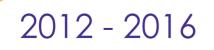


### NATIONAL COUNCIL

### ON THE

### **ADMINISTRATION OF JUSTICE**

### **STRATEGIC PLAN**





### NATIONAL COUNCIL ON THE ADMINISTRATION OF JUSTICE

STRATEGIC PLAN

2012 - 2016

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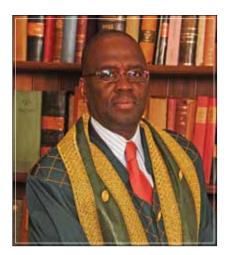
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### ACRONYMS

AWPs	Annual Work Plans
CAJ	Commission of Administrative Justice
CBOs	Community Based Organizations
CJ	Chief Justice
COMESA	Common Market for Eastern and Southern Africa
CRADLE	The Children F oundation
CRJ	Chief Registrar
CUCs	Court Users Committees
DPs	Development Partners
DPP	Director of Public Prosecutions
EACJ	East Africa Court of Justice
EAC	East Africa Community
EAJMS	East Africa Judges and Magistrates Society
EALS	East Africa Law Society
ERS	Economic Recovery Strategy
FBOs	Faith Based Organizations
FIDA (Kenya)	Federation of Women Lawyers
GJLOS	Governance, Justice, Law and Order Sector
GOK	Government of Kenya
HIV	Human Immuno-deficiency Virus
HQs	Headquarters
HR	Human Resources
ICT	Information, Communication and Technology
IEC	Information Education and Communication
IMS	Information Management Systems
JSC	Judicial Service Commission
KEPSA	Kenya Private Sector Alliance
KHRC	Kenya Human Rights Commission
KMJA	Kenya Magistrates and Judges Association
KNAPO	Kenya National Association of Probation Officers
KNICE	Kenya National Integrated Civic Education
LSK	Law Society of Kenya

MDGs	Millennium Development Goals
M&E	Monitoring and Evaluation
МТР	Medium Term Plan
NCAJ	National Council for the Administration of Justice
NGO	Non-Government Organization
NIMES	National Integrated Monitoring and Evaluation
OVIs	Objectively Verifiable Indicators
PESTLE	Political, Economic, Socio-Cultural, Technological, Legal and Environmental
SADC	Southern Africa Development Corporation
SWOT	Strengths, Weaknesses, Opportunities and Threats
WIPA	Witness Protection Agency

### FOREWORD



The idea of having a coordinated approach in the justice sector was a mark of rare creativity and remarkable vision in the administration of justice in Kenya. The National Council on the Administration of Justice (NCAJ) is the statutory expression of that visionary intent.

The diverse composition of the Council has given voice to all the major actors in the justice chain and created a chamber of accountability and peer review. The independence of the Judiciary, the Executive and other independent offices is well articulated in the Constitution. The NCAJ recognizes this principle and promotes the robust independence of its membership even as it embraces constructive interdependence among them.

Since its establishment, the NCAJ has made important strides towards the realization of its mandate as stipulated under Section 35 of the Judicial Service Act. In seeking to ensure a coordinated, efficient, and effective approach in the administration of justice the NCAJ has developed this Strategic Plan (2012-2017) and Court Users Committee (CUCs) Guidelines. These documents are a product of several months of consultation with all stakeholders.

The Strategic Plan outlines the considered direction that the Council will follow in delivering on the growing expectations of all Kenyans. This is a comprehensive plan of action premised on the Council's priorities and resource limitations as well as a framework for the monitoring of progress and performance. On the other hand, the CUCs Guidelines are a tool for the establishment and operationalization of CUCs across the country, and as such will serve to complement the enduring transformation agenda of the Justice Sector institutions at the court station level.

It is my hope and belief that each and every member of the NCAJ will acknowledge and appreciate that the successful administration of justice is predicated upon our cooperation. We are all important, but only effective if we work together. Service delivery for the Kenyan people must remain our common denominator.

Hon. Dr. Willy Mutunga, D.Jur., S.C., EGH Chief Justice and Chair of the NCAJ

### EXECUTIVE SUMMARY

The NCAJ is established under Section 34 of the Judicial Service Act (No. 1 of 2011). It is a high level policy making, implementation and oversight coordinating mechanism as reflected in its membership that is composed of State and Non-State Actors from the justice sector. The mandate as stipulated in the Act is to ensure a coordinated, efficient, effective and consultative approach in the administration of justice and reform of the justice system. Specific functions of the NCAJ are to: formulate policies relating to the administration of justice; implement, monitor, evaluate and review strategies for the administration of justice; facilitate the establishment of Court Users Committees at the county level; and mobilize resources for purposes of the efficient administration of justice.

This Strategic Plan 2012-2016 focuses on providing the NCAJ with a roadmap towards the delivery of the mandate. The Plan was prepared through a participatory approach that ensured consultations and involvement of a broad spectrum of internal and external stakeholders at all stages. It has set out its vision or preferred future, mission, key functions, core values and strategic objectives as well as strategies. The plan has seven chapters that include an introduction; national development agenda, situational analysis, the strategic objectives, plan implementation framework, funding requirements and sources and a final chapter on monitoring and evaluation.

The vision, mission, and core values have been agreed as follows:-

The Vision: "A unified Justice Sector that serves the people".

The Mission: "To ensure an accountable, co-ordinated, efficient, effective and consultative approach in the administration of justice".

### **Core Values**

To professionally execute its mandate, NCAJ shall uphold the following values:

- i) Collective Responsibility: That in discharge of its functions, each stakeholder or agency bears equal responsibility for the successes and failures of the Council;
- ii) Inter-dependence: That while the judiciary and each agency will remain robustly independent, they shall nevertheless depend on each other for the success of the Council. That each agency binds itself to pull together with the rest in assuring success of the Council;
- iii) Service: That all agencies are bound by the recognition that the Council is about service to the people, the public and our employer;
- iv) Constitutionalism: That all actors will be guided by the strict fidelity to the constitution and the principles espoused there under; and
- v) Mutual Accountability: That all agencies will be accountable to each other and perform their obligations within the Council.

### Strategic Issues

The following five strategic issues have been identified during this Strategic Plan period;

- i. In adequate legal and policy framework for NCAJ and the entire justice sector;
- ii. Weak institutional operational framework for NCAJ and its membership;

- iii. Insufficient resources for efficient and effective administration of justice;
- iv. Poor coordination, monitoring and evaluation of strategies on the administration of justice; and
- v. Inadequate number of and weak operationalization of the Court Users Committee.

### Strategic Objectives

Based on the identified strategic issues, NCAJ resolved to focus on the attainment the following strategic objectives over the Strategic Plan period:

- i. To review legal and policy frameworks for NCAJ and the entire justice sector;
- ii. To strengthen the institutional operation framework for NCAJ and its membership;
- iii. To mobilise resources for efficient and effective administration of justice;
- iv. To coordinate, monitor and evaluate strategies on the administration of justice; and
- v. To operationalize Court Users Committees.

On the basis of each of these five strategic objectives, the framework for the Strategic Plan implementation reflects strategies, the main activities, performance indicators, targeted timeframes and estimated costs for each high level activity. These elements are reflected in the implementation matrix where all activities have been sequenced. Work Plans will be developed to guide annual implementation. The Strategic Plan will be implemented within the organizational structure of the NCAJ and the management will engage the tenets of good management to ensure set targets are achieved.

### **Funding Requirements and Sources**

The NCAJ will need Kshs.1,490.5 millions to carry out its planned activities over the Strategic Plan period. The successful implementation of this strategic plan will depend not only on the quality and commitment of the stakeholders but also on the availability and efficient utilisation of the resources that are required for the various activities to be undertaken satisfactorily. Though, it is anticipated that a large portion of the resources will be from the Government, NCAJ will seek support from its stakeholders, partners and potential funders in form of technical, material or financial resources towards the realization of this Plan.

