




# THE JUDICIARY



## JUDICIARY MTEF BUDGET REPORT

**FY 2024/25 -2026/27**

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## LIST OF ACRONYMS

|        |   |  |
|--------|---|--|
| ADR    | : | Alternative Disputes Resolution                        |
| AG     | : | Attorney General                                       |
| AJS    | : | Alternative Justice Systems                            |
| BPRT   | : | Business Premises Rent Tribunal                        |
| CAM    | : | Court Annexed Mediation                                |
| CAMAT  | : | Communication and Multi-Media Appeals Tribunal         |
| CBK    | : | Central Bank of Kenya                                  |
| CCR    | : | Case Clearance Rate                                    |
| CCUC   | : | Children Court Users Committees                        |
| COA    | : | Court of Appeal  |
| CRJ    | : | Chief Registrar of the Judiciary                       |
| CRTS   | : | Court Recording and Transcription System               |
| CSOs   | : | Civil Society Organizations                            |
| CT     | : | Cooperatives Tribunal                                  |
| CTS    | : | Case Tracking System                                   |
| CUCs   | : | Court Users Committees                                 |
| DPP    | : | Director of Public Prosecutions                        |
| EACC   | : | Ethics and Anti-Corruption Commission                  |
| EAT    | : | Education Appeals Tribunal                             |
| ELC    | : | Environment and Land Court                             |
| ELRC   | : | Employment and Labour Relations Court                  |
| EPT    | : | Energy and Petroleum Tribunal                          |
| FY     | : | Financial Year   |
| GOK    | : | Government of Kenya                                    |
| HAT    | : | HIV& Aids Tribunal                                     |
| HC     | : | High Court   |
| IFMIS  | : | Integrated Financial Management Information System     |
| IPT    | : | Industrial Property Tribunal                           |
| JFA    | : | Judiciary Fund Account                                 |
| JFMIS  | : | Judiciary Financial Management Information System      |
| JPIP   | : | Judicial Performance Improvement Project               |
| JPU    | : | Judiciary Police Unit                                  |
| JSC    | : | Judicial Service Commission                            |
| JTF    | : | Judiciary Transformation Framework                     |
| KPI    | : | Key Performance Indicator                              |
| KPS    | : | Kenya Prisons Service                                  |
| KRA    | : | Kenya Revenue Authority                                |
| LSK    | : | Law Society of Kenya                                   |
| MDA's  | : | Ministries, Departments and Agencies                   |
| MSET   | : | Micro and Small Enterprises Tribunal                   |
| MTEF   | : | Medium Term Expenditure Framework                      |
| NCAART | : | National Civil Aviation Administrative Review Tribunal |
| NCAJ   | : | National Council on Administration of Justice          |
| NOFBI  | : | National Optic Fiber Backbone Infrastructure           |
| NPS    | : | National Police Service                                |
| PFM    | : | Public Finance Management                              |
| PFMA   | : | Public Finance Management Act                          |
| PPDT   | : | Political Parties Disputes Tribunal                    |



|       |   |   |
|-------|---|---|
| PPPPC | : | Public-Private Partnership Petition Commission  |
| RMC   | : | Registrar Magistrates Courts                    |
| SAGAS | : | Semi-Autonomous Government Agencies             |
| SCC   | : | Small Claims Court                              |
| SDT   | : | Sports Disputes Tribunal                        |
| SME   | : | Small and medium-sized enterprises              |
| STAJ  | : | Social Transformation Through Access to Justice |
| TLAB  | : | Transport Licensing Appeals Tribunal            |
| WAN   | : | Wide Area Network                               |
| WPA   | : | Witness Protection Agency                       |

## **1. EXECUTIVE SUMMARY**

The Judiciary is mandated to administer justice in a manner that protects the Constitution and upholds the rule of law by providing independent, accessible, fair and responsive mechanisms for dispute resolution.

The Judiciary is funded from the Consolidated Fund through appropriations by the National Assembly. Article 173 of the Constitution establishes the Judiciary Fund which is administered by the Chief Registrar of the Judiciary (CRJ) who is required to prepare expenditure estimates for each financial year. The Judiciary Fund was operationalized with effect from 1<sup>st</sup> July, 2022 and the estimates for the Financial Year 2022/2023 were appropriated into the Fund.

The format and specific timelines to be adhered to during the budgeting process are provided for by the Public Finance Management (PFM) Act, 2012; the PFM Regulations, 2015; Judiciary Fund Act, 2016 and the Judiciary Fund Regulations, 2019. In compliance with Article 201 of the Constitution and section 37(5) (a) of the PFM Act, 2012, the budget preparation process is undertaken in a consultative and participatory manner.

The Judiciary continued to make strides in enhancing access to justice through improved case clearance rate which rose from 94 % registered in the Financial Year 2021/22 to a high of 99% at the end of Financial Year 2022/23. The overall case backlog also reduced by 19% while that of cases aged more than three years went down by 2.75% in the same period.

To enhance expeditious dispensation of justice, especially for low value commercial matters (KShs. 1 Million and below), the Judiciary in the FY 2022/23, registered a total of 27,161 matters in the 12 Small Claims Courts out of which 21,210 matters were heard and concluded, releasing over KShs. 2 Billion into the economy. This is an improvement from the 8,308 matters settled in the previous year with a value of KShs.1 Billion.

Similarly, during the FY 2023/24, a total of 4,708 matters were referred to the Court Annexed Mediation, out of which 2,410 were settled releasing KShs. 8.6 Billion into the economy. In comparison, 1,257 matters with a value of KShs. 2.7 Billion were settled in the previous period, out of the 2, 445 matters that had been referred. This improvement is attributable to the increased roll-out of the program and uptake of mediation in dispute resolution.

Further, engagements were held in Uasin Gishu, Baringo, Mombasa, Taveta, Siaya, Kisumu, Kajiado and Narok to promote the Alternative Justice Systems (AJS) in resolving land, natural resources and climate change related disputes.



On the Digital Strategy agenda, the Judiciary continued to roll out e-filing to four additional counties of Homabay, Kisumu, Mombasa and Siaya initiatives to enhance efficiency, effectiveness and timeliness in service delivery. E-filing has been rolled out in various court stations. A significant percentage of courts and tribunals now hear matters virtually, an initiative that has brought justice closer to the people.

Guided by the Social Transformation through Access to Justice (STAJ) vision, the Judiciary will continue to prioritize expeditious dispensation of justice initiatives. Recruitment of Judges, Judicial Officers and Staff will be undertaken to ensure that all courts and administrative units are optimally staffed to function effectively.

During the FY 2022/23 the overall absorption rate of the allocated resources marked an improvement from 94% to 95%, where the recurrent expenditure was 97% and development expenditure at 78%. This was attributed to a higher absorption rate realised under the development vote from 70% in FY 2021/22 to 78% in the FY 2022/23.

The Judiciary will continue to strengthen its interlinkages with other sectors to enable accelerated accomplishment of its mandate. In the FY 2022/23, the Judiciary began rolling out the Government's AJIRA Digital Program where 133,368 court records were digitized.

Several emerging issues that call for consideration in the MTEF plan period include: increased use of Small Claim Courts, sustaining the Court annexed mediation, optimal operationalisation of the Judiciary Fund, new legal frontiers and use of Alternative Justice System. Nevertheless, the Judiciary has faced various notable challenges that include insufficient funding, unsynchronized rate of digitization with other justice sector players, legal gaps, lack of psycho-social support for Judicial officers relating to nature of matters handled and impeding decentralization of tribunals.

The key priorities for the FY 2024/25 and the Medium-Term are aimed at expeditious dispensation of justice which is the focus for the Judiciary. They include increased case clearance rate, reduction of case backlog, reduction of case disposition time, continued expansion of Small Claims Courts, completion of on-going court constructions, establishment of new sub-registries, conduct of circuit sessions and mobile courts, upscaled leveraging of ICT and roll out of Court Annexed Mediation.

The Judiciary has established resource requirements for FY 2024/25 estimated at KShs. 44.9 Billion where KShs.38.62 Billion is required for the recurrent vote while KShs.6.28 Billion is for the development vote. In order to ensure optimal dispensation of justice, it is recommended

that Judiciary's financial resources be enhanced beginning with the full implementation of the Presidential proclamation to upscale the Judiciary's budget with annual increments of KShs.3 Billion for five years from FY 2022/23.

This Judiciary's Budget Proposal Report is organised as guided by the National Treasury Circular No 8/2023 on the 'Guidelines for the Preparation of FY 2024/25 and the Medium-Term Budget'.



## **CHAPTER ONE**

### **1. INTRODUCTION**

#### **1.1 Background**

Article 159 of the Constitution mandates the Judiciary to administer justice and promote the rule of law through the Courts and Tribunals. The Judiciary discharges this mandate by enhancing access to justice and providing independent, accessible, fair and responsive mechanisms for dispute resolution. The Judiciary is further tasked with the interpretation of the Constitution, promotion of the rule of law by shaping public policy and ensuring access to justice. The operations of the Judiciary are financed and appropriated by the National Assembly from the Consolidated Fund. Currently, withdrawal of funds is done at two levels namely; from the Consolidated Fund to the Judiciary Fund and, from the Judiciary Fund to the Operational Accounts.

The Judiciary's budget process is provided for under Article 173 (3) of the Constitution which requires the Chief Registrar of the Judiciary (CRJ) to prepare estimates of expenditure for each financial year. The Public Finance Management (PFM) Act, 2012, the PFM Regulations, 2015, the Judiciary Fund Act (JFA), 2016 and the Judiciary Fund Regulations (JFR), 2019 provide guidelines on the budgeting process and specific timelines for submission of the estimates to the Judicial Service Commission (JSC) and the National Assembly. The Judiciary's budget is prepared through a consultative and participatory process as stipulated by Article 201 of the Constitution and Section 37 (5) (a) of the PFM Act.

Regulation 43 of the Judiciary Fund Regulations requires the CRJ to issue a circular which marks the beginning of the budget process for the Judiciary. It provides a schedule for the budget preparation process as informed by the National Treasury indicating key timelines, priority policy areas and issues to be taken into consideration, public participation and the format in which budget information and documents shall be submitted.

The Judiciary implements only one program: "Dispensation of Justice" with two sub programs namely; Access to Justice and General Administration, Planning and Support Services. This Budget Report is prepared to establish the Judiciary's resource requirements consolidated from all the courts, tribunals and administrative units and the proposed allocation to key priority areas in the MTEF period.

The Report presents the context of Judiciary's current operations undertaking a review of Programme performance for the period (FY 2020/21 to FY 2022/23), provides the key planned outputs for FY 2024/25 and the medium term (2024/25 – 2026/27) as well as the required resources

## **1.2 Judiciary Vision and Mission**

### **Vision**

To be an independent institution of excellence in the delivery of justice to all.

### **Mission**

To dispense justice in a fair, timely, accountable and accessible manner, uphold the rule of law, advance indigenous jurisprudence, protect and promote the Constitution.

### **Core Values**

1. *Professionalism*: We will exhibit the highest levels of competence, efficiency and excellence in executing our tasks
2. *Integrity*: We will uphold the highest ideals of honesty, openness and veracity in service delivery
3. *Diligence*: We shall be committed, dedicated and selfless in discharging our duties
4. *Transparency and Accountability*: We shall be open to public scrutiny, exercise good governance and take responsibility for our actions.
5. *Humility*: We shall be modest in exercising powers given to us by the Constitution.

## **1.3 Strategic goals / Objectives of the Sector**

The overriding objective for the Judiciary is to provide equitable access to and expeditious delivery of justice. In order to achieve this objective, the Judiciary has developed and adopted various key policy documents and blueprints that guide the planning, implementation, monitoring, and evaluation of its programs.

The Judiciary is guided by the blueprint 'Social Transformation through Access to Justice' (STAJ), which builds on the SP 2019-2023. STAJ acknowledges the strides that post-2010 Judiciary has made under JTF and SJT while at the same time appreciating the fact that access to responsive justice, case backlog, and accountability remain as key challenges. This Vision seeks to expand the avenues of access to justice for all, especially the vulnerable. It is



anchored on five guiding principles, that is: accessibility and efficiency; transparency and accountability; inclusiveness and shared leadership; cooperative dialogue; and social justice.

The STAJ vision is designed to achieve the following outcomes:

- A strong institution that is independent, accessible, efficient, and one which protects the rights of all, especially the vulnerable.
- An inspired team of Judges, Judicial officers, and judiciary staff who are committed to excellence in the delivery of justice
- Strengthened financial mechanisms that support the independence and integrity of the Judiciary.
- Deepened partnerships that enhance cooperation in the administration of justice.
- Enhanced public trust and confidence in the judicial system.

#### **1.4 The Judiciary Mandate**

The mandate of the Judiciary is to administer justice. In implementing this mandate, the Judiciary is guided by the following principles as stipulated under Article 159 (2) of the Constitution, that:

Justice shall be done to all irrespective of status;

Justice shall not be delayed;

Alternative forms of dispute resolution including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms shall be promoted;

Justice shall be administered without undue regard to procedural technicalities; and

The purpose and principles of the Constitution shall be protected and promoted.

#### **1.5 Role of the Judiciary Stakeholders**

The Judiciary collaborates with various stakeholders who impact its service delivery. These stakeholders include:

- a) **Parliament:** Parliament, consisting of the National Assembly and Senate, in relation to the Judiciary, is responsible for the enactment of legislation, determines its revenue allocation, and appropriation of its annual budget. It also provides oversight over revenue and expenditure of the funds allocated to the Judiciary, and as well as on governance.
- b) **The National Treasury:** Section 11 (1) of the Public Finance Management Act, 2012 establishes the National Treasury in line with the provisions of Article 225 of the

Constitution. The National Treasury provides the fiscal framework to guide resource mobilisation and allocation; administers the consolidated fund; manages the Integrated Financial Management Information System (IFMIS); commits donor financing on behalf of the Government. The National Treasury also provides guidelines on preparation and implementation of the budget, administers remuneration for Judges from the Consolidated Fund Services, issues exchequer and approves reallocations of capital projects under the Judiciary Fund.

- c) ***The Controller of Budget:*** The Office of the Controller of Budget (COB) is established under Article 228 of the Constitution with the mandate of overseeing implementation of the National budget by authorizing withdrawals from the Consolidated Fund through approval of exchequer requests in accordance with an approved budget or as authorised under law. The COB authorises withdrawal of funds from the Consolidated Fund to the Judiciary Fund Account (JFA) and from the JFA to the Judiciary Operational accounts.
- d) ***Central Bank of Kenya:*** The Central Bank of Kenya is a public institution established under Article 231 of the Constitution of Kenya, 2010. The Bank is responsible for formulating monetary policy to achieve and maintain price stability and issuing currency. The Central Bank promotes financial stability through regulation, supervision and licensing of financial institutions under its mandate. The Bank also provides oversight of payment, clearing and settlement systems. CBK is the banker for, adviser to, and fiscal agent of the Government. CBK also provides Internet Banking (IB) platform that is linked to IFMIs for facilitating payments under Judiciary Fund.
- e) ***Kenya Revenue Authority:*** The Kenya Revenue Authority is established by an Act of Parliament, Chapter 469 of the Laws of Kenya. It is charged with the assessment, collection and accounting of all revenues that are due to the government of Kenya. In addition, I-Tax is linked with IFMIs to facilitate collection and remitting of the collected taxes to the consolidated fund and the Chief Registrar of the Judiciary is designated as a collector of Revenue.
- f) ***The Auditor-General:*** The Office of the Auditor-General is established under Article 229 of the Constitution with the mandate to confirm whether public resources have been applied lawfully and effectively through routine audits and preparation of annual reports which are submitted to Parliament. In line with Judiciary Fund Regulation 32 (2), the Auditor General audits the Financial Statements annually and files a report with the National Assembly.



- g) ***The Judicial Service Commission:*** The mandate of the Judicial Service Commission (JSC) as stipulated in Article 172 of the Constitution is to promote and facilitate the independence and accountability of the Judiciary, the efficient, effective and transparent administration of justice. JSC is responsible for recommending to the President persons for appointment as Judges, review and make recommendations on the conditions of service of Judges and Judicial Officers (other than their remuneration) and the staff of the Judiciary. With regard to Judiciary financial management, JSC is charged with the mandate of reviewing the Judiciary's budget estimates as provided for under Section 29 Judicial Service Act, 2011. In this regard, the Chief Registrar of Judiciary submits quarterly reports to the JSC, on the Judiciary fund implementation including reallocations.
- h) ***The National Executive:*** The National Executive of the Republic of Kenya comprises the President, the Deputy President and the Cabinet. The President assents into law all the legislative Bills.
- i) ***The Attorney General:*** The Attorney General is the principal legal adviser to the Government and represents the Judiciary in court on civil matters. Further, the Attorney General is clothed with the authority, subject to leave of the Court, to appear as a friend of the court in any civil proceedings to which the Government is not a party. The Attorney General is also charged with the responsibility to promote, protect and uphold the rule of law and defend the public interest. In this regard, the Office through the National Legal Aid Service facilitates legal aid services to indigent, marginalised and vulnerable persons.
- j) ***The Public:*** Under Article 1(3) of the Constitution, the Judiciary and independent Tribunals exercises delegated authority from the people. Further, under Article 159 (1) of the Constitution, judicial authority is derived from the people of Kenya who are the main stakeholders of the Judiciary. With regard to Judiciary finance management, Article 201 of the Constitution and section 37 (5) of the PFM Act, the Judiciary is required to ensure openness and accountability, including public participation in financial matters. To accord due regard to public interest, the Judiciary is enjoined to utilise its funds in a prudent and responsible manner.
- k) ***Development Partners:*** Development Partners support the Judiciary with technical and financial assistance in carrying out its programmes.
- l) ***County Governments:*** County Governments partner with the Judiciary in various programmes and projects such as providing land for construction and facilities for use as

court and residential premises. Further, county governments are at liberty to seek advisory opinions from the Supreme Court on any matter concerning the county governments.

