Land Commission (NLC)	5,712	740	6,452
19. Directorate of Children Services (DCS)	3,210	2,940	6,150
Total	282,980	48,459	331,438

*Source: NCAJ analysis using data from the Agencies and National Treasury Sector Budget Proposal Reports*

From Table 8.2, the National Police Service (NPS) had the highest resource requirements, totaling to KShs. 188.9 billion (57%), followed by the Kenya Prisons Service (KPS) with resource needs of KShs. 53.9 billion and the Judiciary at KShs. 43 billion. The overall resource requirement for NCAJ agencies in FY 2023/24 was Kshs 331.4 billion, an increase from Kshs 292.7 billion in the previous year.

### 8.3.2 Resource Allocation for the NCAJ Agencies

The approved FY 2023/24 allocation for the NCAJ-listed agencies was Kshs. 192.2 billion and comprised of Kshs. 5.06 billion for development and KShs. 187.2 billion for recurrent expenditure. The details on resource allocation to NCAJ agencies for FY 2023/24 are provided in Table 8.3.

**Table 8.3: Budget allocation to the NCAJ Agencies, FY 2023/24 (KShs. Millions)**

Institution	Recurrent	Development	Total
1. The Judiciary	21,027	1,400	22,427
2. Office of the Attorney General	5,274	176	5,450
3. Kenya Law Reform Commission	330	-	330
4. Victim Protection Board	32	-	32
5. National Council for Law Reporting	445	-	445
6. Council for Legal Education	370	-	370
7. National Legal Aid Service	41	-	41
8. Office of the Director of Public Prosecutions	4,107	56	4,163
9. National Police Services	111,001	2,292	113,293
10. Ethics and Anti-Corruption Commission	3,916	68	3,984
11. Kenya Prisons Service	31,837	650	32,488
12. Probation & Aftercare Department	2,171	145	2,316
13. Witness Protection Agency	791	-	791
14. Independent Police Oversight Authority	1,054	-	1,054
15. KNCHR	540	-	540
16. Commission on Administrative Justice	730	-	730
17. National Crime Research Centre	212	-	212
18. National Land Commission	1,483	271	1,754
19. Directorate of Children Services	1,825	-	1,825
Total	187,186	5,058	192,244

*Source: NCAJ analysis using data from the National Treasury and Controller of Budget*

In FY 2023/24, NCAJ agencies received an allocation of KShs 192.2 billion, a decrease from KShs 199.8 billion in FY 2022/23. This represented a 4% reduction in the overall resource allocation.

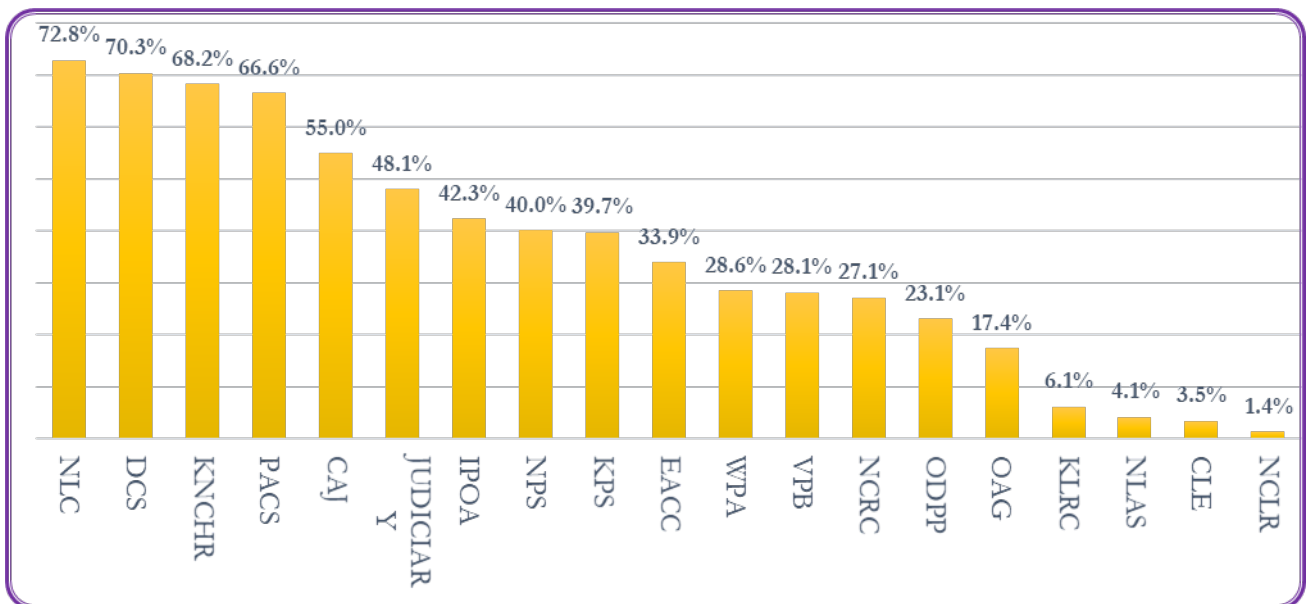
### 8.3.3 Resource Gap for the NCAJ Agencies

The approved total gross budget for NCAJ agencies for FY 2023/24 was KShs 192.2 billion, against the total National Budget of around KShs 4.4 trillion. This translates to a 4.3 per cent allocation of the total National budget. The comparison is highlighted in Table 8.4.

**Table 8.4: National budget Vs. NCAJ Agencies' budget, FY 2023/24 (Kshs. Billions)**

National Budget (KShs Billion)	4,430
NCAJ Agencies Budget (KShs Billion)	192.2
% Budget Allocation to select NCAJ agencies against the total National Budget	4.3%

During the review period, the overall resource requirement for select NCAJ agencies amounted to KShs 331.4 billion. However, the total allocated budget was KShs 192.2 billion, resulting in a funding deficit of KShs 139.2 billion (42%). Figure 8.2 illustrates the percentage funding gap for select NCAJ agencies in FY 2023/24.



**Figure 8.2: Percentage Funding Gap for Select NCAJ Agencies**

*Source: NCAJ analysis from Agency Submissions*

Figure 8.2 shows that the National Land Commission (NLC) reported the highest resource gap at 72.8 percent, followed by the Department of Correctional Services (DCS) at 70.3 percent, the Kenya National Commission on Human Rights (KNCHR) at 68.2 percent, and Probation and Aftercare Services at 66.6 percent. In contrast, the National Council on Law Reporting (NCLR), the Council of Legal Education (CLE), and the National Legal Aid Service (NLAS) reported the smallest resource gaps, at 1.4, 3.5, and 4.1 percent respectively. Overall, the deficits hindered the execution of key programs and activities in the administration of justice.

### 8.3.4 Broad Areas Adversely Affected by Budget Underfunding at NCAJ

The underfunding of the NCAJ and its agencies negatively affected various administration of Justice programmes in the FY 2023/24. Some of these programs include;

- Undertaking of reforms through the NCAJ Working Committees and other Agencies.
- Strengthening NCAJ Secretariat.
- Improving justice sector human resource capacity.
- Stakeholder engagement, civic education, public awareness, and public participation in reforms.
- Improving and modernizing the infrastructure.
- Enhancing access to Justice for vulnerable groups.
- Adoption and integration of ICT processes, procedures and systems.
- Strengthening investigations, prosecution and adjudication functions.
- Enhancing security for the Justice Sector Actors.
- Facilitating decongestion and prisoner rehabilitation and reintegration programmes.
- Undertaking and Coordinating service delivery initiatives like prison decongestion exercises.
- Provision of pro-bono legal services.
- Undertaking research and innovation towards justice sector emerging issues.
- Sustaining projects and programs that were previously funded by donors.
- Strengthening the justice sector monitoring and evaluation functions.
- Supporting the effective administration of Justice at the grassroots through the CUCs.
- Developing and implementing the Justice Sector Anti-Corruption Guiding Framework.
- Enhancing Witness and Victim Protection services.

### 8.3.5 Budget Utilisation by NCAJ Agencies

In FY 2023/24, the gross allocation towards the administration of justice through the select NCAJ agencies amounted to Kshs 192.3 billion, and the total expenditure amounted to Kshs 185 billion, recording an absorption rate of 96 percent. Table 8.5 shows the budget allocation and expenditure analysis by NCAJ agencies in FY 2023/24.

**Table 8.5: Analysis of expenditure by NCAJ Agencies, FY 2023/24 (KShs Millions)**

Institution	Budget	Expenditure	Absorption
1. The Judiciary	22,427	21,147	94%
2. Office of the Attorney General	5,450	5,353	98%
3. Kenya Law Reform Commission	330	329	100%
4. Victim Protection Board	32	32	100%
5. National Council for Law Reporting	445	435	98%
6. Council for Legal Education	370	370	100%
7. National Legal Aid Service	41	41	100%
8. Office of the Director Public Prosecutions	4,163	4,159	100%
9. National Police Services	113,293	112,956	100%
10. Ethics and Anti-Corruption Commission	3,984	3,827	96%
11. Kenya Prisons Service	32,488	27,757	85%
12. Probation & Aftercare Department	2,316	1,802	78%
13. Witness Protection Agency	791	791	100%
14. Independent Police Oversight Authority	1,054	1,036	98%
15. Kenya National Commission on Human Rights	540	529	98%
16. Commission on Administrative Justice	730	686	94%
17. National Crime Research Centre	212	212	100%
18. National Land Commission	1,754	1,696	97%
19. Directorate of Children Services	1,825	1,825	100%
Total	192,244	184,983	96%

*Source: National Treasury Budget Books, 2023/24, MDAs & Controller of Budget Report, August 2024*

The high absorption rate of 96 percent demonstrates that, despite ongoing challenges related to the Integrated Financial Management Information System (IFMIS) and delays in disbursement from the exchequer, the agencies' budgeting and work planning were realistic and effectively executed in alignment with their respective mandates. Furthermore, the high absorption rate indicates that the justice system can utilize a higher budget, if available, to further improve the delivery of its services.

## 8.4 Financial Challenges and Recommendations

### 8.4.1 Challenges

The implementation of the planned priority programs in Kenya's justice system in FY 2023/24 was affected by both recurring and emerging challenges. These challenges include:

- Insufficient budgetary provisions and unexpected budget cuts which hampered the implementation of programmes and response to the increased demand for services.
- Late and non-disbursements of the exchequer affected the commencement and completion of programmes, resulting to pending bills and stalling of programmes.
- The rise in operational costs such as rent, utilities, technology and other administrative costs strained agencies' budgets, limiting their ability to fund core mandates.
- Challenges on IFMIS slowed down operations due to system unplanned intermittent downtimes.
- Reduced or limited donor funding.

## 8.4.2 Recommendations

The following recommendations were made during the year under review and are deemed essential for supporting resource mobilization and utilization, thereby enhancing the administration of justice.

- Heightened engagement of the National Treasury and Parliament for more budget allocation especially on crucial reforms and core operational budget for NCAJ and its agencies.
- Establishing strategic partnerships with partners for increased funding. This may include diversifying the funding base by exploring alternative local and international funding sources.
- Increased collaboration with other organisations to share resources, knowledge, and expertise. Partnerships can help stretch limited resources and expand the reach of services.
- Conducting regular assessments of operational processes to identify areas where cost-efficiency can be realised to optimise resource use.
- Exploring innovative service delivery models such as online and virtual services, remote consultations and self-help resources to expand access to justice at the least cost.
- Revamping resource mobilisation strategies to bridge the existing financial gaps.
- Enhancing accountability by focusing on outcome measurement and reporting positive societal outcomes for enhanced financial partnership.
- Timely release of funds by the National Treasury for effective implementation of work plans.
- Upscaling investment in ICT to minimise operational costs and support service delivery.



**Chapter 9**  
**PRIORITY PROGRAMMES  
AND ACTIVITIES ON  
ADMINISTRATION OF  
JUSTICE FOR FY 2024/25**



Greening the justice system will be a top priority focusing on:





## **9.1 Introduction**

The NCAJ's mandate, as outlined in Section 35 of the Judicial Service Act, Cap. 8A and detailed in the NCAJ Strategic Plan 2021-2026, is to ensure a coordinated, efficient and consultative administration of justice, and reform of the justice system. This chapter outlines the priority programs for FY 2024/25. They are drawn from the NCAJ Strategic Plan 2021-2026, Council decisions, agency-specific strategic plans and priorities, and inputs from analysed CUC minutes.

## **9.2 Programmes and Activities on Council Coordination and Leadership**

The priority programs and activities aimed at strengthening coordination and leadership in the justice sector for FY 2024/25 are:

- Deepen partnerships and collaborations with Justice Sector Agencies.
- Engage stakeholders on the NCAJ Bill.
- Hold statutory NCAJ meetings and timely implement actions.
- Assess and deal with emerging issues that may affect the efficient administration of justice.
- Develop a justice sector ICT Governance Structure Framework or Action Plan.
- Sensitize the justice sector on the Standard Operating Procedures for undertaking Service Delivery Initiatives.
- Develop people-centred justice guide and study for Kenya's justice system.
- Engage and partner with diverse stakeholders for heightened technical and financial support.
- Update and harmonise existing operational manuals.
- Enhance public engagement and civic education.
- Strengthen complaints handling procedures and legal aid clinics.
- Partner with the Council of Governors in establishing legal resource centers.
- Strengthen Alternative Dispute Resolution Mechanisms.
- Engage the National Assembly in supporting the justice sector's legislative reforms.
- Strengthen *Mahakama Popote* and other service delivery innovations across the justice chain.

## **9.3 Programmes and Activities on Criminal Justice Reforms**

The key programs and activities scheduled for FY 2024/25 to advance criminal justice are:

- Lobby with the National Assembly on enacting the Penal Code Amendment Bill and the Criminal Procedure Code Amendment Bill.
- Develop the Anti-Corruption Guiding Framework (ACGF) for Kenya's justice system.
- Finalize guidelines for hearing corruption and economic crime cases in Magistrates Courts.
- Strengthen investigation and prosecution of corruption and economic crimes cases.
- Convene the National Criminal Justice Reforms Conference for the year.
- Sensitize the justice sector actors on the revised Sentencing Policy Guidelines (SPGs) 2023.
- Engage stakeholders in the revision of NPS Standing Orders.
- Finalise the training manual on handling youth in the Criminal Justice System.

- Conduct legal aid clinics in different parts of the country.
- Review Traffic Act and policies, develop guidelines on instant fines and processing of traffic cases and enhance public awareness on the effective administration of justice on traffic cases.
- Strengthen the resolution of disputes through Alternative Dispute Resolution Mechanisms.
- Implement Community Probation Volunteer Program.
- Enhance community justice dialogues between actors and ‘*Wanjiku*’.
- Undertake prisons decongestion and provide legal aid in prisons.
- Enhance awareness and intervention on emerging and pressing criminal justice issues, such as rights observance, constitutionalism, and victim protection.
- Enhance access to mental health services for employees, victims, accused persons and convicts.

#### 9.4 Programmes and Activities on Civil Justice Reforms

The priority programs and activities for the FY 2024/25 are as follows:

- Undertake a study or map priority civil justice reforms, align them with emerging realities of civil practice and develop an action plan.
- Initiate legal, policy and administrative reforms concerning civil justice covering among others, land justice, employment and labour justice, and handling of succession cases.
- Strengthen the NCAJ civil justice standing committee to reform the civil justice.
- Digitize the case management system within the OAG & DOJ to strengthen the defence of government in civil matters locally, regionally and internationally.
- Develop a strategy to ensure government agencies comply with court orders.
- Coordinate effective processing and dissemination of legal information on civil justice.
- Undertake civil justice service weeks, rapid result initiatives and active case management among other interventions to address civil case backlog.
- Prepare the 25th Annual Supplement of Laws of Kenya and National and County legislations.
- Publish Kenya Law Digests, specialized case digests and Annual Law Review Journal.
- Enhance the adoption of Alternative Dispute Resolution Mechanisms in the civil justice sector.
- Prepare periodic reports to treaty body mechanisms that Kenya is a party to.

#### 9.5 Programmes and Activities for Strengthening CUCs

The following programmes and activities will be prioritised in the FY 2024/25:

- Finalize and disseminate updated CUC Guidelines.
- Analyse administration of justice issues that may require reforms from CUCs minutes of the FY 2023/24 and present to the Council.
- Sensitize CUCs on some of the emerging issues from the FY 2023/24 CUC reports.
- Finalize the development of Monitoring and Reporting System for CUCs and train users.
- Undertake Spot checks on operations, programmes and emerging issues.
- Increase the establishment of CUCs in court stations up to six (6) per cent and appraise them on expectations and operations.
- Increase the frequency of CUC forums or meetings held nationally by 10 per cent.
- Engage partners in the justice sector to address specific rights issues.

- Expand commercial court services to handle the growing number of business-related disputes.
- Promoting the use of Alternative Dispute Resolution (ADR) for expeditious resolution of business disputes, especially for SMEs.
- Support the capacity building and convening of CUCs.
- Develop a National Strategy for CUCs.
- Train National Government Administration Officers (NGAO) on emerging justice sector issues.
- Establish gender-specific and child-holding cells in courts and police stations.
- Coordinate the undertaking of Service Delivery Initiatives (SDIs) on different thematic areas including environment and land, child justice, succession matters, commercial justice, employment and labour relations, among others.
- Monitor the activities of CUCs to assess compliance with mandate delivery.

## 9.6 Programmes and Activities for Enhancing Access to Justice for Vulnerable Groups

The following programmes will be prioritised to enhance access to justice for vulnerable groups in the FY 2024/25:

### *Enhancing administration and access to justice on Sexual and Gender-Based Violence*

- Develop a policy on the prevention and response to SGBV.
- Establish safe houses for victims of SGBV.
- Implement diverse recommendations of the SGBV Conference Report.
- Develop an Amendment Bill of the Sexual Offences Act.
- Develop a Justice Sector Strategy on SGBV.

### *Enhancing administration and access to justice for children*

- Gazette and implement Rules and Regulations on the Children Act, Cap. 141.
- Undertake sector-wide sensitization on the Children Act, Cap. 141, the Report on Budgeting for Children, Children's Rights, Throughcare and Aftercare Guidelines for Children in Statutory Institutions and Online Child Sexual Exploitation and Abuse.
- Implement the recommendations on the National Strategy on Justice for Children.
- Develop a national framework for the diversion of children in conflict with the law in Kenya.
- Develop guidance on the Examination of Children in the justice system.
- Hold the Annual National Child Justice Service Month and Summit.
- Undertake child justice research and develop a child justice case digest.
- Train children officers on the Child Protection Information Management System.
- Strengthen Child Protection Units (CPUs) and Child-Friendly courtrooms.
- Develop an age-assessment guide for children in the justice sector.

### *Cross-cutting priorities for enhancing the administration of justice for vulnerable persons*

- Raise awareness of the need to observe human rights for vulnerable persons.
- Train the justice actors on handling vulnerable persons, including trauma-informed care.
- Provide legal aid to indigent, vulnerable and marginalised persons.
- Strengthen the provision of pro-bono services for vulnerable groups in the justice system.

- Conduct a needs assessment for vulnerable groups, including fact-finding missions, investigations and rescues of vulnerable groups.
- Provide psychosocial support to vulnerable groups.
- Support clients and employees with special needs in the justice system.
- Conduct advocacy forums on special interest groups and human rights.
- Train paralegals on access to justice for vulnerable and marginalised groups.