### Monitoring and Evaluation

The success of this Plan's implementation depends significantly on how the planned activities and outputs are effectively monitored and evaluated. An M&E system based on objectively verifiable indicators (OVIs) as set out in the Implementation Matrix in this Plan's Appendix will be put in place to ensure the planned activities and strategies are on course. Submission of strategic plan implementation progress reports will be undertaken regularly (quarterly, semi-annually and annually) for corrective action as may be necessary.



### Background

The justice system is a vital part of a democratic system of governance. Its essential contribution is to foster peaceful and orderly functioning of society while balancing protection of the community with the safeguarding of liberty and freedoms of individuals. The justice sector is therefore closely aligned to social economic development and should especially contribute to poverty reduction by addressing special needs of the vulnerable, poor and marginalized members of the community. As critical as it is to our way of life, the justice system in our country has however developed over the years without much design or concerted planning between stakeholders. In such an environment in which there has been no common vision, goal or strategies, it is inevitable that participants have often pursued their own priorities leading to serious undermining of the credibility of the system.

Administration of justice in Kenya has been associated with political servitude, low standards of professionalism, widespread corruption and delinquent jurisprudence, financial insecurity, elitist legal system, and expensive adjudication and enforcement hence undermining realization of just outcomes. Institutions serving the chain of justice have been viewed as not independent enough to expeditiously administer justice for all without discrimination. Recognizing the need to address the identified challenges, the judicial service commission has provided for creation of the National Council for the Administration of Justice (NCAJ) that should lay down basic principles for the administration of justice. The NCAJ is therefore the statutory organ established by law to provide a forum for the stakeholder collaboration in expeditious delivery of justice.

In order to effectively deliver on its mandate, the Council has developed its first strategic plan for the period 2012 to 2016. The Strategic Plan spells out the strategic direction the Council will follow in discharging its mandate of ensuring a coordinated, efficient, effective and consultative approach in the administration of justice and reform of the justice system. It also provides a comprehensive plan of action based on the Council's priorities and resource limitations as well as a framework for tracking progress made and assessing overall performance in order to efficiently and effectively discharge its mandate. Through the plan, the NCAJ seeks to progress the expectations of ordinary people of this country (Wanjikus), whose simple demands under this system are that conflicts must be resolved; injustices must be addressed; rights must be protected; criminals must be punished, and victims assisted to repair the damage caused to them and restore their lives; and the rule of law in general prevails at all times, in a predictable and accountable manner. The processes through which justice is administered must therefore be trustworthy, independent, transparent, effective, efficient, swift and fair.

### NCAJ Mandate

The NCAJ is established under Section 34 of the Judicial Service Act (No. 1 of 2011). It is a high level policy making, implementation and oversight coordinating mechanism as reflected in its membership that is composed of State and Non-State Actors from the justice sector. The NCAJ was officially launched in 11<sup>th</sup> August 2011 and is constituted by high level members, with the authority and power to make decisions relating to the administration of justice.

The NCAJ mandate as stipulated under Section 35 of Judicial Service Act is to ensure a coordinated, efficient, effective and consultative approach in the administration of justice and reform of the justice system. The Council is mainly a policy making and coordinating mechanism and not a service delivery organ. It is mandated to create or develop institutional linkages with all bodies engaged in the chain of justice. Specific functions of the NCAJ are to:

i) Formulate policies relating to the administration of justice;

- ii) Implement, monitor, evaluate and review strategies for the administration of justice;
- iii) Facilitate the establishment of court users committee at the county level; and
- iv) Mobilize resources for purposes of the efficient administration of justice.

### The membership of the Council as defined in Section 34 (2) of the Act comprises of both state and non-state actors.

Member	Institution
1. Chief Justice (as NCAJ Chair) NB: Chief Registrar Judiciary is the NCAJ Secretary	1. Judiciary
2. Cabinet Secretary responsible for matters relating to the Judiciary	2. Ministry of Justice
3. Attorney-General	3. State Law Office
4. Director of Public Prosecutions	4. Office of the Director of Public Prosecutions
5. Person responsible for exercising command over the National Police Service	5. National Police Service
6. Commissioner of Prisons	6. Kenya Prisons Service
7. Principal Secretary responsible for matters relating to Cabinet and the Public Service	7. Office of the President (Cabinet Office)
8. Principal Secretary responsible for matters relating to gender, children and women's affairs	8. Ministry of Gender, Children and Social Development
9. Principal Secretaries responsible for matters relating to labour, environment and land	9. Ministry of Labour
	10. Ministry of Environment and Mineral Resources
	11. Ministry of Lands

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10. Director of the Witness Protection Agency	12. Witness Protection Agency
11. Director of Probation and After Care Services	13. Probation and After Care Services
12. Chairperson of the Law Society of Kenya	14. Law Society of Kenya
13. Representative of an organization or association dealing with human rights issues and the provision of legal aid to women	15. FIDA (Kenya)
14. Representative of an organization or association dealing with human rights issues and the provision of legal aid to children	16. The CRADLE – The Children's Foundation
15. Representative of the private sector	17. Kenya Private Sector Alliance
16. Representative of Non-Governmental Organisations dealing with human rights and the provision of legal aid	<ul><li>18. Kenya Human Rights Commission</li><li>19. Legal Resources Foundation Trust</li></ul>

Section 34 (2) of the Act also grants the Council the power to co-opt members to the council as dictated by the prevailing circumstances. The Council in its third meeting agreed that all NCAJ agencies nominate representatives to a technical committee that facilitates the implementation of its programme. The technical committee is chaired by the Hon. Chief Registrar of the Judiciary with secretariat support from the JSC. The technical committee mandate broadly includes:

- i) Developing the Council's programme of work;
- ii) Drafting the Council's Rules of Procedures;
- iii) Proposing necessary amendments to the constitutive statutes;
- iv) Scheduling and preparing for Council's meetings;
- v) Researching and proposing reforms policy for the sector; and
- vi) Exploring the establishment of Court Users Committee while reviewing and implementing reports from existing ones.

### Technical Committee Membership comprises representatives of the following organizations;

i) Judiciary

- ii) State Law Office
- iii) Commission for the Implementation of the Constitution
- iv) Directorate of Public Prosecution
- v) Federation of Women Lawyers- Kenya
- vi) GJLOS Secretariat
- vii) Independent Electoral and Boundary Commission
- viii) Kenya Human Rights Commission
- ix) Kenya Law Reform Commission
- x) Kenya Private Sector Alliance
- xi) Legal Resources Foundation Trust
- xii) Ministry of Defense
- xiii) Ministry of Environment and Natural Resources
- xiv) Ministry of Gender, Children and Social Development
- xv) Ministry of Internal Security
- xvi) Ministry of Justice, National Cohesion and Constitutional Affairs
- xvii) Ministry of Labour
- xviii) Ministry of Lands
- xix) Ministry of Local Government
- xx) OVP Probation and After Care Services Department
- xxi) Prisons Department
- xxii) Social Development Network
- xxiii) The Commission on Administrative Justice
- xxiv) The Community Service Order Programme
- xxv) The CRADLE
- xxvi) The Kenya National Commission of Human Rights
- xxvii) The National Council for Law Reporting
- xxviii) The National Police Service

### xxix) Witness Protection Agency

### Justification of the NCAJ Strategic Plan 2012 - 2016

The Strategic Plan covering the period 2012 - 2016 is developed to provide strategic direction in ensuring a coordinated, efficient, effective and consultative approach in the administration of justice and reform of the justice system. The overall goal is to provide programmatic and organizational framework for sustainable transformation of the justice system through initiatives that promote collectivity in improving service delivery, as required by the constitution and by enhancing citizens, participation and engagement. NCAJ strategy document provides a roadmap for guiding concerted reform efforts in the justice chain in Kenya so as to position the subsector to play its underpinning role in driving forward the economic and social development agenda as stipulated in the vision 2030 and in accordance to the country's constitution.