- m) ***The Ethics and Anti-Corruption Commission:*** The Ethics and Anti-Corruption Commission (EACC) is a public body established under the EACC Act, 2011. Its mandate is to promote integrity and combat corruption through law enforcement, prevention and education. The EACC investigates and recommends for prosecution on matters of corruption and economic crime.
- n) ***The Director of Public Prosecutions:*** The mandate of the Office of the Director of Public Prosecutions (ODPP) is derived from Article 157 of the Constitution. The ODPP is specifically mandated to exercise State powers of prosecution of all criminal matters in courts.
- o) ***National Police Service:*** The primary mandate of the National Police Service (NPS) as outlined under Article 244 of the Constitution and in the National Police Service Act, 2011 is to maintain law and order. In this regard, it provides security to person and property including critical government installations. NPS therefore seconded their officers to the Judiciary Police Unit (JPU).
- p) ***Kenya Prisons Service:*** The Kenya Prisons Service (KPS) derives its mandate from the Prisons Act, and the Borstal Institutions Act, Cap 90 and 92 respectively of the Laws of Kenya. The KPS receives offenders once they are charged in court to facilitate responsive administration of justice.
- q) ***Law Society of Kenya:*** The Law Society of Kenya (LSK) is established under the Law Society of Kenya Act, 2014. Its mandate is to advise and assist members of the legal profession, the government and the larger public in all matters relating to legislation, the administration of justice and the practice of law.
- r) ***Witness Protection Agency:*** The Witness Protection Agency (WPA) is established under the Witness Protection Act, 2008. The Agency provides special protection on behalf of the State to persons in possession of important information and who are facing potential risk or intimidation due to their co-operation with prosecution and other law enforcement agencies.
- s) ***Probation and Aftercare services:*** Probation and Aftercare Services play a key role in enforcing the community service orders issued by courts for the rehabilitation of offenders

and their re-integration back to the community. They also prepare pre-bail and pre-sentencing reports.

- t) ***Children Services Department:*** Children Services Department support the work of the Judiciary by providing support to Children in conflict and/or in contact with the law. They make recommendations to the courts on matters related to children rights.
- u) ***Civil Society Organizations:*** Civil Society Organizations (CSOs) are non-governmental and non-profit making organizations in Kenya. They provide advocacy services on the need for improved efficiency in the administration of justice and litigate on matters of public interest and special interest groups.
- v) ***Media:*** The Judiciary is accountable to the people of Kenya who are entitled to receive information on its operations. As such, the media is an invaluable partner in disseminating information. It provides coverage of public interest cases and creates awareness on the decisions of the courts.
- w) ***Technical Experts:*** Technical experts such as doctors, lawyers with established knowledge and expertise in any field of law, may be enjoined in court proceedings to assist in the determination of a technical issue of fact or a novel issue of law.

## CHAPTER TWO

### 2. PROGRAMME PERFORMANCE REVIEW 2020/21 – 2022/23

#### Review of Programme Performance

##### 2.1 Delivery of Outputs / KPI / targets during the MTEF period:

##### 2.1.1 Achievements in the FY 2020/21

- At the beginning of the year under review, there were 617,582 pending cases. During the FY 2020/21, a total of 356,997 cases were filed in courts across the country bringing the total workload to 974,579 cases. A total of 294,837 were resolved, translating to a Case Clearance Rate (CCR)[1] of 83%. For the Tribunals, 28,158 cases were pending at the beginning of the review period. A total of 5,335 cases were filed yielding a workload of 33,493 cases. The resolved cases stood at 3,056 with CCR of 57%.
- The number of case backlog aged 5 years and above reduced from 35,359 in the FY 2019/20 to 34,648 in FY 2020/21.
- At the beginning of the FY 2020/21, there were 2,376 matters pending under Court Annexed Mediation (CAM). A total of 2,185 matters were referred to CAM yielding a cumulative number of 4,561 in the year under review. Out of 1,229 that were processed, 767 had settlement agreements yielding a settlement rate of 62%. The monetary value of the matters with settlement agreements was KShs. 381.8 Million. To support mediation, the Judiciary accredited 126 new mediators during the financial year bringing the total to 829.
- Small Claims Court was operationalised in April 2021 to determine cases that involve cases with a value less than KShs. 1 Million through a process characterized by procedural simplicity and expeditiousness in delivery of final decision. In the short period of 2 months of the FY 2020/21, a total of 1,023 cases were filed, out of which 637 were finalized on average of 53 days against the statutory requirement of 60 days.
- Institutional capacity for timely delivery of justice in tribunals was enhanced through appointment and swearing in newly appointed chairpersons and members of 7 tribunals, namely; Sports Disputes Tribunal (SDT), Communication and Multimedia Appeals Tribunal (CAMAT), Business Premises Rent Tribunal (BPRT) Cooperative Tribunal (CT), National Civil Aviation Administrative Review Tribunal (NCAART), Energy and Petroleum Tribunal (EPT) and Public Private Partnerships Petition Committee (PPPPC)
- The Judiciary admitted 1,304 lawyers to the Roll of Advocates to facilitate their practise as Advocates of the High Court of Kenya.
- The Judiciary acquired 326 reference publications to assist in legal research for informed decisions.
- The Supreme Court Rules were reviewed and published to address gaps in case management and the conduct of proceedings. Supreme Court General Practise Directions were also published to comprehensively provide for the administration of the Court, clear



timelines for filing documents and exhaustive procedures for conducting proceedings. They further provide for mechanisms governing contempt of court and state of emergency provisions, previously not provided in the Court rules.

- In a bid to enhance access to justice, the Judiciary established the following:
  - Five sub-registries of Court of Appeal at Busia, Meru, Garissa, Kakamega and Kisii
  - Two (2) High Court stations at Vihiga and at Kwale
  - Four (4) High Court Sub-registries at Isiolo, Kapsabet, Eldama Ravine and Kilgoris.
  - Three (3) ELC sub-registries at Kilgoris, Isiolo and Vihiga
  - Four (4) ELRC sub-registries at Kitui, Kisii, Naivasha and Thika
- Twenty-two (22) magistrates' courts were gazetted in Ol-Kalou, Etago, Madiany, Zombe, Port Victoria, Borabu, Kendu Bay, Wamunyu, Malaba, Matiliku, Usigu, Kasarani, Masinga, Manga, Tinderet, Kenol, Rumuruti, Garbatulla, Kibiyet, Marigat, Kikima and Kaptumo (Kobujoi).
- In an effort to enhance access and expeditious delivery of justice, the High Court conducted circuits in 11 stations namely Lodwar, Garsen, Voi, Kilgoris, Kwale, Vihiga, Kapsabet, Isiolo, Kapenguria, Eldama Ravine and Kabarnet; ELC conducted circuit courts in Nyeri and Garissa; ELRC undertook circuit courts in Bungoma, Malindi, Meru, Kericho and Machakos.
- Four (4) Tribunals namely BPRT, RRT, Co-operative and MSET conducted 32 circuits in Mombasa, Kisumu, Nakuru, Kisii, Kakamega, Eldoret, Meru, Embu, Nyeri, Garissa, and Lamu through which 1169 cases were heard and determined.
- Physical access to courts was improved through completion of High Court buildings in Garissa, Kajiado, Kakamega, Nakuru, Nanyuki and Siaya as well as Isiolo Magistrate court.
- The Judiciary sought to increase awareness, knowledge, and improve public confidence in the institution by using various communication strategies to disseminate information and engage the public on matters related to the institution. Public education campaigns on social media and mainstream media were held on various topics including automation, mediation and other alternative dispute resolution mechanisms. Several IEC materials were developed and distributed to the public. Courts adopted posting of cause lists online to ease access to the court users.
- Use of ICT initiatives was adopted towards enhancing efficiency, effectiveness and timeliness in service delivery. All Courts and Tribunals adopted virtual hearing of proceedings where links were shared with the court users. A web-based E-filing system was rolled out in all the courts and Tribunals in Nairobi County. Through the e-filing portal, 67,299 cases and 16,980 applications under certificate of urgency were filed.
- In addition, the implementation of Court Recording and Transcription System (CRTS) in selected courts helped hasten production of transcripts.
- The Judiciary in collaboration with the Ministry of ICT and other partnerships entered into Memorandum of Understanding to digitize active files in three counties namely; Nairobi, Mombasa and Kisumu to connect courts to National Optic Fibre Backbone (NOFBI).
- Improvements in ICT infrastructure were made with acquisition of more than 2,300 assorted ICT equipment and connectivity to the internet for court stations and tribunals.
- General administration was strengthened through development of a number of key policy documents. These included the Supreme Court Strategic Plan, Court of Appeal Strategic

Plan, ELRC Strategic plan, HIV/AIDS Tribunal Strategic Plan, and Affirmative Action & Diversity Policy. Seven (7) tribunals namely; MSET, CAMAT, HAT, BPRT, RRT, EAT, and Copyright Tribunal developed service charters.

- Various interventions to ensure transparency, accountability, integrity and enhance organizational performance were undertaken as follows:
- All the 285 implementing units comprising courts, tribunals, registries, directorates and other administrative units were put on performance contracting framework.

The office of the Judiciary Ombudsman cumulatively received 1,829 complaints. There were 281 matters brought forward from the previous year bringing a cumulative total of 2,110. Out of these, 1,596 cases were processed and closed successfully representing 76% clearance.

During the period, 39 disciplinary cases were recorded, out of which 29 (74%) were concluded.

In operationalizing the Organization Review Report (2018), the Judiciary collated staff skills inventory and conducted staff mapping exercise. Further, recruitment of 191 staff were recruited while 180 were promoted. To enhance staff skills and competence for better performance, 15% of staff underwent various capacity building programmes.

- In fostering collaboration and coordination in the justice sector, five NCAJ committees namely CUC Working group, Traffic Reforms Working Group, Anti-Illicit Working Committee, the National Committee on Criminal Justice Reforms, and the Anti-Corruption Working Group were reconstituted. This was aimed at enhancing coordination among all agencies within the justice system and improvement of interaction of the stakeholders at the local and regional level.
- The NCAJ also developed Draft Amendment Bills to the Criminal Procedure Code and the Penal Code to address gaps identified in the law and align both statutes with provisions of the Constitution. Other policy guidelines that were developed include Curriculum for Child Protection Officers, Diversion Regulations for Children Matters, Guidelines for Child Protection Units Standard Operating Procedures, Policy on Mandatory continuous professional development program, revision of the training curricula on children, policies on re-integration of children accompanying imprisoned mothers, Guidelines for children with special needs, the National Policy on Criminal Justice in Kenya; Law and Practice Guidelines on Arrest and Conditions of Pre-trial Detention; Law and Practice Guidelines on the Management of the Petty Offenders; Status of Persons with Mental Illness in the Criminal Justice System; Status of Intersex Persons in the Criminal Justice System; and the Baseline Survey on State Regulated Offences.
- Improvements in financial management and controls were achieved through the following initiatives:
- All spending units prepared their annual work plans and linked them to the Strategic Plan. Public hearing forums on Judiciary budget were held in Nairobi, Mombasa, Kisumu, Nakuru and Nyeri.
- The JFMIS was integrated with the CTS which fully automated all the processes from court fees assessment to receipting including adoption of electronic receipts across all the court stations. At the end of the FY 2020/21, a total of KShs. 2.43 Billion (from fees and fines) was collected marking a 7% increment in revenue from the FY 2019/20.

- A total of 53 internal audits were carried out and recommendations made to streamline internal controls, reduce risks and improve compliance with regulations, policies and procedures.

### 2.1.2 Achievements in the FY 2021/22

- **Case clearance:** A total of 404,312 cases were filed between July 2021 and June 2022 and 381,317 cases resolved during the same period. The overall case back log reduced by 16% while that of cases more than 3 years reduced by 21.7%. Case Clearance Rate increased from 83% in FY 2020/21 to 94% in FY 2021/22 against an annual target of 110%. Clearance of cases was affected by shortage of judges and judicial officers and scaling down of operations due to COVID-19 pandemic in the first quarter.
- **Human Resources capacity enhancement:**
  - 34 judges of the COA, ELRC and ELC were appointed raising the numbers to 173 judges against an approved establishment of 347 judges.
  - The Judiciary recruited sixty-four (64) magistrates during the year thus increasing the number to 593 against the approved establishment of 1,200.
  - Additionally, 897 staff members were recruited including Court Assistants, ICT Officers, Office Administrative Assistants, Legal Researchers and Accounts Assistants bringing the total number of staff to 6,158 against an approved establishment of 10,105 staff members.
  - Twenty-four (24) Resident Magistrates were appointed as Adjudicators to operationalise the courts.
- **Construction of courts:** Eight (8) high courts were practically completed during the review period and are currently in use. These were Kapenguria, Kwale, Makueni, Maralal, Ol'Kalou, Garissa, Machakos and Mombasa high Courts. During the same period, three (3) magistrates court buildings were completed in Kangema, Kibera and Butali.
- **Refurbishment/Rehabilitation of court buildings:** The following court facilities were refurbished/rehabilitated;

**Supreme Court building** - 2 courtrooms, the Library, Registry and Archives.

**Court of Appeal** in Nyeri

Four (4) **high courts** in Bungoma, Milimani, Malindi and Meru Law Courts.

**Forodha House** to house the Anticorruption Court, Tribunals' Secretariat, RMC, ELRC, Small Claims Court, Directorates, Judiciary Police Unit (JPU)

Three (3) Tribunals offices – Sports (shelving), Rent Restriction (sound proofing) and Business Premises Rent Tribunal (BPRT)

Fifteen (15) magistrate courts; Kangundo, Karatina, Msambweni, Engineer, Ngong, Siakago, Iten, Kadhis Court Building Nairobi, Thika, Othaya, Maua, Eldama Ravine, Wang'uru, Taveta and Hamisi.

- **Establishment of Courts and registries:**

**Supreme Court:** two (2) sub-registries were established and operationalised at Mombasa and Kisumu;

**Court of Appeal:** five (5) sub-registries operationalised in Busia, Kakamega, Meru, Garissa and Kisii.

**High Court:** four (4) sub-registries at Isiolo, Kapsabet, Eldama Ravine and Kilgoris.

**ELRC:** Bungoma and Malindi sub-registries upgraded to fully fledged court stations while

**ELC:** eleven (11) new courts operationalised in Homa Bay, Isiolo, Iten, Kapsabet, Kilgoris, Kitui, Kwale, Nanyuki, Nyamira, Siaya and Vihiga.

**Magistrate mobile courts:** Five (5) were established at Kalobeyei, Magadi, <sup>1</sup>Magharini, Marigat, and Waldena.

**Tribunals:** the PPDT successfully established eight (8) sub-registries in Eldoret, Kakamega, Kisumu, Machakos, Meru, Mombasa, Nakuru and Nyeri.

▪ **Operationalisation of Small Claims Court:**

Small Claims Court were established and operationalized in eleven (11) courts namely; Milimani, Kajiado, Machakos, Nyeri, Naivasha, Nakuru, Eldoret, Kakamega, Kisumu, Mombasa, Thika and one (1) sub-registry at Makeni.

Since the operationalization of Small Claims Court on 26th April, 2021, the Courts have registered a total of 12,459 matters and concluded over 8,308 matters with a value of KShs. 1.1 Billion as at 30th June, 2022.

▪ **Alternative Dispute Resolution Mechanisms**

○ **Court Annexed Mediation:**

Court Annexed Mediation was operationalized in twelve (12) Courts namely; Bomet, Chuka, Kapsabet, Kericho, Kerugoya, Kiambu, Kitale, Meru, Naivasha, Nanyuki, Ngong and Siaya.

A total of 2,445 matters were referred for mediation out of which 51.4% were settled; with a value of KShs. 2.7 Billion released to the economy.

○ **Alternative Justice Systems (AJS):**

AJS was operationalized in four (4) stations; Kajiado, Nakuru, Isiolo and Nyeri.

▪ **Tribunal Service Weeks:**

The Cooperative Tribunal held 4 service weeks during which 909 matters were heard out of which 775 determined.

BPRT held 1 service week during which 2,600 matters were determined.

▪ **Court Circuits:**

**Court of Appeal:** Twenty-two (22) circuits conducted in Eldoret, Kakamega, Malindi, Nakuru and Nyeri, where a total of 395 Appeals and Applications were heard and concluded.

**High court** circuits were conducted in eleven (11) stations namely; Eldama Ravine, Garsen, Isiolo, Kabarnet, Kapsabet, Kilgoris, Kwale, Lodwar, Nyamira, Vihiga and Voi  
**ELC** conducted circuits in Garissa and Chuka Law Courts

**ELRC** conducted court circuits in Kitale, Machakos and Meru

**Tribunals** namely, Cooperative, BPRT, Sports and RRT conducted circuits in Eldoret, Embu, Garissa, Kakamega, Kisii, Kisumu, Lamu, Meru, Mombasa, Nakuru, and Nyeri where a total of 3,181 matters were handled and 1,552 concluded.

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<sup>1</sup> Magharini and Waldena were suspended during FY 2022/23 due to low caseload.



▪ ***Court Automation:***

The Judiciary continued to invest in provision of internet services for all courts and tribunals. Bandwidth was increased and this improved the stability and reliability during the virtual court sessions and Case Management. Microsoft Teams licenses were procured to facilitate the Virtual court hearings thus enabling litigants to attend to court proceedings without the need of attending in person.

In addition, 31 video conferencing kits were procured and 38 courtrooms equipped with Court Recording and Transcription Solutions (CRTS) to facilitate virtual and remote hearing of cases. The CRTS enables court sessions to be recorded and draft transcripts availed within seven days.

Three (3) secure and reliable data centres were operationalised.

Case Tracking System was rolled out in all courts across the Country while the e-filing module of the system was operationalised in all courts in Nairobi, including the Kadhis' court and all Tribunals.

▪ ***The National Council on the Administration of Justice***

Seven (7) Policies and guidelines were reviewed to enhance the policy environment in the justice sector. They include: Law and Practice Guidelines on Arrest and Conditions of Pre-trial Detention; Law and Practice Guidelines on the Management of Petty Offenders; The Fair Trial Guide and Checklist; Children Court User Committees (CCUCs) guidelines and the Sensitization Toolkit for CUCs; Child Care and Protection Officers and Facilitators Manual; Throughcare and Aftercare Procedures for Statutory Children Institutions; Standard Operating Guidelines on Sexual Gender Based Violence Case Management during a crisis; and Curriculum on online Child Sexual Exploitation and Abuse.