## 9.7 Programmes and Activities on Justice Sector Monitoring and Evaluation

The following programmes will be prioritised to enhance the justice sector monitoring, and evaluation:

- Finalise and disseminate the Standard Operating Procedures (SOPs) for undertaking justice sector Service Delivery Initiatives (SDIs), and sensitise agencies.
- Prepare the Annual Administration of Justice in Kenya Annual Report for FY 2023/24 and regularly appraise the Council on progress.
- Finalise and disseminate the Strategic Guiding Framework for Greening Kenya's Justice System and study, and sensitise agencies on climate action, sustainability and greening.
- Undertake justice sector clients satisfaction survey to enhance accountability to *wanjiku*.
- Organise justice sector M & E and data-sharing conference.
- Train NCAJ Secretariat staff on monitoring, evaluation and data analysis.
- Conduct periodic research on diverse emerging issues in the administration and access to justice.
- Develop justice sector monitoring, evaluation, learning and performance guidelines.
- Monitor and report on implementation of the NCAJ Strategic Plan (2021-2026).

## 9.8 Programmes and Activities on Capacity Improvement in the Justice Sector

To enhance the justice sector capacity to effectively deliver services to Kenyans, the following priority areas will be targeted:

### *Strengthening Human Resource Capacity*

- Increase capacity building for justice sector employees on emerging issues to enhance their skills, expertise, and competencies.
- Review and align career progression guidelines to foster strategic career development for justice sector employees.
- Recruit, train and provide essential physical infrastructure and ICT equipment to NCAJ secretariat's staff to improve their capabilities and support to the Council.
- Recruit adequate staff for the justice sector agencies.
- Enhance employee compensation and retention measures.
- Revamp welfare programs to increase justice sector employees' motivation.

### *Improvement of ICT Capacity*

- Develop and implement sectoral ICT policies and plans.
- Integrate ICT Systems among the various justice sector institutions.
- Upgrade existing software with new technologies like AI.
- Roll out the Enterprise Resource Planning (ERP) system in justice sector agencies.

- Upgrade internet services by adopting fibre services.
- Monitor, upgrade and improve ICT systems and operations for the agencies.
- Make the ICT systems more robust and secure.
- Upgrade storage servers and backup for justice sector agencies.
- Purchase computers, laptops, printers, scanners and photocopiers for the employees.
- Create a justice sector ICT curriculum to build the capacity of justice sector actors.
- Develop guidelines for the use of technology in the delivery of justice.
- Coordinate the uptake of technology within the justice sector.
- Develop a monitoring framework for implementing ICT guidelines across the justice sector.
- Initiate the development of a digital evidence management system in the justice sector to secure evidence, its storage, and transmission.
- Strengthen public awareness of ICT adoption, including e-filing and virtual attendance at justice sector agencies' offices.

### *Improvement of the Physical Infrastructure*

- Increase budgetary allocation for constructing new infrastructure, upgrading existing facilities, procuring motor vehicles and other essential amenities.
- Complete ongoing constructions in various justice sector institutions and build customised containerised offices as a short-term measure.
- Engage the National Treasury and National Assembly on additional funding to support infrastructural improvements.
- Embrace Public Private Partnerships in infrastructure development programs.
- Equip the newly acquired offices with all the adequate office equipment.
- Document all justice sector agencies' land with assistance from relevant agencies.
- Assess government buildings across to determine their suitability to hold critical offices.
- Establish more offices to decentralise services.

## **9.9 Programmes and Activities for Enhancing the NCAJ and Justice Sector Financing**

Inadequate financial resources for justice sector institutions remain a major bottleneck to programme uptake and implementation. In FY 2024/25, the following actions will be undertaken to augment budget deficits and associated challenges:

- Analyse the financial requirements and shortfall for the justice sector and engage the National Treasury and JLAC on increasing NCAJ funding.
- Engage diverse partners on the potential and continued partnership in the administration of justice initiatives, primarily technical, programmatic and financial support.
- Finalise the development of the NCAJ Resource Mobilization Strategy and train the NCAJ secretariat on resource mobilisation.

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## 9.10 Conclusion

The NCAJ and its agencies made significant progress in the administration and access to justice in FY 2023/24. However, several challenges were experienced, including delays in the criminal justice system processes, particularly the investigation, prosecution and trial and overcrowding of prison facilities. Other challenges include low integration of justice sector systems, insufficient office space and inadequate staffing and budget. To address these challenges, the NCAJ aims to upscale its coordination mechanisms and reform agenda. With sufficient funding and strengthened partnerships and collaboration, NCAJ and its agencies are optimistic and committed to achieving the FY 2024/25 goals.



**APPENDICES**





**APPENDICES**



## Appendix 1: Highlights of the mandate of select NCAJ member agencies

INSTITUTION	MANDATE
The Judiciary	Established under Article 159 of the Constitution of Kenya and conferred with Judicial authority exercisable by Courts and Tribunals on behalf of the people of Kenya. It adjudicates disputes between parties, interprets laws, and ensures the fair and equitable administration of justice throughout Kenya.
Office of the Attorney General and Department of Justice (OAG&DOJ)	The Office of the Attorney General is established by Article 156 of the Constitution and is further defined by the Office of the Attorney-General Act, Cap 6A Laws of Kenya. It acts as the government's chief legal advisor, promoting the rule of law, protecting public interests, and representing the government in legal matters.
National Police Service (NPS)	The NPS is established by the Constitution, the National Police Service Act, Cap 84, and the National Police Service Commission Act, Cap 85, Laws of Kenya. The service maintains public safety, enforces laws, and protects human rights. Its responsibilities include safeguarding Kenya's territorial integrity, citizens, property, and national interests.
Office of the Director of Public Prosecutions (ODPP)	The ODPP operates under the authority granted by Article 157 of the Constitution. Its primary mandate is to initiate and undertake criminal prosecutions on behalf of the state and make the decision to charge.
State Department for Correctional Service, <i>Kenya Prisons Service (KPS)</i>	The KPS is established under the Prisons Act, Cap 90 and the Borstal Institutions Act, Cap 92, Laws of Kenya. Operating under the Ministry of Interior and Coordination of National Government, its primary function is to confine and rehabilitate offenders. This service plays a crucial role in Kenya's criminal justice system by containing and reforming individuals who have violated the law.
State Department for Correctional Service ( <i>Probation and Aftercare Service (PACS)</i> )	PACS is established under the Probation of Offenders Act, Cap 64 and Community Services Orders Act, Cap 93. It is mandated to manage the rehabilitation and reintegration of offenders serving non-custodial sentences in the community. It provides advisory reports to courts to inform decisions on bail, sentencing and pre-release matters.
Ethics and Anti-Corruption Commission (EACC)	Established under Section 3 (1) of the Ethics and Anti-Corruption Commission Act 2011, pursuant to Article 79 of the Constitution, to combat and prevent corruption, economic crime and unethical conduct through law enforcement, prevention, public education, and promotion of standards and practices of integrity, ethics and anti-corruption.
Witness Protection Agency (WPA)	The WPA is created under Section 3A (1) of the Witness Protection Act, Cap 79 Laws of Kenya. The agency is responsible for protecting and assisting witnesses and whistle-blowers who are in danger as a result of their cooperation in criminal proceedings to ensure their participation in the justice system without fear of harm or intimidation
Kenya National Commission on Human Rights (KNCHR)	KNCHR is an autonomous national human rights institution established by the Constitution and further defined by the Kenya National Commission on Human Rights Act, Cap 71 Laws of Kenya. Its primary mission is to promote and protect human rights in Kenya through various means, including monitoring, conducting investigations and advocacy.

Commission on Administrative Justice (CAJ)	CAJ, also known as the Office of the Ombudsman, is a constitutional body in Kenya established under Article 59 of the Constitution and the Commission on Administrative Justice Act, Cap 7J Laws of Kenya. Its primary function is to enhance and safeguard administrative justice in the country. The Commission achieves this by addressing issues of maladministration within the public sector through various means, including investigations, alternative dispute resolution and advocacy.
National Land Commission (NLC)	The NLC is a constitutional body established under Article 67 of the Constitution, with its functions further defined by several acts. The Commission plays a crucial role in Kenya's land governance system, primarily focusing on investigating and resolving land-related disputes. Additionally, it is responsible for recommending land policies to the government, aiming to improve land management and address historical land issues in the country.
Law Society of Kenya (LSK)	The LSK is a professional organization comprising practising advocates established under the Law Society of Kenya Act, Cap 18 Laws of Kenya. It plays a vital role in Kenya's legal system, with its members representing individuals in court during litigation processes, thereby contributing to advancing the rule of law. Beyond courtroom representation, the LSK is instrumental in developing legal policies, promoting professionalism within the legal field, and assisting the public on law-related matters.
State Department for Gender & Affirmative Action	The State Department for Gender and Affirmative Action is under the Ministry of Gender, Culture, the Arts, and Heritage. It plays a cardinal role in realising gender equality and empowering women and girls across Kenya.
Ministry of Labour and Social Protection	The Ministry handles labour disputes by ensuring the cooperation of workers, trade unions and employers and adherence to provisions of the labour laws.
Directorate of Children Service	The Directorate of Children Services is mandated to safeguard the rights and welfare of Children in Kenya. It investigates, assesses, and prepares social inquiry reports as per the Children Act, 2022 and other laws, following the court's directions and safeguarding the child's welfare.
State Department for Environment and Climate Change	The State Department for Environment and Climate Change, under the Ministry of Environment, Climate Change and Forestry, is mandated to conserve, protect, and sustainably manage the environment and natural resources to support Biodiversity and Socio-Economic transformation.
Private Sector	The private sector is represented at NCAJ by the Kenya Private Sector Alliance (KEPSA) and the Kenya Association of Manufacturers (KAM). The role of the private sector is to partner with state agencies in advancing the rule of law and ensuring that the interests of the private sector are catered for in the administration of justice.

## Appendix 2: Highlights of the Terms of Reference for the NCAJ Working Committees

### 1) Highlights of TORs for the NCAJ Civil Justice Reforms Committee

- a) Identify, review, and formulate policy, legal and institutional recommendations necessary for better functioning of the civil justice system in Kenya.
- b) Establish and design mechanisms to ensure that Kenya's civil justice system operates in a manner consistent and compliant with the provision of the Constitution.
- c) Identify legal, institutional, administrative, and financial barriers that impede the efficient functioning of the civil justice system and recommend interventions.
- d) Formulate and review laws on efficient administration of civil justice.
- e) Enhance inter-agency collaboration on the efficient administration of civil justice and ensure its effectiveness in serving the Kenyan public.
- f) Oversee the implementation of the recommendations of various strategic publications by NCAJ on Civil Justice Sector reforms.
- g) Oversee the undertaking of studies to deepen, expand and advise the efficient administration of civil justice.
- h) Sensitise relevant stakeholders and engage the public on civil justice reforms.

### 2) Highlights of TORs for the NCAJ Committee on Criminal Justice Reforms (NCCJR)

- a) Identify and formulate policy, legal and institutional recommendations necessary for better functioning of the criminal justice system in Kenya.
- b) Establish and design mechanisms to ensure that Kenya's criminal justice system operates in a manner consistent and compliant with the provisions of the Constitution.
- c) Identify legal, institutional, administrative, and financial barriers that impede the efficient functioning of the criminal justice system and recommend interventions.
- d) Support inter-agency collaboration and cooperation to make the criminal justice system effective in serving the Kenyan public.
- e) Review laws and policies that criminalize petty offences and make recommendations on their decriminalization and reclassification.
- f) Formulate and review laws that would render efficient administration of criminal justice in compliance with the provisions of the Constitution.
- g) Oversee the implementation of the recommendations of various strategic publications by NCAJ on Criminal Justice Sector reforms.
- h) Enhance administration and access to criminal justice.
- i) Oversee the undertaking of studies to deepen, expand and advise the efficient administration of criminal justice.
- j) Sensitise stakeholders and the public on the criminal justice reforms.

### 3) Highlights of TORs for the NCAJ Committee on Anti-Corruption

- a) Review previous reports on anti-corruption in the criminal justice sector and make recommendations as appropriate.
- b) Identify the challenges in the fight against corruption and make recommendations.
- c) Propose mechanisms for efficient and effective investigations, prosecution, and adjudication of corruption cases.
- d) Recommend prioritized thematic approaches in the fight against corruption.

### 4) Highlights of TORs for the NCAJ Committee on Traffic Issues

- a) Advise and make proposals on efficient administration of justice on traffic offenses.
- b) Explore and advise on the reclassification and decriminalisation of minor traffic offences.
- c) Review traffic laws and guidelines, and develop traffic information handbook.
- d) Prepare guidelines on the use of technology in the management of traffic offenses.
- e) Enhance information sharing of traffic offenders among the justice sector actors.

### 5) Highlights of TORs for the NCAJ Committee on Review of Laws and Policies on SGBV

- a) Review of the Sexual Offences Act (SOA, Cap. 63A) and other laws on sexual and gender-based violence (SGBV).
- b) Review and oversee the implementation of policies, guidelines, rules, and strategies related to the efficient administration of justice for the SGBV.
- c) Engage all relevant actors in the development of laws, policies, guidelines, and strategies on sexual offenses and gender-based violence.
- d) Develop rules on victim protection under SGBV for the efficient administration of justice.
- e) Identify areas of inter-agency collaboration and cooperation that would make lead to efficient operationalization of the Sexual Offences Act, Cap. 63A, policies, and guidelines for effective service to the public.
- f) Monitor the prevalence of SGBV and the effectiveness of the control measures and advise the Council.
- g) Disseminate information to relevant institutions, including the public through the Council for action.
- h) Oversee and standardize the sensitization and training programmes related to the SOA and other laws on SGBV, and the sexual offences policies and guidelines.

### 6) Highlights of TORs for the NCAJ Committee on Child Justice

- a) Formulate and review laws and policies relating to the efficient administration of justice for children.
- b) Implement, monitor, evaluate and review strategies for the administration of justice for children matters.
- c) Establish and promote inter-agency collaboration and co-operation on efficient administration of child justice.
- d) Identify legal, institutional, administrative, and financial barriers that impede the efficient administration of child justice and make recommendations to the Council.
- e) Promote social transformation through access to justice for children.
- f) Initiate and oversee the implementation of standards on the quality of child care and infrastructure.

- g) Mobilize resources for the efficient administration of justice for children.
- h) Organize and engage stakeholders on emerging issues relating to child justice.
- i) Oversee the implementation of the recommendations of various strategic publications by NCAJ on issues relating to child justice.
- j) Oversee the undertaking of studies to deepen, expand and advise the efficient administration of justice for children.
- k) Carry out such other functions as may be assigned by the Council.

#### **7) Highlights of TORs for the NCAJ Committee on ICT**

- a) Identify legal, institutional, administrative, and financial barriers that impede ICT uptake within the justice sector and make recommendations to the Council.
- b) Assess and advise the Council on the ICT infrastructure required in Kenya for the effective and efficient administration of justice.
- c) Identify and advise the Council on the progressive attainment of seamless interagency linkages on administration and access to justice through technology.
- d) Oversee and guide joint and justice agency-specific capacity building on ICT.
- e) Oversee compliance with ICT guidelines in the justice sector.
- f) Oversee the implementation of the recommendations of various strategic publications by NCAJ on justice sector ICT needs in Kenya.
- g) Conduct continuous audits of ICT capabilities within the different NCAJ agencies and make recommendations to the Council.
- h) Oversee the undertaking of studies to deepen, expand, and advise the efficient use of technology in the administration of justice.
- i) Ensure that ICT systems being developed from time to time by NCAJ agencies interlink, and that no Agency is left far behind in embracing the use of technology.
- j) Carry out such functions as may be assigned by the NCAJ.

## Appendix 3: Achievements in Greening the Justice System, FY 2023/24.

### Functional Greening

AGENCY	GREENING ACTIVITY/ACHIEVEMENT
ODPP	<ul style="list-style-type: none"> <li>Embraced alternatives to prosecution by prioritising restorative justice as opposed to retributive justice with prosecutors expected to apply diversion and plea bargaining for environmental crimes</li> <li>Collaborated with National Environment Management Authority, Kenya Wildlife Services, Kenya Forest Service, Kenya Revenue Authority, Asset Recovery Agency, and Directorate of Criminal Investigations to effectively prosecute environmental crimes</li> <li>Established Land, Environmental and Maritime Division for specialised prosecution of environment cases</li> </ul>
SDGAA	<ul style="list-style-type: none"> <li>Established a climate change unit to specialize on environmental issues</li> </ul>
KPS	<ul style="list-style-type: none"> <li>Empowered 5,000 inmates in tree-nursery planting and reintegration into the community while promoting sustainable environmental practices</li> <li>Collaborated with stakeholders like the Kenya Forest Service, Kenya Forestry Research Institute, and Kenya Water Towers Agency to plant trees and distribute seedlings, reinforcing environmental stewardship for inmate rehabilitation</li> </ul>
KNHCR	<ul style="list-style-type: none"> <li>Monitored compliance with human rights on climate change in 4 counties</li> </ul>
WPA	<ul style="list-style-type: none"> <li>Upscaled special protection of witnesses in environmental crime cases</li> </ul>
PACS	<ul style="list-style-type: none"> <li>Provided free labour to produce seedling and plant trees through the Community Service Orders Offenders</li> </ul>
KEPSA	<ul style="list-style-type: none"> <li>Encouraged businesses to adopt eco-friendly practices</li> </ul>
CAJ	<ul style="list-style-type: none"> <li>Resolved complaints on climate and environmental injustices</li> <li>Established capacity-building programs under the Financing Locally-Led Climate Action (FLLoCA) to improve county governments' complaint handling and resolution of climate injustice cases</li> </ul>

### Physical Greening

AGENCY	GREENING ACTIVITY/ACHIEVEMENT
ODPP	<ul style="list-style-type: none"> <li>Embraced the use of renewable Energy through the installation of solar panels in Wajir</li> </ul>
KPS	<ul style="list-style-type: none"> <li>Built compost pits for the preparation of compost manure to reduce the use of chemical fertilizers</li> </ul>
SDGAA	<ul style="list-style-type: none"> <li>Planted 140,000 trees in Egerton, Kakamega, Ngong Hills and Kwale</li> </ul>
DCS	<ul style="list-style-type: none"> <li>Participated in tree planting</li> <li>Reduced carbon emission by using energy-saving jikos and bio-gas in some of the statutory institutions</li> </ul>
NLAS	<ul style="list-style-type: none"> <li>Planted trees at Kona Baridi forest</li> <li>Planted trees in 2024 to commemorate Legal Aid Day</li> </ul>
CLE	<ul style="list-style-type: none"> <li>Planted 5,000 tree seedlings</li> </ul>
LSK	<ul style="list-style-type: none"> <li>Planted trees initiative as part of LSK</li> </ul>

NTSA	<ul style="list-style-type: none"> <li>Planted 250,999 trees</li> </ul>
CSO Program	<ul style="list-style-type: none"> <li>Planted 120,000 trees</li> </ul>
PACS	<ul style="list-style-type: none"> <li>Produced 276,003 tree seedlings</li> <li>Planted 618,447 trees</li> <li>Landscaped and beautified office surroundings and hostels</li> <li>Established a fruit orchard in Kisumu station</li> </ul>
ICJ	<ul style="list-style-type: none"> <li>Installed energy-efficient lighting and solar panels in office buildings</li> </ul>
IPOA	Participated in tree-planting days in 13 <sup>th</sup> November 2023 and 24 <sup>th</sup> May 2024
IPOA	<ul style="list-style-type: none"> <li>Participated in the tree planting</li> </ul>
IEBC	<ul style="list-style-type: none"> <li>Planted 1,100 trees</li> <li>Used Lithium Battery as they are more and environmentally friendly</li> </ul>
IJM	<ul style="list-style-type: none"> <li>Participated in tree planting initiatives</li> </ul>