### 1.4 Strategic Planning Process

In preparing this Strategic Plan, NCAJ adopted participatory and inclusive processes that ensured consultations and inclusion of broad range of internal and external stakeholders. The processes were commenced by consultative meetings with key stakeholders. The key steps taken in the design and development of the Strategic Plan were as follows:

- Consultative workshops
- Collection and review of data from the Council's secretariat and stakeholders
- Review of key government policy documents like the Vision 2030, First Medium-Term Plan 2008-2012, the Constitution 2010, the Judicial Service Act and other relevant documents.

### Structure of the Strategic Plan

The Strategic Plan document is structured into seven chapters. Chapter one gives the NCAJ background and spells out the mandate. Chapter two presents Kenya's development agenda under Vision 2030 and how NCAJ programmes are aligned to the Vision. Chapter three undertakes situational analysis of NCAJ covering internal and external environment. Chapter four presents the strategic model covering Vision, Mission, and Core Values. The strategic objectives, strategies and implementation matrix are also presented in this chapter. Chapter five documents the coordination framework and the structure for implementing the strategic plan while chapter six provides the resource requirements for implementation. The plan document ends with chapter seven that documents the Monitoring, Evaluation and Reporting framework.



### KENYA'S DEVELOPMENT AGENDA

### 2.1 Background

This chapter links the NCAJ Strategic Plan to the Vision 2030 which provides the national long term direction and strategic issues. The issues cover the needed political, economic, social, legal, technological and environmental reforms required to move the country to higher levels of development. In development of the 2012 – 2016 Strategic Plan, the Council has to incorporate these reforms in line with its mandate as provided in the Kenyan constitution 2010 and the Vision 2030.

### 2.2 The Kenya Vision 2030 and the Medium Term Plans

Kenya Vision 2030 is the long term development blue print for the country.

It is underpinned by the need to create a conducive economic, social and political environment that will lead to higher living standards for Kenyans by the year 2030. The Vision 2030 highlights the following as the main challenges facing the country:

- i) Faster job creation to address the high unemployment of youths leaving school;
- ii) Majority of Kenyans live in poverty;
- iii) High inequality in income distribution;
- iv) Gender imbalances;
- v) Considerable disparities in development among the different regions of the country;
- vi) Low savings and investment rates;
- vii) Insecurity;
- viii) Persistent corruption and weak governance;
- ix) Poor infrastructure; and
- x) Slow progress in achieving structural changes in the economy, such as over reliance on agriculture and export of primary products.

The Vision aims at creating a globally competitive and prosperous country and transforming Kenya into a newly industrialised middle income country. The Vision is anchored on three key interdependent pillars namely: Economic, Social and political.

The economic pillar aims at achieving and sustaining an average economic growth rate of ten percent (10%) per annum up to the year 2030 in order to generate more resources to meet the expectations of the Millennium Development Goals (MDGs) and Vision 2030. It is expected that this will be realised under six strategic sectors namely: tourism, agriculture, manufacturing, wholesale and retail trade, business process outsourcing and financial services.

The Social pillar seeks to create a just, cohesive and equitable social development order in a clean and secure environment. This will be achieved through focusing on eight social sectors namely: education and training; health; water and sanitation; environment; housing and urbanization; gender; youth and vulnerable groups. Special consideration will also be given to marginalized communities and persons with various disabilities.

The political pillar intends to realize issue-based, people-centred, result-oriented and accountable democratic systems. The transformation of the country's political governance system will cut across seven strategic thrusts namely: the rule

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of law, electoral and political processes, democracy and public participation, transparency and accountability, public administration and service delivery, security, peace building and conflict resolution.

Vision 2030 is operationalised through Medium Term Plans that articulate strategies, action plans and expected outcomes spread over a period of five years. The first Medium Term Plan (2008-2012), which has been concluded, spelt out fifty three (53) outcomes expected from four broad goals.

### Linking NCAJ's Mandate to Vision 2030

NCAJ falls mostly under the political pillar but its functions also significantly contribute to the other two pillars. Conversely, the success of NCAJ's operations will largely depend of the realization of the aspirations of the other two pillars. In an attempt to realize issue-based, people-centred, result-oriented and accountable democratic systems as captured under the political pillar, the initiatives that should be implemented include: legal reform programmes; judicial report programmes; dispensation of justice programmes; prison services programmes; and probation and aftercare services programme. These reforms in the justice chain are prioritized in the Vision 2030 for implementation.

A well-functioning justice system allows the state to oversee orderliness in society and the economy and to empower private individuals to contribute to development by confidently engaging in business, investments and other social economic transactions. To engender investment and jobs, the sector must therefore provide an environment conducive to development. Thus, by arbitrating on disputes in society and regulating the exercise of governmental power, the rule of law is enforced in the country hence vital environment for social and economic development is provided. Effective administration of justice is good for economic enterprise as it promotes certainty in the enforcement of contractual obligations and effective resolution of labour disputes. NCAJ strategic plan should therefore be in line with the vision 2030 which talks about principles of good governance such as transparency.

It is noteworthy that Kenya Vision 2030 was developed before the Kenya 2010 Constitution was promulgated. By overwhelmingly voting for the Constitution 2010, Kenyans did loudly pronounce their desired reengineered political and development outcomes. The Constitution 2010 lays the foundation for the new culture of service as governed by national principles and values that are founded on human dignity, equality and the rule of law in order to establish a free, equal, prosperous and just social order. The new culture of service as enshrined in the constitution is people-centred and calls for respect of all Kenyans irrespective of their status, sex, creed, race, ethnicity or disability. With the new constitutional order, it is imperative that the Kenya Vision 2030 is reviewed for purposes of aligning it to the Constitution 2010 that captures the aspirations of the Kenyan citizens.



### Background

A review of the impact of internal and external environment on NCAJ operations was undertaken so as to assess its preparedness to effectively implement the 2012 -2016 Strategic Plan. While the internal environment examines the strengths and weaknesses of the Council, the external environment provides opportunities available and the threats that may affect its operations. A further review of the operational environment was undertaken by PESTLE analysis. In addition, analysis of the reciprocal relationship between NCAJ and its stakeholders was undertaken. The SWOT, PESTLE and Stakeholder analysis are presented in this chapter.