To enhance the administration of justice at the grassroots additional 47 CUCs were established bringing the total number of CUCs to 230 CUCs compared to 183 CUCs in FY 2020/21. The additional CUCs include thirty-seven (37) Environment and Land Justice CUCs, five (5) Tribunal CUCs and five (5) Commercial Justice CUCs.

▪ ***Performance Management:*** Evaluation of 282 Implementing Units on FY 2020/2021 Performance Contracts as well as negotiations and target setting for FY 2021/2022 for 301 units was conducted.

▪ ***Information, Education and Communication materials;*** IEC which included social/print/electronic media, educative short videos and TV infomercials were disseminated to ensure people centred delivery of justice as well as demystify court processes on the following issues;

- Children Service weeks, Court Annexed Mediation, Alternative Justice System,
- Small Claims Court, E-filing, Judiciary Committee on Election and CUC's activities.
- A Media Guidelines booklet was developed to empower judiciary officers as they interact with the media.

▪ ***Establishment of regional Libraries:*** Nine (9) regional library hubs were established as follows; Nairobi (Milimani), Coast (Mombasa), Lower-Eastern (Machakos), Nyanza (Kisumu), Upper-Eastern (Meru), Western (Kakamega), North Rift (Eldoret), Central Rift (Nakuru) and Central (Nyeri). The regional hubs will facilitate sharing of information

resources, avoid duplication in acquisition of information materials, create efficiency and increase access to information resources.

- **Admission to the bar:** The Judiciary implemented the Advocates Management System (JAMS) which has enhanced efficiency, effectiveness and timeliness in the process of Admission of Advocates to the Roll of Advocates. During the year, 7 admission events were held during which a total of 1,547 Advocates were admitted to the Bar.

### 2.1.3 Achievements in the FY 2022/23

#### 2.1.3.1 Caseload Statistics

- In FY 2022/23, a total of 423,394 cases were registered in all courts across the country while 419,262 cases were resolved. This resulted in a Case Clearance Rate (CCR) of 99 percent, an improvement by 5 percentage points from the previous financial year.
- In the same period, the overall case backlog in the Judiciary improved by 19 percent from 334,711 cases in June 2022 to 270,015 cases at the end of June, 2023.

#### 2.1.3.2 Election Petitions:

- A total of 222 Election petitions including party list petitions were filed and determined. These included nine petitions filed at the Supreme Court and later consolidated into five. Out of 126 Petitions, 12 were with regard to Governors, two relate to Senators, four relate to Women Representative seat, 28 relate to the position of Member of Parliament while 80 related to Member of the County Assembly (MCA). In addition, 87 party list petitions filed, 3 in high court and 84 in magistrates' courts were all concluded.
- The Chief Justice gazetted 39 Judges of the High Court and 63 magistrates to hear and determine the 126 Election Petitions filed in the High Court and Magistrates' Courts.
- All the petitions were heard and determined within the stipulated timelines.

#### 2.1.3.3 Enhanced Access to justice

- The Social Transformation Through Access to Justice blueprint recognizes the need to enhance access to justice to all including the marginalised and vulnerable groups.
- In the period under review, the Judiciary sought to enhance access to justice through establishment of 15 courts and 6 sub-registries, holding of 28 court and 26 tribunal circuits as well as 57 mobile courts, continued expansion of court annexed mediation with the establishment of 17 mediation registries and pursuit of alternative justice systems among others.

#### 2.1.3.4 Establishment of Courts and Sub-Registries

**Supreme Court:** 2 sub-registries established in Mombasa and Kisumu became operational. Another sub-registry was gazetted and established at Forodha House during the election petitions.

**Court of Appeal:** Two Court of Appeal stations were established and operationalised, namely Nakuru and Eldoret.

**High Court:** Kapsabet High Court was established; 2 sub-registries were established at Lamu and Iten

***Environment and Land Court (ELC):*** Voi ELC Court was established; Two ELC Divisions were established at Milimani namely - Environment & Planning Division, and the Land Division in order to improve access to Environmental justice and for specialization.

***Employment and Labour Relations Court (ELRC):*** Kakamega, Bungoma; Malindi ELRC sub-registries upgraded to fully fledged courts. ELRC Sub-registries operationalized in Nyamira and Kisii. There were also established three divisions at the ELRC Nairobi: The Claims and Labour Relations Division, The Judicial Review and Labour rights Division and the Appeals Division.

***Magistrates & Kadhi's Courts:*** 6 courts Operationalised: Tinderet, Ol' Kalou, Kenol, Rumuruti, Kibiyet and Madiany.

***Small Claims Courts:*** Meru Small Claims Court was gazetted thus increasing the number of Small Claims Court to 12. The other courts are; Milimani, Kajiado, Thika, Eldoret, Machakos/Makueni, Naivasha, Nakuru, Nyeri, Kakamega, Mombasa and Kisumu.

***Specialized Courts:*** SGBV courts were established at Shanzu, Makadara and Kibera.

***Special Benches:*** Seven High Court (Mombasa, Nakuru and Milimani), One ELRC (Milimani) and Six ELC (Meru, Nakuru, Malindi, Bungoma, Narok and Kitale) special benches were empanelled and facilitated to determine substantial questions of law filed in various courts.

#### **2.1.3.5 Tribunals Operationalisation:**

- The final review of the Tribunals' Bill was completed in collaboration with the AG's Office. It was approved by the cabinet on 27th June, 2023 and forwarded to National Assembly for discussion and enactment.
- The Tax Appeal Tribunal transited to the Judiciary. Further, Financial Centre Tribunals and Land Acquisition Tribunals were established, and their operationalization is ongoing. This brought the total of tribunals that have transited to Judiciary to 23.
- 47 members of tribunals were sworn in, including; 12 Members of Tax Appeal Tribunal (TAT), 2 members of Political Parties Disputes Tribunal (PPDT), 2 members of the Competition Tribunal, 4 Members of Insurance Tribunal, 1 member of Rent Restriction Tribunal, 4 Members of Capital Markets Tribunal, 2 Members of Privatization Tribunal, 2 members of the Public Private Partnerships Petition Committee (PPPPC), 7 members of the HIV AIDS Tribunal (HAT), 1 member each of National Civil Aviation Administrative Review Tribunal (NCAART), Transport Licensing Appeals Board (TLAB) and Water Tribunals, 4 Members of National Environment Tribunal (NET), and 5 members of the Cooperatives Tribunal (COOP).
- 39 new members were inducted for the following tribunals; HIV and AIDS, Cooperative, Tax Appeals, PPPPC, PPDT, Financial Centre, Standards, Copyright tribunals.
- 155 Tribunals staff were trained on CTS, Registry processes and procedures.
- The final review of the Tribunals' Bill was completed in collaboration with the AG's Office and approved by Cabinet. The office facilitated the transmission and introduction of the Tribunals Bill, 2023, to Parliament for enactment.

#### **2.1.3.6 Court Circuits**

- Court circuits were conducted at different court levels across the country. The COA held circuits in 5 court stations in Meru, Malindi, Kakamega, Kisii, Eldoret, where a total of 460 cases were heard and determined.
- The High Court held 16 circuits at Kapenguria, Kapsabet, Nyamira, Marsabit, Kilgoris, Voi, Garsen, Nyeri, Milimani Civil Division, Iten, Kwale, Eldama-ravine, Muranga, Kericho, Lodwar and Meru High Court. A total of 746 matters were heard and determined. Whereas circuits are held in high court sub-registries, in the year under review circuits were held in operational high courts due to shortage of High Court Judges.
- ELRC conducted circuits in 4 court stations: Meru, Kitale, Machakos and Kericho, where 812 matters were handled and 66 were determined.
- Three circuits were conducted in the ELC at: Garissa; Vihiga and Chuka Law Courts where a total of 110 cases were heard and 102 resolved.
- Circuits were also conducted in Tribunals as outlined below:
- Business Premises Rent Tribunal (BPRT) held 7 circuits at Kakamega, Nyeri, Mombasa, Nakuru, Kisii/Kisumu, Eldoret, Embu/Meru; where 134 Cases were heard: 134, and 44 Cases Decided.
- Co-operative Tribunal held 8 circuits at Mombasa, Nakuru, Eldoret, Kisumu, Nyeri, Kakamega, Meru, Embu where 895 and 424 Cases were Heard and Decided respectively.
- Rent Restriction Tribunal (RRT) held 11 circuits at Kisumu, Kisii, Kakamega, Eldoret, Nakuru, Garissa, Nanyuki, Mombasa, Voi, Malindi and Lamu, No. of Cases Heard: 1,186; No. of Cases Decided: 906.

#### **2.1.3.7 Mobile Courts;**

- In the period under review, the Judiciary conducted 57 mobile courts in far flung areas. During the period under review, a total of 7,398 cases were filed and 5,190 cases resolved, partly similar to mobile court caseload in 2020/21 where 7250 cases were filed and 5664 determined.

#### **2.1.3.8 Court Annexed Mediation and ADR:**

- The mediation policy was developed and is being implemented across all Mediation registries. The CAM Rules, a Policy on private mediation, Google query procedure and Mediation payment guidelines were developed.
- 17 mediation registries were established and CAM rolled out in: Kikuyu, Limuru, Thika, Mavoko, Kajiado, Muranga, Bungoma, Iten, Vihiga, Migori, Gatundu, Webuye, Runyenjes, Siakago, Busia, Kangundo and Gichugu.
- During the financial year, a total of 4,708 matters were referred to mediation, and the overall annual settlement rate for matters referred to CAM was 51.19%, with an average case turn-around time of 76 days.
- A total of KShs.8.6 Billion was released back to the economy as a result of mediation which is attributable to the increased uptake of mediation in dispute resolution.
- A total of 2,445 matters were referred for mediation out of which 51.4% were settled; with a value of KShs. 2.7 Billion released to the economy.



- The number of courts implementing virtual mediation increased from 5 to 27.
- 1,400 mediators were trained during the FY 2022/23.

#### **2.1.3.9 Alternative justice systems (AJS):**

- Launch of the AJS County Action Plan for Nakuru;
- The Adoption of AJS strategy in resolving Land, Natural Resources and climate change related conflicts by the IGAD Ministerial meeting;
- Engagements to promote alignment of AJS practices held in Kajiado, Narok, Uasin Gishu, Kisumu, Siaya, Taita Taveta, Mombasa and Baringo as aligned to the Constitution of Kenya;
- Contribution to the Mediation Conference;
- To enhance skills and adopt AJS strategy to achieve effective delivery of justice, Court of Appeal Judges, all ELC Judges, KJA Judicial officers and staff were trained on AJS.

#### **2.1.3.10 Simplification of Court Procedures**

- The revision of the Magistrates & Kadhis Courts Registry Manual was finalised to accommodate policy, legislative and administrative changes. It streamlines procedures for handling Kadhis cases and Probate and Administration matters while introducing the aspects of Automation and Records Management.
- To ensure standardisation of common registry services across all tribunals, and improve customer experience, one Registry manual was developed for use.
- General administration was strengthened through development of a number of key policy documents. These included the simplified common applicable rules of procedure of the Supreme Court, Translation of procedural filing basics of the Supreme court, Simplified guidelines operationalising the newly established Environment and Land planning division and Land Division of the ELC.
- A guide for litigants on how to view electronic court proceedings in the Court of Appeal was developed.
- Installation of one braille machine at the Family Division for use by visually impaired clients. Judiciary desks were set up at Huduma centres in Eastleigh, Kibera, GPO and City Square. This process shall enable citizens to file their cases electronically, access Registry Services, Customer Care, Information and Virtual Court Sessions.

#### **2.1.3.11 Resource mobilization and utilization**

##### ***Operationalisation of the Judiciary Fund***

- Operations under the Judiciary Fund (JF) took effect from 1st July 2022 after all implementation instruments were actualized and an operational framework established. In line with Article 173 (1), which states that the Judiciary Fund shall be administered by the Chief Registrar, the Judiciary Fund Management Committee (JFMC) was established and is mandated to oversee budget implementation and regularly advise the Accounting Officer on operations and performance of the JF. The JFMC also ensures that the Budget is effectively implemented and the exchequer is aligned to the Judiciary's cash flow plan.

- In order to ensure financial accountability in adherence to Public Financial Management requirements, the Standard Operating Procedures (SOPs) for JF operations and an M&E Framework were finalized and are now in use as the key reference guidelines. The JF Support desk also continued to liaise with the IFMIS department to ensure that the Judiciary's budget module (Hyperion) and General Ledger systems under the JF run smoothly.

#### 2.1.3.12 Judiciary Digital Strategy

- **Electronic Filing (E-filing):** The e-filing system was internally developed by the Judiciary to allow court users to access court services remotely. The system has been rolled out in Mombasa, Kisumu, Siaya, and Homabay counties, in addition to Nairobi.
- **Digitization of Court Records - Ajira Digital Program:** In 2016, the Judiciary, through the Ministry of ICT and in partnership with the private sector (KEPSA), adopted the *Ajira* Digital Program for digitization of court records. The project kicked off on 4<sup>th</sup> of April 2022 with a total of 133,368 records scanned as shown in Table 1.1

**Table 1.1: Overall Performance on Scanning**

| Court Station       | Division                | Actual Files Scanned |
|---------------------|-------------------------|----------------------|
| Milimani High Court | Commercial              | 1,692                |
|                     | Civil                   | 5,836                |
|                     | Judicial Review         | 1,766                |
|                     | Family                  | 4,552                |
| Milimani ELC Court  | ELC                     | 980                  |
| CM Commercial Court | Civil Suit              | 34,430               |
|                     | Commercial Cases        | 24,507               |
| Mombasa Law Courts  | Mombasa High Court      | 6,333                |
|                     | ELC                     | 418                  |
|                     | ELRC                    | 3,102                |
|                     | Magistrate              | 18,921               |
| Thika               | Thika Law Court         | 13,815               |
|                     | Thika ELC               | 1,104                |
| Limuru              | Limuru Law Court        | 3,665                |
| Kiambu              | Kiambu Law Court        | 10,095               |
| Ruiru               | Ruiru Law Court         | 1,691                |
| Kahawa              | Kahawa Law Court        | 461                  |
|                     | <b>Cumulative Total</b> | <b>133,368</b>       |

- **Virtual Courts:** The Hon. The Chief Justice gazetted the Practice Directions on Virtual Court Sessions on 2nd June, 2023. The Practice Directions cover the; Conduct of Proceedings, Notification of Parties, Virtual Attendance, Dress Code and Virtual Court Etiquette, Databases and Virtual Platforms, Witnesses, Documentation, and Confidentiality and Privacy.

### 2.1.3.13 Election Disputes Resolutions (EDR) Trainings

Training of Judges, Judicial Officers, legal researchers, law clerks and judiciary staff on electoral offences and connected matters was done as shown in Table 1. 2. These trainings guided by the EDR curriculum were aimed at enhancing the capacity to effectively discharge the Election Dispute Resolution (EDR) mandate including undertaking scrutiny and preparing the concomitant reports. A booklet of electoral statutes/laws was compiled in addition to an EDR Bench Book. E-filing was also launched and EDR matters were filed online.

*Table 1.2: No of Judges, Judicial Officers and Staff Trained on EDR in FY 2022/23*

| NO  | CADRE  | NUMBER TRAINED |
|-----|--|----------------|
| 1.  | Supreme Court Judges   | 7              |
| 2.  | Supreme Court Law Clerks   | 9              |
| 3.  | Court of Appeal Judges   | 18             |
| 4.  | Court of Appeal Law Clerks   | 23             |
| 5.  | High Court Judges  | 68             |
| 6.  | High Court Researchers   | 86             |
| 7.  | Magistrates  | 342            |
| 8.  | Supreme Court, Court Administrators  | 6              |
| 9.  | Supreme Court, Office Administrators   | 19             |
| 10. | Deputy Registrars of the High Court  | 63             |
| 11. | ICT Officers   | 119            |
| 12. | Court Administrators and Court Assistants (This includes staff from the ORHC, RMC and OPJ) | 274            |
| 13. | Registrars (RHC, RMC, DRMC)  | 3              |
| 14. | <b>TOTAL</b>   | <b>1,037</b>   |

### 2.1.3.14 Court Infrastructure

To enhance physical access to court premises, the following projects were undertaken:

- Rehabilitation of buildings was done in 44 magistrate courts, namely; Kilungu, Mutomo, Migori, Kehancha, Tigania, Kyuso, Kericho, Bomet, Makueni, Kajiado, Kibera, Kakuma, Kilifi, Ndhiwa, Mwingi, Tawa, Sirisia, Othaya, Murang'a, Gichugu, Thika ELC, Githunguri, Mwingi, Wanguru- Asbestos removal, Maua, Siakago, Machakos, Makueni, Kisii, Ndhiwa, Tamu, Msambweni, Nyamira, Busia, Winam, Madiany, Butali, Ngong, Nairobi kadhi, Chuka, Rumuruti and Kilgoris.
- Renovation was ongoing at the Milimani Law Courts.
- Refurbishment of Forodha House was completed.
- Completed Constructions: Embu law Court, Port Victoria.
- On-going Court Constructions: Meru, Eldoret, Kandara, Mavoko, Eldama Ravine, Kabarnet, Wanguru, Mandera, Mavoko and Habaswein Kadhi's Court.
- **Installation of solar systems:** To ensure minimal disruption of court services due to power outages, solar systems were installed in the following courts: Garsen, Maseno, Shanzu, and Tononoka Law Courts.

