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## **HON. CHIEF JUSTICE'S SPEAKING NOTES DURING THE VISIT BY EUROPEAN COMMISSION VICE PRESIDENT H.E. JOSEP BORRELL AND LAUNCH OF THE PLEAD-II PROGRAMME AT MAKADARA LAW COURTS, 28<sup>TH</sup> JANUARY 2022**

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**H.E Josep Borrell Fontelles, High Representative  
of the European Union for foreign Affairs and  
Security Policy,**

**Hon. Justice Philomena Mwilu, Deputy Chief  
Justice and Vice President of the Supreme Court  
of Kenya**

**Hon. Anne Amadi, Chief Registrar of the  
Judiciary**

**H.E Henriette Geiger, Head of European Union  
Delegation to Kenya**

**Excellency Ambassadors and Members of the  
Diplomatic Corps**



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## **Members of the Justice Sector Agencies, Civil Society, and Members of the Press**

**Esteemed Partners,**

**Ladies and Gentlemen,**

**Good evening!**

1. On behalf of the Kenyan Judiciary and the member Agencies of the National Council on the Administration of Justice (NCAJ), I warmly welcome His Excellency Mr. Joseph Borrell the Vice President of the European Commission, to Kenya. I also welcome all of you to Makadara Law Courts.
2. The Kenyan Judiciary and other Agencies in the justice sector consider the European Union and



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EU Member States as our key partners in the quest to deepen access to justice in the country.

3. A notable example of the impact of our Strategic Partnership is the Programme for Legal Empowerment and Aid Delivery in Kenya (PLEAD). Under the PLEAD 1 programme, the European Union and the United Nations partnered with the Government of Kenya and the civil society to mount a transformative programme aimed at improving the delivery of justice.
4. Through PLEAD 1's strategic interventions focused on: enhancing access to justice, especially for the poor and vulnerable, through provision of legal aid; strengthening court



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administration and case management; increasing the quality and efficiency in the criminal justice system; and improving cooperation throughout the justice sector; we have seen significant improvement in institutional effectiveness and performance by the various actors in the justice sector.

5. In addition, the support from the PLEAD 1 programme enabled the actors within the justice sector to continue delivering services despite the challenges brought by the Covid-19 pandemic.

**Excellencies,**

**Ladies and Gentlemen,**



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6. The aspirations that motivate the PLEAD programme resonate with the Vision that we are pursuing at the Judiciary which we have christened **‘Social Transformation through Access to Justice (STAJ)’**. This vision is geared towards attaining outcomes that will improve institutional performance and deepen access to justice to all especially the vulnerable in the society.

7. The Vision **puts people at the centre of our service delivery**. Put differently, we are aiming at developing a **people-centred justice system that is focused on people’s needs thus reinforcing the idea of justice as a public service**.



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8. The STAJ vision provides a roadmap for developing a judicial system that is efficient, accessible, expeditious, fair and cost-effective in delivery of service. The identified priority areas under the vision include: clearing case backlog, improving access to justice through by increasing the avenues for accessing justice, digitisation of the judiciary operations and processes, enhancing public confidence in the justice system, and improving co-ordination and synergy of the actors in the justice sector.

9. To paint in broad strokes, some of the specific strategies, interventions and innovations that we are pursuing include:



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- Ensuring accessibility to courts by having a Magistrates' court station in every Sub-County and a High Court and Court of Equal Status in every County. This is geared towards ensuring that no one travels for over 100 KMs to access judicial service.
- Rolling out Small Claims Courts throughout the country. This is aimed at ensuring that social grievances especially for the economically vulnerable members of the society are resolved expeditiously thus furthering the prospect of peaceful co-existence in vulnerable communities like slums and informal settlements.



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- Ensuring that cases are expeditiously. Our target is that no case should last more than three (3) years in a trial court or one (1) year in an appellate court. We also place an additional focus on Anti-Corruption and Economic Crimes cases and Commercial Disputes to ensure quick resolution of these cases.
- We are enhancing the use of Information and Communications (IT) technology in our operations by optimising the operations of virtual courts, e-filing and case management, and using the same in our administrative processes.



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- We aim to promote the use of multi-door approach to resolution of justice by strengthening the operations of Alternative Justice Systems (AJS) and Alternative Disputes Resolution (ADR) mechanisms like mediation. Towards this end, we will provide mediation and AJS suites in court stations where we have the requisite physical infrastructure to accommodate the suites.
  
- We also aim at strengthening our complaints handling processes and public communication channels to enhance public faith in the judicial system.



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10. As is evident, realizing the dream of ensuring that every person access the justice system in an efficient, timely, and cost-effective manner is a huge task. The Judiciary on its own cannot deliver on this dream. This becomes pronounced given the reality that for several years now, the Judiciary has been operating on a **54% budgetary deficit**. But with the collaboration and partnership from our partners including the European Union, I am sure the dream of a responsive and people-centred justice system is achievable.

**Excellencies,**

**Ladies and Gentlemen,**



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11. We are therefore appreciative of the support of Development partners such as UNODC, through the EU funded PLEAD Project, whose support has contributed to addressing this resource gap.

12. Under PLEAD 1, support to the Judiciary facilitated the development of policy documents, such as the Sentencing Guidelines, the Active Case Management Guidelines, a Manual for Pro Se litigants and more recently the AJS Policy. Support towards facilitating E-Justice (virtual hearings and e-filing) was instrumental in ensuring that the Judiciary continued to offer services at the peak of the COVID -19 Pandemic.



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13. As NCAJ, the support under PLEAD I contributed towards ensuring collaborative and consultative approach among member agencies that enhanced access to justice. Key achievements include the multi-agency response to COVID 19 that enabled provision of services guided by the Ministry of Health Protocols. Development of Policy including the Diversion Policy and the plea-bargaining guidelines. PLEAD support also strengthened Court User Committees, thus facilitating stakeholder participation and the development of the NCAJ Strategic Plan 2021-2026.

14. The NCAJ Strategic Plan recognises that all the Agencies in the justice sector have distinct mandates and underscores that our justice chain can only operate at optimum efficiency



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and effectiveness through sustained collaboration and strengthened capacity. Through your support, I am certain that we are sure to realise our joint Vision of **“A Coordinated and Cohesive Justice Sector Serving the People of Kenya.”**

**Excellencies,**

**Ladies and Gentlemen,**

15. I trust that your visit of the Makadara Law Courts today has demonstrated how your support has contributed to increase access to justice especially within the criminal justice sector. As a result of the interventions that I have highlighted, the Judiciary reduced case



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backlog by recording a **case completion rate of 83 percent.**

16. It is for this reason that we are appreciative of the extension of your support under PLEAD II as we anticipate that this support will enable us build on the successes under PLEAD I.

17. I am particularly happy to note that you are looking to expand beneficiaries of the programme to include other NCAJ member Agencies and increasing the regional reach of the programme.

18. The programme outcomes are aligned with the key priorities of the Judiciary and the NCAJ



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which include: Tacking corruption within the justice sector, reducing case backlog, automation of criminal cases, institutionalisation of the NCAJ and enhancing access to justice for vulnerable groups.

19. I look forward to the roll out and implementation of PLEAD II and take this opportunity to reiterate our appreciation of the support that you have continued to extend to the Kenyan Justice Sector.

Thank You.

**Hon. Justice Martha Koome, EGH,  
Chief Justice, and President of the Supreme  
Court of Kenya**