### **SWOT Analysis**

### 3.2.1 Internal Environment Analysis

The analysis is aimed at identifying the strengths and weaknesses of the Council. The strengths of the Council which enable it to accomplish its mandate and achieve the strategic objectives and the weaknesses which must be addressed in order to realize the strategic objectives during the plan period are summarized herein:

Strengths	Weaknesses	
<ul> <li>i. Existence of a constitutional and legal mandate articles 10 and 159</li> <li>ii. A legislative anchorage of section 34 &amp; 35 of the JSC Act that provides operational autonomy</li> <li>iii. Existence of GJLOS programme whose experiences inform NCAJ operations</li> <li>iv. Inclusive composition of the stakeholders</li> <li>v. Existence of strategic plans and other reports among the stakeholders</li> <li>vi. Increased number of independent agencies in the justice sector</li> <li>vii. Existence Court Users Committees whose experience will inform formation of new committees</li> </ul>	<ul> <li>i) Not fully established organizational structural i.e. NCAJ technical committee and secretariat</li> <li>ii) No clear policy guidelines</li> <li>iii) Inconsistency participation and high turnover of participating members</li> <li>iv) Inadequate participation of some stakeholders at technical level</li> <li>v) Inadequate / un-proportionate resourcing among various stakeholders.</li> <li>vi) Lack of enforcement mechanisms despite the legislative mandate.</li> <li>vii) Different terms and conditions of service among NCAJ institutions</li> <li>viii) Limiting legal framework</li> <li>ix) Inclusiveness challenges – some institutions with no national coverage.</li> <li>x) Lack of clear criteria for identifying the institutions to be in the council.</li> <li>xi) Disjointed facility expansion (planning and implementation).</li> </ul>	

### 3.2.2 External Environment Analysis

As the Council sets to implement its Strategic Plan, it will take cognizance of possible opportunities and threats. Opportunities are the operational potentials that the Council will exploit in order to achieve its stated objectives. Threats are the external operational challenges that are likely to hinder the Council from realizing its mandate. Analysis of the Council's opportunities and threats are outlined below.

Opportunities	Threats
<ul> <li>i) Current reformist momentum in Kenya due to the Constitution 2010.</li> <li>ii) Current reformist Judiciary leadership which NCAJ can capitalize on.</li> <li>iii) Increased number of independent agencies in the justice sector.</li> <li>iv) The birth and restructuring arrangement within the NCAJ institutions.</li> <li>v) State obligations under article 2 of the Constitution.</li> <li>vi) Borrowing from best practices within the region and Africa.</li> <li>vii) Collaboration with development partners</li> <li>viii) Increased demand and awareness by the public on their rights.</li> <li>ix) The on-going civic education under KNICE.</li> <li>x) The opportunity for more vibrant public engagement and NSAs participation through feedback.</li> </ul>	<ul> <li>i) Uncertainties of transition - People are afraid of change hence there may be resistance to NCAJ's activities</li> <li>ii) Non-cooperation by some stakeholders</li> <li>iii) Budgetary constraints</li> <li>iv) Different levels in terms of reforms for different organizations</li> <li>v) Push back by excluded stakeholders in the NCAJ</li> <li>vi) Sector-wide approach in silo environment.</li> </ul>

### 3.3 PESTLE Analysis

The extent to which Political, Economical, Social, Technological, Legal and Environmental issues affect and are affected by NCAJ activities and operations are presented in the table below.

Category	Issues	Effect
Political	<ul> <li>Transitional political environment i.e. political uncertainties</li> <li>Impending elections</li> <li>Implementation of the Constitution</li> <li>Jostling for political space</li> <li>Expansion of devolved governments</li> <li>Persistency impunity</li> </ul>	<ul> <li>Causes uncertainties that hinder effective implementation</li> <li>Shifts focus to elections</li> <li>Failure to implement the constitution fully might derail speedy administration of justice</li> <li>Culture of impunity could be promoted</li> <li>Intensifies the pressure for effective administration of justice</li> <li>Unfairness in the administration of justice – discrimination of some groups</li> </ul>

		1
Economic	<ul> <li>Scarce resources and ever increasing demands</li> <li>The huge sums of financial resources required to devolve government agencies.</li> <li>Positive impact of the recent discovery of natural resources e.g. oil, geothermal, (Positive)</li> <li>Diaspora Remittances</li> <li>Development of the roads infrastructure</li> <li>Development in the ICT sector - Mobile money transfer, fibre optic</li> <li>War in Somalia</li> </ul>	<ul> <li>Insufficient budget allocation limiting potential implementation.</li> <li>Competing needs will lead to reduced funding for some institutions</li> <li>Could lead to increased resources for funding more initiatives.</li> <li>Might increase community conflicts</li> <li>Increases available resources in the country</li> <li>Increases business opportunities and could lead to more disputes</li> <li>Cyber crime might increase</li> <li>Destabilizes the country</li> </ul>
Social	<ul> <li>Ethnicity</li> <li>Cultural diversity</li> <li>Existing conflict between traditional and conventional conflict resolution methods</li> <li>Different understanding of the various concepts of justice</li> <li>Gaps in training of lawyers to appreciate concepts of justice</li> <li>Terrorism /War in Somalia /Piracy</li> </ul>	<ul> <li>Increased polarization of the country</li> <li>Could generate resources for the country</li> <li>Increases disputes among community members</li> <li>Causes confusion in the administration of justice</li> <li>Non effective legal representation of the litigants</li> <li>Causes fear among the citizens</li> </ul>
Technological Advancement	<ul> <li>Emergence of cyber crime</li> <li>Kenya - Hub of ICT innovation in Africa</li> <li>Advancement in the ICT sector - mobile money transfer, fibre optic</li> <li>Lack of forensic labs (evidence gathering, preservation and presentation.</li> <li>Outdated technologies and technology capacity in the NCAJ agencies.</li> </ul>	<ul> <li>Complexity in administering justice</li> <li>Take advantage of technology to administer justice expeditiously</li> <li>Take advantage of technology to administer justice expeditiously</li> <li>Weak evidence gathering that delays administration of justice</li> <li>Delayed administration of justice</li> </ul>

Legal Environment	<ul> <li>Outdated legislation where some legislation is not properly aligned with the Constitution</li> <li>Lack of capacity at the Kenya Law Reform Commission</li> <li>The responsibility of implementing of Article 2 (5) &amp; (5) of the Constitution</li> <li>Rigid and technical court procedures</li> <li>Existing conflict between traditional and conventional conflict resolution methods</li> </ul>	<ul> <li>Delay of cases/frustrations due to the resulting confusion</li> <li>Delayed review of necessary legislation</li> <li>Some of the institutions may not implement the recommendations seriously.</li> <li>Low conviction rates.</li> <li>Increases disputes among community members</li> </ul>
Environment	<ul> <li>Harsh climatic regions</li> <li>Poor working conditions e.g. poor physical buildings</li> </ul>	<ul><li>Worsens/ perpetuates conflicts</li><li>Poor performance of duties</li></ul>

### 3.4 Stakeholder Analysis

The table below provides analysis of the reciprocal relationship between the stakeholders and NCAJ in terms of activities, operations and management. The Analysis further provides specific activities that stakeholders can undertake for NCAJ and vice versa.

Stakeholders	What they can do for NCAJ	What can NCAJ can do for the Stakeholders
NCAJ membership as listed in the Act	<ul> <li>Policy makers</li> <li>Facilitate provision of enabling legal framework</li> <li>Provide legal advice to the Council</li> <li>Primary implementers of identified initiatives</li> <li>Lobbying for more resources</li> </ul>	<ul> <li>Effective coordination</li> <li>Inspiration of public confidence</li> <li>Monitoring and evaluation,</li> <li>Awareness creation and information sharing</li> <li>Recommend policy formulation and reviews</li> </ul>
Parliament	<ul> <li>Support enactment of necessary legislation</li> <li>Support increased resources for the council</li> <li>Provide information and materials</li> </ul>	<ul> <li>Share information on required legislation</li> <li>Make proposals on necessary resources</li> <li>Monitors progress</li> </ul>