#### **2.1.3.15 Expansion of Jurisprudence through International Engagements**

- The Environment and Land Court ELC@10 Anniversary Conference was held at Pwani University, Kilifi County from 28th November to 2nd December 2022 under the theme, 'Celebrating Ten Years of the Environmental and Land Justice in Kenya: Reflecting on the ELC Journey and Future Prospects.' The commemoration of ten years of existence of the ELC and brought together all actors in the environment and land sectors in Kenya, Africa and globally to share experiences and propose judicial strategies that are required to deliver justice and promote, not only the rule of law, but protect the environment and ensure access to land.
- The 3rd Regional Symposium on Greening Judiciaries in Africa hosted by the Judiciary of Kenya, the Kenya Judiciary Academy and the Africa Judicial Educators Network on Environmental Law (AJENEL) was held in Nairobi from 3rd – 5th April 2023 under the theme, 'Strengthening the Role of the Judiciaries in Addressing Climate Change in Africa. The Symposium was anchored on the role of the courts in combating climate change and its impacts in Africa and provided actionable policy direction from heads of judiciaries and judicial training institutes across Africa on the enhancement of environmental justice, particularly in disputes arising from climate change and its impacts.
- Judiciary participated in various initiatives that foster deepened partnerships, improve coordination in the administration of justice, and exchange programs for regional and international experience sharing, as well as to enable peer exchange and learning on jurisprudential issues from:
  - The Supreme Court of India visit by Supreme Court Justices between March 6th and March 13th, 2023. Key takeaways were; Use of artificial intelligence to translate court judgments/proceedings into vernacular languages, use of cloud hosting for the court website to enable the court to disseminate information on a real-time basis to all stakeholders, use of an electronic Supreme Court reporter (eSCR) that enables decisions/judgments to be online and accessible to all at no cost.
  - International Women Transformative & Leadership Conference in Sudan from February 13-15, 2023.
  - Conference on Africa Regional Intellectual Property Bench Book in Johannesburg, South Africa, from March 13-19, 2023.
  - The International Conference to Enhance Co-operation on Cyber Crime and Electronic Evidence in Africa from March 3rd to March 8th, 2023 in Rabat, Morocco.
  - The fifth round-table session of the African Judicial Network in Cape Town, South Africa from March 26th to March 29th, 2023
  - Training workshop on intelligence gathering and judicialization to identify and disrupt sources of terrorism financing Accra, Ghana, from March 7th to March 9th, 2023
  - The 25th Annual Family Law Conference in Cape Town, South Africa from 7th to 12th March 2023 to attend, and Justice



- The 67th session of the commission on status of women held in the United States from 6th to 17th March 2023
- The Presiding Judge travelled to Uganda and New York, USA, to share knowledge of the operations of the unique Environment and Land Court with Judges from those countries.
- In an endeavour to promote mediation and enhance access to justice in the financial services sector, the Inaugural Annual Mediation Summit was held on 13-14th April, 2023 at Strathmore university.

- **Admission of advocates:** A total of 2,645 advocates were admitted to the roll of advocates, 791 commissioners for oaths were sworn in, and the total number of Notary Public Renewals facilitated was 2,053. A total of 14,287 e-practicing Certificates were also issued.

#### **2.1.3.16 Accountability and Performance Management**

- The Judiciary Ombudsman Complaint System has been automated and simplified providing a structured complaint handling procedure with detailed documentation, as well as track each progress of a complaint, allowing the users to achieve significant time and cost savings.
- The Audit and Risk Directorate carries out more comprehensive analysis of systemic weaknesses in financial management. During the 2022/2023 financial year, the directorate carried out audits in 23 courts stations and at Judiciary headquarters. The recommendations made were on improved management of the registry, expenditure, revenue, deposits, assets and supply chain. The audits also revealed areas of improvement and made recommendations to improve the operations of the Case Tracking System (CTS) and Judiciary Financial Management Information System (JFMIS).
- The PMMU's evaluation for 2020/2021 and negotiations and setting of targets for FY 2021/2022 for courts and administrative units were concluded during the second (2nd) and third (3rd) quarters of the 2022-2023 FY. During the exercise, 310 implementing units, including the Supreme Court, 4 Courts of Appeal, 45 High Court Stations and Divisions, 9 ELRC, 35 ELC, 127 Magistrates Courts, 47 Kadhis' Courts, 12 Tribunals, 8 Registrars, 10 Directorates, and 3 Offices, were evaluated.

#### **2.1.3.17 Enhanced Human Resources**

Towards ensuring that there is adequate human resource capable of delivering on the institution's mandate, the following was undertaken:

- Appointment of 32 additional Judges;
  - 10 COA increasing the total in-post to 29 Appellate Judges
  - 20 High court increasing the total in-post to 79 HC Judges
  - 2 Employment and Labour Relations court increasing the total in-post to 53 ELRC Judges
- Recruitment of 490 Judicial Staff including Tribunal Members, Law Clerk and Legal Researchers, drivers and other staff.
- Promotion of 145 Judicial Officers and 117 staff.



- The recruitments in FY 2022/23 brought the total number of Judiciary employees to 6,193 against an approved establishment of 10,105 translating to 61.3% of its optimal staffing levels as at 30th June 2023.
- A new aligned salary structure for the staff was implemented in April 2023 with the effective date of July 1, 2022. The aligned salary structure was to address the inconsistencies in the existing staff salary structure and ensure that all judicial staff salaries achieve internal parity.
- The Judicial Service Commission on 6th April, 2023, approved for implementation the Training & Development Policy, 2023 and, Internship and Attachment Policy, 2023.
- Acquisition of additional office space at The Kenya Reinsurance Plaza which is occupied by some Directorates and Tribunals
- Purchase of 17 motor vehicles for court stations without transport facilitation to conduct of mobile courts and scene visits.
- Training 306 staff on various capacity development courses to aid in efficient service delivery.

#### **2.1.3.18 The National Council on the Administration of Justice**

- To ensure effective monitoring and evaluation of the justice sector, the NCAJ developed the Inaugural Annual Administration of Justice report, whose launch was graced by HE the President. The report provided comprehensive information about the justice sector's activities, outcomes, challenges and outlook. Further, NCAJ held 3 High-level Statutory forums with Strategic discussions on Election preparedness, among others.
- To promote coordination and fast-tracking of reforms in the justice sector, the NCAJ bill was drafted and is currently at the stakeholder engagement stage. The bill aims at institutionalizing the NCAJ to ensure an efficient, effective, and consultative approach to the administration of justice.
- To deepen criminal justice reforms, NCAJ Developed the Sentencing Policy Guidelines to standardize operations across the actors. Further, the draft Penal Code and Criminal Procedure Code Bills were finalized, and stakeholder engagements commenced.
- To strengthen Civil Justice Reforms, mapping priority reform areas of civil justice was done, with implementation slated in 2023/24.
- To strengthen the administration of justice at the grassroots, an additional 20 CUCs were established, bringing the total number of CUCs to 256 CUCs. The additional CUCs included one (1) SGBV CUC, Seven (7) Child Justice CUCs, four (4) high court CUCs, two (2) Employment and Labour Court CUCs, five (5) Magistrate and one (1) Tribunal CUCs. Further, to enhance the capacity of CUCs, twelve (12) CUCs were trained on various emerging cross-cutting issues in the justice Sector. Additionally, NCAJ initiated the development of the CUCs Monitoring, Reporting, and Analysis System (MoRAS) to enhance documentation and reporting of the achievements, challenges, and recommendations for reform. To enhance the coordination mechanism of the justice sector at the national and local level, the NCAJ reconstituted and gazetted

the NCAJ Committee on Review of Laws on sexual offenses and gender-based violence in Kenya and the Civil Justice Reforms Committee. Further, the NCAJ.

- To improve access to justice for vulnerable groups, NCAJ developed the National Strategy on Justice for Children to provide a vision of children's matters in the justice sector. Further, NCAJ held child service month and organised a high-level Summit on child justice.

#### **2.1.4 ACHIEVEMENT OF TARGETS**

Specific targets, indicators and actual achievements for the FY 2020/21 to FY 2022/23 are summarized in Table 2.1.

Table 2.1- Analysis of Programme Targets and Actual Achievements

| Output                             | Key Performance Indicator                             | Target  |         |         | Achieved |         |         | Remarks  |
|------------------------------------|---|---------|---------|---------|----------|---------|---------|--|
|                                    |   | 2020/21 | 2021/22 | 2022/23 | 2020/21  | 2021/22 | 2022/23 |  |
| Programme: Dispensation of Justice |   |         |         |         |          |         |         |  |
| Sub-Programme 1: Access to Justice |   |         |         |         |          |         |         |  |
| Judicial Services                  | Case clearance rate - %                               | 100     | 110     | 103     | 83       | 94      | 99      |  |
|                                    | Reduction of case backlog aged 3 years and above - %  | -       | 10      | 15      | -        | 16      | 2.75    |  |
|                                    | Maximum No. of Days taken to resolve election cases   | -       | 180     | 180     | -        | N/A     | 180     |  |
|                                    | No. of COA stations holding Circuits                  | 4       | 4       | 4       | 4        | 2       | 4       |  |
|                                    | No. of High Courts with Circuits                      | 7       | 7       | 12      | 7        | 12      | 18      |  |
|                                    | No. of ELC stations with Circuits                     | 3       | 1       | 1       | 3        | 2       | 3       |  |
|                                    | No. of ELRC stations with Circuits                    | 4       | 4       | 4       | 4        | 3       | 4       |  |
|                                    | No. of Tribunals with circuits                        | 3       | 3       | 5       | 3        | 6       | 5       |  |
|                                    | No. of mobile courts held                             | 60      | 60      | 60      | 60       | 59      | 57      |  |
|                                    | No. of Supreme Court sub registries established       | -       | 2       | 2       | -        | 2       | 0       | Mombasa and Kisumu   |
|                                    | No. of mediation registries established               | 24      | 10      | 15      | 5        | 12      | 17      |  |
|                                    | Mediation settlement rate - %                         | -       | 65      | 65      | -        | 51      | 51      |  |
|                                    | No. of new mediators accredited                       | 150     | 100     | 200     | 164      | 243     | 0       | Board paper to recruit 100 mediators developed and submitted to JSC for approval |
|                                    | No. of mediators trained                              | -       | 150     | 1056    | -        | 600     | 1400    |  |
|                                    | No. of new COA stations established & operationalised | 1       |         | 2       | 0        | 0       | 2       | Eldoret and Nakuru   |

| Output            | Key Performance Indicator  | Target  |         |         | Achieved |         |         | Remarks   |
|-------------------|--|---------|---------|---------|----------|---------|---------|---|
|                   |  | 2020/21 | 2021/22 | 2022/23 | 2020/21  | 2021/22 | 2022/23 |   |
| Judicial Services | No. of new High Courts Stations established & operationalised    | 4       | 0       | 4       | 2        |         | 0       | Establishment and operationalization of Kapsabet High Court Station, vide Gazette Notice No. 656, 27/1/23 |
|                   | No. of new ELRC stations established & operationalised           | 7       | 2       | 2       | 0        | 2       | 2       | Kakamega elevated to a fully fledged Court station. Judge moved from ELRC Bungoma to Kakamega.            |
|                   | No. of ELC stations established & operationalised                | 9       | 2       | 2       | 0        | 11      | 1       | Voi ELC   |
|                   | No. of new Magistrates' courts established & operationalised     | 15      | 3       | 12      | 22       | 0       | 3       | Kenol, Rumuruti, Ol Kalou, Tinderet, Kibiyet, and Madiany Law Courts have been operationalized.           |
|                   | No. of specialized courts established & operationalised          | 0       | 0       | 0       | 0        | 0       | 4       | 4 SGBV courts in Shanzu, Siaya, Kisumu, Kibera,   |
|                   | No. of new Kadhis' courts stations established & operationalised | 0       | 1       | 1       | 0        | 0       | 1       |   |
|                   | No. of Mobile Courts established                                 | 4       | 4       | 3       | 0        | 2       | 0       |   |

| Output                     | Key Performance   |  | Target |        |        |  | Achieved |        |        | Remarks  |
|----------------------------|---|--|--------|--------|--------|--|----------|--------|--------|--|
|                            | Indicator   |  | 2020/2 | 2021/2 | 2022/2 |  | 2020/2   | 2021/2 | 2022/2 |  |
|                            |   |  | 1      | 2      | 3      |  | 1        | 2      | 3      |  |
|                            | No. of new HC sub-registries established                                      |  | 1      | 1      | 2      |  | 4        | 0      | 2      | Thika High Court<br>Gazettement of<br>Iten High Court<br>-- Gazette Notice<br>No. 657, 27/1/23 |
|                            | No. of new ELRC sub-registries established                                    |  | 3      | 2      | 1      |  | 4        | 0      | 1      | Nyamira  |
|                            | No. of ELC sub-registries established   |  | 2      | 0      | 2      |  | 4        | 0      | 2      | Lamu and<br>Kabarnet   |
|                            | No. of tribunals sub-registries established                                   |  | -      | 0      | 4      |  | -        | 8      | 8      | PPDT<br>Kakamega,<br>Kisumu, Meru,<br>Nairobi 1 & 2,<br>Nyeri, Eldoret<br>and Mombasa          |
|                            | No. of new small claims courts established                                    |  | -      | 10     | 8      |  | -        | 11     | 1      | Meru   |
|                            | No. of HC Judges and PJs Hand books, and practice directions developed        |  | -      | 2      | 1      |  | -        | 1      | 0      |  |
|                            | No. of EDR Practice Directions developed                                      |  | -      | 4      | 1      |  | -        | 3      | 0      | Applied in last<br>elections period  |
|                            | No. of Small Claims Court Practice Directions developed                       |  | -      | 0      | 0      |  | -        | 0      | 0      |  |
|                            | No. of EDR Bench book, guidelines, balancing of scales & compendium developed |  | -      | 4      | 2      |  | -        | 2      | 4      | Applied in last<br>elections period  |
|                            | No. of <i>pro-se</i> litigants' manuals for courts developed                  |  | -      | 0      | 0      |  | -        | 0      | 0      |  |
|                            | Reviewed HC registry manual   |  | -      | 0      | 1      |  | -        | 0      | 0      |  |
|                            | No. of HC guidelines on handling children cases                               |  | -      | 0      | 0      |  | -        | 0      | 0      |  |
| Simplified Court Processes | Reviewed ELC Registry manual  |  | -      | 0      | 1      |  | -        | 0      | 1      |  |
|                            | ELRC procedure rules reviewed   |  | -      | 0      | 1      |  | -        | 0      | 1      |  |
|                            | Reviewed ELRC Registry manual   |  | -      | 0      | 1      |  | -        | 0      | 1      |  |



| Output           | Key Performance Indicator                                    | Target  |         |         | Achieved |         |         | Remarks   |
|------------------|--|---------|---------|---------|----------|---------|---------|---|
|                  |  | 2020/21 | 2021/22 | 2022/23 | 2020/21  | 2021/22 | 2022/23 |   |
| Court Facilities | Mobile courts policy developed                               | -       | 0       | 1       | -        | 0       | 1       |   |
|                  | Small Claims court Registry Manual developed                 | -       | 0       | 1       | -        | 0       | 0       |   |
|                  | No. New Supreme Court Building initiated/ ongoing            | -       | -       | -       | -        | -       | -       |   |
|                  | No. New COA ongoing Building                                 | 1       | 1       | 1       | 0        | 0       | 0       | Initiated for tendering for construction of Court of Appeal building in Nairobi     |
|                  | No. of ongoing High Courts buildings completed (GOK)         | 9       | 8       | 5       | 6        | 8       | 2       | Bomet Prefab completed and Pending Bill for Embu paid. Target- Muranga and Marsabit |
|                  | No. of ongoing Magistrates' courts buildings completed (GOK) | 13      | 16      | 2       | 0        | 3       | 1       | Port Victoria completed. Target Mavoko  |
|                  | No. New HC Buildings initiated                               | 3       | 3       | -       | 0        | 2       | -       | Kericho and Lamu  |
|                  | No. of residential units for Judge's construction initiated. |         | 2       | 1       | 1        | 0       | 1       | 1 (Marsabit Judge's residence ongoing)  |
|                  | No. of Courts of Appeal buildings rehabilitated/ Refurbished | 1       | 1       | 1       | 1        | 1       | 1       | Nyeri   |
|                  | No. of High courts buildings rehabilitated/ Refurbished      | 3       | 2       | 9       | 1        | 7       | 5       | 1 (Milimani Law Courts), Kericho, Makueni, Kajiado, Migori                          |
|                  | No. of Magistrates' courts buildings rehabilitated           | 13      | 12      | 20      | 11       | 19      | 10      | Kilungu, Mutomo, Kehancha,  |

| Output   | Key Performance Indicator |   | Target |        | Achieved |        |        | Remarks |  |
|--|---------------------------|---|--------|--------|----------|--------|--------|---------|--|
|  |                           |   | 2020/2 | 2021/2 | 2022/2   | 2020/2 | 2021/2 |         | 2022/2   |
|  |                           |   | 1      | 2      | 3        | 1      | 2      | 3       | Nkubu, Tigania, Kyuso, Kibera, Kilifi, Kakuma , Ndhiwa   |
|  |                           | No. of Tribunals buildings rehabilitated/ Refurbished | 4      |        | 1        | 1      |        | 1       | Refurbishment of Tribunal Secretariat Offices at Kenya Re Plaza  |
|  |                           | No. Stations with Solar System / Generators           | 34     | -      | 10       | 0      | -      | 5       | Solar system installed in Garsen, Shanzu, Maseno, Winam and Tononoka Children's Court and Works ongoing at Tawa, Mwingi, Kyuso, Kilgoris and Sirisia Law Courts. |
| Sub- Programme 2 : General Administration, Planning and Support Services |                           |   |        |        |          |        |        |         |  |
| Administration Services  |                           | Number of vehicles procured                           | 20     | 6      | 71       | 23     | 8      | 27      | Delivery was time barred   |
|  |                           | Number of publicity products disseminated             | 20     | 25     | 30       | 20     | 25     | 30      |  |
|  |                           | Performance Measurements Report Published             | 1      | 1      | 1        | 1      | 1      | 1       | Performance Report for FY 2021/22 launched on 30th June 2023   |
|  |                           | Status of the Judiciary Report Published              | 1      | 1      | 1        | 1      | 1      | 1       |  |

| Output       | Key Performance  |  | Target      |             |             | Achieved    |             |             | Remarks  |
|--------------|--|--|-------------|-------------|-------------|-------------|-------------|-------------|--|
|              | Indicator  |  | 2020/2<br>1 | 2021/2<br>2 | 2022/2<br>3 | 2020/2<br>1 | 2021/2<br>2 | 2022/2<br>3 |  |
| ICT Services | Number of procedures manuals reviewed (Finance, Audit & Procurement manuals) |  | 0           | 0           | 2           | 0           | 0           | 0           | These are awaiting planned legal review under JF |
|              | No. of Annual Caseload Statistics Reports Produced                           |  | 1           | 1           | 1           | 1           | 1           | 1           |  |
|              | No. Court stations with e-filing   |  | 30          | 30          | 40          | 21          | 4           | 24          |  |
|              | Courts with digitized records - %  |  | -           | -           | 40          | -           | -           | 50          |  |
| ICT Services | No. of courtrooms with transcription solution                                |  | -           | 80          | 43          | -           | -           | 16          | 14 targeted for FY 2023/24                       |
|              | No. of court stations with Video conferencing kit                            |  | -           | -           | 36          | -           | 79          | 55          | 2000 licenses for virtual courts                 |

## **2.2 Expenditure Trends FY (2020/21 – 2022/23)**

The Judiciary's approved Budget allocations for FY2020/2021 was KShs. 17,133,360,582 KShs. 18,560,644,108 in FY2021/2022 and KShs. 21,132,239,000 in FY2022/2023. This represented a growth of 8% from FY2020/21 to FY2021/22 and 12% growth from FY2021/2022 to FY2022/2023. The overall absorption rate was 94% in both FY 2020/21 and FY 2021/22. However, this increased to 95% in FY2022/2023.