## Policy Greening

AGENCY	GREENING ACTIVITY/ACHIEVEMENT
NCAJ	<ul style="list-style-type: none"> <li>Developed the Strategic Guiding Framework for Greening Kenya's Justice System</li> <li>Undertook a global study to advice policy titled <i>Greening the justice system: Frameworks, Theories, Elements and Practice Imperatives</i></li> </ul>
ODPP	<ul style="list-style-type: none"> <li>Developed the Decision to Charge, Plea Bargaining and Diversion Policy with environmental safeguards</li> <li>Developed SOP's for Wildlife Offences in Kenya</li> </ul>
F I D A – Kenya	<ul style="list-style-type: none"> <li>Supported 60 NCAJ Technical committee members and Secretariat to review the Strategic Guiding Framework for Greening Kenya's Justice System</li> <li>Supported the finalization, publication and launch event of the Study on Greening the Justice System with a coverage on the impact of climate change on GBV, vulnerability and human rights</li> </ul>
SDGAA	<ul style="list-style-type: none"> <li>Integrated gender concerns into national climate change policies to empower women in resource management</li> </ul>
IEBC	<ul style="list-style-type: none"> <li>Developed a policy on e-waste management</li> </ul>
KEPSA	<ul style="list-style-type: none"> <li>Promoted policies within the private sector that align with environmental sustainability</li> </ul>
OAG & DOJ	<ul style="list-style-type: none"> <li>Defended GoK policy on environmental protection and climate mitigation at both the High Court and Environment and Land Court</li> </ul>
IPOA	<ul style="list-style-type: none"> <li>Issued directive to all members on energy conservation</li> </ul>
LRF	<ul style="list-style-type: none"> <li>Took part in the discussion and adoption of environment and climate policies across the sector within the ELC-CUCs</li> <li>Supported NCAJ to develop the E&amp;L CUC Guidelines</li> </ul>

## Legislative Greening

AGENCY	GREENING ACTIVITY/ACHIEVEMENT
IEBC	<ul style="list-style-type: none"> <li>Made recommendations on electronic waste disposal to be incorporated into the Public Procurement and Asset Disposal Regulations (2020)</li> </ul>
KNCHR	<ul style="list-style-type: none"> <li>Reviewed county legislations on Climate change in Makueni, Taita Taveta, Samburu, and Nakuru Counties</li> </ul>
KEPSA	<ul style="list-style-type: none"> <li>Advocated for the passage of laws that support green initiatives within the justice system</li> </ul>
ICJ -Kenya	<ul style="list-style-type: none"> <li>Contributed comments to the Finance Bill 2024 on the Green Initiatives such as the introduction of an eco-levy and imposing of VAT on e-bicycles and buses</li> </ul>
LSK	<ul style="list-style-type: none"> <li>Contributed through public participation in legislative development- Draft Environment and Land Court Act (Amendment) Bill, 2023</li> </ul>
WPA	<ul style="list-style-type: none"> <li>Reviewed laws to include provisions on witness protection</li> </ul>
CAJ	<ul style="list-style-type: none"> <li>Developed the model law on access to information for county governments and county complaints policy covering grievances relating to matters of climate</li> </ul>

## Procedural Greening

AGENCY	GREENING ACTIVITY/ACHIEVEMENT
NLAS	<ul style="list-style-type: none"> <li>Revamped the website for the public to apply for Legal Aid on environmental rights infringement, with reviews and responses provided within 48 hours</li> </ul>
KEPSA	<ul style="list-style-type: none"> <li>Encouraged businesses to embrace digital processes to reduce environmental impact</li> </ul>
CAJ	<ul style="list-style-type: none"> <li>Implemented sustainable practices in activities, including waste reduction, energy conservation, and promoting an eco-friendly office culture</li> </ul>
IEBC	<ul style="list-style-type: none"> <li>Used an online application for commission tenders</li> </ul>
WPA	<ul style="list-style-type: none"> <li>Advised agencies on witness protection strategies related to environmental crimes</li> </ul>

## Technology Adoption Greening

AGENCY	GREENING ACTIVITY/ACHIEVEMENT
ODPP	<ul style="list-style-type: none"> <li>Developed and operationalized the <i>Uadilifu</i> Case Management System that allows e-filing and e-disclosure, and tracks environmental crimes in Kenya</li> <li>Optimized the operations of virtual court hearings, e-filing and case management, reducing paper use and transport-related greenhouse gas emissions</li> <li>Operationalized the <i>Malalamishi</i> App that allows <i>Wanjiku</i> to file a complaint digitally, reducing paper use, and transport-related greenhouse gas emissions</li> </ul>
SDGAA	<ul style="list-style-type: none"> <li>Adopted GBV call-in toll-free number, that reduced paperwork</li> </ul>
CLE	<ul style="list-style-type: none"> <li>Digitized CLE services to reduce paperwork</li> </ul>
DCS	<ul style="list-style-type: none"> <li>Partially transformed to operations to paperless</li> </ul>
NCRC	<ul style="list-style-type: none"> <li>Used mobile phones and tablets in data collection as opposed to pen and paper</li> </ul>

NLAS	<ul style="list-style-type: none"> <li>Used social media platforms to advocate for environmental rights, including the Inaugural Legal Aid Day, celebrated in Uasin Gishu on 22<sup>th</sup> April 2024</li> </ul>
NTSA	<ul style="list-style-type: none"> <li>Implemented green mobility mechanisms</li> </ul>
OAJ&DOJ	<ul style="list-style-type: none"> <li>Automated the Public Trustee and Registrar General services</li> </ul>
ICJ	<ul style="list-style-type: none"> <li>Digitized work products as opposed to printing documents</li> <li>Adoption of virtual meetings and cloud storage</li> </ul>
KEPSA	<ul style="list-style-type: none"> <li>Promoted virtual hearings and e-filing to minimize resource use</li> </ul>
F I D A – Kenya	<ul style="list-style-type: none"> <li>Operationalized Virtual Justice Centres (VJCs) in 3 regional offices and 9 women prisons countrywide, where 1560 women were reached</li> <li>Leveraged on technology to carry out programming, for instance holding virtual as opposed to physical meetings with Hola and Nyeri CUCs</li> </ul>
CAJ	<ul style="list-style-type: none"> <li>Utilized digital platforms for complaints and inquiries through CMIS and virtual meetings to reduce environmental degradation</li> <li>Collaborated with the State Department for ICT to develop a digital platform for improving information sharing and addressing public complaints</li> </ul>
IEBC	<ul style="list-style-type: none"> <li>Used Candidate Registration System candidates to upload</li> <li>Used Legal Case Management system to manage Dispute Resolution</li> <li>Used the online system for job applications</li> </ul>

### Rights-Based Greening

AGENCY	GREENING ACTIVITY/ACHIEVEMENT
KEPSA	<ul style="list-style-type: none"> <li>Engaged in advocacy for the protection of environmental rights through judicial processes</li> </ul>
ICJ	<ul style="list-style-type: none"> <li>Participated in initiatives that protect the rights of communities affected by climate change</li> </ul>
LSK	<ul style="list-style-type: none"> <li>Undertook 4 trainings for advocates on environmental rights</li> </ul>
PACS	<ul style="list-style-type: none"> <li>Safeguarded offenders' rights by providing protective gear, including gloves and masks, during their participation in seedling production and tree planting</li> </ul>
KNHCR	<ul style="list-style-type: none"> <li>Conducted sensitization forums in four counties, focusing on vulnerable and marginalized groups</li> </ul>
KPS	<ul style="list-style-type: none"> <li>Provided a safe working/training environment by providing protective gear such as gumboots, gloves, masks, and dust coats during environmental activities</li> </ul>
CAJ	<ul style="list-style-type: none"> <li>Promoted the rights of the on access to information relating to the environmental justice through the FLLoCA programme</li> </ul>

## Human Resource Greening

AGENCY	GREENING ACTIVITY/ACHIEVEMENT
ODPP	<ul style="list-style-type: none"> <li>Trained prosecutors in highly prevalent environmental crime areas such as Narok, Nanyuki, Taita Taveta, Mombasa, Kisumu and Naivasha</li> </ul>
DCS	<ul style="list-style-type: none"> <li>Trained children in some statutory institutions on the installation of solar power</li> </ul>
IPOA	<ul style="list-style-type: none"> <li>Sensitized officers on energy conservation</li> </ul>
ICJ	<ul style="list-style-type: none"> <li>Adopted a hybrid work environment</li> </ul>
LRF	<ul style="list-style-type: none"> <li>Trained staff on environmental and climate change mitigation</li> </ul>
KPS	<ul style="list-style-type: none"> <li>Trained 340 Prison Officers on nursery management and tree growing, facilitated by Kenya Forest Services, Kenya Forestry Research Institute and the Kenya Water Towers Agency</li> </ul>
CAJ	<ul style="list-style-type: none"> <li>Capacity built staff on environmental justice, sustainability, and climate change through the FLLoCA programme.</li> </ul>

## Community Engagement Greening

AGENCY	GREENING ACTIVITY/ACHIEVEMENT
IEBC	<ul style="list-style-type: none"> <li>Engaged the stakeholders through CSR programs on environmental sustainability</li> </ul>
ODPP	<ul style="list-style-type: none"> <li>Sensitized the public on the importance of environmental conservation</li> <li>Participated in Ecosystem Restoration Program and the National Tree Planting Day</li> </ul>
KEPSA	<ul style="list-style-type: none"> <li>Partnered with communities to raise awareness about environmental justice and sustainability</li> </ul>
ICJ	<ul style="list-style-type: none"> <li>Conducted awareness campaigns on climate change and sustainability</li> </ul>
NTSA	<ul style="list-style-type: none"> <li>Planted trees in several schools and sensitized the communities on road safety</li> </ul>
PACS	<ul style="list-style-type: none"> <li>Collaborated with stakeholders, partners and members of the community in various regions during tree-planting activities</li> </ul>
NLAS	<ul style="list-style-type: none"> <li>Conducted mobile legal aid clinics in various parts of the country and sensitized communities on matters of environmental sustainability</li> </ul>
CLE	<ul style="list-style-type: none"> <li>Held community engagements during the tree-planting exercise in Muranga</li> </ul>
KNCHR	<ul style="list-style-type: none"> <li>Held 6 Community engagements on climate action in 4 Counties</li> </ul>
CSO Programme	<ul style="list-style-type: none"> <li>Held CSO meetings on environmental issues at the station level</li> </ul>
KPS	<ul style="list-style-type: none"> <li>Planted trees in schools near prisons and towns</li> <li>Participated in clean-up activities within the community</li> </ul>
CAJ	<ul style="list-style-type: none"> <li>Built climate resilience actions and strengthened the capacities of County governments to manage climate risks, under the auspices of FLLoCA programme</li> </ul>

<p>LRF</p>	<ul style="list-style-type: none"> <li>• Conducted radio talk shows in support of Climate Action in Siaya, Kakamega, Mombasa, Tana River, Nairobi, and Kajiado counties</li> <li>• Held 32 Paralegal Climate Legal Aid Conversations to raise community awareness on environmental issues and climate justice, reaching 653 beneficiaries</li> <li>• Animated Ward Climate Change Conversations and conducted Training of Trainers (ToTs) on climate change and climate action</li> <li>• Conducted a Climate Learning Route and Boot camp in Kakamega County</li> <li>• Undertook an exchange learning designed to provide a platform for community-led climate action and interaction with other stakeholders</li> </ul>
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## Appendix 4: Referrals to PACS by type per County in the FY 2023/2024

	Aftercare	Bail Information	CSO	Diversion	AJS	Probation Order	Pre-sentence	Plea-bargaining	POM	Re-sentencing	Sentence Review	Victim Impact Statement	Psychiatric	Social Inquiry
Mombasa	21	651	221	0	35	293	597	0	0	0	256	26	2	344
Kwale	0	175	0	0	0	0	283	0	0	0	0	10	0	47
Kilifi	1	431	194	2	1	213	886	0	0	1	30	51	0	63
Tana River	0	106	5	0	0	11	85	1	0	0	64	9	0	7
Lamu	2	42	33	2	0	1	185	0	0	0	41	2	0	17
Taita/Taveta	1	484	30	3	0	27	535	0	1	1	466	33	0	145
Garissa	4	131	66	0	1	16	269	0	0	0	68	9	0	32
Wajir	0	39	1	0	0	0	78	0	0	0	0	0	1	0
Mandera	0	258	1	0	0	0	64	0	0	0	0	0	0	4
Marsabit	0	128	0	0	0	3	115	0	0	0	26	2	1	5
Isiolo	0	9	18	0	0	36	49	0	0	0	102	0	0	22
Meru	0	593	212	0	129	21	1556	0	1	3	104	17	3	11
Tharaka-Nithi	3	149	183	0	0	2	611	0	3	0	275	0	0	6
Embu	2	139	28	5	0	20	989	0	8	1	66	33	0	68
Kitui	2	532	87	0	0	18	1112	0	0	0	159	3	0	36
Machakos	1	744	618	4	0	52	1979	1	0	3	287	31	0	86
Makueni	0	161	197	0	0	0	1374	0	0	0	331	5	0	22
Nyandarua	5	102	150	0	0	68	975	0	0	2	53	15	3	35
Nyeri	1	183	156	0	53	69	1089	0	0	3	10	10	1	31
Kirinyaga	0	396	84	4	0	20	754	2	0	0	20	38	0	55
Murang'a	4	788	424	8	18	4	1526	6	0	1	23	9	0	224
Kiambu	2	1205	487	13	0	289	2513	0	0	0	2	8	2	178
Turkana	4	18	62	0	0	87	186	0	0	0	82	0	0	0
West pokot	0	1	12	0	0	0	371	0	0	2	169	0	0	3
Samburu	0	19	2	0	0	0	142	0	0	0	0	0	0	0
Trans Nzoia	0	23	335	0	0	165	661	0	0	0	0	0	0	0
Uasin Gishu	0	114	26	0	0	0	571	0	0	0	9	3	0	6
Elgeyo M	0	33	8	0	0	4	342	0	0	0	10	1	0	0
Nandi	0	142	55	0	0	445	426	0	0	0	245	0	0	2
Baringo	0	240	51	30	3	7	650	0	0	15	109	2	0	22
Laikipia	0	152	80	4	0	21	460	27	0	11	0	1	0	26
Nakuru	1	344	189	0	0	278	1620	0	0	10	1543	1	0	27
Narok	0	291	24	0	0	1	379	0	0	0	195	6	0	4
Kajiado	0	103	101	0	0	1	233	0	0	0	99	2	0	2

Kericho	0	79	142	0	0	166	581	0	0	3	32	0	0	6
Bomet	1	132	63	1	0	2	630	0	0	0	266	0	0	4
Kakamega	2	321	189	0	0	25	956	0	0	0	127	0	0	11
Vihiga	0	129	116	0	12	22	875	0	0	0	25	0	0	1
Bungoma	2	332	319	12	0	53	2110	0	0	0	14	8	1	12
Busia	0	229	44	0	1	6	695	0	0	0	0	0	0	7
Siaya	1	151	12	1	5	20	499	0	0	0	180	5	0	20
Kisumu	1	303	144	1	1	13	682	0	0	9	133	17	0	78
Homa Bay	0	181	235	1	0	5	720	0	0	10	0	20	0	5
Migori	4	73	23	0	0	0	304	0	0	0	48	5	1	0
Kisii	0	145	245	0	0	230	468	0	0	15	297	28	0	30
Nyamira	0	240	320	0	0	123	345	0	0	0	0	0	0	3
Nairobi	5	1719	579	0	2	61	2249	116	0	97	539	1623	186	214
<b>Total</b>	<b>70</b>	<b>12960</b>	<b>6571</b>	<b>91</b>	<b>261</b>	<b>2898</b>	<b>34779</b>	<b>153</b>	<b>13</b>	<b>187</b>	<b>6505</b>	<b>2033</b>	<b>201</b>	<b>1921</b>

## Appendix 5: Opinions Containing Judicial Pronouncements Pertinent to the Reform of the Law

	Elaboration of the issue of law	Judge/s remarks	Legislation/ Statute	Nature of Law Reform
1. Manyeso v Republic (Criminal Appeal 12 of 2021) [2023] KECA 827 (KLR) (7 July 2023) (Judgment)	Mandatory life sentence declared to be in violation of articles 27 and 28 of the Constitution.	<i>“ ... we are of the view that the reasoning in Francis Karioko Muruatetu &amp; Another v Republic [2017] eKLR equally applies to the imposition of a mandatory indeterminate life sentence, namely that such a sentence denies a convict facing life imprisonment the opportunity to be heard in mitigation when those facing lesser sentences are allowed to be heard in mitigation. This is an unjustifiable discrimination, unfair and repugnant to the principle of equality before the law under Article 27 of the Constitution. In addition, an indeterminate life sentence is in our view, also inhumane treatment and violates the right to dignity under article 28 ... ”</i>	Sexual Offences Act Cap. 63A — Section 8(2); 11(1) Mandatory sentencing requirements in any penal provisions.	Unconstitutional Provision
2. Matindi v CS, National Treasury & Planning & 4 others (Constitutional Petition E280 of 2021) [2023] KEHC 1144 (KLR) (Constitutional and Human Rights) (17 February 2023) (Judgment)	Legal Notice No 15 of 2021 and Legal Notice No 27 of 2021 were discriminatory and unconstitutional. Section 13(2) of the Income Tax Act was also declared to be unconstitutional for violating article 210 of the Constitution.	a) <i>“It is hereby declared that the First Respondent violated the Constitution by exempting Japanese companies, Japanese consultants and Japanese employees as set out in legal Notice No 15 of 2021 dated 15/2/2021 published on 26/2/2021 as issue No 17.</i> b) <i>It is hereby declared that Legal Notice No 15 of 2021 dated 15/2/2021 published on 26/2/2021 as issue No 17 is unconstitutional by itself and in its effect as it is contrary to Articles 27 and 210 of the Constitution and had not been subjected to public participation. The said notice is hereby quashed.</i> c) <i>It is hereby declared that Section 13(2) of the Income Tax Act is unconstitutional to the extent that it authorizes Income Tax waivers through a notice in the Gazette and for specified persons without regard to the dictates of Article 210 of the Constitution. To the extent of the inconsistency, in particular the use of the Kenya Gazette, instead of legislation, to effect tax waiver, is struck down.”</i>	Legal Notice No 15 of 2021 Legal Notice No 27 of 2021 Income Tax Act, section 13(2)	Unconstitutional Provision