National Government	<ul> <li>Provide financial support</li> <li>Ensure political stability</li> <li>Provide national security</li> </ul>	<ul><li>Make proposals on necessary resources</li><li>Share information</li></ul>
County Governments	<ul> <li>Development of County laws</li> <li>Oversight – monitoring</li> </ul>	<ul> <li>Sharing progress reports</li> <li>Creation of CUCs at the County level</li> </ul>
Civil Society, NGOs, CBOs, FBOs, professional bodies e.g. KMJA, KNAPO, CRADLE, Law Society of Kenya, Legal Resources Foundation Trust, Kenya Human Rights Commission, FIDA (K)	<ul> <li>Resource mobilization</li> <li>Publicity</li> <li>Awareness creation</li> <li>Whistle blowing</li> <li>Research</li> <li>Advocacy</li> <li>Lobbying</li> </ul>	<ul> <li>Information for efficient advocacy</li> <li>Encourage active participation</li> <li>Share M&amp;E reports</li> <li>Schedule meetings properly</li> </ul>
Development partners e.g. GIZ, UN Women	<ul> <li>Support funding</li> <li>Capacity building</li> <li>Political leverage e.g. pressure on Government to pass important laws</li> </ul>	<ul> <li>Policy making direction</li> <li>Economic and social mapping</li> <li>Commitment to transparency and accountability</li> </ul>
Research institutions	<ul><li>Generating knowledge</li><li>Disseminate information</li></ul>	<ul><li>Identify knowledge gaps</li><li>Support research</li></ul>
Academia	<ul><li>Capacity building</li><li>Information dissemination</li></ul>	<ul> <li>Identify capacity building needs</li> </ul>
The public	<ul> <li>Provide information e.g. petitions, civil disobedience,</li> <li>Whistle blowing</li> <li>Lobbying</li> </ul>	<ul> <li>Sensitization</li> <li>Participation spaces e.g. through forums</li> <li>Build public confidence</li> </ul>

Media	<ul> <li>Information dissemination</li> <li>Public awareness</li> <li>Whistle blowing</li> <li>Interrogation</li> <li>Checks and balances</li> <li>Advocacy</li> </ul>	<ul> <li>Information sharing</li> <li>Capacity building</li> <li>Provide advocacy materials</li> <li>Involve media in their activities</li> </ul>
Private sector	<ul> <li>Support funding</li> <li>Publicity</li> <li>Checks and balances</li> <li>Investor confidence e.g. mainstreaming some of their concerns to advice in policies</li> </ul>	<ul> <li>Share information</li> <li>Create stakeholder forums</li> <li>Open space for effective engagement</li> </ul>
Regional and International bodies e.g. EAC, EAJMS, EALS, EACJ, COMESA, SADC,	<ul> <li>Implementing partners</li> <li>Bench marking</li> <li>Sharing best practices</li> <li>Creating awareness on NCAJ</li> </ul>	<ul> <li>Information sharing for regional advocacy</li> <li>Identify key areas for support and collaboration</li> </ul>

### 3.5 Strategic Issues

Based on the internal and external environmental scan, the identified strategic issues that emerge and must be addressed to achieve the council's strategic objectives could be summarised as follows:

- i) In adequate legal and policy frameworks for NCAJ and the entire sector;
- ii) Weak institutional operational framework for NCAJ and its membership;
- iii) Insufficient resources for efficient and effective administration of justice;
- iv) Poor coordination, monitoring and evaluation of strategies on the administration of justice; and
- v) Inadequate number of and weak operationalization of the Court Users Committee.



### STRATEGIC MODEL

### 4.1 Background

The purpose of the environmental scan and analysis of the strategic issues is to assist in the development of strategic objectives, strategies and activities for the strategic plan. This chapter spells out strategic direction of the NCAJ by outlining strategic objectives, the strategies to be deployed as well as indicative activities that shall be undertaken. The chapter also outlines the Vision, Mission, and Core Values.

### 4.2 Vision and Mission Statements

Vision: A unified Justice Sector that serves the people

**Mission:** To ensure an accountable, co-ordinated, efficient, effective and consultative approach in the administration of justice.

### 4.3 Core Values

- i) **Collective Responsibility:** That in discharge of its functions, each stakeholder or agency bears equal responsibility for the successes and failures of the Council;
- **ii)** Inter-dependence: That while the judiciary and each agency will remain robustly independent, they shall nevertheless depend on each other for the success of the Council. That each agency binds itself to pull together with the rest in assuring success of the Council;
- **iii)** Service: That all agencies are bound by the recognition that the Council is about service to the people, the public and our employer;
- iv) **Constitutionalism:** That all actors will be guided by the strict fidelity to the constitution and the principles espoused there under; and
- v) Mutual Accountability: That all agencies will be accountable to each other and perform their obligations within the Council.

### Strategic Objectives, Strategies and Activities

The NCAJ identified five strategic issues that it needs to address in order to effectively discharge its mandate and attain its Vision. The five strategic issues are highlighted here below:

- i) In adequate legal and policy framework for NCAJ and the entire justice sector;
- ii) Weak institutional operational framework for NCAJ and its membership;
- iii) Insufficient resources for efficient and effective administration of justice;

- iv) Poor coordination, monitoring and evaluation of strategies on the administration of justice; and
- v) Inadequate number of and weak operationalization of the Court Users Committee.

To effectively address each of the identified strategic issues, appropriate strategic objectives, strategies and high level activities have been formulated and further discussed in the subsequent sub-sections. Five strategic objectives corresponding to the strategic issues have been formulated and are highlighted here below:

- i) To review legal and policy frameworks for NCAJ and the entire justice sector;
- ii) To strengthen the institutional operation framework for NCAJ and its membership;
- iii) To mobilise resources for efficient and effective administration of justice;
- iv) To coordinate, monitor and evaluate strategies on the administration of justice; and
- v) To operationalize Court Users Committees.

For each of the five strategic objectives, strategies and high level activities have been identified as captured in the following tabular presentation:

Strategies	High Level Activities
Formulate a legal and policy framework for NCAJ	<ul> <li>Review the existing relevant legislation</li> <li>Review the existing relevant policy documents</li> <li>Interrogate and adopt international best practices</li> <li>Carry out policy analysis and prioritization</li> <li>Develop a draft policy document</li> <li>Carry out relevant legislative amendments</li> <li>Engage stakeholders for approval of the legal and policy framework</li> </ul>
Formulate other sector policies – Bail, Sentencing, Legal aid, Prosecution, Witness protection, etc.	<ul> <li>Review the existing relevant legislation</li> <li>Review the existing relevant policy documents</li> <li>Interrogate and adopt international best practices</li> <li>Carry out policy analysis and prioritization</li> <li>Develop a draft policy document</li> <li>Engage stakeholders for approval of the sectoral policies</li> </ul>

### Strategic Objective 1: To review legal and policy frameworks for NCAJ and the entire justice sector.

Strategies	High Level Activities
Stakeholder consultation	<ul> <li>Engage key stakeholders</li> <li>Conduct public awareness on the required policies</li> <li>Engage stakeholders for active participation, involvement and buy-in</li> </ul>

### Strategic Objective 2: To strengthen the institutional operation framework for NCAJ and its membership.

Strategies	High Level Activities
Develop an administrative and institutional structures	<ul> <li>Review staff establishment to optimal level</li> <li>Rationalize organizational Structure</li> <li>Undertake change management programmes (culture, transformation, synergy, automation etc)</li> <li>Review the performance based management system</li> <li>Development of NCAJ Strategic Plan</li> </ul>
Capacity building	<ul> <li>Undertake capacity needs assessment</li> <li>Lobby for additional resources for training</li> <li>Develop training calendar for staff</li> </ul>
Create a conducive work environment	<ul> <li>Formulate relevant recommendations on human resourcing for NCAJ membership</li> <li>Enhance staff skills and other competences</li> <li>Liaise with the Salaries and Remuneration Commission for better terms</li> </ul>
Attract and retain human resource in the NCAJ membership	<ul><li>Conduct research on other similar councils</li><li>Develop a retention strategy</li></ul>
Harness ICT	<ul> <li>Develop, modernize and expand ICT infrastructure</li> <li>Automation of operations</li> <li>Improving ICT skills of technical and professional officers.</li> </ul>

Information sharing	<ul> <li>Pursue partnerships, collaboration and coalitions with the other institutions</li> <li>Nurture and expand collaborative arrangements</li> <li>Collaboration with national crime research centre on data sharing and management.</li> </ul>
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### Strategic Objective 3: To mobilise resources for efficient and effective administration of justice.