### **2.2.1 Analysis of Recurrent Expenditure**

The approved recurrent budget allocation increased by 10% in FY 2021/22 from KShs. 14,575,278,582 in FY 2020/21 to KShs. 15,968,320,385 and by 20% in FY 2022/23 to KShs. 19,232,239,000. The share of compensation to employees over the total recurrent budget increased from 64% in FY 2021/22 to 66% in FY 2022/23 which is attributed to the recruitment of more judicial officers and staff to address the gaps in the staff establishment and enhance service delivery. The share of Other recurrent budget declined from 36% in FY 2021/22 to 34% in FY 2022/23.

A breakdown of the recurrent expenditure by economic classification is shown in Table 2.2.

**Table 2.2- Analysis of Recurrent Expenditure (KShs. Million)**

| Vote and Details | Economic Classification                 | Approved Budget Allocation |         |         | Actual Expenditure |         |         |
|------------------|---|----------------------------|---------|---------|--------------------|---------|---------|
|                  |   | 2020/21                    | 2021/22 | 2022/23 | 2020/21            | 2021/22 | 2022/23 |
| R9011            | Gross                                   | 14,575                     | 15,968  | 19,232  | 14,377             | 15,639  | 18,653  |
|                  | AIA                                     | -                          | -       | -       | -                  | -       | -       |
|                  | NET                                     | 14,575                     | 15,968  | 19,232  | 14,377             | 15,639  | 18,653  |
|                  | Compensation to Employees               | 9,402                      | 10,081  | 12,438  | 9,398              | 10,049  | 12,356  |
|                  | Transfers                               | -                          | -       | -       | -                  | -       | -       |
|                  | Other Recurrent                         | 5,173                      | 5,887   | 6,795   | 4,979              | 5,591   | 6,296   |
|                  | <i>of Which...</i>                      |                            |         |         |                    |         |         |
|                  | Utilities                               | 140                        | 167     | 154     | 131                | 122     | 148     |
|                  | Rent                                    | 76                         | 87      | 99      | 69                 | 85      | 93      |
|                  | Insurance                               | 1,292                      | 1,320   | 1,520   | 1,291              | 1,318   | 1,520   |
|                  | Subsidies                               | -                          | -       | -       | -                  | -       | -       |
|                  | Gratuity                                | -                          | 20      | 17      | -                  | 16      | 17      |
|                  | Contracted guards and Cleaning Services | 434                        | 432     | 385     | 425                | 387     | 367     |
|                  | Other Recurrent                         | 3,231                      | 3,861   | 4,620   | 3,063              | 3,663   | 4,152   |

### 2.2.2 Analysis of Development Expenditure

The development budget increased by 1% in FY 2021/22 then decreased by 27% in FY 2022/23 when the World Bank funding ended. Therefore, the GOK funding increased from the minimal allocation of KShs. 292,100,000 in FY 2020/21 to KShs. 1,595,000,000 in FY 2021/22 and KShs. 1,900,000,000 FY 2022/23.

The absorption rate for the development vote recorded an upward trend from 65% in FY 2020/21, 70% in FY 2021/22 and 78% in FY 2022/23. The low absorption on the development budget was as a result of increased cost of building materials due to inflation causing contractors to abandon site awaiting contract price review. The analysis of the development expenditure by category is provided in Table 2.3.

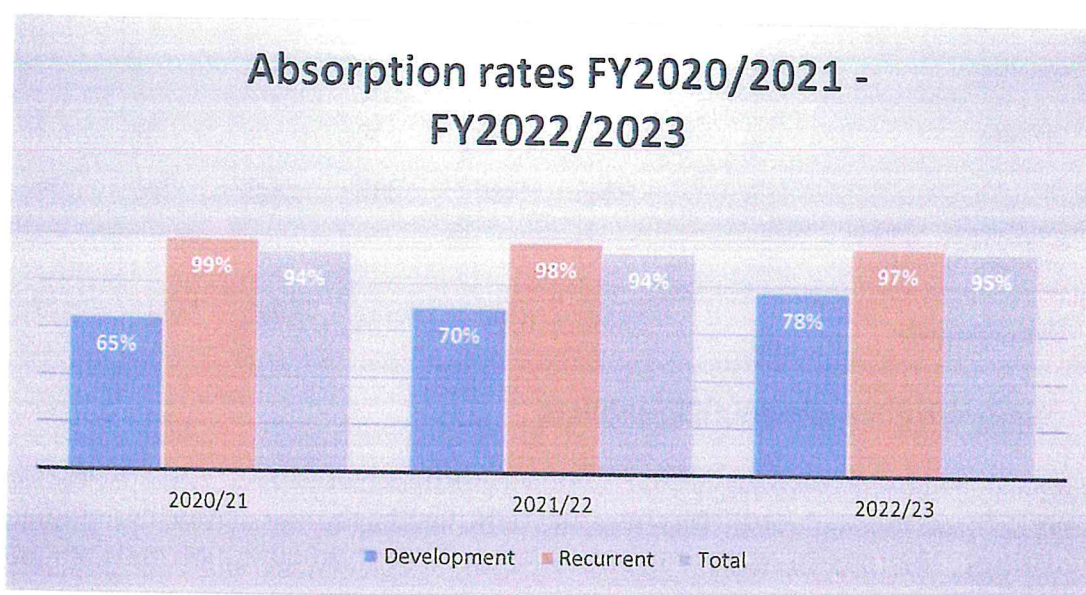


**Table 2.3- Analysis of Development Expenditure (KShs. Million)**

| Vote &<br>Vote<br>Details | Description | Approved Budget |              |              | Actual Expenditure |              |              |
|---------------------------|-------------|-----------------|--------------|--------------|--------------------|--------------|--------------|
|                           |             | 2020/21         | 2021/22      | 2022/23      | 2020/21            | 2021/22      | 2022/2023    |
| 9011                      | Gross       | 2,558           | 2,592        | 1,900        | 1,656              | 1,809        | 1,478        |
|                           | GOK         | 292             | 1,595        | 1,900        | 294                | 995          | 1,478        |
|                           | Loans       | 2,266           | 997          | -            | 1,362              | 814          | -            |
|                           | Grants      | -               | -            | -            | -                  | -            | -            |
|                           | Local AIA   | -               | -            | -            | -                  | -            | -            |
| <b>Totals</b>             |             | <b>2,558</b>    | <b>2,592</b> | <b>1,900</b> | <b>1,656</b>       | <b>1,809</b> | <b>1,478</b> |

### 2.2.3 Absorption trends

Figure 1 shows the budgetary absorption rate and trends for the period 2020/21 to 2022/23. The overall absorption rate for FY 2020/21 and 2021/22 remained the same at 94% but increased to 95% in FY 2022/23.



**Figure 1 : Trends in Budget Absorption**

### 2.2.4 Analysis of Programme Expenditure

Judiciary's programme is Dispensation of Justice and has two sub-programmes: Access to Justice; and General Administration, Planning and Support services. The sub-program on Access to Justice which covers the core mandate of the Judiciary received a larger share of the budget at 70% over the three years under review. This is shown in Table 2.4.

**Table 2.4- Analysis by category of expenditure: Programmes (KShs. Million)**

|  | Approved Budget |               |               | Actual Expenditure |               |               |
|--|-----------------|---------------|---------------|--------------------|---------------|---------------|
|  | 2020/21         | 2021/22       | 2022/23       | 2020/21            | 2021/22       | 2022/23       |
| <b>Programme:</b> Dispensation of Justice                | 17,133          | 18,561        | 21,132        | 16,033             | 17,449        | 20,131        |
| <b>Sub-Prog. I:</b> Access to Justice                    | 11,993          | 12,993        | 14,793        | 11,223             | 12,214        | 14,092        |
| <b>Sub-Prog. II:</b> Administration and Support Services | 5,140           | 5,568         | 6,340         | 4,810              | 5,235         | 6,039         |
| <b>Total Vote</b>  | <b>17,133</b>   | <b>18,561</b> | <b>21,132</b> | <b>16,033</b>      | <b>17,449</b> | <b>20,131</b> |

### 2.2.5 Analysis of Programme Expenditure by Economic Classification

Allocation for Compensation to Employees has been on an upward trend from KShs. 9.4 Billion in FY 2020/21, KShs. 10.0 Billion in FY 2021/22 to KShs. 12.4 Billion in FY2022/2023. As a share of the total budget, this represented 55%, 54% and 59% for FY 2020/21, FY 2021/22 and FY 2022/23 respectively. The approved budget on use of goods and services was 26% in FY 2020/21, which increased to 28% 2021/22 and to 29% in FY 2022/23. This was attributed to the general increase in market prices. On the other hand, the proportion of Other Recurrent to total allocation decreased gradually over the three years as shown in *Table 2.5*.

**Table 2.5- Analysis by Category of expenditure: Economic Classification (KShs. Million)**

| Economic Classification                     | Approved Budget |               |               | Actual Expenditure |               |               |
|---|-----------------|---------------|---------------|--------------------|---------------|---------------|
|   | 2020/21         | 2021/22       | 2022/23       | 2020/21            | 2021/22       | 2022/23       |
| <b>Programme 1: Dispensation of Justice</b> |                 |               |               |                    |               |               |
| <b>Current Expenditure</b>                  |                 |               |               |                    |               |               |
| Compensation to Employees                   | 9,402           | 10,081        | 12,438        | 9,398              | 10,049        | 12,356        |
| Use of goods & Services                     | 4,388           | 5,157         | 6,032         | 4,267              | 4,911         | 5,788         |
| Grants and Other Transfers                  | -               | -             | -             | -                  | -             | -             |
| Other Recurrent                             | 785             | 730           | 763           | 712                | 680           | 508           |
| <b>Capital Expenditure</b>                  |                 |               |               |                    |               |               |
| Acquisition of Non-Financial Assets         | 2,558           | 2,592         | 1,900         | 1,656              | 1,809         | 1,478         |
| Capital Grants to Govt. Agencies            | -               | -             | -             | -                  | -             | -             |
| Other Development                           | -               | -             | -             | -                  | -             | -             |
| <b>Total Program</b>                        | <b>17,133</b>   | <b>18,561</b> | <b>21,132</b> | <b>16,033</b>      | <b>17,449</b> | <b>20,131</b> |
| <b>Total Vote 9011</b>                      | <b>17,133</b>   | <b>18,561</b> | <b>21,132</b> | <b>16,033</b>      | <b>17,449</b> | <b>20,131</b> |



### 2.3 Analysis of Capital Projects by Programme

The Judiciary has been implementing capital projects including constructions, rehabilitations and refurbishments of court buildings and Tribunal premises. During the reporting period all the projects were funded by GOK and their implementation was low due to budgetary constraints.

Table 2.6- Analysis of performance of capital Projects FY 2020/21 – 2022/23

| Output                             | Key Performance Indicator                            | Target  |         |         | Achieved |         |         | Remarks  |
|------------------------------------|--|---------|---------|---------|----------|---------|---------|--|
|                                    |  | 2020/21 | 2021/22 | 2022/23 | 2020/21  | 2021/22 | 2022/23 |  |
| Programme: Dispensation of Justice |  |         |         |         |          |         |         |  |
| Sub-Programme 1: Access to Justice |  |         |         |         |          |         |         |  |
| Judicial Services                  | Case clearance rate - %                              | 100     | 110     | 103     | 83       | 94      | 99      |  |
|                                    | Reduction of case backlog aged 3 years and above - % | -       | 10      | 15      | -        | 16      | 2.75    |  |
|                                    | Maximum No. of Days taken to resolve election cases  | -       | 180     | 180     | -        | N/A     | 180     |  |
|                                    | No. of COA stations holding Circuits                 | 4       | 4       | 4       | 4        | 2       | 4       |  |
|                                    | No. of High Courts with Circuits                     | 7       | 7       | 12      | 7        | 12      | 18      |  |
|                                    | No. of ELC stations with Circuits                    | 3       | 1       | 1       | 3        | 2       | 3       |  |
|                                    | No. of ELRC stations with Circuits                   | 4       | 4       | 4       | 4        | 3       | 4       |  |
|                                    | No. of Tribunals with circuits                       | 3       | 3       | 5       | 3        | 6       | 5       |  |
|                                    | No. of mobile courts held                            | 60      | 60      | 60      | 60       | 59      | 57      |  |
|                                    | No. of Supreme Court sub registries established      | -       | 2       | 2       | -        | 2       | 0       | Mombasa and Kisumu   |
|                                    | No. of mediation registries established              | 24      | 10      | 15      | 5        | 12      | 17      |  |
|                                    | Mediation settlement rate - %                        | -       | 65      | 65      | -        | 51      | 51      |  |
|                                    | No. of new mediators accredited                      | 150     | 100     | 200     | 164      | 243     | 0       | Board paper to recruit 100 mediators developed and submitted to JSC for approval |

| Output            | Key Performance Indicator  | Target |        |        | Achieved |        |        | Remarks   |
|-------------------|--|--------|--------|--------|----------|--------|--------|---|
|                   |  | 2020/2 | 2021/2 | 2022/2 | 2020/2   | 2021/2 | 2022/2 |   |
|                   |  | 1      | 2      | 3      | 1        | 2      | 3      |   |
| Judicial Services | No. of mediators trained   | -      | 150    | 1056   | -        | 600    | 1400   |   |
|                   | No. of new COA stations established & operationalised            | 1      |        | 2      | 0        | 0      | 2      | Eldoret and Nakuru  |
|                   | No. of new High Courts Stations established & operationalised    | 4      | 0      | 4      | 2        |        | 0      | Establishment and operationalization of Kapsabet High Court Station, vide Gazette Notice No. 656, 27/1/23 |
|                   | No. of new ELRC stations established & operationalised           | 7      | 2      | 2      | 0        | 2      | 2      | Kakamega elevated to a fully fledged Court station. Judge moved from ELRC Bungoma to Kakamega.            |
|                   | No. of ELC stations established & operationalised                | 9      | 2      | 2      | 0        | 11     | 1      | Voi ELC   |
|                   | No. of new Magistrates' courts established & operationalised     | 15     | 3      | 12     | 22       | 0      | 3      | Kenol, Rumuruti, Ol Kalou, Tinderet, Kibiyet, and Madiany Law Courts have been operationalized.           |
|                   | No. of specialized courts established & operationalised          | 0      |        | 0      | 0        | 0      | 4      | 4 SGBV courts in Shanzu, Siaya, Kisumu, Kibera,   |
|                   | No. of new Kadhis' courts stations established & operationalised | 0      | 1      | 1      | 0        | 0      | 1      |   |



| Output                     | Key Performance Indicator   |  | Target  |         |         | Achieved |         |         | Remarks  |
|----------------------------|---|--|---------|---------|---------|----------|---------|---------|--|
|                            | Indicator   |  | 2020/21 | 2021/22 | 2022/23 | 2020/21  | 2021/22 | 2022/23 |  |
|                            |   |  | 1       | 2       | 3       | 1        | 2       | 3       |  |
|                            | No. of Mobile Courts established  |  | 4       | 4       | 3       | 0        | 2       | 0       | Thika High Court   |
|                            | No. of new HC sub-registries established                                      |  | 1       | 1       | 2       | 4        | 0       | 2       | Gazettement of Iken High Court – Gazette Notice No. 657, 27/1/23         |
|                            | No. of new ELRC sub-registries established                                    |  | 3       | 2       | 1       | 4        | 0       | 1       | Nyamira  |
|                            | No. of ELC sub-registries established   |  | 2       | 0       | 2       | 4        | 0       | 2       | Lamu and Kabarnet  |
|                            | No. of tribunals sub-registries established                                   |  | -       | 0       | 4       | -        | 8       | 8       | PPDT - Kakamega, Kisumu, Meru, Nairobi 1 & 2, Nyeri, Eldoret and Mombasa |
|                            | No. of new small claims courts established                                    |  | -       | 10      | 8       | -        | 11      | 1       | Meru   |
|                            | No. of HC Judges and PJs Hand books, and practice directions developed        |  | -       | 2       | 1       | -        | 1       | 0       |  |
|                            | No. of EDR Practice Directions developed                                      |  | -       | 4       | 1       | -        | 3       | 0       | Applied in last elections period   |
|                            | No. of Small Claims Court Practice Directions developed                       |  | -       | 0       | 0       | -        | 0       | 0       |  |
|                            | No. of EDR Bench book, guidelines, balancing of scales & compendium developed |  | -       | 4       | 2       | -        | 2       | 4       | Applied in last elections period   |
| Simplified Court Processes | No. of <i>pro-se</i> litigants' manuals for courts developed                  |  | -       | 0       | 0       | -        | 0       | 0       |  |
|                            | Reviewed HC registry manual   |  | -       | 0       | 1       | -        | 0       | 0       |  |
|                            | No. of HC guidelines on handling children cases                               |  | -       | 0       | 0       | -        | 0       | 0       |  |
|                            | Reviewed ELC Registry manual  |  | -       | 0       | 1       | -        | 0       | 1       |  |
|                            | ELRC procedure rules reviewed   |  | -       | 0       | 1       | -        | 0       | 1       |  |