	Elaboration of the issue of law	Judge/s remarks	Legislation/ Statute	Nature of Law Reform
<p>Chega (Suing on their Own Behalf and as the Registered Official of Active Environment Team) v Kenya Forest Service &amp; another; Kiambu Sawmillers &amp; 10 others (Interested Parties) (Constitutional Petition E053 of 2021) [2022] KEELC 13738 (KLR) (21 October 2022) (Judgment)</p>	<p>Decision by the the Kenya Forest Service and the Kenya Forest Board to lift the logging moratorium of 2018 declared unconstitutional for want of public participation and for threatening the right to a clean and healthy environment</p>	<p><i>d) “A declaration made that the 1st and 2nd Respondents acted in contravention of Sections 6(1), 55, 59, 61, 72(5), 73(2) of the Forest Conservation and Management Act, 2016 (FCM Act, 2016) in purporting to set aside, lift or replace the November 2018 Extension of the Moratorium on Logging Activities in Public and Community Forests (hereinafter Logging Moratorium) issued by the Cabinet Secretary, Ministry of Environment and Forestry and thereby violated Articles 1(3)(a), 2(1) and (2), 3(1),10,21(1),(2) and (3), 24, (4) and (5), 42,47(1) and (2), 69,71,73 and 232 of the Constitution of Kenya.</i></p> <p><i>e) A declaration made that the 1st and 2nd Respondents cannot overhaul, set aside, lift or replace the November 2018 Extension of the Moratorium on Logging Activities in Public and Community Forests issued by the Cabinet Secretary, Ministry of Environment and Forestry and allow logging and sale of forest material without undertaking an environmental impact assessment as envisioned under Sections 36,44(2) (a) and (d),46(1)(c) and 75(3) of the Forest Conservation and Management Act, 2016 (FCM Act, 2016).</i></p> <p><i>f) A conservatory order issued directed at the 1st and 2nd Respondents staying further implementation of the Notice titled “Invitation to tender (being: Tender Ref Nos: KFS/DISP/02/2021-2022, KFS/DISP/03/2021-2022, KFS/DISP/04/2021-2022 and KFS/DISP/05/2021-2022)” (hereinafter ‘Impugned Tenders’) purporting to invite eligible Forest Industry investors to submit bids for the sale of forest materials and another notice titled “Public notice on the status of inquiry into claims on forest material under KFS affected by the 2018 moratorium on logging in public and community forest” (hereinafter “Public Inquiry Notice”) calling for public participation for persons affected by 2018 issued on the November 30, 2021 in Standard Newspapers.”</i></p>	<p>November 2018 Extension of the Moratorium on Logging Activities in Public and Community Forests (hereinafter Logging Moratorium) issued by the Cabinet Secretary, Ministry of Environment and Forestry. Tender Notices declared unconstitutional.</p>	<p>Gap in the Law</p>

	Elaboration of the issue of law	Judge/s remarks	Legislation/ Statute	Nature of Law Reform
Olonkishu & 650 others v Cabinet Secretary, Ministry of Interior and Co-ordination of National Government & 2 others (Petition 1 of 2022) [2022] KEHC 14446 (KLR) (31 October 2022) (Judgment)	Gazette notice that relocated Ildolisho Sub-Location and Kiikat Sub-Location from Transmara West Sub-County to newly created Transmara South Sub-County declared unconstitutional for want of public participation and for violating the right to fair administrative action	<i>"I therefore, quash only that part of the Kenya gazette Notice vol CXXII No 241 issued on December 31, 2020 by the Cabinet Secretary, Ministry of Interior and Co-ordination of National Government which relocates Ildolisho sub-location and Kiikat sub-location from Transmara west sub county to newly created Transmara south sub-county. For the avoidance of doubt as these proceedings related only to the areas I have stated, the entire gazette notice is not quashed."</i>	Kenya Gazette Notice Vol. CXXII No. 241 issued on December 31, 2020 by the Cabinet Secretary, Ministry of Interior and Co-ordination of National Government	Inconsistent Provision
Katiba Institute v Attorney General & 9 others (Petition 17 of 2020) [2023] KESC 47 (KLR) (16 June 2023) (Judgment) (with dissent - NS Ndungu, SCJ)	Section 15(2) of the Judicial Service Act is inconsistent with the Constitution to the extent that it confers on the President the authority to appoint members elected and nominated to the Judicial Service Commission under article 171(2), (b), (c), (d), (f) and (g) of the Constitution.	<i>"Section 15(2) of the Judicial Service Act is, to the extent, that it confers on the President the authority to appoint members elected and nominated to the JSC under Article 171(2), (b), (c), (d), (f) and (g), unconstitutional."</i> <i>"To the extent that section 15(2) conferred on the President power to appoint the 5th respondent, it was inconsistent with article 171 of the Constitution and therefore invalid. But it was in harmony with article 171 in so far as it did not prescribe merit, diversity and fair competition as prerequisites for appointment of a representative of the PSC and the two members to represent the public in the JSC under articles 171(2)(g) and (h), respectively."</i>	Judicial Service Act, section 15(2)	Inconsistent Provision

	Elaboration of the issue of law	Judge/s remarks	Legislation/ Statute	Nature of Law Reform
3. Matindi & 3 others v President of the Republic of Kenya & 4 others; Controller of Budget & 50 others (Interested Parties) (Petition E080, E084 & E150 of 2023 (Consolidated)) [2023] KEHC 19534 (KLR) (Constitutional and Human Rights) (3 July 2023) (Judgment) (with dissent - HI Ong'udi, J)	Whether the approval of Parliament is required in the establishment of a State office within the ranks of the public service.	The court found that whereas the President can establish a State office within the ranks of the public service, it requires approval by the National Assembly. Such approval may be achieved by enactment of a statute, which provides for the same and further provide an appropriate framework for a cap on the numbers of CASs if necessary.	Kenya Gazette Special Issue Number 12432 dated October 12, 2022	Gap in the law
4. Arendse & 182 others v Meta Platforms, Inc & 3 others; Kenya Human Rights Commission & 8 others (Interested Parties) (Constitutional Petition E052 of 2023) [2023] KEELRC 921 (KLR) (20 April 2023) (Ruling)	Jurisdiction of the Employment and Labour Relations Court.	The court stated that its jurisdiction can aptly be said to be in flux and a moving target and that had created uncertainty on what the jurisdiction of the court was and it was about time the Supreme Court rendered itself authoritatively on the matter. Further, almost every other matter before the court starts with a challenge on the jurisdiction of the court due to the lingering uncertainty.	Article 162(1) and (2) of the Constitution of Kenya, 2010	Gap in the law

	Elaboration of the issue of law	Judge/s remarks	Legislation/ Statute	Nature of Law Reform
5. Matuli & 2 others v Independent Electoral and Boundaries Commission & 2 others (Election Petition Appeal E001 of 2022) [2023] KEHC 3580 (KLR) (26 April 2023) (Judgment)	Public participation in the vetting of persons to be nominated for special seats in legislative assemblies.	<p>The court held that the IEBC as the constitutionally mandated body should not shy away from establishing legal mechanisms to ensure that the Special Seats nomination process is democratic with ideals of popular sovereignty and participation of the people. Moreover, IEBC should put in place mechanisms to ensure that Political Parties ensure the people participate through means such as public consultations and dialogue to vet those who seek to represent them in special seats.</p> <p>The court was of the view that the deepening and enhancement of the mechanism for the people to express their will in consonant with article 10 of the Constitution may incorporate clear guidelines in the regulation or statute for good governance.</p> <p>The court suggested that it would help to add to the voice for we as a people to invest in citizens capacity to participate in politics and civic life and create favourable conditions for democratic governors to thrive.</p>	Gaps in IEBC Act and the Political Parties Act. Nomination process should be in conformity with articles 10, 38, and 81 of the Constitution.	Gap in the law
6. Njoki v Directorate of Criminal Investigations & 2 others (Miscellaneous Petition 05 of 2020) [2023] KEHC 17924 (KLR) (Constitutional and Human Rights) (31 May 2023) (Judgment)	Expungement of criminal records in the interest of justice.	The court set out the South African procedure for expungement of criminal records to demonstrate the glaring gaps in our law with reference to this subject. The court therefore held that there was a very urgent need for the Legislature to enact legal provisions to address this <i>lacuna</i> in the law relating to expungement of criminal records in the interest of justice. Further, there should be a distinction between misdemeanours and felonies as related to the period the records should be kept.	Criminal Procedure Act (Any Laws that has penal provisions) (“There was an urgent need for the Legislature to enact legal provisions to address the <i>lacuna</i> in the law relating to expunging of criminal records in the interest of justice.”)	Gap in the law.

	Elaboration of the issue of law	Judge/s remarks	Legislation/ Statute	Nature of Law Reform
7. Ingang'a & 6 others v James Finlay (Kenya) Limited (Petition 7 (E009) of 2021) [2023] KESC 22 (KLR) (31 March 2023) (Judgment)	Sentence of a fine to be amended to be determined through the system of weighing the narcotic drugs in grammes or kilogrammes.	The court recommended that the law as regards sentence of a fine be amended to be determined through the system of weighing the narcotic drugs in grammes or kilogrammes. The current system of using the market value that is based on supply and demand will necessitate the usage of an extensive usage of undercover agents in order to have admissible evidence. The reason is that the use of informers will leave the prosecution with no option but to rely on inadmissible hearsay evidence, where informer privilege is claimed as was the position in this case.	The <i>Civil Procedure Act</i> , Rules, 2010, the <i>High Court (Practice and Procedure) Rules</i> in the <i>Judicature Act</i> , and any other relevant laws.	Gap in the law
8. Odhiambo v Attorney General & 2 others; Nyanchoga (Interested Party) (Petition E400 of 2021) [2024] KEHC 354 (KLR) (Constitutional and Human Rights) (26 January 2024) (Judgment)	Constitutionality of section 2 of the Victim Protection Act No. 17 of 2014.	The court issued a declaration that that the definition of "victim" under section 2 of the Victim Protection Act Cap. 79A is unconstitutional for not providing for the protection, rights and welfare of all victims of criminal offences such as companies, associations or other body of persons whether incorporated or unincorporated who are recognized as persons under article 260 of the Constitution and is contrary to article 50(9) of the Constitution.	Section 2 of the Victim Protection Act Cap. 79A.	Unconstitutional provision

	Elaboration of the issue of law	Judge/s remarks	Legislation/ Statute	Nature of Law Reform
9. Centre for Minority Rights Development (CEMIRIDE) & 2 others v Attorney General & 2 others; Independent Electoral and Boundaries Commission (Interested Party) (Petition E002 of 2022) [2022] KEHC 955 (KLR) (4 April 2022) (Judgment)	Statutory or regulatory framework regime dealing with the rights of the marginalised groups or communities in Kenya.	The court stated that currently there is no sufficient statutory or regulatory regime dealing with the rights of the marginalised groups or communities in Kenya. It may well be the dearth of such regimes that has confined the minorities and the marginalised communities to the periphery. The court further stated that in order for the rights contemplated under articles 10, 56 and 91 of the Constitution to be realised, the State ought to take appropriate steps to make provisions that give meaningful effect to the same. The State cannot continue paying lip service to the constitutional provisions while the people for which the said provisions are meant to protect are treated as if they are outside looking in. The court was of the view that, without any statutory or regulatory framework effectuating the rights of the marginalised, the State was simply perfecting tokenism and it was the realisation that the State was not upholding the rights of the marginalised that the Constitution expressly provided for the same.	Articles 10, 56 and 91 of the Constitution of Kenya, 2010.	Gap in the law
10. Council of County Governors v Kenya Tissue and Transplant Authority & 2 others; Senate (Interested Party) (Constitutional Petition E413 of 2022) [2023] KEHC 21046 (KLR) (Constitutional and Human Rights) (30 June 2023) (Judgment)	Constitutionality of Legal Notice Number 142 of 2022 on the establishment of Kenya Tissue and Transplant Authority.	The court held that the establishment of the 1 <sup>st</sup> respondent (the Kenya Tissue and Transplant Authority) under a general statute in disregard of this specific provision under the Health Act was <i>ultra vires</i> and unlawful. Further, Parliament expressly provided that policy on the subject matter was to be made under the Health Act. The court issued a declaration that legal notice number 142 of 2022 on the establishment of Kenya Tissue and Transplant Authority Order 22 is unconstitutional for violating articles 6 (2), 10, 187 and 189 and also legally defective for being <i>ultra vires</i> section 80 (3) of the Health Act. The court further issued an order of prohibition stopping implementation of legal notice number 142 of 2022 establishing the Kenya Tissue & Transplant Authority.	Legal Notice Number 142 of 2022 Articles 6 (2), 10, 187 and 189 of the Constitution of Kenya, 2010. Section 80 (3) of the Health Act, Cap. 241.	Unconstitutional Legal Notice

	Elaboration of the issue of law	Judge/s remarks	Legislation/ Statute	Nature of Law Reform
11. Otieno v Ministry of Interior & Co-ordination of National Government (State Department for Correctional Services) & 2 others (Petition E542 of 2022) [2024] KEHC 1639 (KLR) (Constitutional and Human Rights) (23 February 2024) (Judgment)	The Ministry of Interior was directed to make the rules under section 30 (2) (h) of the Persons Deprived of Liberty Act within six (6) months so as to allow Prisoners and persons detained have a right to be permitted, whenever possible, to attend burials of their close family members.	The Court held that Prisoners and persons detained have a right to be permitted, whenever possible, to attend burials of their close family members.	<i>“An Order of mandatory injunction be and is hereby issued directing the 1<sup>st</sup> respondent to make the rules under section 30 (2) (h) of the Persons Deprived of Liberty Act within six (6) months from the date of this order.”</i>	Gap in the law

	Elaboration of the issue of law	Judge/s remarks	Legislation/ Statute	Nature of Law Reform
MMG v Tribunal Appointed to Investigate the Conduct of Hon. Lady Justice MMG, Judge of the Environment and Lands Court of Kenya (Petition 10 (E013) of 2022) [2023] KESC 73 (KLR) (12 September 2023) (Judgment)	Lack of provisions of mental incapacity in the Mental Health Act, Cap 248, the Employment Act, Cap. 226 and the Pension Act, Cap. 189.	<i>“... mental health issues are becoming quite prevalent in the Country. In this regard, it would be prudent for the Legislature to amend the Mental Health Act (Cap 248) guided by best practices and provide for inter alia a clear definition of mental capacity, the test for mental capacity, insight, pension for Judges and other state officers who may be removed from office due to mental incapacity, and so forth. In this regard, the Legislature would also need to align the provisions of the Pension Act (Cap 289) with any new amendments. Parliament should also consider aligning the Employment Act with mental health considerations and accommodations such as the provision of clauses that place an onus on employers to ensure that they create a safe working environment and that mental health issues are not caused or exacerbated by work-related stress; clauses that provide that employers have a legal duty to reasonably accommodate employees with mental illness providing the same can be done without undue hardship to the employer; what is ‘reasonable’ will depend on the facts of each case; to give but a few examples.”</i>	General call for amendment of Mental Health Act, Cap 248, the Employment Act, Cap. 226 and the Pension Act, Cap. 189.	Gap in the law

	Elaboration of the issue of law	Judge/s remarks	Legislation/ Statute	Nature of Law Reform
12. Okoiti & 6 others v Cabinet Secretary for the National Treasury and Planning & 3 others; Commissioner-General, Kenya Revenue Authority & 3 others (Interested Parties) (Petition E181, E211, E217, E219, E221, E227, E228, E232, E234, E237 & E254 of 2023 (Consolidated)) [2023] KEHC 25872 (KLR) (Constitutional and Human Rights) (28 November 2023) (Judgment)	Housing levy declared to be unconstitutional	<p>a) <i>“That, Section 2 as read with Section 21 of the of the Finance Act that amended Section 35 of the Income Tax to introduce digital monetization as a tax on payments for entertainment, social, literal, artistic, educational or any other material electronically through any medium or channel is a form of taxation on income which the national government is allowed to impose, hence is not unconstitutional. Similarly, digital asset tax introduced by Section 2 is payable by a person on income derived from the transfer or exchange of digital assets for example, crypto-currency hence a tax on income and may lawfully be imposed by the national government.</i></p> <p>b) <i>That, tax on ‘winnings’ from betting, gaming and lotteries does not violate the Fourth Schedule Part II of the Constitution as pay out from winnings constitute income accrued in or derived from Kenya. This is income subject to tax which the national government is expressly empowered to impose under Article 209. The imposition does not affect powers and functions of the county governments.</i></p> <p><i>That, Section 26 of the Finance Act, 2023 which amends the Third Schedule of the Income Tax Act to introduce new tax bands and Section 7 of the Act that amends Section 10 of the Income Tax Act in regard to withholding tax are matters related to tax policy and administration and thus not unconstitutional.”</i></p>	Sections 2, 21, 26, and 35 of the Finance Act, 2023.	Inconsistent provisions

	Elaboration of the issue of law	Judge/s remarks	Legislation/ Statute	Nature of Law Reform
13. Shah & 7 others v Mombasa Bricks & Tiles Limited & 5 others (Petition 18 (E020) of 2022) [2023] KESC 106 (KLR) (28 December 2023) (Judgment)	Lack of laws on the effect on constructive trusts on properties.	<p><i>“A trend towards promotion of legal certainty, safeguarding of property rights, and equitable access to justice undoubtedly emphasizes the necessity for a revision of the legislation governing the registration of trusts (including constructive) in relation to shares held in a company. These changes would be indicative of a growing recognition of the importance of constructive trust as a means of addressing unjust enrichment and ensuring equitable outcomes in disputes. Legislation that is in line with international developments and prevailing standards can enhance the strength and adaptability of the legal system, enabling it to more effectively tackle present day issues pertaining to shareholding, property rights and fair redress. It provides an opportunity for courts to shape the legal landscape concerning providing clarity particularly on enforcing remedies when breaches or unfairness occur.”</i></p> <p><i>“We however, note that there may be legal uncertainty over the recourse that parties have upon declaration of trust by the Courts and how to actualise the same especially concerning shareholding. While it is open to each court to have regard to the specific circumstances, we think this is an issue that the Kenya Law Reform Commission, the Attorney General, Parliament and all the stakeholders should give consideration to whether there is need for legislative intervention.”</i></p>	None in particular, called for the need for laws on constructive trusts. Relevant law might be the Land Act and the Companies Act.	Gap in the law
14. Katiba Institute & 8 others v Director of Public Prosecutions & 2 others; Ayika (Interested Party) (Petition E016 of 2023) [2024] KEHC 2890 (KLR) (18 March 2024) (Judgment)	Constitutionality of section 77 (1) and (3)(a), (b), (c), (d), (e), (f), and (g) of the Penal Code, Cap 63.	The court issued a declaration that, section 77 (1) and (3)(a), (b), (c), (d), (e), (f), and (g) of the Penal Code, Cap 63 was unconstitutional and that the continued enforcement of said sections of the Penal Code by the respondents against the interested party or any member of the public was unconstitutional.	Penal Code, Cap 63  Section 77 (1) and (3)(a), (b), (c), (d), (e), (f), and (g) of the Penal Code	Unconstitutional Provisions

	Elaboration of the issue of law	Judge/s remarks	Legislation/ Statute	Nature of Law Reform
15. Kinuthia v Judicial Service Commission; Mumbi & 3 others (Interested Parties) (Petition 251 of 2019) [2020] KEHC 9224 (KLR) (Constitutional and Human Rights) (10 February 2020) (Judgment)	What were the timelines within which petitions on the removal of judges from office should be disposed of.	The court held that the principles of good governance, integrity, transparency and accountability demand an expeditious and time bound process through which a petition for removal of a judge can be determined. The court was of the considered view that time is nigh for the amendment of the law to stipulate timelines within which such petitions should be disposed of. This would be beneficial to the administration of justice and to the affected judge(s). The need to clear allegations against a judge expeditiously cannot be gainsaid.	—	Gap in the law
16. Muthui & 19 others v County Government of Kitui & 7 others (Environment & Land Petition 26 of 2021) [2023] KEELC 15930 (KLR) (22 February 2023) (Judgment)	Whether there was a gap in the management and regulation of sand harvesting activities in River Tiva in Kitui County.	The court found that the County Assembly of Kitui has failed to pass laws and regulations which will regulate the exploitation of sand from Tiva River in an unsustainable manner within the County of Kitui. There is therefore a large gap in management and regulation of sand harvesting activities in River Tiva, and there is a need to address this.	—	Gap in the law
17. Mapelu & 13 others v Cabinet Secretary, Ministry of Lands & Physical Planning & 164 others; Nyayo Tea Zones Development Corporation & 2 others (Interested Parties) (Environment & Land Petition 12 & 13 of 2018 (Consolidated)) [2022] KEELC 13468 (KLR) (13 October 2022) (Judgment)	Whether there was need for provisions in the law to hold public officers in the Ministry of Land who make decisions that lead to illegal allocations/ litigation liable for their actions.	<i>“ ... a huge chunk of forest land was alienated resulting in the encroachment by settlers which led to the wanton and rampant destruction of part of the forest and the degradation of the ecosystem. We are of the view that public officers that abuse their offices to the detriment of the public interest and /or indeed, to the detriment of innocent third parties, ought to be held to account and should take responsibility of their acts. Perhaps the law should be amended to make such officers culpable in such situations. It is the acts of such officers that quite often give rise to myriad litigation and/or make the determination of such litigation difficult as the courts are denied the benefit of critical evidence that otherwise would have assisted in the adjudication of the disputes. We will say no more, save to express our disapproval as regards the misguided acts of such officers that expose the state and the public to unnecessary disputes that arise as a result of their nefarious acts.”</i>	No specific provision cited.	Gap in the law