Strategies	High Level Activities
Enhance overall resource base	<ul> <li>Identify resource gap</li> <li>Engage Government for additional resources</li> <li>Engage Development partners for support</li> <li>Optimize utilization of the available resources</li> </ul>
Improve efficiency of resource utilization	<ul> <li>Optimize utilization of the available resources</li> <li>Undertake capacity building of staff including training on budget making and resource mobilization skills.</li> </ul>
Lobbying for equitable distribution of resources	<ul> <li>Document the discrepancies</li> <li>Lobby to promote equitable allocation of resources amongst the NCAJ membership.</li> </ul>

### Strategic Objective 4: To coordinate, monitor and evaluate strategies on the administration of justice.

Strategies High Level Activities											
Coordinate development of a justice sector wide monitoring and evaluation framework.	<ul> <li>Define the purpose</li> <li>Develop the coordination framework in consultation with key stakeholders</li> </ul>										
Coordinate implementation of the sector M&E framework	<ul> <li>Identify responsible team for M&amp;E</li> <li>Coordinate data consolidation among member institutions.</li> </ul>										

Establish feedback mechanisms.	<ul> <li>Coordinate reporting on the sector i.e. quarterly progress reports.</li> <li>Coordinate sector wide reports dissemination.</li> <li>Coordinate receipt of feedback from sector institutions.</li> <li>Contribute input to CJ address to nation on the justice sector</li> </ul>
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### Strategic Objective 5: To operationalize Court Users Committees.

Strategies	High Level Activities
Establish CUCs at all court stations	<ul> <li>Establish a CUC wherever there is a court.</li> <li>Design a model CUC for benchmarking.</li> <li>Establish CUC secretariat at county level.</li> </ul>
Standardize operating framework of CUCs	<ul> <li>Develop guidelines/ rules on the operational framework of CUCs to include membership, agenda and calendar.</li> <li>Initiate gazettement of the guidelines/ rules above.</li> <li>Develop an advocacy and communication strategy framework for the operations of the CUCs.</li> </ul>
Dialogue, coordination and partnership among CUCs members and other relevant committees / stakeholders.	<ul> <li>Develop CUC calendar.</li> <li>Benchmarking and retreats.</li> <li>Develop annual work-plans and budget.</li> <li>Develop agenda for CUCs.</li> </ul>
Develop mechanisms for citizen engagement and feedback	<ul> <li>Design IEC materials.</li> <li>Operationalize citizen dialogue card/ feedback mechanism.</li> <li>Develop CUCs handbook.</li> </ul>
Review recommendations and resolutions of the CUCs	<ul> <li>Design reporting tools and levels.</li> <li>Design action levels.</li> <li>M&amp;E and learning on best practices.</li> <li>Documentation of success stories.</li> <li>Publication of annual reports on CUCs.</li> </ul>
Capacity building and empowerment on management of CUCs	<ul> <li>Design training manual on management of CUCs.</li> <li>Design/ develop training on areas of specific concern for the CUCs such as witness protection, case flow management, rules of procedure, ICT, children, human rights and human rights approaches, crime trends etc.</li> </ul>

Integrity programme	<ul><li>Peer review mechanism.</li><li>Integrity testing.</li></ul>

### 4.5 Detailed Implementation Plan

The detailed implementation matrix illustrates Strategic Objective(s), Strategies and respective Key Activities for each strategic objective. Also in the matrix are Objectively Verifiable Performance Indicators, and time Frames for implementation. Included in the matrix are Projected Costs. The detailed budgets will be part of Annual Work Plans (AWPs) for plan implementation. It is important to note that the Plan Implementation Matrix will be a critical and important management tool for:

- Mobilizing, allocating and utilizing resources during plan implementation;
- Management and coordination of plan implementation;
- Soliciting for collaboration and support from partners and all other stakeholders;
- Monitoring progress, evaluating the results/outputs, documentation and dissemination of results; and
- Facilitating mid-term and end of plan reviews/evaluations.

### **IMPLEMENTATION MATRIX**

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High Level Activities		v the exi tion	v the exi	policy documents	Interrogate and adopt	tional b	out polic	and prioritization	Develop a draft policy	ent	Carry out relevant	live ame	e Stakel	al of the	policy framework	v the exi	lion	v the exi	policy documents	Interrogate and adopt	tional b	out polic	and prioritization	Develop a draft policy	ent	e stakeh	al of se	e key st		ct public
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Strategic Objective 1: To review legal and policy frameworks for NCAJ and the entire justice sector

Strategies	Performance	High Level Activities	Performance	Lead	Time F	rame in	Years			ш	Expected	budge	t (Kshs	Million)		
	indicator		indicator	Agency	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Total	
			stakeholders													

# Strategic Objective 2: To strengthen the institutional operation framework for NCAJ and its membership

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t (Kshs	Yr 4				5												0.5		50							2		0.5			
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Expected budget (Kshs Million)	Yr 2				5												0.5		50							2		0.5			
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Performance indicator		Progress in staff establishment review	Progress in organizational	structure rationalization	No. of change	management	programmes undertaken		Progress in reviewing	performance based	management system	Progress in developing	strategic plan	s in unde	capacity needs	assessment	Status in developing	training calendar for staff	Number of staff members trained	Progress in formulating	infrastructural	development and human	resourcing	recommendations		No. of initiatives targeted	at enhancing staff skills	of liai	with remuneration	commission for better	
High Level Activities		Review staff establishment to	optimal level Rationalize	nal Structure		/11	programmes (culture,	transformation, synergy, automation etc)	Establish a	performance based	management system	Development of NCAJ	Strategic Plan	Undertake capacity	needs assessment of	the justice chain	Develop training	calendar for staff	Train staff	Formulate relevant	recommendations on	infrastructural	development and	human resourcing for	NCAJ membership	and	other competences	ries and		Commission for better	· · · · · · · · · · · · · · · · · · ·
Performance	indicator	atus in th velopment	or a administrative	and	institutional	structure.								Number of	staff whose	capacity has	been built.			Progress in	creating a	conducive	work	environment							
Strategies		Develop an administrati	ve and	institutional	structures									Capacity	building	for	secretariat	and sector	institutions	Create a	conducive	work	anvironment								