| Output           | Key Performance Indicator                                    | Target  |         |         |         | Achieved |         |         |         | Remarks   |
|------------------|--|---------|---------|---------|---------|----------|---------|---------|---------|---|
|                  |  | 2020/21 | 2021/22 | 2022/23 | 2022/23 | 2020/21  | 2021/22 | 2022/23 | 2022/23 |   |
| Court Facilities | Reviewed ELRC Registry manual                                | -       | 0       | 1       | 1       | -        | 0       | 1       | 1       |   |
|                  | Mobile courts policy developed                               | -       | 0       | 1       | 1       | -        | 0       | 1       | 1       |   |
|                  | Small Claims court Registry Manual developed                 | -       | 0       | 1       | 1       | -        | 0       | 0       | 0       |   |
|                  | No. New Supreme Court Building initiated/ ongoing            | -       | -       | -       | -       | -        | -       | -       | -       |   |
|                  | No. New COA ongoing Building                                 | 1       | 1       | 1       | 1       | 0        | 0       | 0       | 0       | Initiated for tendering for construction of Court of Appeal building in Nairobi     |
|                  | No. of ongoing High Courts buildings completed (GOK)         | 9       | 8       | 5       | 5       | 6        | 8       | 2       | 2       | Bomet Prefab completed and Pending Bill for Embu paid. Target- Muranga and Marsabit |
|                  | No. of ongoing Magistrates' courts buildings completed (GOK) | 13      | 16      | 2       | 2       | 0        | 3       | 1       | 1       | Port Victoria completed. Target Mavoko  |
|                  | No. New HC Buildings initiated                               | 3       | 3       | -       | -       | 0        | 2       | -       | -       | Kericho and Lamu  |
|                  | No. of residential units for Judge's construction initiated. |         | 2       | 1       | 1       | 1        | 0       | 1       | 1       | 1 (Marsabit Judge's residence ongoing)  |
|                  | No. of Courts of Appeal buildings rehabilitated/ Refurbished | 1       | 1       | 1       | 1       | 1        | 1       | 1       | 1       | Nyeri   |
|                  | No. of High courts buildings rehabilitated/ Refurbished      | 3       | 2       | 9       | 9       | 1        | 7       | 5       | 5       | 1 (Milimani Law Courts), Kericho, Makueni, Kajiado, Migori                          |

| Output  | Key Performance Indicator                             | Target  |         |         | Achieved |         |         | Remarks  |
|---|---|---------|---------|---------|----------|---------|---------|--|
|   |   | 2020/21 | 2021/22 | 2022/23 | 2020/21  | 2021/22 | 2022/23 |  |
|   | No. of Magistrates' courts buildings rehabilitated    | 13      | 12      | 20      | 11       | 19      | 10      | Kilungu, Mutomo, Kehancha, Nkubu, Tigania, Kyuso, Kibera, Kilifi, Kakuma, Ndhiwa   |
|   | No. of Tribunals buildings rehabilitated/ Refurbished | 4       |         | 1       | 1        |         | 1       | Refurbishment of Tribunal Secretariat Offices at Kenya Re Plaza  |
|   | No. Stations with Solar System / Generators           | 34      | -       | 10      | 0        | -       | 5       | Solar system installed in Garsen, Shanzu, Maseno, Winam and Tononoka Children's Court and Works ongoing at Tawa, Mwingi, Kyuso, Kilgoris and Sirisia Law Courts. |
| <b>Sub- Programme 2 : General Administration, Planning and Support Services</b> |   |         |         |         |          |         |         |  |
| Administration Services   | Number of vehicles procured                           | 20      | 6       | 71      | 23       | 8       | 27      | Delivery was time barred   |
|   | Number of publicity products disseminated             | 20      | 25      | 30      | 20       | 25      | 30      |  |
|   | Performance Measurements Report Published             | 1       | 1       | 1       | 1        | 1       | 1       | Performance Report for FY 2021/22 launched on 30th June 2023   |
|   | Status of the Judiciary Report Published              | 1       | 1       | 1       | 1        | 1       | 1       |  |

| Output       | Key Performance Indicator  | Target      |             |             | Achieved    |             |             | Remarks  |
|--------------|--|-------------|-------------|-------------|-------------|-------------|-------------|--|
|              |  | 2020/2<br>1 | 2021/2<br>2 | 2022/2<br>3 | 2020/2<br>1 | 2021/2<br>2 | 2022/2<br>3 |  |
| ICT Services | Number of procedures manuals reviewed (Finance, Audit & Procurement manuals) | 0           | 0           | 2           | 0           | 0           | 0           | These are awaiting planned legal review under JF |
|              | No. of Annual Caseload Statistics Reports Produced                           | 1           | 1           | 1           | 1           | 1           | 1           |  |
|              | No. Court stations with e-filing   | 30          | 30          | 40          | 21          | 4           | 24          |  |
|              | Courts with digitized records - %  | -           | -           | 40          | -           | -           | 50          |  |
|              | No. of courtrooms with transcription solution                                | -           | 80          | 43          | -           | -           | 16          | 14 targeted for FY 2023/24                       |
|              | No. of court stations with Video conferencing kit                            | -           | -           | 36          | -           | 79          | 55          | 2000 licenses for virtual courts                 |



## 2.4 Pending Bills

Judiciary's pending bills for the period under review as at the end of the FY 2022/23 are as shown in *Table 2.7*.

**Table 2.7- Summary of Pending Bills**

| Type/Nature                         | Due to Lack of Exchequer |            |            | Due to Lack of Provision |           |            |
|-------------------------------------|--------------------------|------------|------------|--------------------------|-----------|------------|
|                                     | 2020/21                  | 2021/22    | 2022/23    | 2020/21                  | 2021/22   | 2022/23    |
| <b>1. Recurrent</b>                 | <b>71</b>                | <b>95</b>  | <b>0</b>   | <b>136</b>               | <b>15</b> | <b>266</b> |
| Compensation of Employees           | -                        | -          | -          | -                        | -         |            |
| Use of goods and Services           | 71                       | 95         | 0          | 136                      | 15        | 266        |
| Social Benefits                     | -                        | -          | -          | -                        | -         | -          |
| Other Expenses                      | -                        | -          | -          | -                        | -         | -          |
| <b>2. Development</b>               | <b>125</b>               | <b>113</b> | <b>103</b> | <b>208</b>               | <b>0</b>  | <b>245</b> |
| Acquisition of Non-Financial Assets | 125                      | 113        | 103        | 208                      | -         | 169        |
| Use of goods and Services           | -                        | -          | -          | -                        | -         | 76         |
| Others                              | -                        | -          | -          | -                        | -         | -          |
| <b>Total Pending Bills</b>          | <b>196</b>               | <b>208</b> | <b>103</b> | <b>344</b>               | <b>15</b> | <b>511</b> |

## 2.5 Analysis of Court Awards

Judiciary has had several court awards for various contracts which still remain unpaid to date. The reason for non-payment is attributable to inadequate funding. *Table 2.8* below shows a summary of the pending bills by close of the review period.

**Table 2.8- Analysis of Court Awards**

|    | Details of the Award                | Date of Award               | Amount             |                             |
|----|-------------------------------------|-----------------------------|--------------------|-----------------------------|
| 1. | N.K. Brothers – Income Tax Building | 21 <sup>st</sup> May 2018   | 103,489,491        | Final Balance               |
| 2. | Land Mark Holdings - Lodwar         | 11 <sup>th</sup> March 2019 | 169,244,858        | Balance subject to interest |
|    | <b>Total</b>                        |                             | <b>272,734,349</b> |                             |



## CHAPTER THREE

### 3. MEDIUM TERM PRIORITIES AND FINANCIAL PLAN FOR THE MTEF PERIOD 2024/25 – 2026/27

#### 3.1 Prioritization of Programmes and Sub-Programmes

This chapter provides detailed information on the Judiciary's programme and two sub-programmes with their outcomes, outputs for the specific priority areas for the MTEF period 2024/25– 2026/27. This further includes the respective key performance indicators (KPIs) for the expected outputs. The targets and actual achievements for the FY 2022/23 have also been included in the report, while targets for 2023/24 are used as the baseline for the identified planned outputs for the outer years.

##### 3.1.1 Programmes and their Objectives

The Judiciary will continue to prioritize the dispensation of justice programme, and the two sub-programmes during the MTEF period FY 2024/25– 2026/27. The dispensation of justice programme focuses on realization of the Judiciary's constitutional mandate articulated in Article 159 *inter alia*; 'expeditiously dispense justice to all irrespective of status, promote alternative disputes resolution mechanisms, administer justice without undue regard to procedural technicalities and, protect and promote the purpose and principles of the Constitution'.

##### 3.1.2 Programmes, Sub-Programmes, Expected Outcomes, Outputs, and Key Performance Indicators for the Sector

The dispensation of justice programme comprises two sub-programmes. The first sub-programme is Access to Justice whose expected outcome is enhanced delivery of justice with improved physical access as well as procedural facilitation. The second sub-programme is the General Administration, Planning and Support Services whose expected outcome is enhanced efficiency and effectiveness in provision of administrative and support services.

Under the two broad sub-programmes, other specific interventions and initiatives with diverse outputs, are prioritized for implementation by different delivery units of the Judiciary. The priority areas for implementation under the detailed sub-programmes are primarily drawn from the Social Transformation through Access to Justice (STAJ) Vision.

##### 3.1.3 Programmes by Order of Ranking

The Judiciary has only one programme; "Dispensation of Justice".

*Table 3.1* below provides detailed information on the two sub-programmes and their outcomes, outputs for the specific priority areas for the MTEF period 2024/25– 2026/27.

Table 3.1- Programme/Sub-Programmes, Outcome, Outputs and Key Performance Indicators

| Output                             | Key Performance Indicator                            | Target   | Actual Achievement | Target (Baseline) | Target          | Remarks             |
|------------------------------------|--|----------|--------------------|-------------------|-----------------|---------------------|
|                                    |  | 2022/ 23 | 2022/23            | 2023/ 24          | 2024/25         | 2025/2026 2026/2027 |
| Programme: Dispensation of Justice |  |          |                    |                   |                 |                     |
| Sub-Programme 1: Access to Justice |  |          |                    |                   |                 |                     |
| Judicial Services                  | Case clearance rate - %                              | 110      | 99                 | 103               | 103             | 110 110             |
|                                    | Reduction of case backlog aged 3 years and above - % | 10       | 2.75               | 10                | 15              | 10 10               |
|                                    | Maximum No. of Days taken to resolve election cases  | 180      | 180                | 180               | 180             | 180 180             |
|                                    | No. of Circuits Held by Supreme court                | 0        | 0                  | 1                 | 2               | 2 2                 |
|                                    | No. of COA stations holding Circuits                 | 4        | 4                  | 4                 | 6               | 6 6                 |
|                                    | No. of High Courts with Circuits                     | 7        | 18 <sup>2</sup>    | 14                | 14 <sup>3</sup> | 10 10               |
|                                    | No. of ELC stations with Circuits                    | 1        | 3 <sup>4</sup>     | 3                 | 3               | 3 3                 |
|                                    | No. of ELRC stations with Circuits                   | 4        | 4 <sup>5</sup>     | 8 <sup>6</sup>    | 7               | 7 7                 |
|                                    | No. of Tribunals with circuits                       | 3        | 5                  | 5                 | 8               | 8 8                 |

<sup>2</sup> High Court circuit courts achieved in Kapsabet, Kapenguria, Nyamira, Marsabit, Lodwar, Kericho, Iten, Milimani civil, Meru Kilgoris, Muranga, Kabarnet, Voi, Nyeri, Garsen, Kilgoris Kwale, and Eldama Ravine,

<sup>3</sup> circuit courts targeted in the baseline year in: Kilgoris, Lodwar, Nyeri, Garsen, Kwale, Eldama Ravine, Lamu, Milimani civil, Nyahururu, Nyandarua Mandera, Wajir, Mararal, Kahawa

<sup>4</sup> ELC Circuits achieved Garissa Vihiga Chuka

<sup>5</sup> ELRC circuits achieved Meru, Machakos, Kitale, Kericho

<sup>6</sup> ELRC Circuits baseline targeted Meru, Machakos, Kitale, Kericho, Bungoma Malindi, Kisii, Nyamira

| Output            | Key Performance Indicator  | Target | Actual Achievement | Target (Baseline) | Target  |         |         | Remarks |
|-------------------|--|--------|--------------------|-------------------|---------|---------|---------|---------|
|                   |  |        |                    |                   | 2022/23 | 2023/24 | 2024/25 |         |
| Judicial Services | No. of mobile courts in operation                                | 60     | 57                 | 60                | 60      | 60      | 60      | 60      |
|                   | No. of Supreme Court sub registries established                  | 2      | 0                  | 0                 | 1       | 1       | 1       | 1       |
|                   | No. of mediation registries established                          | 10     | 17                 | 15                | 10      | 10      | 10      | 10      |
|                   | Mediation settlement rate - %                                    | 65     | 51                 | 55                | 50      | 50      | 50      | 50      |
|                   | No. of new mediators accredited <sup>7</sup>                     | 100    | 221                | 200               | 200     | 200     | 200     | 200     |
|                   | No. of mediators trained   | 150    | 1400               | 1100              | 1200    | 1200    | 1200    | 1200    |
|                   | No. of new High Courts Stations established & operationalised    | 0      | 0                  | 3 <sup>8</sup>    | 1       | 1       | 1       | 1       |
|                   | No. of new ELC stations established & operationalised            | 2      | 2                  | 2 <sup>9</sup>    | 2       | 2       | 2       | 2       |
|                   | No. of ELC stations established & operationalised                | 2      | 1 <sup>10</sup>    | 2 <sup>11</sup>   | 3       | 3       | 3       | 3       |
|                   | No. of new Magistrates' courts established & operationalised     | 3      | 3                  | 3                 | 3       | 3       | 3       | 3       |
|                   | No. of new Kadhis' courts stations established & operationalised | 1      | 1                  | 1                 | 1       | 1       | 1       | 1       |
|                   | No. of new Mobile Courts established                             | 4      | 0                  | 3                 | 3       | 0       | 0       | 0       |

<sup>8</sup> New High Courts in Thika, Kibera & Nyandarua

<sup>9</sup> ELC established Kakamega, Nyamira

<sup>10</sup> ELC Courts established achieved Voi

<sup>11</sup> ELC Stations targeted Naivasha, Land Division, Environment & Planning

| Output | Key Performance Indicator   | Target<br>2022/23 | Actual<br>Achievement<br>2022/23 | Target<br>(Baseline)<br>2023/24 | Target<br>2024/25 | 2025/2026 | 2026/2027 | Remarks |
|--------|---|-------------------|----------------------------------|---------------------------------|-------------------|-----------|-----------|---------|
|        |   |                   |                                  |                                 |                   |           |           |         |
|        | No. of new HC sub-registries established                                      | 1                 | 2                                | 3                               | 2                 | 2         | 2         |         |
|        | No. of new ELRC sub-registries established                                    | 2                 | 1                                | 2                               | 2                 | 2         | 2         |         |
|        | No. of ELC sub-registries established   | 0                 | 2                                | 5 <sup>12</sup>                 | 3                 | 3         | 3         |         |
|        | No. of tribunals sub-registries established                                   | 0                 | 8                                | 7                               | 7                 | 7         | 7         |         |
|        | No. of new small claims courts established                                    | 10                | 1                                | 20                              | 20                | 20        | 20        |         |
|        | No. of HC Judges and PJs Hand books, and practice directions developed        | 2                 | 1                                | 1                               | 1                 | 1         | 1         |         |
|        | No. of ELRC Strategic plan  | 0                 | 0                                | 1                               | 0                 | 0         | 0         |         |
|        | No. of EDR Practice Directions developed                                      | 4                 | 0                                | 4                               | 0                 | 0         | 0         |         |
|        | No. of Small Claims Court Practice Directions developed                       | 0                 | 0                                | 1                               | 0                 | 0         | 0         |         |
|        | No. of EDR Bench book, guidelines, balancing of scales & compendium developed | 4                 | 4                                | 1                               | 1                 | 1         | 1         |         |
|        | NCAJ Annual administration of Justice Report Published                        | 0                 | 1                                | 1                               | 1                 | 1         | 1         |         |
|        | Number of New CUCs established  | 47                | 20                               | 30                              | 30                | 30        | 30        |         |
|        | No. of Judiciary desks established in Huduma Centres                          | 0                 | 2                                | 6                               | 46                | 0         | 0         |         |

<sup>12</sup> ELC Subregistries Targeted Maralal Lodwar, Mandera, Wajir, Marsabit



| Output               | Key Performance Indicator  | Target                                     | Actual Achievement | Target (Baseline) | Target  | Remarks   |           |    |
|----------------------|--|--|--------------------|-------------------|---------|-----------|-----------|----|
|                      |  | 2022/ 23                                   | 2022/23            | 2023/ 24          | 2024/25 | 2025/2026 | 2026/2027 |    |
| Simplified Processes | No. of virtual courtrooms established                            | 0  | 5                  | 5                 | 10      | 10        | 10        |    |
|                      | % of Court registry services automated                           | 0  | 0                  | 87                | 100     | 100       | 100       |    |
|                      | No. of pending court files digitized                             | 0  | 133,368            | 276,740           | 276,740 | 0         | 0         |    |
|                      | Legal repository established                                     | 0  | 0                  | 0                 | 1       | 0         | 0         |    |
|                      | No. of institutional criminal case management systems integrated | 0  | 0                  | 1                 | 7       | 5         | 4         |    |
|                      | No. of court stations connected with solar power                 | 0  | 24                 | 10                | 20      | 50        | 43        |    |
|                      | Policy on data automation in the justice sector developed        | 0  | 0                  | 0                 | 1       | 0         | 0         |    |
|                      | % of PWD compliant court buildings                               | 0  | 20                 | 50                | 70      | 90        | 100       |    |
|                      | No. of SGBV courts established                                   | 0  | 4 <sup>13</sup>    | 12 <sup>14</sup>  | 15      | 10        | 10        |    |
|                      | No. of child friendly children courts established                | 0  | 2 <sup>15</sup>    | 4 <sup>16</sup>   | 10      | 20        | 40        |    |
|                      | Petty Sessions' Court legal framework developed                  | 0  | 0                  | 0                 | 1       | 0         | 0         |    |
|                      | No. of Judges recruited  | 26   | 32                 | 0                 | 60      | 33        | 15        |    |
|                      | No. of Judicial Officers recruited                               | 91   | 0                  | 60                | 327     | 286       | 18        |    |
|                      | No. of Judiciary Staff recruited                                 | 17   | 616                | 146               | 641     | 545       | 1079      |    |
|                      | Court No. of HC guidelines on handling children cases            | 0  | 0                  | 0                 | 1       | 0         | 0         |    |
|                      | Court Facilities   | % completion of New Supreme Court Building | -                  | 0                 | 1       | 10        | 30        | 50 |
|                      |  | % completion of COA Complex ongoing        | -                  | 0                 | 1       | 10        | 30        | 50 |