	Elaboration of the issue of law	Judge/s remarks	Legislation/ Statute	Nature of Law Reform
18. Muthui & 19 others v County Government of Kitui & 7 others (Environment & Land Petition 26 of 2021) [2023] KEELC 15930 (KLR) (22 February 2023) (Judgment)	What were the laws and regulations which regulated the exploitation of sand from Tiva River in a sustainable manner within the County of Kitui.	The court found that the County Assembly of Kitui has failed to pass laws and regulations which will regulate the exploitation of sand from Tiva River in an unsustainable manner within the County of Kitui. There is therefore a large gap in management and regulation of sand harvesting activities in River Tiva, and there is need to address this.	_____	Gap in the law
19. Lukano (Suing As The Legal Representative Of The Estate Of Evans Siema Lukano (Deceased)) v Director of Occupational Health and Safety; Jamly Services & another (Interested Parties) (Judicial Review E133 of 2021) [2023] KEHC 21435 (KLR) (Judicial Review) (31 July 2023) (Ruling)	Whether the compensation framework under the Work Injury Benefits Act resonated with the Fair Administrative Action Act.	The court held that there is a need to rethink the WIBA compensation framework and probably overhaul it so as to have a legislative framework that resonates with the Fair Administrative Action Act. The court further held that a framework that is complimented by policies that embrace the spirit of legitimate expectation. No doubt such a policy will be incomplete unless the same is supplemented by a sound psycho social support structures for those who approach the Respondents office for redress.	Work Injury Benefits Act	Gap in the law
20. Republic v Director, Kenya School of Law & 2 others; Abdi (Exparte) (Application E114 of 2023) [2023] KEHC 26299 (KLR) (Judicial Review) (8 December 2023) (Judgment)	Whether the Legal Education Appeals Tribunal had the power to enforce its own judgments.	The court found that there is no provision in the Legal Education Act on execution of the Appeals Tribunal's judgment. It is not clear whether the Tribunal has made any rules which would inform execution of the Tribunals judgments, as part of "other matters" for which such rules are to be made. The court doubted, however, that such a material aspect of the appeal process as execution of the Appeals Tribunal's judgments would be catered for in the rules rather than in the primary legislation. In the court's view, the power to enforce its own judgments would ordinarily be part of the jurisdiction with which the Appeals Tribunal has been clothed and, for this very reason, it would be expressly provided in the Act rather in subsidiary or secondary legislation.	Legal Education Act, Cap. 16 A.	Gap in the law

	Elaboration of the issue of law	Judge/s remarks	Legislation/ Statute	Nature of Law Reform
21. Benjamin v Attorney General & 2 others; Lemedeket (Petition as relating to the 1st to 51st interested parties having been determined by the ruling delivered by the Court on 27.04.2023) & 2 others (Interested Parties)	Whether the National Police Service Commission had the power to establish offices within the secretariat.	The court noted that there appears to be no due process with elaborate provisions for the Commission to establish or abolish offices within its secretariat and the court considers that to be yet another urgent matter requiring legislative intervention to guide the National Police Service Commission on how to establish or create offices in its establishment. In that regard, the procedures such as are provided under the Public Service Commission Act, 2017 and the Service Regulations thereunder can be a useful starting point.	National Police Service Commission Act, Cap. 85.	Gap in the law
22. Kaburucho v Republic (Criminal Petition E052 of 2022) [2023] KEHC 26063 (KLR) (27 November 2023) (Judgment)	Constitutionality of section 8(4) of the Sexual Offences Act, Cap. 63A.	The court declared that the mandatory minimum sentence under section 8(4) Sexual Offences Act was unlawful only if applied without due and considered regard for and incorporation of mitigating circumstances prior to, and in the sentencing exercise. The court further held that the sentence can itself be meted in law. However, it cannot be applied without due and clear regard to mitigating circumstances, discretion of which the court must show it has taken on board.	Section 8(4) of the Sexual Offences Act, Cap. 63A.	Unconstitutional provision
23. Katheka v National Police Service Commission & another (Petition 17 of 2023) [2023] KEELRC 1241 (KLR) (25 May 2023) (Judgment)	Constitutionality of regulation 13 of the National Police Service (Vetting) Regulations, 2013.	The court found that the regulation 13 in content, design and impact or effect amounted to an unconstitutional and classical limitation of article 50 to fair hearing and in particular with respect to the sub-articles of article 50.	Regulation 13 of the National Police Service (Vetting) Regulations, 2013	Unconstitutional provision
24. Mapelu & 13 others v Cabinet Secretary, Ministry of Lands & Physical Planning & 164 others; Nyayo Tea Zones Development Corporation & 2 others (Interested Parties) (Environment & Land Petition 12 & 13 of 2018 (Consolidated)) [2022] KEELC 13468 (KLR) (13 October 2022) (Judgment)	Whether there was a need for provisions in the law to hold public officers in the Ministry of Land who make decisions that lead to illegal allocations/ litigation liable for their actions.	Need for provisions in the law to hold public officers in the Ministry of Land who make decisions that lead to illegal allocations/litigation liable for their actions.	N/A	Gap in the Law

	<b>Elaboration of the issue of law</b>	<b>Judge/s remarks</b>	<b>Legislation/ Statute</b>	<b>Nature of Law Reform</b>
25. In re LMG (Child) (Adoption Cause E184 of 2022) [2023] KEHC 18227 (KLR) (Family) (27 April 2023) (Judgment)	Whether provisions of the law barring adoption of Kenyan children by foreign nationals were unconstitutional.	Provisions of the law barring adoption of Kenyan children by foreign nationals declared to be unconstitutional.	Section 17 of the 7th Schedule of the Children Act, Cap. 141	Unconstitutional Provision
26. Shambi v Rodgers & another (Election Petition Appeal 1 of 2023) [2023] KEHC 21931 (KLR) (13 February 2023) (Judgment)	Whether section 7 of the County Governments Act, Cap. 265 was unconstitutional for referring to elected special members of the County Assembly as nominated members instead of special seat members.	High Court declares section 7 of the County Governments Act unconstitutional for referring to elected special members of the County Assembly as nominated members instead of special seat members.	Section 7 of the County Governments Act, Cap 265.	Unconstitutional Provision

## Appendix 6: Summary of the Previous Justice Sector Achievements on Policy, Legal and Administrative Reforms

### a) Policy, Legal and Administrative Reforms' Publications by NCAJ, 2011 to 30<sup>th</sup> June 2021

1. NCAJ Strategic Plan, 2012 – 2016.
2. Bail and Bond Bill, 2021
3. Bail and Bond Policy Guidelines.
4. Direction on Traffic Cases, 2016.
5. Enforcement Manual to Combat Illicit Trade in Kenya (1<sup>st</sup> Edition-2014).
6. Enforcement Manual to Combat Illicit Trade in Kenya (2<sup>nd</sup> Edition-2020).
7. Practitioners Guide for Enforcement Officers on Combating Illicit Trade, 2020.
8. Bail and Bond Trainers Manual, 2020.
9. Bail and Bond Training Course, 2020.
10. Bail and Bond Digest Volume 1.
11. Bail and Bond Digest Volume 2.
12. Court Users' Committees' Guidelines, 2019.
13. Status Report on Children in the Justice System in Kenya.
14. Fixing the broken child justice chain link.
15. Criminal Justice System in Kenya: An Audit, 2016.
16. Bail and Bond M & E Report.
17. Status Report on Implementation of the Bail and Bond Policy Guidelines.
18. Children's Bill, 2021 (Currently CAP 141).
19. Policy on Continuous Professional Development on Juvenile Justice, 2020.
20. Protocol on Service Week for Children Matters.
21. Curriculum for Child Care and Protection Officers & Facilitators Manual.
22. Protection and Care Form for children.

### b) Policy, Legal and Administrative Reforms' Publications by NCAJ, 1st July 2021 to 30th June 2022

1. Draft Amendment Bills to the Penal Code and Criminal Procedure Code.
2. Amendment of the Proceeds of Crime and Anti Money Laundering Act.
3. Law and Practice Guidelines on Arrest and Conditions of Pre-trial Detention.
4. Law and Practice Guidelines on the Management of Petty Offenders.
5. The Fair Trial Guide and Checklist.
6. Standard Operating Procedures on COVID – 19 response
7. POLICARE Policy and Guidelines.

8. Standard Operating Procedures (SOPs) on Prevention and Response to Sexual Violence.
9. Children Court Users' Committees Guidelines.
10. CUCs sensitization Toolkit.
11. NCAJ Inaugural Annual Report
12. Status report on Persons with Mental Illness in Criminal Justice System.
13. SGBV Information System in partnership with other stakeholders.
14. Curriculum on Online Child Sexual Exploitation and Abuse (OCSEA)- DCS.
15. Standard Operating Guidelines on SGBV Case Management.
16. Standard Operating Procedures on Kafalah.
17. Report on budgetary needs for the child justice sector.
18. Child Care and Protection Officers and Facilitators Manual.

**c) Policy, Legal and Administrative Reforms' Publications by other NCAJ Agencies between 1st July 2021 to 30th June 2022**

1. Witness Protection Regulations, 2022 – Witness Protection Agency.
2. National Correctional Policy – Kenya Prisons Service.
3. Paralegal Policy - Kenya Prisons Service.
4. Whistle Blower Policy – National Council on Law Reporting.
5. PCR Sheet for prosecuting child offenders – National Police Service.
6. Electoral Justice Compendium – ODPP.
7. ODPP's decision to charge guideline – ODPP and IJM.
8. Standardised Paralegal training curriculum - National Legal Aid Service & ICJ-Kenya.
9. Pocket guide to election security 2022 – National Police Service .
10. Research on Inclusion and Responding to Justice Needs for Persons with Mental. Disability; An Access to Justice Manual for Persons with Mental Disability – ICJ-Kenya.
11. Child and Youth Justice Strategy – Probation and Aftercare Services.
12. Women's economic empowerment policy and status report – FIDA Kenya.
13. Child Care Policy – Kenya Prisons Service.
14. Political Parties Primaries Bill 2021 – OAG & DOJ and Kenya Law Reform Commission.
15. Conflict Resolution Policy – AOG & DOJ.
16. Public Participation Policy – AOG & DOJ.
17. Whistle-blowers Policy – AOG & DOJ.
18. Supreme Court Case Digest - The National Council for Law Reporting (Kenya Law).
19. Citizens' Rights Case Digest - The National Council for Law Reporting (Kenya Law).
20. Agenda Four Case Digest - The National Council for Law Reporting (Kenya Law).
21. Commercial Law Case Digest - The National Council for Law Reporting (Kenya Law).

22. The Compendium of Laws on the Civic Space - KHRC.

23. Digital Space Case Digest - KHRC.

24. Democratic Gains and Pitfalls – KHRC.

**d) Policy, Legal and Administrative Reforms' Publications by NCAJ between 1st July 2022 to 30th June 2023**

1. Training Handbook on Investigation and Prosecution of OCSEA.

2. National Strategy on Justice for Children 2023-2028.

3. Bail and Bond bill 2020.

4. Revised Sentencing Policy Guidelines, 2023.

5. Commercial Justice, SGBV and E&LC CUC Guidelines.

6. The Administration of Justice in Kenya Annual Report FY 2022-2023.

7. NCAJ Standard Operating Procedures on Service Delivery Initiatives (SDIs).

**e) Policy, Legal and Administrative Reforms' Publications by other Justice Sector Agencies between 1st July 2022 to 30th June 2023**

1. Political Parties (Amendment) Act, 2022-KLRC.

2. Political Parties Disputes Procedure (Amendment) Regulations-KLRC.

3. Elections (Parliamentary and County Elections) (Amendment) Rules, 2022-KLRC.

4. Elections (Amendment) Act, 2022-KLRC.

5. Report on Quality Rights Assessment of Mental Health Facilities-KNCHR.

6. Human Rights Standard Operating Procedures (SOPs) – KNCHR.

7. Judiciary SGBV Strategy.

8. Judiciary Child Justice Strategy 2023-2030.

9. Rapid Reference Guide on the Sexual and Gender Based Violence Cases in Kenya-ODPP.

10. Role of Psychosocial Support in Advancing Justice – IPOA.

11. Narcotics Drugs and Psychotropic Substances Control Amendments Act no 4 2022- NACADA.

12. Training Manual for social service workforce on OCSEA-NCCS.

13. Training Guidelines for Children Matters – ODPP.

14. National Framework for the implementation of *Kafaalah* care for children in Kenya- NCCS.

15. The Statute Law Miscellaneous Amendment Bill, 2022 -.

16. The Anti-Bribery Act, Cap. 79B and Guidelines – EACC and OAG & DOJ.

17. Persons with Disability Bill, 2023 –

18. Witness Protection (Amendment) Bill, 2023 – WPA

19. Witness Protection (Reciprocal Protection Arrangements) Regulations, 2023 – WPA.

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20. The Review of the Prisons Cap. 90 Act, Borstal Institutions Act, Cap. 92 and Probation of Offenders Act Cap. 64 – State Department for Correctional Service.
  21. Victims and Witnesses Facilitation Guideline- ODPP and IJM.
  22. Rapid Reference Guide for Prosecution of Offences under the Prevention of Torture Act-ODPP.
  23. Standard Operating Procedures for Investigations, Prosecution and Trafficking in Persons in Kenya – NPS.
  24. Child and Youth Justice Strategy-PACS.
  25. Victims Service Charter – PACS.
  26. Training Curriculum and Training Manual for Community Probation Volunteers- PACS.
  27. PACS Practice Guidelines – PACS.
  28. Facilitators Training Manual – PACS.
  29. Strategy for the Implementation of the Article 26 (4) and Article 43 (1) of the Constitution of Kenya – Center for Reproductive Rights (CRR).
  30. ODPP Code of Conduct and Ethics.
  31. Legal Aid (General) Regulations, 2022 – OAG&DOJ.
  32. Public Participation Policy – OAG&DOJ.
  33. Review of the Legal and Policy Frameworks on the Right to Health in Kenya – ICJ.

## Appendix 7: Number of CUCs Meetings Held, FY 2023/24

No.	CUC Station	Number of Meetings Held
<i>County/High Court CUCS</i>		
1	Bomet County	-
2	Bungoma County	2
3	Busia County	4
4	Embu County	-
5	Garissa County	3
6	Homa Bay County	-
7	Kajiado County	-
8	Kakamega County	-
9	Kericho County	2
10	Kiambu County	3
11	Kilifi County	4
12	Kirinyaga County	-
13	Kisumu County	4
14	Kisii County	1
15	Kitui County	3
16	Kwale County	3
17	Laikipia County	1
18	Machakos County	3
19	Makueni County	3
20	Marakwet County	3
21	Meru County	3
22	Migori County	4
23	Milimani Anti-Corruption & Economic Crimes Division	-
24	Milimani Criminal Division	-
25	Milimani Family Division	-
26	Mombasa County	4
27	Murang'a County	2
28	Naivasha High Court	-
29	Nakuru County	-
30	Nandi County	1
31	Narok County	2
32	Nyahururu High Court	-
33	Nyamira County	4
34	Nyeri County	2
35	Siaya County	3

36	Taita Taveta County	3
37	Tana River County	-
38	Tharaka Nithi County	3
39	Trans Nzoia County	2
40	Turkana County	-
41	Uasin Gishu County	2
42	Vihiga County	4
43	Wajir County	-
44	West Pokot County	-

***Environment & Land Justice CUCs***

1	Bungoma ELC	-
2	Busia ELC	-
3	Chuka ELC	4
4	Eldoret ELC	-
5	Embu ELC	-
6	Garissa ELC	-
7	Homa bay ELC	-
8	Isiolo ELC	1
9	Iten ELC	2
10	Kajiado ELC	-
11	Kakamega ELC	3
12	Kapsabet ELC	-
13	Kericho ELC	-
14	Kerugoya ELC	-
15	Kilgoris ELC	3
16	Kisii ELC	-
17	Kisumu ELC	-
18	Kitale ELC	2
19	Kitui ELC	3
20	Kwale ELC	1
21	Machakos ELC	3
22	Makueni ELC	2
23	Malindi ELC	3
24	Meru ELC	-
25	Migori ELC	-
26	Mombasa ELC	-
27	Murang'a ELC	3

28	Nairobi ELC	3
29	Nakuru ELC	2
30	Nanyuki ELC	-
31	Narok ELC	1
32	Nyahururu ELC	-
33	Nyamira ELC	-
34	Nyeri ELC	-
35	Siaya ELC	-
36	Thika ELC	2
37	Vihiga ELC	-
<b><i>Employment &amp; Labour Relations CUCs</i></b>		
1	Bungoma ELRC	-
2	Mombasa ELRC	-
3	Nairobi ELRC	-
4	Nakuru ELRC	-
5	Eldoret ELRC	-
6	Kericho ELRC	-
7	Kitale ELRC	-
8	Kisumu ELRC	-
9	Kakamega ELRC	-
10	Machakos ELRC	-
11	Malindi ELRC	-
12	Meru ELRC	-
13	Nyeri EL	-
<b><i>Commercial Justice CUCs</i></b>		
1	Nairobi	-
2	Mombasa	-
3	Kisumu	-
4	Nakuru	-
5	Eldoret	-
<b><i>Magistrates' CUCs</i></b>		
1	Baricho Magistrates' Court	3
2	Bomet Magistrates' Court	-
3	Bondo Magistrates' Court	3
4	Bungoma Magistrates' Court	-
5	Busia Magistrates' Court	-
6	Butali Magistrates' Court	3

7	Butere Magistrates' Court	3
8	Chuka Magistrates' Court	3
9	Dadaab Magistrates' Court	-
10	Eldama ravine Magistrates' Court	2
11	Eldoret Magistrates' Court	-
12	Embu Magistrates' Court	4
13	Engineer Magistrates' Court	3
14	Gaissa Magistrates' Court	3
15	Garsen Magistrates' Court	3
16	Gatundu Magistrates' Court	3
17	Gichugu Magistrates' Court	3
18	Githongo Magistrates' Court	3
19	Githunguri Magistrates' Court	-
20	Hamisi Magistrates' Court	-
21	Hola Magistrates' Court	3
22	Homa bay Magistrates' Court	4
23	Isiolo Magistrates' Court	4
24	Iten Magistrates' Court	2
25	Jkia Magistrates' Court	3
26	Kabarnet Magistrates' Court	3
27	Kabiyet Magistrates' Court	3
28	Kahawa Magistrates' Court	3
29	Kajiado Magistrates' Court	3
30	Kakamega Magistrates' Court	3
31	Kakuma Magistrates' Court	3
32	Kaloleni Magistrates' Court	4
33	Kandara Magistrates' Court	3
34	Kangema Magistrates' Court	3
35	Kangundo Magistrates' Court	3
36	Kapenguria Magistrates' Court	-
37	Kapsabet Magistrates' Court	2
38	Karatina Magistrates' Court	3
39	Kehancha Magistrates' Court	3
40	Kenol Magistrates' Court	3
41	Kericho Magistrates' Court	2
42	Keroka Magistrates' Court	-
43	Kerugoya Magistrates' Court	3
44	Kiambu Magistrates' Court	2