Agency Yr1 Yr2 Yr3 Yr4 CRJ CRJ CRJ CRJ CRJ CRJ CRJ CRJ CRJ CRJ	High Level Activities   Performance indicator   Lead	Time Frame in Years Expected budget (Kshs Million	t (Kshs Million	
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human         other similar councils         sessions on other similar councils           resource         Develop a retention         Progress (%age) in the attracted and retained due strategy           rul         retained due         bevelop a retention         Progress (%age) in the development of a retention strategy in the tretention strategy           rul         retained due         bevelop a retention         Progress (%age) in the development of a retention strategy in the development of a development of a tretention           strategy         Number of bevelop, modernize         No. of additional ICT           infrastructure         No. of additional ICT           technical and infrastructure         infrastructure procured           professional         Infrastructure           inproving ICT skills of inproving ICT skills of inproving ICT skills         No. of partnerships and collaborative forums with the collaborative forums with the collaborative collaborative arangements           innordention         Number of Pursue partnerships, No. of partnerships and collaborative arangements           other institutions         No. of initiatives targeted collaborative arangements           officers         No. of initiatives targeted collaborative arangements           for collaborative         No. of partnerships and collaborative arangements           collaborative         No. of initiatives targeted collaborative arangements	Number of research	-		20
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staff whose     Automation of     No. of     operations       ICT     skills     operations     automated       have     been     Improving ICT skills of     No. of initiatives targeted       improved     technical and     at improving ICT skills       professional officers.     Integrated criminal     at improving ICT skills       improved     professional officers.     Integrated criminal       justice IT system     No. of partnerships and       collaborative     collaborative     collaborative forums with       mechanisms     other institutions     at       other institutions     No. of initiatives targeted       other institutions     other institutions       arrangements     collaborative     at       collaborative     collaborative     at       other institutions     at     other institutions       collaborative     at     other institutions       collaborative     at     other institutions       collaborative     at     other institutions       narangements     collaborative     at       collaborative     other institutions     other institutions       narangements     collaborative     at       arrangements     off other institutions	nd ICT infrastructure procured			
have been         Improving ICT skills of initiatives targeted technical and timproving ICT skills           professional officers.         Integrated criminal professional officers.           Integrated criminal justice IT system         No. of partnerships and collaborative forums with the collaborative collaborations with the other institutions of ther institutions of arrangements           Number         of         Pursue partnerships, No. of partnerships and collaborative collaboration           Number         of         Pursue partnerships, No. of partnerships and collaborative collaborative and collaborative and collaborative collaborative and collaborative and collaborative arrangements           Collaborative         No. of initiatives targeted arrangements           Collaborative         No. of initiatives targeted arrangements           Collaborative         No. of initiatives targeted arrangements	No. of operations automated	-	-	5
improved     technical and professional officers.     at improving ICT skills       Integrated criminal justice IT system     no. of partnerships and onlaborative     of partnerships and collaborative       integrated criminal justice IT system     No. of partnerships and collaborative     no. of partnerships and collaborative       integrated criminal justice IT system     No. of partnerships and collaborative     no. of partnerships and collaborative       interinstitutions     with the other institutions     no. of initiatives targeted at expanding arrangements       collaborative     at     expanding arrangements       collaborative     collaborative     at       collaborative     arrangements     collaborative       arrangements     collaborative     arrangements       collaborative     narional crime research     no. of collaborative		5 5 5	5	25
processional oncers.           integrated criminal           justice IT system           justice IT system           No. of partnerships and collaborative collaboration           collaborative           mechanisms           other institutions           Nurture and expand           collaborative           collaborative           collaborative           collaborative           collaborative           collaborative           and           collaborative           attrangements           collaborative           arrangements           collaborative		)		2
ion Number of Pursue partnerships, No. of partnerships and justice IT system ion Number of Pursue partnerships, No. of partnerships and collaborative collaboration and collaborative forums with mechanisms coalitions with the other institutions established other institutions other institutions are expanding arrangements collaborative arrangements collaborative national collaborative arrangements with national collaborative arrangements arrangements with national collaborative arrangements arrangements arrangements with national collaborative arrangements areas are	OIIICEIS.			
ion Number of Pursue partnerships, No. of partnerships and collaborative collaboration and collaborative forums with mechanisms coalitions with the other institutions other institutions other institutions other institutions arrangements arrangements collaborative arrangements collaborative arrangements collaborative arrangements arrangements arrangements with national	iminal stem	20 20		100
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Outcomposition         No. of initiatives targeted           Nurture and expand         at         expanding           collaborative         at         expanding           arrangements         collaborative         arrangements           Collaboration with         No. of         collaborative           national crime research         meetings         with         national	h the			
at expanding collaborative arrangements No. of collaborative meetings with national	No. of initiatives targeted			~
collaborative arrangements No. of meetings w	at expanding		-	
No. of meetings w				
	No. of	2	5	15
_	~			
centre on data sharing crime centre	-			
	men.			

### Strategic Objective 3: To mobilise resources for efficient and effective administration of justice

itrategies	Performance	trategies Performance High Level Activities	Performance indicator	Lead	Time F	<b>Time Frame in Years</b>	Years			ú	Expected budget (Kshs Million)	budge	t (Kshs	Million	
	indicator			Agency	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Total
inhance	%age	Identify resource gap	Progress in identifying		0.5 0.5 0.5 0.5 2.5					0.5	0.5	0.5	0.5	0.5	2.5
overall	increase in		resource gap												
esource	overall	Engage Government for	No. of engagement	CRJ and	Ø		Ø	Ø		-	-	-	-	-	2
ase	resource	additional resources	sessions for additional Agency	Agency											
2021	base.		resources	Accountin											

(	Total	2		2	2.5	2
Expected budget (Kshs Million)	Yr 2 Yr 3 Yr 4 Yr 5	1	-	۲-	0.5	<del>.</del>
et (Kshs	Yr 4	٢		<del></del>	0.5	~
d budg€	Yr 3	-	ı	<del></del>	0.5	~
Expecte	Yr 2	-		-	0.5	~
	Yr 1	-	-	-	0.5	<del>~</del>
	Yr 5					
S	Yr 4					
in Year	Yr 3					
ime Frame in Years	Yr1 Yr2					
Ц	Yr 1					
Lead	Agency	g Officers	CRJ and	Agency Accountin g Officers	NCAJ	
Performance indicator		No. of engagement sessions for DPs support	ai Sle	No. of staff training sessions conducted	Progress in documenting discrepancies	Number of forums organized to lobby for equitable distribution of resources.
High Level Activities		Engage development partners for support	Optimize utilization of the available resources	Undertake capacity building of staff including training on budget making and resource mobilization skills.	Document the discrepancies	Negotiate to promote equitable allocation of resources amongst the NCAJ membership.
Performance	indicator		%age improvement in efficiency	utilization of resources	Number of forums	organized to lobby for equitable distribution of resources.
Strategies			Improve efficiency of resource	utilization	Negotiate for equitable	distribution of resources

## Strategic Objective 4: To coordinate, monitor and evaluate strategies on the administration of justice

	Total	1		2						0.5		10			10			15		5	
Million)	Yr 5									0.1		2			2			3		•	
(Kshs	Yr 4									0.1		2			2			3		1	
budget	Yr 3									0.1		2			2			3		1	
Expected budget (Kshs Million)		0.5		1						0.1		2			2			3		-	
Ê	Yr1 Yr2	0.5		1						0.1		2			2			3		-	
	Yr 5			-																	
																<u></u>					
	Yr 4														Ű		<u>l</u>				Ű
Time Frame in Years	Yr 3																				
ne in	Yr 2														<i>iii</i>	<i>iii</i>	<u>ii</u>	Ĵ	<del>iii</del>		1
Frar			4	Ŵ	Ø		ų			Ø	4			Ŵ		<i>ili</i>	di,				4
Time	Yr 1																l)				ļ
	У						~~~														
Lead	Agency			CRJ							CRJ						CRJ				
Performance indicator		Status in defining the M&E	purpose	Progress (%age) in	developing the M&E	framework in consultations	with other stakeholders			Progress in identifying the	M&E team	No. of initiatives targeted at	coordinating data collection		No. of progress reports	prepared		No. of initiatives targeted at	reports dissemination	No. of initiatives targeted at	receiving feedback from
High Level Activities		Define the M&E	purpose	Develop the framework P	in consultation with key d	stakeholders	~			Identify responsible P	team for M&E	Coordinate data	consolidation among c	member institutions.	Ĺ	the sector i.e. quarterly p	progress reports.	· wide	reports dissemination.	Coordinate receipt of N	feedback from sector
Performance	indicator	%age	progress in	the	development	of the M&E	framework			Status in	implementing	the sector	M&E	framework	Status in	establishing	feedback	mechanisms.			
Strategies		Coordinate	developmen	t of a justice	sector wide	Monitoring	and	evaluation	framework.	Coordinate	implementat	ion of the	sector M&E	framework	Establish	feedback	mechanism	0			