<sup>13</sup> Achieved SGBV courts are Shanzu, Siaya, Kisumu, Kibera

<sup>14</sup> Targeted SGBV courts for baseline

<sup>15</sup> Child friendly courts achieved Milimani, Tononoka

<sup>16</sup> Child friendly courts targeted baseline alindi, Nakuru, Thika Siaya



| Output                  | Key Performance Indicator   | Target   | Actual Achievement | Target (Baseline) | Target  | Remarks   |           |
|-------------------------|---|----------|--------------------|-------------------|---------|-----------|-----------|
|                         |   | 2022/ 23 | 2022/23            | 2023/ 24          | 2024/25 | 2025/2026 | 2026/2027 |
|                         | No. of ongoing High Courts buildings  | 8        | 12 <sup>17</sup>   | 15 <sup>18</sup>  | 16      | 12        | 10        |
|                         | No. of ongoing Magistrates’ courts buildings                                  | 16       | 9 <sup>19</sup>    | 12 <sup>20</sup>  | 10      | 9         | 9         |
|                         | No. of residential units for judge’s constructions ongoing.                   | 2        | 1                  | 3                 | 3       | 2         | 2         |
|                         | No. of Courts of Appeal buildings rehabilitated/ Refurbished                  | 1        | 0                  | 1                 | 1       | 1         | 1         |
|                         | No. of High courts buildings rehabilitated/ Refurbished                       | 9        | 5                  | 3                 | 3       | 3         | 3         |
|                         | No. of Magistrates’ courts buildings rehabilitated / Refurbished              | 20       | 10                 | 40                | 50      | 50        | 50        |
|                         | Supply and installation of alternative power supply – generators & solar      | -        | 18                 | 6                 | 10      | 20        | 20        |
|                         | Sub- Programme 2: General Administration, Planning and Support Services       |          |                    |                   |         |           |           |
| Administration Services |   | 6        | 17                 | 40                | 41      | 40        | 40        |
|                         | Performance Measurements Report Published                                     | 1        | 1                  | 1                 | 1       | 1         | 1         |
|                         | State of the Judiciary and Administration of Justice Report (SOJAR) Published | 1        | 1                  | 1                 | 1       | 1         | 1         |
|                         | No of Risk Management Policy Developed  | 0        | 0                  | 1                 | 0       | 0         | 0         |

<sup>17</sup> Achieved High Court Buildings ongoing Kabarnet, Marsabit, Lodwar, Bomet, Homabay, Garissa, Voi, Mombasa, Kwale, Wajir, Eldoret Meru

<sup>18</sup> Baseline targeted High Court Buildings ongoing Kabarnet, Marsabit, Lodwar, Bomet, Homabay, Garissa, Voi, Mombasa, Kwale, Wajir, Eldoret Meru, Kericho Lamu Kisii

<sup>19</sup> Achieved Magistrate buildings on going Mavoko, Wanguru, Habaswen, Amagoro, Mbita, Muranga, Eldam Ravine, Mukurweini, Kandara

<sup>20</sup> Baseline Targeted Mavoko, Wanguru, Habaswen, Amagoro, Mbita, Muranga, Eldam Ravine, Mukurweini, Kandara, Takaba, Marimanti, Githongo

| Output       | Key Performance                                    | Target   | Actual Achievement | Target (Baseline) | Target  | Remarks   |           |
|--------------|--|----------|--------------------|-------------------|---------|-----------|-----------|
| Indicator    |  | 2022/ 23 | 2022/23            | 2023/ 24          | 2024/25 | 2025/2026 | 2026/2027 |
| ICT Services | No. of Annual Caseload Statistics Reports Produced | 1        | 1                  | 1                 | 1       | 1         | 1         |
|              | Court stations with e-filing - %                   | 15       | 24                 | 25                | 50      | 100       | 100       |
|              | Courts with digitized records - %                  | 40       | 50                 | 80                | 100     | 100       | 100       |
|              | No. of courtrooms with transcription solution      | 43       | 16                 | 50                | 100     | 150       | 150       |
|              | No. of court stations with Video conferencing kit  | 36       | 55                 | 50                | 70      | 90        | 137       |
|              | No. of digital mobile courts established           | 0        | 0                  | 5                 | 10      | 10        | 10        |

### 3.2 Analysis of Judiciary Resource Requirements versus Allocation;

The Judiciary's budget allocation in FY 2023/24 is KShs. 22.29 Billion of which KShs. 20.44 Billion is for the recurrent vote and at KShs. 1.85 Billion for the development vote. The total resource requirement for FY 2024/25 stands at KShs. 44.9 Billion comprising KShs. 38.62 Billion for recurrent and KShs. 6.28 Billion for Development vote. The budget was increased in the current FY 2023/24 by KShs.1.02 Billion following the Presidential declaration to upscale the Judiciary's budget for the next five years. Therefore, the increment has been factored in the outer years to support the implementation of STAJ and the Government's Bottom-up Economic Transformation Agenda (BETA).

The Judiciary's proposed budget ceiling for the FY 2024/25 is KShs. 22.787 Billion with KShs. 21.287 Billion being Recurrent and KShs. 1.5 Billion being Development.

#### 3.2.1 Recurrent Resource Requirements and Allocations

Table 3.2 shows the analysis of recurrent resource requirements for FY 2024/25 by economic classification.

The recurrent allocation is to cater for among others: Clearance of case backlog; Establishment of new courts; Automation of court processes; Facilitation of special benches and circuits, mobile courts; Purchase of motor vehicles for judges and court stations; Recruitment of judicial officers and staff; and Operational & Maintenance (O&M) cost. Notably, the overall increase of about KShs. 850 Million is less than the increase in PE which meant the O&M costs had to be scaled down considerably to fit within the ceiling. A funding gap of KShs. 17.3 Billion or 45% remains.

**Table 3.2 - Analysis of Recurrent Resource Requirement versus Allocation (Amount KShs. Million)**

| VOTE R<br>1261               | Approved<br>Estimates | REQUIREMENT |         |         | ALLOCATION |         |         |
|------------------------------|-----------------------|-------------|---------|---------|------------|---------|---------|
|                              | 2023/24               | 2024/25     | 2025/26 | 2026/27 | 2024/25    | 2025/26 | 2026/27 |
| Gross                        | 20,437                | 38,617      | 42,323  | 45,807  | 21,287     | 23,416  | 25,523  |
| AIA                          | -                     | -           | -       | -       | -          | -       | -       |
| NET                          | 20,437                | 38,617      | 42,323  | 45,807  | 21,287     | 23,416  | 25,523  |
| Compensation<br>of Employees | 13,495                | 23,010      | 23,700  | 24,411  | 14,461     | 15,907  | 17,339  |
| Transfers                    | -                     | -           | -       | -       | -          | -       | -       |
| Other<br>Recurrent           | 6,943                 | 15,607      | 18,623  | 21,395  | 6,826      | 7,509   | 8,184   |
| Sub-Total                    | 20,437                | 38,617      | 42,323  | 45,807  | 21,287     | 23,416  | 25,523  |

### 3.2.2 Development Resource Requirements and Allocations

Resource requirement for the development vote for FY 2024/25 stands at KShs. 6.28 Billion as shown in *Table 3.3*. This amount is required for the completion of ongoing capital projects. The allocation provided for FY 2024/25 is KShs. 1.5 Billion thus leaving a funding gap of KShs. 4.78 Billion which translates to a 76% deficit.

**Table 3 3: Analysis of Development Resource Requirement versus Allocation (Amount KShs. Million)**

| VOTE D 1261 | Approved<br>Estimates | REQUIREMENT |         |         | ALLOCATION |         |         |
|-------------|-----------------------|-------------|---------|---------|------------|---------|---------|
|             | 2023/24               | 2024/25     | 2025/26 | 2026/27 | 2024/25    | 2025/26 | 2026/27 |
| Gross       | 1,850                 | 6,279       | 4,981   | 2,520   | 1,500      | 1,850   | 1,850   |
| GOK         | 1,850                 | 6,279       | 4,981   | 2,520   | 1,500      | 1,850   | 1,850   |
| Loans       | -                     | -           | -       | -       | -          | -       | -       |
| Grants      | -                     | -           | -       | -       | -          | -       | -       |
| Loan/AIA    | -                     | -           | -       | -       | -          | -       | -       |
| Sub-Total   | 1,850                 | 6,279       | 4,981   | 2,520   | 1,500      | 1,850   | 1,850   |

### 3.2.3 Resource Requirements by Programme and Sub-Programmes

Table 3.4 describes the resource requirements for the Judiciary during the MTEF period. The access to justice sub-program, which encompasses development of court infrastructure and automation, takes 70% of the projected resource requirement. The total allocation for access to justice in FY 2023/24 KShs. 15,601,180,000 but the resource requirement projected in FY 2024/25 has remained high at KShs. 27,031,939,605.

Table 3.4: Analysis of Programmes and Sub-Programmes Resource Requirement (Amount KShs. Million)

|                                     | Approved<br>2023/2024 |              | Estimates     |  | 2024/2025     |              |               | 2025/2026     |              |               | 2026/2027     |              |               |
|-------------------------------------|-----------------------|--------------|---------------|--|---------------|--------------|---------------|---------------|--------------|---------------|---------------|--------------|---------------|
|                                     | Rec                   | Dev          | Total         |  | Rec           | Dev          | Total         | Rec           | Dev          | Total         | Rec           | Dev          | Total         |
| Dispensation of Justice             | 20,437                | 1,850        | 22,287        |  | 38,617        | 6,279        | 44,896        | 42,323        | 4,981        | 47,304        | 45,807        | 2,520        | 48,326        |
| Access to Justice                   | 14,306                | 1,295        | 15,601        |  | 27,032        | 4,395        | 31,427        | 29,626        | 3,486        | 33,113        | 32,065        | 1,764        | 33,828        |
| Administration and Support Services | 6,131                 | 555          | 6,686         |  | 11,585        | 1,884        | 13,469        | 12,697        | 1,494        | 14,191        | 13,742        | 756          | 14,498        |
| <b>TOTAL PROGRAMME</b>              | <b>20,437</b>         | <b>1,850</b> | <b>22,287</b> |  | <b>38,617</b> | <b>6,279</b> | <b>44,896</b> | <b>42,323</b> | <b>4,981</b> | <b>47,304</b> | <b>45,807</b> | <b>2,520</b> | <b>48,326</b> |
| <b>TOTAL VOTE</b>                   | <b>20,437</b>         | <b>1,850</b> | <b>22,287</b> |  | <b>38,617</b> | <b>6,279</b> | <b>44,896</b> | <b>42,323</b> | <b>4,981</b> | <b>47,304</b> | <b>45,807</b> | <b>2,520</b> | <b>48,326</b> |



Table 3.5 : Analysis of Programmes and Sub-Programmes Allocation (Amount KShs. Million)

|                                     | Approved<br>2023/2024 |       | Estimates |        | 2024/2025 |        |        | 2025/2026 |        |        | 2026/2027 |        |  |
|-------------------------------------|-----------------------|-------|-----------|--------|-----------|--------|--------|-----------|--------|--------|-----------|--------|--|
|                                     | Rec                   | Dev   | Total     | Rec    | Dev       | Total  | Rec    | Dev       | Total  | Rec    | Dev       | Total  |  |
| Dispensation of Justice             | 20,437                | 1,850 | 22,287    | 21,287 | 1,500     | 22,787 | 23,416 | 1,850     | 25,266 | 25,523 | 1,850     | 27,373 |  |
| Access to Justice                   | 14,306                | 1,295 | 15,601    | 14,901 | 1,050     | 15,951 | 16,391 | 1,295     | 17,686 | 17,866 | 1,295     | 19,161 |  |
| Administration and Support Services | 6,131                 | 555   | 6,686     | 6,386  | 450       | 6,836  | 7,025  | 555       | 7,580  | 7,657  | 555       | 8,212  |  |
| TOTAL PROGRAMME                     | 20,437                | 1,850 | 22,287    | 21,287 | 1,500     | 22,787 | 23,416 | 1,850     | 25,266 | 25,523 | 1,850     | 27,373 |  |
| TOTAL VOTE                          | 20,437                | 1,850 | 22,287    | 21,287 | 1,500     | 22,787 | 23,416 | 1,850     | 25,266 | 25,523 | 1,850     | 27,373 |  |

### 3.2.4 Resource Requirements and Allocations to Programme and Sub-Programmes by Economic Classification

Compensation of employees takes the largest share at 66% of resource requirements followed by use of goods and services at 32% due to the Judiciary's nature of operations which is largely service-based. The remaining 12% of the resource requirements is shared among social benefits, and acquisition of non-financial assets. Detailed information on analysis of programme expenditure requirements versus allocation by economic classification is given in *Table 3.6*.

Table 3 6: Programmes and sub-Programmes by economic classification (KShs. Million)

| Expenditure Classification                             | Approved Estimates |               | REQUIREMENT   |               |               | ALLOCATION    |               |         |
|--|--------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------|
|  | 2023/24            | 2024/25       | 2024/25       | 2025/26       | 2026/27       | 2024/25       | 2025/26       | 2026/27 |
| <b>DISPENSATION OF JUSTICE</b>                         |                    |               |               |               |               |               |               |         |
| <b>Current Expenditure</b>                             | <b>20,437</b>      | <b>38,617</b> | <b>42,323</b> | <b>45,807</b> | <b>21,287</b> | <b>23,416</b> | <b>25,523</b> |         |
| Compensation of Employees                              | 13,495             | 25,498        | 27,946        | 30,245        | 14,461        | 15,907        | 17,339        |         |
| Use of Goods and Services                              | 6,519              | 12,319        | 13,501        | 14,612        | 5,201         | 5,721         | 6,236         |         |
| Interest   | -                  | -             | -             | -             | 0             | 0             | 0             |         |
| Subsidies  | -                  | -             | -             | -             | 0             | 0             | 0             |         |
| Current Transfers to Govt. Agencies                    | -                  | -             | -             | -             | 0             | 0             | 0             |         |
| Social Benefits  | 142                | 269           | 294           | 319           | 1,475         | 1,623         | 1,769         |         |
| Other Expense  | -                  | -             | -             | -             | 0             | 0             | 0             |         |
| Non-Financial Assets                                   | 111                | 210           | 230           | 249           | 150           | 165           | 180           |         |
| Financial Assets                                       | 170                | 321           | 352           | 381           | 0             | 0             | 0             |         |
| <b>Capital Expenditure</b>                             | <b>1,850</b>       | <b>6,279</b>  | <b>4,981</b>  | <b>2,520</b>  | <b>1,500</b>  | <b>1,850</b>  | <b>1,850</b>  |         |
| Compensation of Employees                              | -                  | -             | -             | -             | 0             | 0             | 0             |         |
| Use of Goods and Services                              | 60                 | 204           | 162           | 82            | 0             | 0             | 0             |         |
| Interest   | -                  | -             | -             | -             | 0             | 0             | 0             |         |
| Subsidies  | -                  | -             | -             | -             | 0             | 0             | 0             |         |
| Capital Transfers to Govt. Agencies-<br>Loans & Grants | -                  | -             | -             | -             | 0             | 0             | 0             |         |
| Non-Financial Assets                                   | 1,790              | 6,075         | 4,819         | 2,438         | 1,500         | 1,850         | 1,850         |         |
| Financial Assets                                       | -                  | -             | -             | -             | 0             | 0             | 0             |         |
| <b>Sub-programme 1: Access to Justice</b>              |                    |               |               |               |               |               |               |         |

| Expenditure Classification                             | Approved Estimates | REQUIREMENT |         |         | ALLOCATION |         |         |         |
|--|--------------------|-------------|---------|---------|------------|---------|---------|---------|
|  |                    | 2023/24     | 2024/25 | 2025/26 | 2026/27    | 2024/25 | 2025/26 | 2026/27 |
| Current Expenditure                                    | 14,306             |             | 27,032  | 29,626  | 32,065     | 14,901  | 16,391  | 17,866  |
| Compensation of Employees                              | 9,446              |             | 17,849  | 19,562  | 21,172     | 10,123  | 11,135  | 12,137  |
| Use of Goods and Services                              | 4,564              |             | 8,623   | 9,451   | 10,228     | 3,641   | 4,005   | 4,365   |
| Interest   | -                  |             | -       | -       | -          | -       | -       | -       |
| Subsidies  | -                  |             | -       | -       | -          | -       | -       | -       |
| Current Transfers to Govt. Agencies                    | -                  |             | -       | -       | -          | -       | -       | -       |
| Social Benefits  | 100                |             | 188     | 206     | 223        | 1,033   | 1,136   | 1,238   |
| Other Expense  | -                  |             | -       | -       | -          | -       | -       | -       |
| Non-Financial Assets                                   | 78                 |             | 147     | 161     | 174        | 105     | 116     | 126     |
| Financial Assets                                       | 119                |             | 225     | 246     | 267        | -       | -       | -       |
| Capital Expenditure                                    | 1,850              |             | 6,279   | 4,981   | 2,520      | 1,050   | 1,295   | 1,295   |
| Compensation of Employees                              | -                  |             | -       | -       | -          | -       | -       | -       |
| Use of Goods and Services                              | 60                 |             | 204     | 162     | 82         | -       | -       | -       |
| Interest   | -                  |             | -       | -       | -          | -       | -       | -       |
| Subsidies  | -                  |             | -       | -       | -          | -       | -       | -       |
| Capital Transfers to Govt. Agencies-<br>Loans & Grants | -                  |             | -       | -       | -          | -       | -       | -       |
| Non-Financial Assets                                   | 1,790              |             | 6,075   | 4,819   | 2,438      | 1,050   | 1,295   | 1,295   |
| Financial Assets                                       | -                  |             | -       | -       | -          | -       | -       | -       |
| Sub-programme 2: Administration and Support Services   |                    |             |         |         |            |         |         |         |