45	Kibera Magistrates' Court	3
46	Kigumo Magistrates' Court	4
47	Kikuyu Magistrates' Court	2
48	Kilgoris Magistrates' Court	3
49	Kilifi Magistrates' Court	3
50	Kilungu Magistrates' Court	3
51	Kimilili Magistrates' Court	3
52	Kisii Magistrates' Court	3
53	Kisumu Magistrates' Court	-
54	Kitale Magistrates' Court	1
55	Kithimani Magistrates' Court	2
56	Kitui Magistrates' Court	3
57	Kwale Magistrates' Court	4
58	Kyuso Magistrates' Court	3
59	Lamu Magistrates' Court	4
60	Limuru Magistrates' Court	3
61	Lodwar Magistrates' Court	-
62	Loitoktok Magistrates' Court	3
63	Machakos Magistrates' Court	-
64	Madiany Magistrates' Court	3
65	Makadara Magistrates' Court	1
66	Makindu Magistrates' Court	4
67	Makueni Magistrates' Court	1
68	Malindi Magistrates' Court	3
69	Mandera Magistrates' Court	3
70	Mararal Magistrates' Court	2
71	Mariakani Magistrates' Court	3
72	Marimanti Magistrates' Court	4
73	Marsabit Magistrates' Court	4
74	Maseno Magistrates' Court	3
75	Maua Magistrates' Court	4
76	Mavoko Magistrates' Court	4
77	Mbita Magistrates' Court	2
78	Meru Magistrates' Court	1
79	Migori Magistrates' Court	4
80	Milimani Civil Division	-
81	Milimani anti-corruption magistrates' court	4
82	Milimani anti-corruption & economic crimes division	4

83	Milimani Judicial Review Division	-
84	Milimani Commercial Magistrates' Court	-
85	Milimani Magistrates' Court	-
86	Milimani small claims Magistrates' Court	3
87	Molo Magistrates' Court	3
88	Mombasa Magistrates' Court	3
89	Moyale Magistrates' Court	2
90	Mpeketoni Magistrates' Court	3
91	Msambweni Magistrates' Court	3
92	Mukurwe-ini Magistrates' Court	3
93	Mumias Magistrates' Court	3
94	Muranga Magistrates' Court	3
95	Mutomo Magistrates' Court	3
96	Mwingi Magistrates' Court	3
97	Nairobi city court Magistrates' Court	3
98	Naivasha Magistrates' Court	3
99	Nakuru Magistrates' Court	-
100	Nanyuki Magistrates' Court	3
101	Narok Magistrates' Court	-
102	Ndiwa Magistrates' Court	3
103	Ngong Magistrates' Court	3
104	Nkubu Magistrates' Court	2
105	Nyahururu Magistrates' Court	-
106	Nyamira Magistrates' Court	-
107	Nyando Magistrates' Court	3
108	Nyeri Magistrates' Court	1
109	Ogembo Magistrates' Court	1
110	Ol kalou Magistrates' Court	2
111	Othaya Magistrates' Court	4
112	Oyugis Magistrates' Court	3
113	Port Victoria Magistrates' Court	3
114	Rongo Magistrates' Court	3
115	Ruiru Magistrates' Court	2
116	Rumuruti Magistrates' Court	3
117	Runyenjes Magistrates' Court	3
118	Shanzu Magistrates' Court	3
119	Siakago Magistrates' Court	3
120	Siaya Magistrates' Court	-

121	Sirisia Magistrates' Court	4
122	Sotik Magistrates' Court	2
123	Tamu Magistrates' Court	-
124	Taveta Magistrates' Court	2
125	Tawa Magistrates' Court	3
126	Thika Magistrates' Court	-
127	Tigania Magistrates' Court	-
128	Tinderet Magistrates' Court	2
129	Ukwala Magistrates' Court	3
130	Vihiga Magistrates' Court	-
131	Voi Magistrates' Court	3
132	Wajir Magistrates' Court	4
133	Wang'uru Magistrates' Court	3
134	Webuye Magistrates' Court	-
135	Winam Magistrates' Court	3
136	Wundanyi Magistrates' Court	2
<b><i>Child Justice CUCs*</i></b>		
1	Bungoma Children's Court	2
2	Githongo Children's Court	3
3	Isiolo Children's Court	-
4	Karatina Children's Court	-
5	Kangema Children's Court	-
6	Karatina Children's Court	-
7	Kakuma Children's Court	-
8	Kiambu Children's Court	2
9	Kitui Children's Court	2
10	Kenol Children's Court	2
11	Lamu Children's Court	-
12	Limuru Children's Court	-
13	Machakos Children's Court	3
14	Makadara Children's Court	1
15	Mavoko Children's Court	-
16	Milimani Children's Court	2
17	Muranga Children's Court	-
18	Nanyuki Children's Court	2
19	Nyahururu Children's Court	-
20	Nyeri Children's Court	-

21	Sirisia Children's Court	-
22	Tononoka Children's Court	3
<b><i>Sexual and Gender-Based Violence (SGBV) CUC</i></b>		
1	Shanzu SGBV	3
<b><i>Kadhis' CUCs</i></b>		
2	Balambala Kadhis	1
3	Bura\Fafi Kadhis'	4
4	Bute Kadhis'	4
5	Chief Kadhi Mombasa	3
6	Eldas Kadhi Kadhis'	4
7	Elwak Kadhis'	3
8	Garbatullah Kadhis'	3
9	Habaswein Kadhis'	3
10	Ijara Kadhis'	4
11	Merti Kadhis'	4
12	Modogashe Kadhis'	-
13	Mpeketoni Witu Kadhis'	1
14	Nairobi Upperhill Kadhis'	2
15	Takaba Kadhis'	3
<b><i>Tribunal's CUCs</i></b>		
1	Business premises and Rent Tribunal (BPRT)	-
2	Cooperatives Tribunal	-
3	HIV and AIDS tribunal	-
4	Rent Restriction Tribunal	1
5	Sports Tribunal	4
6	Tax Appeals Tribunal (TAT)	-
7	Political Parties Dispute Tribunal	-
<b>Total Number</b>	<b>of CUC Meetings Held</b>	<b>439</b>

*\* Other courts also formed ad-hoc CCUCs to discuss the child justice issues as need be.*

## Appendix 8: Strategic Partnership and Support to CUCs, FY 2023/24

County	CUCs Supported	Partner
Baringo	Kabarnet Law Courts	NG-CDF Tiaty Citizen Participation Forum (CIPAF) Religious leader/BHRC
Bomet	Bomet County CUC	Education (NOPE), I Choose Life (ICL)- Africa
Busia	Busia County CUC	National Council of Churches of Kenya National Land Commission, KENHA
	Port Victoria Law Courts	WPA, MOH, FIDA, Equality Now, REEP
Embu	Embu Law Courts	W.P.A, AG, APDK, MOH
	Runyejes Law Courts	MOH, PLWD, SCPC
	Siakago Law Courts	ACC
Elgeyo Marakwet	Iten Law Courts	National Land Commission CWSK
Bungoma	Bungoma County CUC	Judges (IAWJ)- Kenya Chapter National Environment Management Authority (NEMA)
Garissa	Garissa County CUC	Woman Kind Kenya (WOKIKE), Supreme Council of Kenya Muslims (SUPKEM)
	Garissa Law Courts	KNCHR, NLAS, UNHCR, RCK, IPOA
	Dadaab Law Courts	Sisters Maternity Home (SIMAHO)
Homa Bay	Homa Bay County CUC	Rachuonyo North NG-CDF, KELIN Kenya
	Homa Bay Law Courts	MOH, Plan International
	Mbita Law Courts	LVCT, MOH, MOE
	Ndhiwa Law Courts	MOH
Kajiado	Loitoktok Law Courts	MOH
	Ngong Law Courts	Lifesong Kenya
	Kajiado Law Courts	MOE/ACE, ICC, CCGD

Kakamega	Kakamega Law Courts Mumias Law Courts	IP&A, NEEMA, UNODC, NLC, L.R.F
	Butali Law Courts	EARC, MOH, NEPHAK, S.C.A  SUPKEM
Kericho	Kericho County CUC	NACADA, LRF
	Kericho Law Courts	Education (NOPE) Legal Resources Foundation (LRF)
Kiambu	Kiambu County CUC	CCIPU, CIC
	Githunguri Law Courts	SYNOD Organization
	Thika ELC	SUPKEM
	Ruiru Law Courts	NGAO
	Gatundu Law Courts	MOH
	Kahawa Law Courts	NLC, NCTC, WPA, KLC, HAART Kenya
	Kikuyu Law Courts	SCPC, NGAO
	Limuru Law Courts  Kiambu Law Courts	SCDE, NGO/VCO, SCPHO Limuru  FIDA Kenya MOH
Kilifi	Kilifi County CUC	NLC, IJM Kenya, KNCCI, National Gender and Equality Commission, Progressive Welfare Association of Malindi, KNHCR, FIDA Kenya
	Mariakani Law Courts	KANCO, MOH, NGAO, SHOFCO-KALOLENI, SCDE-MOE
	Kaloleni Law Courts	MEWA, FIDA, KNHCR, CWSK
Kirinyaga	Baricho Law Courts	SCPHO, S.O.B
	Gichugu Law Courts	KCB
	Wang'uru Law Courts	CIPU, KENDAT
Kisii	Kisii County cuc	CIPU, ACDC
	Kisii Law Courts	WPU, NGAO
	Ogembo Law Courts	MOH

Kisumu	Kisumu County CUC	FIDA Kenya, CSO Network
	Kisumu CJCUC	IDLO
	Kisumu Law Courts	FIDA-KENYA, KMETKNHCR
	Kisumu ELRC	KCWU, Ministry of Labour, Kenya Hotel & Allied Workers Union, KBCTFIU
	Maseno Law Courts	Plan International, MOH
	Nyando Law Courts	STADA
	Tamu Law Courts	UN Women
Kitui	Kitui County CUC	State of Gender & Affirmative Action, LRF, Kenya Forestry Research Institute (KEFRI)
	Kitui ELC	NGAO, World Vision, LRF
	Mwingi Law Courts	SUPKEM, MOH
	Kyuso Law Courts	CoGKTI, WPA
	Mutomo Law Courts	NEPHAK
Kwale	Kwale County CUC	IJM Kenya, Haki Yetu, Sauti Ya Wanawake Pwani, World Vision, KNCHR, Radio Kaya, NEMA, PACS
	Msambweni Law Courts	KNCHR, NGAO, TWC, CONPHAK
	Kwale Law Courts	NEMA, SYWP, U.R.A, FIDA
Lamu	Lamu Law Courts	World Vision, MUHURI, MWARP, ANIDAN, MEWA, MOH, LAPSSET
	Mpeketoni Law Courts	WIKODEP, MUHURI, INTERFAITH, UNODC
Laikipia	Rumuruti Law Courts	SCIC, CIPU Rumuruti, Interfaith, RDU Laikipia SUPKEM
	Nanyuki Law Courts	NGAO, NJRH, ACC Laikipia East
Machakos	Machakos County CUC	World vision kenya
	Machakos ELC	Lands Survey Department, NEMA
	Machakos CJCUC	WPA Nairobi, Terry Child Support
	Mavoko Law Courts	Plan International, SCCIO

Makueni	Makueni ELC	NEMA, Makueni Sand Utilization Authority, NLC, Survey, Makueni County
	Kilungu Law Courts	Mobilization Agency for Paralegal Communities in Africa Trust (MAPACA)
	Makindu Law Courts	Mobilization Agency for Paralegal Communities in Africa Trust (MAPACA), Kaiti MNA, Compassion International, MOE Mukaa, SCPC
	Makindu Law Courts	ACC Makindu, WHH/GAA Makindu
	Tawa Law Courts	Mobilization Agency for Paralegal Communities in Africa Trust (MAPACA), MOH, NGAO
Mandera	Mandera Law Courts	NCPWD
Marsabit	Marsabit Law Courts	FIDA Kenya, MWADO, CRRD Dada Mashinani NEMA
	Moyale Law Courts	ACC, ALCHA, SND, DSD, SCCR
Meru	Meru Law Courts	Ripples International, FIDA, NEMARCDA
	Maua Law Courts	Hope Worldwide Kenya, NGO, Ministry of Interior, M.O.H
	Githongo Law Courts	Ripples International, MT Kenya trust, SCCO
Migori	Kehancha Law Courts	Catholic Medical Mission Board (CMMB), Pillars Core Foundation, NGAO, CAB
	Migori Law Courts	NEMA, MCCSOF, WPCN, CMMB
	Rongo Law Courts	CMMB, MOH, SCPHO, NGAO
Mombasa	Mombasa County CUC	MECAWE, Ripples International, NLC, MCK, FIDA, NEMA
	Mombasa ELC	Legal Resources Foundation (LRF)
	Mombasa CJCUC	IDLO
	Tononoka Children's Court	Clear Kenya, FIDA Kenya, UNODC, ICRH, Mombasa Cement Limited
	Shanzu SGBV Court	IDLO, Equality Now, FIDA Kenya, Childline Kenya, Physicians for Human
	Shanzu Law Courts	ICRH-K, C.I.P.K, NLAS, SYWP, Okoa Sasa

Murang'a	Kigumo Law Courts	SCCIO
	Murang'a County CUC	National Land Commission
Nairobi County	Nairobi CJCUC	IDLO, KEPSA, KAM
	JKIA Law Courts	UNODC LRF, Pendekezo Letu
	Kibera Law Courts	World Vision
	Milimani Children's Court Milimani Family Division	IDLO
Nakuru	Nakuru County CUC	KNCHR
	Nakuru CJCUC	IDLO
	Naivasha Law Courts	Shelter Yetu, LBSI, Naivasha Safe House, PACS,
	Nakuru ELC	FKE
	Eldama Ravine Law Courts	PWD, Red Cross, Legal Resource Foundation, CIPU
	Molo Law Courts	S.C.D.E
Narok	Narok County CUC	National Land Commission, Ministry of Interior, SUPKEM, IRCK
Nyamira	Nyamira County CUC	NGAO
Nandi	Kapsabet Law Courts	Kenya Red Cross, FBO, KNCC, RWPL
	Kabiyet Law Courts	SCCO, NGAO, SUPKEM, NGCDF, MYW
Nyandarua	Engineer Law Courts	Justice Defenders ,KNCHR
	Oi Kalou Law Courts	KFS, State Department of Gender and Affirmative Action, NGAONyandarua
Nyeri	Karatina Law Courts	SCPC, CIP, IPOA
	Othaya Law Courts Mukurwe-ini Law Courts	FIDA Kenya, KRA-DTD/TBE PHO, CPC, KCB
	Othaya Law Courts	FIDA Kenya, IPOA, ACC, KRA-DTD/TBE
	Nyeri Law Courts	KCFAW, KBC, OAG, KUDHEIDHA UNIION
Samburu	Maralal Law Courts	World Vision, NGAO, Compassion International Kenya, Kenya Finland Bilateral, Kenya Red Cross

Siaya	Ukwala Law Courts	CMMB, ICDEP, UCRC
	Madiany Law Courts	LWEA CDC, MSCH, SCPHO, CIPU
	Siaya ELC	ACC, LRF, NEMA, SCPC, SCODA
	Siaya County CUC	LRF, MYWO
Taita Taveta	Taita Taveta County CUC	Sauti Ya Wanawake- Mwangea Branch, World Vision, KNHCR
	Voi Law Courts	AWF, Reach Out Trust Centre, KNHCR
	Taveta Law Courts	RED CROSS, ACK NGARIGASHI
Tana River	Garsen Law Courts	GROOTS Kenya, Kenya Community Support, Centre (KECOSCE), CIPU
	Hola Law Courts	KNCCI-TR, MOH, CHANA CHENA, NIS, FBO, NLC, NEMA
Tharaka Nithi	Tharaka Nithi County CUC	Ripples International, NEMA, SUPKEM, National Environment Management, Kituo Cha Sheria, Gladif Kenya
	Chuka ELC	NEMA, Land and Physical Planning (TNCG), NLC, SUPKEM
	Chuka Law Courts	SUPKEM, Ripples International, CBO, DAP
	Marimanti Law Courts	Ripples International
Trans Nzoia	Kitale County CUC	SDGAA, Red Cross, Justice and Peace
Turkana	Kakuma Law Courts	UNHCR, Refugee Consortium Kenya (RCK), Terre des Hommes (TDH) Kenya, IRC, WVK, AICHM, VSO, MoH, JRS
	Turkana County CUC	UNHCR, RCK, T.C.G, SUPKEM, SAPCONE
Uasin Gishu	Eldoret CJUC	IDLO
Vihiga	Vihiga County CUC	SHOFCO, KRCS, MOH, NGAO USJC
	Hamisi Law Courts	FIDA Kenya
Wajir	Wajir Law Courts	KNHCR, MOH, ATPU
West Pokot	Kapenguria Law Courts	World Vision, Child Protection Network

### 1. MOMBASA COUNTY

#### Mombasa High Court/County CUC

- Upscaled adoption of AJS by the community and litigants
- Reduced prison congestion and transferred remandees from Shanzu to Shimo la Tewa Prisons
- Enhanced referrals of matters for various reports which has ensured that all offenders released on non custodial sanctions were being supervised and rehabilitated as required
- Improved verification of surety which improved administration of bail and bond
- Increased CSO placements with 179 cases reviewed
- Enhanced appreciation and upholding of human rights
- Improvement in probation officers reporting resulting in better and more informed decisions

#### Mombasa E&LR CUC

- Held an open day event
- Conducted two ICT trainings for the CUC members
- Conducted a mediation training

#### Mombasa Law Courts

- Supported review of cases, with various sentence review reports submitted before the presiding judges for consideration
- Smooth progress of AJS operation
- Carried out prison visits by the Court Users Committee led by the Presiding Judge
- Improved verification of sureties
- Community Service Orders (CSO) placements increased tremendously
- Reduced prison congestion
- Increased uptake of AJS by public
- Carried out sensitisation on small claims court operations at a local radio stations
- Improved the care and handling of methadone clients at Central and Makupa police stations

#### Shanzu SGBV CUC

- Introduction of e-filing system has helped in saving of time
- Successfully held a training courtesy of Physicians for Human Rights (PHR)
- Appreciation of the SGBV CUC for supporting victims
- Increased number of people benchmarking from Shanzu law courts on SGBV matters

### 2. KWALE COUNTY

#### Kwale High Court/ County CUC

- Improved transparency and accountability among CUC members and the Community
- Implemented SGBV Standard Operating Procedures (SOPs)
- Developed and disseminated Psychosocial Support Catalogue for psychosocial support for SGBV survivors

- Increased in the number of cases resolved through ADR and/or AJS
- Embraced E-filing system offering easy access to case progress and court orders

#### **Kwale Law Courts**

- Sensitised members on Ardhi Sasa
- Significantly dropped ELC disputes
- Increased dispute resolution of civil cases
- Led Kwale Main prison to its capacity through decongestion