| Expenditure Classification                             | Approved Estimates | REQUIREMENT |         |         |         | ALLOCATION |         |         |
|--|--------------------|-------------|---------|---------|---------|------------|---------|---------|
|  |                    | 2023/24     | 2024/25 | 2025/26 | 2026/27 | 2024/25    | 2025/26 | 2026/27 |
| Current Expenditure                                    | 6,131              | 11,585      | 12,697  | 13,742  | 6,386   | 7,025      | 7,657   |         |
| Compensation of Employees                              | 4,048              | 7,650       | 8,384   | 9,074   | 4,338   | 4,772      | 5,202   |         |
| Use of Goods and Services                              | 1,956              | 3,696       | 4,050   | 4,384   | 1,560   | 1,716      | 1,871   |         |
| Interest   | -                  | -           | -       | -       | -       | -          | -       |         |
| Subsidies  | -                  | -           | -       | -       | -       | -          | -       |         |
| Current Transfers to Govt. Agencies                    | -                  | -           | -       | -       | -       | -          | -       |         |
| Social Benefits  | 43                 | 81          | 88      | 96      | 443     | 487        | 531     |         |
| Other Expense  | -                  | -           | -       | -       | -       | -          | -       |         |
| Non-Financial Assets                                   | 33                 | 63          | 69      | 75      | 45      | 50         | 54      |         |
| Financial Assets                                       | 51                 | 96          | 106     | 114     | -       | -          | -       |         |
| Capital Expenditure                                    | -                  | -           | -       | -       | 450     | 555        | 555     |         |
| Compensation of Employees                              | -                  | -           | -       | -       | -       | -          | -       |         |
| Use of Goods and Services                              | -                  | -           | -       | -       | -       | -          | -       |         |
| Interest   | -                  | -           | -       | -       | -       | -          | -       |         |
| Subsidies  | -                  | -           | -       | -       | -       | -          | -       |         |
| Capital Transfers to Govt. Agencies-<br>Loans & Grants | -                  | -           | -       | -       | -       | -          | -       |         |
| Non-Financial Assets                                   | -                  | -           | -       | -       | 450     | 555        | 555     |         |
| Financial Assets                                       | -                  | -           | -       | -       | -       | -          | -       |         |
| Total Programme  | 22,287             | 44,896      | 47,304  | 48,326  | 22,787  | 25,266     | 27,373  |         |
| TOTAL VOTE 1261  | 22,287             | 44,896      | 47,304  | 48,326  | 22,787  | 25,266     | 27,373  |         |



## CHAPTER FOUR

### 4. CROSS SECTOR LINKAGES AND EMERGING ISSUES/CHALLENGES

#### 4.1 Cross Sector Linkages

- Inter-linkages among State organs are essential for the effective implementation of the Constitution and the rule of law. The National and County Executives are charged with implementation of policy and enforcement of law and order, while Parliament and County Assemblies offer representation, oversight and legislation. Other key sectoral linkages include; Land and Environment, National Security, Social Protection and the Economic Sector. The Judiciary will continue to build partnerships with the sectors that will ensure effective achievement of its mandate and broad national objectives.
- The Judiciary through NCAJ spearheads initiatives for criminal and civil justice reform, access to justice for vulnerable groups, capacity improvement, CUC activities as well as M&E cross cutting administration of justice issues.
- In line with vision 2030, the executive has established the Huduma Kenya Project aimed to expand and improve access to Kenyan governmental services by providing centralized "one-stop shops" from which a wide variety of governmental services can be accessed. Currently there exists 45 Huduma Centres serving 41 of Kenya's 47 counties. In partnership with the Government of Kenya and with the intent on leveraging on the already established Huduma Centers, the Judiciary projects to set up service desks at these centers aimed at offering the court counter services at the service desks. This will bring the Judiciary services closer to the people under one roof.
- The Judiciary's digital strategy strives to embrace automation in its court processes. Alive to the phenomenal strides made by the AJIRA Digital Program driven by the Ministry of Information, Communications and the Digital Economy, the Judiciary in partnership with the ministry shall continue to utilize the Government's AJIRA programme to engage young people to undertake transcription of court proceedings, scanning and digitizing of court records and in essence creating critical job opportunities for the youth of Kenya. Currently the Judiciary-Ajira program has been rolled out in seven counties: Nairobi, Mombasa, Kisumu, Siaya and Homa Bay. The program is intended to be rolled out in all other counties by the end of June 2024.



## 4.2 Emerging Issues

The Judiciary is alive to the fact that its ability to achieve the targets set out in this report may be affected by other issues that may or may not be directly linked to its core activities. This part discusses some emerging issues that need to be taken into account in the process of planning for the next MTEF-period.

### *i. Increased use Small Claims Courts*

The roll out of Small Claims Courts across the country has been positively received by Kenyans who view the expeditious disposal of their cases as a critical component of access to justice. This has seen many litigants prefer to have their cases referred to these courts for a faster resolution turnaround time.

There is need for increased resource allocation to facilitate the establishment of these courts in every sub-county and employ adjudicators to preside over the small claims court as envisaged under Small Claims Court Act. Currently, magistrates have been designated to preside of these courts thereby straining the limited number of magistrates available to hear and determine cases in the magistrates' courts.

The small claim court hear and determine cases within 60 days of filing. However, appeals are not determined as expeditiously. Therefore, increased resource allocation will also equip the High Court to expeditiously deal with appeals from these courts so that the strict timelines set out in the Act is not lost when the matter goes on appeal.

### *ii. Sustaining Court annexed mediation*

The roll out of court annexed mediation has undoubtedly been one of the key success stories of the Judiciary in the past 5 years. Under the program, suitable court cases are referred to accredited mediators to assist the parties reach an amicable settlement that suits their needs.

These mediators are currently being given an honorarium as pay for their services. An emerging issue of concern is how this program can be sustained going into the future considering that many cases are being referred to mediation. The amount being paid to the mediators is minimal however there is need to explore ways of sustaining the program for posterity.

### *iii. Challenges to the optimal implementation of the Judiciary Fund.*

The Judiciary Fund was operationalized in July last year. Its implementation has however revealed that there is need for legal reforms to address the obstacles that are hindering the effective realization of its purpose as envisaged in the Constitution.

*iv) New Legal Frontiers:* Globalization has brought forth new legal dimensions in the legal, ethics and governance, socio-economic rights, telecommunications environment such as cyber-crimes, international organised crime, lesbianism, gay, transgender, bisexuals and queer rights, climate change, artificial intelligence, among others. The Judiciary needs to invest in appropriate infrastructure, training and research that is geared towards growing indigenous jurisprudence and strengthening institutional capacity to meet the emerging needs. The Judiciary also needs to position itself to take advantage of artificial intelligence to develop an online dispute resolution mechanism. This will require a commensurate budgetary allocation to the Judiciary.

*v. Alternative Justice System:* Alternative Justice System aims at providing different forms of dispute resolution mechanisms including traditional approaches as long as they do not contravene the Constitution. AJS is expected to be affordable with minimal formalities, expeditious, less adversarial and the remedies are diverse. The Judiciary is promoting AJS as means of decongesting the courts and reducing case backlog and will therefore require funding to mainstream AJS in courts and, sensitise and build capacity in communities.

### 4.3 Challenges

1. *Insufficient Funding:* The Judiciary has been receiving less than half of its budgetary requirements. This shortfall has grossly affected the implementation of critical programs such as

- a) the construction of courts, facilitation of benches and service weeks, operationalization of Small Claims Courts, mainstreaming of Court Annexed Mediation and Alternative Justice System, and sustenance of the *pro bono* scheme.
- b) The Judiciary is also unable to recruit an adequate number of Judges, Judicial officers and staff to effectively handle the workload.
- c) Operationalization of new courts: Out of twenty-two (22) court stations gazetted during the last MTEF period, only six (6) have been operationalised to-date.
- d) The NCAJ is funded as a spending unit under the Judiciary and therefore, only the secretariat operations and CUCs are provided for. This is in spite of the fact that

NCAJ's core mandate is focused on the whole justice chain and is carried out through working committees which comprise membership from the member agencies.

## ***2. Lack of uniformity in the pace at which the justice sector players are implementing digitization.***

There is no doubt that Judiciary has made big strides in the recent past in the implementation of its digital strategy and leveraging on technology to dispense justice. The ultimate goal of enhancing access to justice through ICT may be hindered if the pace at which the key players in the justice sectors is not improved.

Litigants are being left behind due to challenges in connectivity, source of power and access to ICT enabled gadgets like smart phones. Some key players are yet to put policies in place to enhance the uptake of ICT as an enabler of justice; and in some cases, the ICT platforms being deployed are not harmonized with those of the other stakeholders.

## ***3. Legal Gaps:***

- a) Pursuant to the provisions of Article 169(1)(d) of the Constitution of Kenya 2010, the tribunals comprise of the subordinate courts. The operations of some of the tribunals that have been transferred to the Judiciary were anchored under the various ministries. However, upon transition, there is lack of a legal framework anchoring these operations within the Judiciary. Therefore, the enactment of the Tribunal Bill needs to be fast tracked in Parliament in order to address these legal gaps.
- b) In the spirit of providing access to justice especially with the COVID 19 pandemic, the Judiciary embraced virtual courts where the rules and procedures applicable in physical courts were applied with only the necessary modifications. In order to govern the virtual courts, practice directions were also issued. However, these practice directions are not anchored in substantive law and therefore it is necessary to create a legal framework to govern virtual courts.

## ***4. Psycho social support for Judiciary***

The Judiciary embarked on the roll out of specialized courts and in particular the Sexual Gender Based Violence (SGBV) and Children courts. Although the presiding officers and staff are trained and sensitized to hear and determine SGBV matters, they are often subjected to mental trauma while hearing and determining these cases thereby impacting negatively on

their health. It is therefore prudent to allocate funds for psycho-social support so as to ensure the objectives of these specialized courts are achieved.

#### ***5. Decentralization of tribunals***

Currently all tribunals are located in Nairobi with occasional circuits to the outer regions. This hampers access to justice to litigants outside Nairobi jurisdiction. There is need therefore, for the tribunals to be decentralized in strategic regions with a view of enhancing access to justice.

## CHAPTER FIVE

### 5. CONCLUSION

The priorities for the MTEF period 2023/24–2025/26 are aimed at expeditious dispensation of justice which is the key focus for the Judiciary. The initiatives include;

1. Increase of Case Clearance Rate (CCR) from the current baseline of 94% to 103% in the FY 2025/26 is poised to accelerate delivery of justice in courts and tribunals.
2. Clearance of at least 50% of case backlog aged 3 years and above This will be done through service weeks as well as clearance of trial cases within three years in trial courts and 1 year in appellate courts, among other initiatives.
3. Leveraging on the digital strategy in automating court and administrative operations and processes, towards enhancing efficiency, effectiveness and timeliness in service delivery.
4. Reduction of the time for disposition of cases from the baseline that was realized in the FY 2021/22 by all the courts. This will reduce the overall time taken by users in courts since filing of the case.
5. Expansion of Small Claims Courts so as to decongest the Magistrate courts, thereby reducing backlog and enhancing efficiency. Further, the accrued efficiency in handling matters before the SCCs will contribute to the government's objective of enhancing ease of doing business for SMEs.
6. Completion of the ongoing court constructions to enhance physical access to justice. Establishment of new sub-registries as well as conducting circuit sessions by superior courts and mobile court stations under the Magistracy courts so as to enhance expeditious delivery and access to justice.
7. Roll out of CAM to an additional 25 court stations. Recruitment of Judges, Judicial Officers and Staff will be undertaken to ensure that all courts and administrative units are optimally staffed.

The resources required to achieve the above initiatives has been established at approximately KShs. 44.9 Billion where KSh. 38.62 is for recurrent while KShs. 6.28 B is for the development Vote for the FY 2024/25. Therefore, Judiciary's budget allocation which has over the medium-term period averaged KShs. 20 Billion annually against resource requirements of KShs. 40 Billion needs to be enhanced.



## CHAPTER SIX

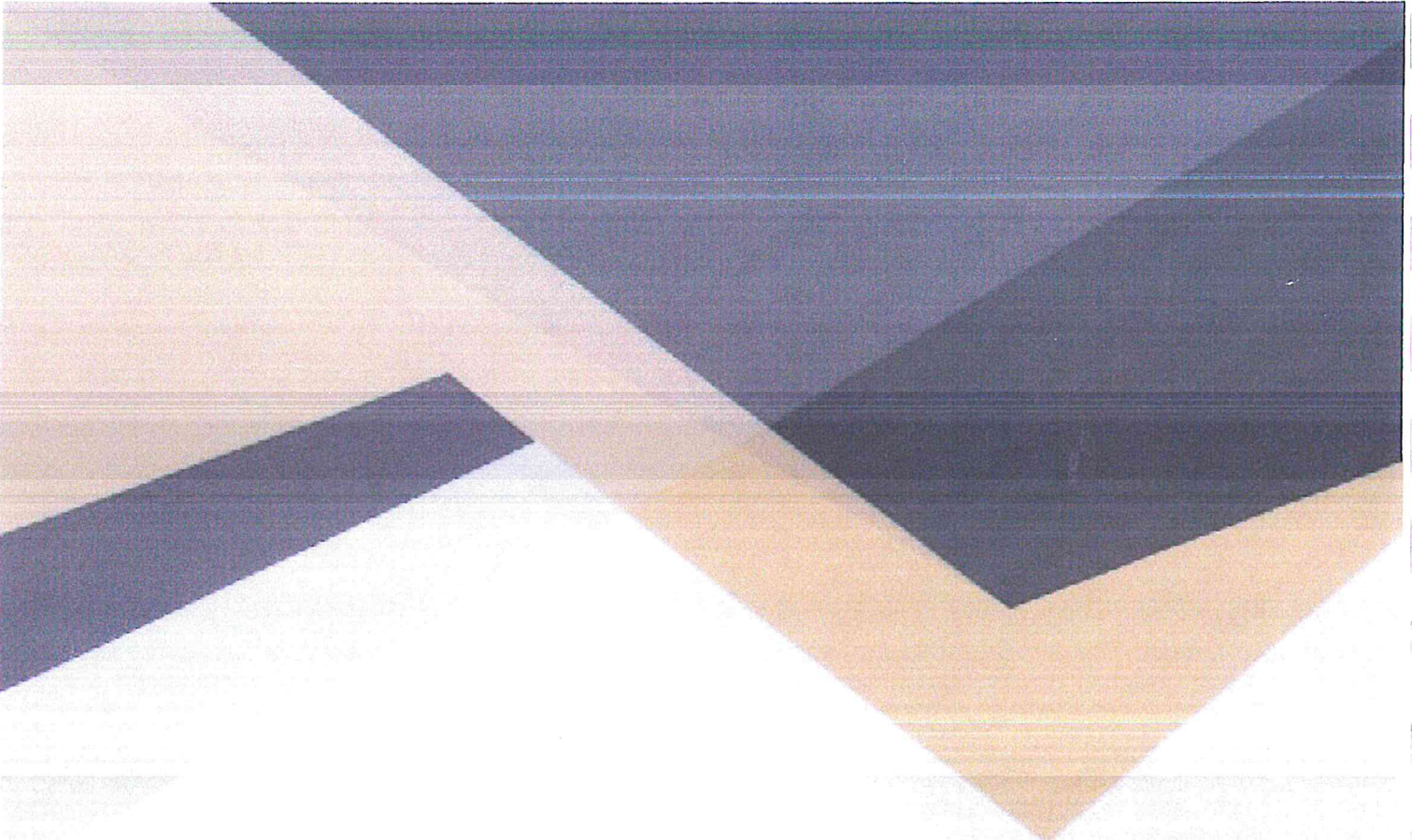
### 6. RECOMMENDATIONS

1. *Resources:*

- a. Continual implementation of the presidential proclamation to scale up the Judiciary's annual budget ceiling by KShs.3 Billion for five years as from the FY 2022/2023.
- b. Increase resource allocation to the Judiciary to facilitate recruitment of optimal human resource, expansion and completion of court infrastructure, digitisation and automation of court processes and registries, mainstreaming Court Annexed Mediation and roll-out of Small Claims Courts and decentralization of Tribunals.

2. ***Automation:*** Implement a more focused but comprehensive approach to automation in the Judiciary, which should include: anchoring use of ICT in the dispensation of justice in legislation; improved ICT infrastructure, enabling policies and enhanced internet services. This should be complemented by an all-inclusive stakeholder engagement to promote efficiency.
3. ***Tribunal Bill:*** There is need to fast track the enactment of the Tribunal Bill to facilitate the transitioning and operationalisation of the Tribunals in the Judiciary, and the speedy resolution of the pending litigation at the Court of Appeal.
4. ***Tribunals should be decentralized from Nairobi to enhance access to justice across the country.***
5. Allocate resources specifically to hire case managers to handle pre-trial procedures and preliminary inquiries in Children cases. This will ensure that the zero-adjourment policy is achieved, all matters listed for hearing proceed and in the long run reduce case backlog.
6. The digital platforms being deployed by the Judiciary, prisons department, and ODPP should be harmonized to ensure seamless exchange and integration of information relating to criminal cases.
7. Partner with stakeholders like county governments to establish ICT centers/hubs where members of public are enabled to participate in virtual courts and e-filing.





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