#### **Msambweni Law Courts**

- Reduced number of stock theft cases
- Improved interagency collaboration and coordination There is a good working relationship between Probation department, the court and other stakeholders
- Improved efficiency in plea taking by the court
- Improved availing of police files
- Improved the running of ODPP operations
- Launched Lukore police post supported by the Kwale County Government and NG-CDF
- Reduced crime rate in Shimoni area especially the defilement cases due to community policing
- Sensitised on child protection and rights

### **3. KILIFI COUNTY**

#### **Kilifi High Court/ County CUC**

- Supported the completion of several critical projects within the county
- Improved efficiency and effectiveness on service delivery by County and ELC CUCs
- Put new accountability measures which led to better tracking of resources and outcomes
- Improved community engagement

#### **Malindi E&L CUC**

- Undertook tree planting

#### **Malindi Law Courts**

- Members were trained on the Sentencing Policy Guidelines
- Renovated Marafa Mobile Court to support access to justice
- Utilised diversion

#### **Mariakani Law Courts**

- Supported the building of a witness protection centre in Moyale and purchase of a water tank
- Led to more cases being referred to the ADR
- Sensitised judicial officers, probation officers and community leaders on mediation
- Rolled out ADR and AJS at Mariakani Court

## **Kaloleni Law Courts**

- Efforts led to reduction of defilement cases
- Engaged and sensitised the community at Hademu Primary
- Sensitised members on practice guidelines and timely processing of fines and cash bail
- Held open day held at Kaloleni ground on the 29th November 2023
- Pooled government resources like vehicles from the DCI, DCC and Education Department to address delay or unreported cases of defilement to the relevant bodies
- Reduced the number of cases involving the elderly

## **Kilifi Law Courts**

- Members sensitised on children CUC guidelines
- Conducted radio talk show on SGBV and Mental health

## **4. TANA RIVER COUNTY**

### **Garsen Law Courts**

- Trained CUC members who enlightened fellow officers in their respective working stations
- Improved the timely completion of investigations on defilement matters
- Prioritised children matters

### **Hola Law Courts**

- Improved timely production of police files in court

## **5. LAMU COUNTY**

### **Lamu Law Courts**

- Purchased a laptop for the Hindi GK prison addressing the logistical and security challenges
- Trained prison officers on paralegal matters
- Allocated funds for the construction of perimeter wall

### **Mpeketoni Law Courts**

- Trained medical personnel on proper writing of treatment notes and filling of PRC and P3 forms for SGBV survivors
- Engaged paralegal agents to spearhead legal aid within the local communities
- Secured funding from PLEAD II to facilitate programmes on access to justice
- Secured computers to ease report writing for Witu and Mpeketoni ADR centres
- Visited Hindi Prison for decongestion programme
- Improved work environment by allocating an office to probation officers
- Revamped children's rescue centres and child protection units
- Conducted technical harm reduction programs
- Sensitised the community on the effects of narcotics, drug abuse and mental challenges

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## 6. TAITA/TAVETA COUNTY

### Taita Taveta County CUC/Voi High Court

- Decongested prisons
- Supported the construction of court building
- Supported the launch of e-filing
- Increased use of mediation to resolve cases

### Voi Law Courts

- Sensitised actors during the children service month
- Children Sub-committee visited Children Rescue centre at Bura to ascertain the progress of the construction project
- Alternative Justice System (AJS) sub-committee was constituted

### Wundanyi Law Courts

- Carried out village Barazas mobilized by the local administration
- Commenced the construction of children's rescue centre in Bura
- Adopted E-filing

## 7. GARISSA COUNTY

### Garissa CUC

- Reduced complaints on soliciting
- Conducted Service Week
- Increased the uptake of virtual courts

### Bura / Fafi Kadhis CUC

- Introduced e-filing at the Bura/Fafi Kadhis Court
- Improved the performance of the Bura Kadhi's Court through increase in the number of registered cases

### Balambala Kadhis CUC

- Explored possible establishment of a Maslaha centre to help in the dispensation of justice
- Commenced the procurement of solar-power panels

## 8. WAJIR COUNTY

### Wajir Law Courts

- Undertook prompt action on SGBV cases by the ODPP office and the General Hospital
- Trained registry staff and Kadhi's court staff on E-filing
- Trained CUC members on AJS through facilitation by UNODC
- Mobilised funds from CDF Wajir East for construction of a CPU at Wajir Police Station
- Executed Children service month
- Sensitized the public on functions of the court, E- filing, small claims court and Children service month through local radio stations
- Carried-out prison visit and sensitized inmates

### Habaswein Law Courts

- Supported the judiciary initiative to digitize court processes, particularly e-filing
- The CUC was hailed as active, objective and with accessible community structures
- Improved handling of GBV matters decreasing divorce and child abuse rate
- The AJS has provided a structured and procedural method for communities to resolve issues

### Bute Kadhi's CUC

- Introduced Kafala concept

## 9. MANDERA COUNTY

### Takaba Kadhi's CUC

- Rolled out Maslaha in the pursuit of justice as an Alternative Justice System
- Sensitised the public and justice sector actors on Maslaha

### Elwak Kadhi's CUC

- Identified land and got the allotment letter for establishing a law court in Elwak Sub-county

## 10. MARSABIT COUNTY

### Marsabit Law Courts

- Supported security the improvement measures in the county
- Improved attendance to court by investigating officers
- Implemented Global Fund HIV program in Marsabit County in partnership with KRCS & MOH

### Moyale Law Courts

- Sensitised members of staff on how to handle litigants with dignity
- Conducted children service month
- Visited prison facility on 6th October 2023
- CUC members successfully disposed exhibits

## 11. ISIOLO COUNTY

### Isiolo E&L CUC

- Upscaled the use of AJS

### Garbatullah Kadhis CUC

- The roll out of the E-Filing system by the Judiciary allowed clients to file cases, access the cause list, and handle documentation online, enhancing access to justice

## 12. MERU COUNTY

### Meru County CUC

- Established SGBV registry
- Supported the construction of a new court building

## Maua Law Courts

- Constituted Pro-bono committee which also commenced working
- Carried out decongestion and maintained the prison population at a manageable level

## Githongo Law Courts – Child Justice CUC

- Undertook Children Service Month
- Upscaled the use of the Children’s Act, Cap. 141
- Adopted Family Group Conferences to deal with cases involving children, ensuring that relevant stakeholders and family members are involved in decision-making

## 13. THARAKA-NITHI COUNTY

### Chuka County CUC

- Lobbied funds for the construction of the court wall
- Disposed cases expeditiously due to the newly established Small claim court
- Reduced rate of use of illicit brews

### Chuka E&L CUC

- Spearheaded fundraising for AJS
- Collated views on the ELC Amendment Bill

### Chuka Law Courts

- Engaged on enhancing the administration of Justice through receipt of feedback on ongoing reforms, including care reforms and follow-ups
- Improved the management of remands/convicted prisoners by providing solutions to challenges such as water rationing and overcrowding
- Trained stakeholders reaching out to relevant organizations and having including discussions on funding possibilities and strategies for effective implementation
- Reduced prison population through sentence reviews and exploring non-custodial alternatives
- Improved efficiency and effectiveness through training on ADR, SGBV and Small Claims
- Incorporated additional members into the CUCs including the Lands officer
- Operationalised Small Claims Court
- Undertook community engagements to increase awareness of court processes, and foster transparency and trust in the justice system

## 14. EMBU COUNTY

### Embu Law Courts

- Incorporated Kenya Forestry Service into the CUC
- Innovated by picking Child offenders from far flung areas on Sundays for Monday hearings
- Supported rolled out of Small claims court
- Sensitised the public through public chiefs’ barazas
- Police were allocated an office at courts

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## 15. KITUI COUNTY

### Kitui County CUC

- Supported E-Filing System
- Participated in the National Launch of e-filing showcasing a synchronized national effort to modernize judicial processes

### Kitui Environment & Land CUC

- Sensitised actors on ELC matters
- Supported the implementation of tree cutting policy
- Undertook tree planting

### Kitui Sub-County CUC

- Sensitised the community on AJS and Small Claims Court
- Lobbied for land allocation for Court from County Government
- Undertook prison decongestion exercise

### Kitui Law Courts

- Sensitized members on the new procedures for filing cases and accessing daily cause lists through the court's online portal

### Kitui Child Justice CUC

- Audited Children Matters: 33 active matters were identified and files retrieved
- Carried out Child Justice Service Month
- Undertook community engagement on CUC activities
- Trained members on diversion and plea bargaining supported by Legal Resource Foundation
- Mobilised resources from County Government to build a rescue centre
- Donated clothing and sanitary towels for prisoners
- Sensitised the community on sexual offences and child abuse

## 16. MACHAKOS COUNTY

### Machakos County CUC

- Supported the renovation of court building
- Improved uptake of mediation
- Trained CUC members and Mediators
- Improved allocation and handling of SGBV cases
- Supported the construction of the Court's Ultra-modern toilet
- Undertook supervisory visit to Kangundo Law Courts

### Machakos E&L CUC

- Undertook tree planting

## Kangundo Law Courts

- Improved interagency collaboration
- Sensitised the police
- Upscaled the use of mediation in settling disputes
- Supported the registration of vulnerable groups/members of society

## Mavoko Law Courts

- Established gender desk in place at Police Stations
- Improved timeliness in collecting of remand prisoners from Prison to Court
- Land Registrar allocated a specific day for handling advocate matters

## 17. MAKUENI COUNTY

### Makueni County & ELC & Law Court CUC

- Trained members on E-Filing
- Decongested remand prisons
- Improved virtual court connection
- Improved communication DR ELC court
- Launched court annexed mediation in Makueni

### Tawa Law Courts

- Reduced case backlog by fast-tracking cases
- Introduced a booklet for capital offenders/offences
- Improved communication among the stakeholders
- Improved interagency collaboration and supported the Police in transporting child offenders:
- Operationalized pro-bono service at Tawa law courts
- Conducted a CSR activity during the children service month at Tawa sub-county hospital
- The ODPP increased booking of several witnesses in a day

### Kilungu Law Courts

- Successfully held the Day of the African Child
- Timely availing files on time by Sultan Hamud police station was realised
- Opened protection and care files in defilement cases
- Reduced drug related crimes

## 18. NYANDARUA COUNTY

### Engineer Law Courts

- Engaged public health workers and doctors on enhancing access to justice
- Held GBV Awareness in Njabini
- Improved access to court services with E-filing allowing easy access to court services
- Enhanced integrity for criminal cases through collaboration with the ODPP
- Established Gender Desk within court premises to assist the vulnerable persons

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## 19. NYERI COUNTY

### Othaya Law Courts

- Improved documentation of CUC Reports
- Members were trained by Kenya Revenue Authority (KRA)
- Successfully conducted Children service month
- Visited Mwai Kibaki Hospital
- Conducted training on SGBV

### Mukurwe-Ini Law Courts

- Improved working relationship with stakeholders

## 20. KIRINYAGA COUNTY

### Kerugoya E&L CUC

- Undertook tree planting
- Reclaimed land from grabbers
- Ardhi sasa platform was set up
- Sensitised officers on AJS
- Increased number of mediators in the region

### Baricho Law Courts

- Resolved challenges at Thiba Police Station
- Visited a Children home

### Gichugu Law Courts

- Increase uptake of diversion
- Improved efficiency by merging the Legal-aid and capacity building sub-committee
- Children service month was conducted successfully
- Undertook 'Kutana na Mahakama' initiative
- Improved court attendance by the Clinical Officers

## 21. MURANG'A COUNTY

### Murang'a E&L CUC

- Improved the uptake of e-filing

### Kenol Law Courts

- Sensitized/trained members on Court Annexed Mediation
- Conducted a free legal awareness week with advocates offering free legal advice to the public
- Undertook CSR visits to Murang'a Children's home and two chief's camps for sensitization

## Kenol Child Justice CUC

- Sensitised Murang'a South and Ithanga sub-counties during the Children's Justice Month
- Engaged local administrators to protect children

## Kigumo Law Courts

- Undertook prison decongestion exercise
- improved service delivery at Murang'a south police station
- Planted 1,100 tree seedlings through the community service order program
- Sensitized local chiefs and sub-chiefs on ADR, AJS and mediation
- Trained clinical officers, ensuring a standardized approach to filling out P3 forms
- Supported the transition to E-filing

## 22. KIAMBU COUNTY

### Kikuyu Law Courts

- Held judicial open day at ACK Bishop Kariuki Centre at Wangige in Kabete
- Referred cases to court-annexed mediation, aiding in backlog clearance
- Upscaled pro bono legal services by LSK
- Carried out Children Service Month in November

### Kahawa Law Courts

- Sensitized CUC members on children matters
- Visited Kamiti Youth Correctional Training Centre during Children Service month

### Limuru Law Courts

- Implemented E-Filing across departments
- Carried out Children Service Month in November 2023
- Improved child holding unit at Limuru police station
- Resolving challenges related to lack of police files in court through provision of photocopies and summons to County Commanders
- Collaboration with KENDAT and Brooke East Africa to support workshops
- Undertook prison decongestion

## 23. TURKANA COUNTY

### Lodwar Law Courts

- Carried out child vulnerability mapping
- Expanded monitoring and planning of issues that affect children

## 24. WEST POKOT COUNTY

## 25. SAMBURU COUNTY

### Mararal Law Courts

- Trained chiefs on mediation, children matters, mental health issues, counselling and psychosocial support to survivors of SGBV
- Supported rescue of Children from harmful practices and fast-tracked justice for them
- Deepened access to justice through reduced travel time to Nanyuki High Court by supporting the launch of the High Court sub-registry in Maralal
- Adopted and localized ADR in partnership with the local administration
- Sensitized the public through barazas, leading to an increased number of school-going children
- Reduced the time taken to bond witnesses
- Reduced investigation timelines before charging the accused person in court
- Deepened justice sector collaboration to address insecurity
- Enhanced the arrest and charging of criminals and bandits
- Upscaled the use of virtual courts
- Sensitized the public on diverse civil justice issues

## 26. TRANS NZOIA COUNTY

### Trans Nzoia County CUC

- Held inaugural County CUC meeting

### Kitale Law Courts

- Supported the launch of the Small Claims Court and sensitised the CUC members
- Deepened the use of AJS in the community

## 27. UASIN GISHU COUNTY

## 28. ELGEYO MARAKWET COUNTY

### Elgeyo Marakwet County CUC

- Visited Tambach Prison
- Benchmarked with Nakuru CUC on AJS
- Implemented mediation and diversion
- Planted tree in collaboration with the county government and the EL Court
- Embraced community service orders as an alternative to incarceration

### Iten ELC & Iten Law Courts

- Lobbied for land for construction of a Justice Centre/building
- Increased uptake of pro bono cases by lawyers
- Visited Tambach Prison
- Put in measures to enhance efficiency in dispensation of justice

## 29. NANDI COUNTY

### Kapsabet Law Courts

- Sensitised CUC members and the public on e-filing
- Lobbied for land from the county government to construct modern Kapsabet courts

### Kabiyet Law Courts

- Carried out public sensitization
- held open day at Chepterwai
- Reduced cases/ crimes of murder, stock theft
- Improved the availing of files and witnesses to court
- Improved public perception about the court and the court process
- Increased adoption and uptake of ADR by the community and the court
- Held public education/ sensitization during open days
- Lobbied for ODPP office from the County Commander
- Sensitised CUC members on the e-filing system

### Tinderet Law Courts

- Provided free services to victims of SGBV at the Hospital
- Embraced digital back up for P3 forms
- Visited Tachasis Special School
- Sensitised members on e-filing

## 30. BARINGO COUNTY

### Kabarnet Law Courts

- Trained police officers on legal issues, prosecution and handling of witnesses, children and SGBV cases
- Sensitised members on adjudication of land matters and e-filing Identified and allocated office space for a mobile court in Marigat
- Appointed liaison officers to assist in coordination between the Police and ODPP
- Increased court days from 3 to 6 for Marigat Mobile Court
- Held service/legal aid week supported by LSK
- Mentored children at Marigat and trained them on the Children Act
- Successfully lobbied for the allocation of court registry offices from the County Commissioner
- Improved the availing of police files and witnesses to court
- Introduced weekly mentions at the prisons
- Improved client services through daily briefs, having priority/express service card for vulnerable persons and a full-time customer care officer

## 31. LAIKIPIA COUNTY

### Laikipia County CUC

- Held high court service week
- Segregated ELC matters into environment and land to assist court users to distinguish and properly file their cases
- Developed user guidelines on the ELC division case filing
- Improved interagency collaboration

### Nanyuki ELC

- Developed user guidelines on the ELC Division case filing

### Nanyuki Law Courts

- Sensitised CUC members on the Imarisha Program by ACK Mt Kenya West - Justice and Children Rights
- Continued to support operationalisation of Policare
- Operationalised SGBV survivors' clinic
- Improved interagency collaboration on child justice
- Sensitised members

### Rumuruti Law Courts

- Settled Pro bono pending bills
- Reduced illegal burning of charcoal
- Improved production of inmates from Nyahururu GK Prison and bonding of witnesses
- Improved case clearance rate in children matters owing to the service month
- Sensitised members on AJS and mandate of IPOA
- Improved production of court documents by agencies such as by the police

## 32. NAKURU COUNTY

### Nakuru E&L CUC

- Improved the duration taken to obtain court orders
- Sensitised CUC members on the Environment and Land Court (Amendment) Bill
- Improved interagency collaboration
- Improved efficiency in disposal of cases and service delivery
- Improved uptake of AJS in land matters, with some being successfully resolved
- Planted 3,550 trees
- Held open day

### Nakuru E&LR CUC

- Reduced backlog
- Improved stakeholders' cooperation

### Naivasha High Court CUC

- Improved service delivery
- Improved interagency collaboration

### Naivasha Law Courts

- Roll-out e-filing by the court
- Sensitised CUC members on e-filing
- Improved service of high court proceedings
- Improved interagency collaborations
- Sensitised members on Small Claims Court

### Molo Law Courts

- Improved interagency collaboration
- Improved compliance with court orders by probationers
- Established and operationalised Olenguruone mobile court

### Eldama Ravine Law Courts

- Trained police officers on diversion
- Held probation open day
- Trained CUC members on mental health
- Improved the availing witness statements to accused persons
- Improved working relationships and interagency collaboration

## 33. NAROK COUNTY

### Kilgoris Law Courts

- Improved the time taken to peruse and approve police files
- Mobilised resources towards construction of ablution block
- Supported the roll out of e-filing system
- Trained members on AJS and e-filing

## 34. KAJIADO COUNTY

### Kajiado E&L CUC

- Held a week-long AJS forum in Iloodokilani

### Kajiado Law Courts

- Improved the production and documents to the court
- Held Legal Awareness Week

## Ngong Law Courts

- Launched e-filing, data tracking dashboard and cause list
- Ensured timely plea-taking
- Planted trees
- Undertook children engagement activity

## Loitoktok Law Court

- Improved interagency collaboration
- Supported the reduction of crime through the use of boda bodas
- Smooth reintegration of children back into the community
- Improved case disposal

## 35. KERICHO COUNTY

### Kericho County CUC

- Improved Prison Service Operations in the handling of convicts
- Held mobile courts every Monday to enhance access to justice
- Enhanced security within the court premises, with specific actions assigned to ensure safety even during night hours
- Improved uptake of mediation
- Improved ICT connectivity at the court

## 36. BOMET COUNTY

### Sotik Law Courts

- Held open day to sensitise members of the public on justice sector
- Planted 1,500 tree seedlings provided by Prisons
- Launched Children's CUC
- Sensitised the public on matters children during the Child Justice Service Month
- Enhanced interagency collaboration

## 37. KAKAMEGA COUNTY

### Kakamega E&L CUC

- Smoothed the verification process at Butali and Mumias ELC
- Conducted clean-up exercise
- Participated in fencing of Kakamega forest reducing illegal logging
- Introduced new charges for persons entering closed areas without authorizations
- Set up extension forest centres in every sub-county,
- Aailed polybags for seedlings and donated to private tree nurseries
- Made a report on ELC amendment Bill 2023

### Mumias Law Courts

- 
- Held Children’s Service Month
  - Visited Kakamega remand centre
  - Improved interagency collaboration

#### **Butere Law Courts**

- Revamped public waiting bay
- Reduced incidences of mob justice owing to awareness creation and action taken against perpetrators
- Held Children’s Service Month in November
- Improved service delivery

#### **Butali Law Courts**

- Sensitised members on e-filing

### **38. VIHIGA COUNTY**

#### **Vihiga County CUC**

- Improved submission of social inquiry reports
- A subcommittee for the training of mediators was established
- Held correctional service week

### **39. BUNGOMA COUNTY**

#### **Bungoma County CUC**

- Trained 100 health workers on SGBVs
- Held SGBV clinics in various facilities, providing a conducive environment for SGBV clients
- Established children courts at Sirisia and Webuye stations, fast-tracking SGBV cases
- Infrastructure for a safe house was developed at Ndengelwa area in Bungoma South

#### **Kimilili Law Courts**

- Sensitised member on court processes to curb brokers and corruption

### **40. BUSIA COUNTY**

#### **Busia County CUC**

- Supported the renovation of court building
- Supported the establishment of Small Claims Court at Busia Law Court
- Incorporated cashless payments
- Sensitised elders on AJS

#### **Busia E&L CUC**

- Provided feedback on ELC Amendment Bill 2023
- Planted trees
- Held open day

## 41. SIAYA COUNTY

### Siaya County CUC

- Held AJS training
- Supported children witnesses in Yala, Siaya and Bondo and Aram
- Assigned probation officer in Madiany Law Courts
- Operationalised mediation at Ukwala Law Courts

### Ukwala Law Courts

- Received new computers to aid in the e-filing system
- Improved uptake of mediation
- Developed a comprehensive Child Protection Work Plan
- Promoted Mental Health Awareness in Ugunja
- Held round Table Meeting on SGBV
- Improved security or efficiency in handling issues
- Established Pro Bono Committee
- Adopted e-filing and established a customer care desk

## 42. KISUMU COUNTY

### Kisumu County CUC

- Held a Kisumu law court open day
- Established a city court

### Kisumu E&LR CUC

- Resolved cases through Mediation and conciliation
- Rolled out e-filing
- Operationalised Kisii sub registry
- Embraced virtual hearings
- Put in measures to reduce pending cases and missing files
- Embraced mediation and AJS

## 43. HOMA BAY COUNTY

### Homabay Sub-County CUC

- Prepared a work plan for the CCUC
- Held Children Service Month in November 2023
- Adopted virtual hearing procedures, acknowledging the need for adaptation to modern technology

### Oyugis Law Courts

- The adoption of E-filing
- Improved Community Engagement:

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## 44. MIGORI COUNTY

### Migori County CUC

- Opened Bank account for child protection unit
- Launched small claims court
- Reduced FGM and other retrogressive cultural practices
- Sensitized Remand prisoners on plea bargaining and diversion
- Sensitized Chiefs on SGBV, land related issues and succession

### Kehancha Law Courts

- Implemented E-Filing System
- Improved interagency collaboration on mining
- Improved services by Probation and Aftercare Services
- Effective measures were taken to address illegal activities

## 45. KISII COUNTY

### Kisii County CUC

- Improved uptake of Mediation

## 46. NYAMIRA COUNTY

## 47. NAIROBI COUNTY

### Milimani E&L CUC

- Established Nairobi Land Justice Working Group
- Established Nairobi Environment and Planning Working Group
- Sensitised members on AJS model
- Undertook benchmarking with the Kajiado Cosmopolitan AJS panel
- Participated in the validation of E & L CUC Guidelines

### Makadara Child Justice CUC

- Held Children Service Month
- Conducted an Open Day at camp Toyoyo
- Improved partnerships & collaboration amongst stakeholders

### JKIA Law Courts

- Held Courts Open Day,
- Improved community engagement and outreach
- Collaborated with UNHCR to address issues of children asylum seekers and refugees
- Increased referrals and supervision by the probation department
- Trained Community Service Order supervisors to enhance capacity within the probation department
- Enhanced collaboration among justice agencies

## Appendix 10: Breakdown of types of offences Committed by Children Per County, FY 2023/24

Child Offender Case Sub-Categories	No. of Cases	Percentage
<b>Bomet</b>	<b>11</b>	
Creating disturbance	1	9%
Defilement	1	9%
Housebreaking/Burglary	1	9%
Labour	1	9%
Loitering	2	18%
Murder	1	9%
Others	1	9%
Peddling of drugs	1	9%
Theft	2	18%
<b>Bungoma</b>	<b>15</b>	
Assault	1	7%
Housebreaking/Burglary	5	33%
Loitering	3	20%
Possession of narcotics	2	13%
Stealing by servant	1	7%
Theft	3	20%
<b>Busia</b>	<b>9</b>	
Being a member of a gang	2	22%
Breach of the peace/creating disturbance	1	11%
Handling stolen property	1	11%
Housebreaking/burglary	2	22%
Other indecent act	1	11%
Shoplifting	1	11%
Theft	1	11%
<b>Elgeyo/Marakwet</b>	<b>5</b>	
Impersonation	2	40%
Theft	3	60%
<b>Embu</b>	<b>12</b>	
Housebreaking/Burglary	2	17%
Peddling of drugs	3	25%
Robbery with Violence	1	8%
Theft	6	50%
<b>Homa Bay</b>	<b>20</b>	
Attempted Defilement	1	5%

Child Offender Case Sub-Categories	No. of Cases	Percentage
Breach of the Peace/Creating disturbance	1	5%
Defilement	1	5%
Handling food	1	5%
Housebreaking/Burglary	1	5%
Impregnated child	1	5%
Loitering	4	20%
Murder	1	5%
Other indecent act	2	10%
Peddling of drugs	1	5%
Preparing to commit a felony	1	5%
Theft	5	25%
<b>Isiolo</b>	<b>8</b>	
Defilement	1	13%
Grievous bodily harm	1	13%
Stealing by servant	1	13%
Theft	5	63%
<b>Kajiado</b>	<b>1</b>	
Hostile witness	1	100%
<b>Kakamega</b>	<b>156</b>	
Arson	1	1%
Assault	9	6%
Attempted Defilement/Rape	2	1%
Breach of the Peace/Creating disturbance	2	1%
Creating disturbance	12	8%
Defilement	27	17%
Grievous bodily harm	2	1%
Handling food	1	1%
Handling stolen property	2	1%
Housebreaking/Burglary	41	26%
Insulting	2	1%
Murder	5	3%
Others	1	1%
Peddling of drugs	1	1%
Possession of narcotics	1	1%
Preparing to commit a felony	4	3%
Removing forest produce without a permit	2	1%
Robbery	1	1%

Child Offender Case Sub-Categories	No. of Cases	Percentage
Robbery with Violence	6	4%
Stock Theft	1	1%
Theft	32	21%
Vagrancy	1	1%
<b>Kericho</b>	<b>249</b>	
Assault	5	2%
Attempted Defilement	1	0%
Attempted murder/suicide	1	0%
Breach of the Peace/Creating disturbance	1	0%
Contradicting evidence	1	0%
Creating disturbance	7	3%
Defilement	15	6%
Escape from lawful custody	1	0%
Gang Rape	4	2%
Grievous bodily harm	2	1%
Handling stolen property	1	0%
Housebreaking/Burglary	28	11%
Loitering	116	47%
Manslaughter	1	0%
Murder	2	1%
Other indecent act	1	0%
Others	2	1%
Peddling of drugs	1	0%
Possession of narcotics	2	1%
Preparing to commit a felony	2	1%
Procuring abortion	1	0%
Removing forest produce without a permit	6	2%
Robbery	3	1%
Robbery with Violence	1	0%
Stealing by servant	13	5%
Stock Theft	6	2%
Theft	25	10%
<b>Kiambu</b>	<b>34</b>	
Assault	1	3%
Defilement	1	3%
Housebreaking/Burglary	1	3%
Loitering	4	12%

Child Offender Case Sub-Categories	No. of Cases	Percentage
Other indecent act	1	3%
Others	1	3%
Peddling of drugs	6	18%
Possession of narcotics	7	21%
Theft	12	35%
<b>Kilifi</b>	<b>77</b>	
Arson	5	6%
Assault	14	18%
Attempted Defilement/Rape	1	1%
Breach of the Peace/Creating disturbance	3	4%
Creating disturbance	1	1%
Defilement	5	6%
Handling stolen property	2	3%
Housebreaking/Burglary	11	14%
Loitering	1	1%
Murder	3	4%
Other indecent act	1	1%
Others	1	1%
Peddling of drugs	1	1%
Possession of narcotics	2	3%
Robbery with Violence	6	8%
Stealing by servant	4	5%
Stock Theft	1	1%
Theft	15	19%
<b>Kisii</b>	<b>7</b>	
Defilement	1	14%
Grievous bodily harm	1	14%
Sodomy	2	29%
Stealing by servant	1	14%
Theft	2	29%
<b>Kisumu</b>	<b>125</b>	
Assault	12	10%
Child Trafficking	1	1%
Defilement	5	4%
Grievous bodily harm	1	1%
Handling stolen property	2	2%
Housebreaking/Burglary	32	26%

Child Offender Case Sub-Categories	No. of Cases	Percentage
Murder	6	5%
Others	7	6%
Possession of Fire Arms	1	1%
Possession of narcotics	6	5%
Preparing to commit felony	5	4%
Robbery	1	1%
Robbery with Violence	9	7%
Stealing by servant	26	21%
Stock Theft	1	1%
Theft	8	6%
Traffic Offence (Touting)	1	1%
Trespassing	1	1%
<b>Kitui</b>	<b>26</b>	
Assault	2	8%
Breach of the Peace/Creating disturbance	2	8%
Creating disturbance	1	4%
Defilement	4	15%
Handling food	1	4%
Handling stolen property	2	8%
Housebreaking/Burglary	2	8%
Loitering	1	4%
Murder	1	4%
Removing forest produce without a permit	2	8%
Stealing by servant	1	4%
Theft	7	27%
<b>Kwale</b>	<b>10</b>	
Being a member of a gang	3	30%
Grievous bodily harm	2	20%
Indecent Assault (includes defilement)	1	10%
Sodomy	3	30%
Theft	1	10%
<b>Laikipia</b>	<b>1</b>	
Theft	1	100%
<b>Lamu</b>	<b>3</b>	
Theft	3	100%
<b>Machakos</b>	<b>88</b>	
Arson	1	1%

Child Offender Case Sub-Categories	No. of Cases	Percentage
Assault	1	1%
Attempted Defilement/Rape	3	3%
Creating disturbance	1	1%
Defilement	1	1%
Gang Rape	1	1%
Handling stolen property	3	3%
Hostile witness	1	1%
Housebreaking/Burglary	15	17%
Indecent Assault (includes defilement)	5	6%
Insulting	1	1%
Loitering	4	5%
Murder	2	2%
Other indecent act	4	5%
Others	2	2%
Peddling of drugs	1	1%
Possession of narcotics	2	2%
Preparing to commit a felony	2	2%
Robbery	1	1%
Robbery with Violence	1	1%
Shoplifting	1	1%
Stealing by servant	1	1%
Stock Theft	5	6%
Theft	26	30%
Trespassing	3	3%
<b>Makueni</b>	<b>9</b>	
Contradicting evidence	1	11%
Creating disturbance	1	11%
Defilement	3	33%
Loitering	1	11%
Preparing to commit a felony	2	22%
Sodomy	1	11%
<b>Marsabit</b>	<b>12</b>	
Assault	1	8%
Creating disturbance	2	17%
Defilement	2	17%
Housebreaking/Burglary	5	42%
Sodomy	2	17%

Child Offender Case Sub-Categories	No. of Cases	Percentage
<b>Meru</b>	<b>7</b>	
Defilement	1	14%
Grievous bodily harm	2	29%
Housebreaking/Burglary	1	14%
Others	1	14%
Theft	2	29%
<b>Migori</b>	<b>4</b>	
Creating disturbance	1	25%
Hostile witness	1	25%
Housebreaking/Burglary	1	25%
Theft	1	25%
<b>Mombasa</b>	<b>212</b>	
Arson	1	0%
Assault	11	5%
Breach of the Peace/Creating disturbance	8	4%
Defilement	32	15%
Escape from lawful custody	1	0%
Gang Rape	6	3%
Grievous bodily harm	2	1%
Housebreaking/Burglary	19	9%
Insulting	1	0%
Others	11	5%
Peddling of drugs	2	1%
Possession of Military Attire	2	1%
Possession of narcotics	9	4%
Preparing to commit a felony	12	6%
Robbery	1	0%
Robbery with Violence	45	21%
Stock Theft	1	0%
Theft	48	23%
<b>Murang'a</b>	<b>225</b>	
Arson	2	1%
Assault	3	1%
Attempted Defilement/Rape	3	1%
Creating disturbance	5	2%
Defilement	26	12%
Escape from lawful custody	2	1%

Child Offender Case Sub-Categories	No. of Cases	Percentage
Gang Rape	5	2%
Grievous bodily harm	10	4%
Handling stolen property	4	2%
Housebreaking/Burglary	35	16%
Indecent Act (includes defilement)	3	1%
Lying/perjury	1	0%
Murder	3	1%
Other indecent act	1	0%
Others	9	4%
Peddling of drugs	2	1%
Possession of narcotics	36	16%
Preparing to commit a felony	11	5%
Removing forest produce without permit	1	0%
Robbery with Violence	8	4%
Sodomy	3	1%
Theft	47	21%
Trespassing	2	1%
Unnatural Act	3	1%
<b>Nairobi</b>	<b>160</b>	
Assault	11	7%
Attempted Defilement/Rape	3	2%
Being a member of a gang	1	1%
Breach of the Peace/Creating disturbance	1	1%
Child offender	1	1%
Defilement	5	3%
Handling stolen property	6	4%
Housebreaking/Burglary	8	5%
Impregnated child	4	3%
Indecent Assault (includes defilement)	4	3%
Insulting	1	1%
Loitering	13	8%
Murder	1	1%
Others	6	4%
Peddling of drugs	1	1%
Possession of narcotics	11	7%
Preparing to commit a felony	1	1%
Robbery	2	1%

Child Offender Case Sub-Categories	No. of Cases	Percentage
Robbery with Violence	10	6%
Sodomy	1	1%
Stealing by servant	5	3%
Stock Theft	1	1%
Theft	63	39%
<b>Nakuru</b>	<b>179</b>	
Arson	1	1%
Assault	6	3%
Attempted Defilement/Rape	2	1%
Attempted murder/suicide	1	1%
Child Trafficking	1	1%
Creating disturbance	3	2%
Defilement	1	1%
Escape from lawful custody	1	1%
Grievous bodily harm	5	3%
Handling stolen property	1	1%
Housebreaking/Burglary	35	20%
Kidnapping	1	1%
Manslaughter	2	1%
Murder	3	2%
Other indecent act	3	2%
Others	21	12%
Possession of narcotics	2	1%
Preparing to commit a felony	5	3%
Removing forest produce without a permit	3	2%
Robbery	7	4%
Robbery with Violence	13	7%
Stealing by servant	2	1%
Stock Theft	2	1%
Theft	53	30%
Trespassing	5	3%
<b>Narok</b>	<b>9</b>	
Attempted Defilement/Rape	1	11%
Grievous bodily harm	1	11%
Housebreaking/Burglary	1	11%
Loitering	3	33%
Peddling of drugs	1	11%

Child Offender Case Sub-Categories	No. of Cases	Percentage
Robbery	1	11%
Robbery with Violence	1	11%
<b>Nyamira</b>	<b>15</b>	
Defilement	4	27%
Housebreaking/Burglary	1	7%
Indecent Act	1	7%
Peddling of drugs	2	13%
Robbery	1	7%
Theft	6	40%
<b>Nyandarua</b>	<b>7</b>	
Defilement	1	14%
Loitering	1	14%
Murder	3	43%
Theft	1	14%
Unnatural Act	1	14%
<b>Nyeri</b>	<b>84</b>	
Assault	2	2%
Attempted Defilement/Rape	2	2%
Being unlawfully in Kenya	1	1%
Defilement	11	13%
Escape from lawful custody	2	2%
Gang Rape	2	2%
Handling stolen property	5	6%
Housebreaking/Burglary	13	15%
Indecent Assault (includes defilement)	2	2%
Loitering	1	1%
Other indecent act	6	7%
Others	16	19%
Possession of narcotics	2	2%
Robbery	1	1%
Robbery with Violence	3	4%
Theft	15	18%
<b>Siaya</b>	<b>12</b>	
Attempted murder/suicide	1	8%
Creating disturbance	1	8%
Gang Rape	2	17%
Handling food	1	8%

Child Offender Case Sub-Categories	No. of Cases	Percentage
Murder	1	8%
Others	1	8%
Peddling of drugs	1	8%
Theft	4	33%
<b>Taita Taveta</b>	<b>7</b>	
Peddling of drugs	1	14%
Theft	6	86%
<b>Tana River</b>	<b>9</b>	
Creating disturbance	1	11%
Housebreaking/Burglary	4	44%
Others	1	11%
Theft	3	33%
<b>Tharaka - Nithi</b>	<b>9</b>	
Assault	1	11%
Attempted Defilement/Rape	2	22%
Housebreaking/Burglary	1	11%
Impregnated child	1	11%
Loitering	1	11%
Theft	3	33%
<b>Trans Nzoia</b>	<b>2</b>	
Begging	1	50%
Loitering	1	50%
<b>Turkana</b>	<b>7</b>	
Housebreaking/Burglary	4	57%
Preparing to commit a felony	1	14%
Stock Theft	1	14%
Theft	1	14%
<b>Uasin Gishu</b>	<b>92</b>	
Assault	8	9%
Attempted Defilement/Rape	3	3%
Creating disturbance	1	1%
Defilement	12	13%
Escape from lawful custody	1	1%
Gang Rape	3	3%
Grievous bodily harm	4	4%
Hostile witness	2	2%
Housebreaking/Burglary	10	11%

Child Offender Case Sub-Categories	No. of Cases	Percentage
Manslaughter	2	2%
Murder	2	2%
Others	1	1%
Peddling of drugs	1	1%
Possession of narcotics	4	4%
Preparing to commit a felony	1	1%
Robbery	3	3%
Robbery with Violence	6	7%
Stealing by servant	2	2%
Theft	25	27%
Trespassing	1	1%
<b>Vihiga</b>	<b>2</b>	
Theft	2	100%
<b>Wajir</b>	<b>3</b>	
Begging	3	1
<b>West Pokot</b>	<b>7</b>	
Contempt of Court	1	14%
Defilement	1	14%
Handling stolen property	1	14%
Housebreaking/Burglary	3	43%
Unnatural Act	1	14%

*Source: Directorate of Children Services*





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# ADMINISTRATION OF JUSTICE IN KENYA ANNUAL REPORT

≡≡≡ 2023 - 2024 ≡≡≡

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*A unified justice sector serving the people in Kenya.*

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