Sector institutions     Sector institutions       Ro. of imase the NCAL decreases to nation     5     5     5     5     5     5       No. of benchmatter address in deciping strengthened     Imae Frame in Yaris       No. CUCs established / strengthened     Run     CRJ     Progress in designing a model CUC     3     3     3     1/4     Yris     Yris       No. CUCs established / strengthened     CRJ     Progress in designing a model CUC     3     3     3     1/4     Yris     Yris       No. CUCs established / trains on odelection advectorial stablished / trains on of CUCs     CRJ     3     3     3     1/4     4/4     4       Progress in designing and ontimulation advectorial advectorial advectorial advectorial advectorial framework of CUCs     CRJ     1     1     1     1     1     1     1       Progress in gazetternent of the guidelines/ rules of one advectorial and communication and communication of the guidelines/ rules     CRJ     2	Performance indicator	High Level Activities	Performance indicator	Lead Agency	Time Frame in Years	rame in Y		Vr 4 V	Vr.5	۲.1 ۲	Expected budget (Kshs Million)	budge Yr 3	t (Kshs Vr 4	Millior Vr.5	l) Total
controlute     to cultation       is commute     to cultation       is commute     Lead     Time       in designing a     CRJ       in developing     Agency       in developing     CRJ	institutions. Contribute input to CJ	5	istitutions times the NC	6	<del>VX</del> II	<del>-{/////</del> /	<del>- WAUU</del>	<del>\/}///</del>		-	5	5	2	5	25
S committees area indicator Lead <u>Yr1 Yr2 Yr3 Yr4 Yr5 Yr1 Yr2 Yr3 Yr4 Yr5 Wr1 Yr2 Yr3 Yr4 Yr5 Wr1 Yr2 Yr3 Wr4 Yr5 Wr1 Yr2 Wr3 Wr4 Yr5 Wr1 Wr2 Wr3 Wr4 Wr5 Wr4 Wr5 Wr1 Wr2 Wr3 Wr4 Wr5 Wr1 Wr2 Wr3 Wr4 Wr5 Wr4 Wr5 Wr4 Wr5 Wr1 Wr2 Wr3 Wr4 Wr4 Wr5 Wr4 Wr4 Wr4 Wr4 Wr4 Wr4 Wr4 Wr4 Wr4 Wr4</u>	address to nation on the justice sector	n the	contribute to to nation												
a     No.     CUCs established     Agency     Yr1     Yr2     Yr3     Yr4     Yr5     Yr1     Yr2     Yr3     Yr4     Yr5       a     strengthened     CRJ     CRJ     CRJ     CRJ     CRJ     20     50     50     50     50       model CUC     screngthened     CRJ     CRJ     CRJ     CRJ     20     50     50     50     50       model CUC     screteriatistististication of current current stabilished     1     1     1     1     1       Horgress     (%age)     in     CRJ     CRJ     CRJ     20     50     50     50       Progress     (%age)     in     1     1     1     1     1     1       Heguldelines/ rules     in     construction strateging     in     2     50     50     50     50       Progress     (%age)     in     1     1     1     1     1     1       Progress     (%age)     in     construction strateging     in     2     -	5: To operationalize High Level Activities	ize Co ties		Lead	Time Fra	me in Y	ears			ũ	pected	pudge	t (Kshs	Millior	6
a No. CUCs established / strengthened / Progress in designing a model CUC model CUC No. of benchmarking the guidelines' in the second of CUCs established Progress (%age) in the guidelines' (%age) in the forms and retreats organized the annual work-	)			Agency					1		Yr 2	Yr 3	Yr 4	Yr 5	
$ \begin{array}{c c c c c c c c c c c c c c c c c c c $	Percentage of Establish / strengthen a CUCs CUC wherever there is establish at a court.	ien a re is		CRJ						0					20
No. of county CUCs       50       5	existing courts Design a model CUC for benchmarking.	С	n designing							~	e				9
Indeveloping guidelines / male on operational framework of CUCs       1 <t< td=""><td>Establish County CUC secretariat.</td><td>с Г</td><td>No. of county CUCs secretariat established</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>50</td><td>50</td><td>50</td><td>50</td><td>200</td></t<>	Establish County CUC secretariat.	с Г	No. of county CUCs secretariat established								50	50	50	50	200
all developing guidelines / framework of CUCs     CRJ       Progress in gazettement of the guidelines/rules     -       Progress in developing tor operations of the CUCs     2       Progress in developing tor operations of the CUCs     -       No.     of benchmarking organized     -       No.     of benchmarking organized     1       Progress (%age) in developing an advocacy     4									•						Ł
Relations in gazettement of the guidelines/ rules Progress in gazettement of the guidelines/ rules Progress in developing an advocacy and communication strategy for operations of the CUCs and communication strategy for operations of the CUCs alendar No. of benchmarking CRJ No. of benchmarking CRJ No. of benchmarking CUC calendar organized for una and retreats organized for minutal work-plan and budget for an advocacy for and budget for an advocacy for and budget for an advocacy for advocacy	standardizatio   rules on the operationa n of operating   framework of CUCs to frameworks	o a	oping gu on work of Cl												
Progress in gazettement of the guidelines/ rules       -	agenda and calendar			CRJ											
Progress (%age) in developing an advocacy and communication strategy for operations of the CUCs       2       7       7       7         Progress in developing CUC calendar       Progress in developing CUC calendar       7       7       7       7       7         No. of benchmarking forums and retreats organized       No. of benchmarking forums and retreats       7       4       4       4       4         Progress (%age) in developing an annual work- plan and budget       7       1	Initiate gazettement of the guidelines/ rules above.	f	Progress in gazettement of the guidelines/ rules												ı
<ul> <li>developing an advocacy and communication strategy for operations of the CUCs</li> <li>Progress in developing</li> <li>Progress in developing</li> <li>CUC calendar</li> <li>No. of benchmarking CUC calendar</li> <li>No. of benchmarking forums and retreats</li> <li>No. of benchmarking organized</li> <li>Progress (%age) in developing an annual work- plan and budget</li> </ul>	Develop an advocacy		(%age)							<u>.</u>					2
for operations of the CUCs for operations of the CUCs CUC calendar CUC calendar No. of benchmarking forums and retreats organized Progress (%age) in developing an annual work- plan and budget	and communication		developing an advocacy												
Progress in developing CUC calendar       -	the operations of the CUCs.	_	for operations of the CUCs												
No. of benchmarking cRJ       No. of benchmarking cRJ         forums and retreats organized       4       4       4       4         Progress (%age) in developing an annual work-plan and budget       1       1       1       1       1	Develop CUC agenda	T												1	-
No. of benchmarking CRJ       A       4 <td>meetings.</td> <td></td>	meetings.														
forums and retreats organized Progress (%age) in developing an annual work- plan and budget plan and budget	Benchmarking and		of	CRJ							4	4	4	4	20
Progress (%age) in the formula work-developing an annual work-plan and budget the formula work-plan	retreats.		and												
blan and budget	Develop annual work- plans and budget.		(%age) q an annual woi								1	1	£	٦	5
	-		plan and budget												

	Total	12	40	10	ഹ	4	5	2.5	10	50				50	25
Expected budget (Kshs Million)	Yr 5	3	10	7			-	0.5	2	10				10	5
t (Kshs	Yr 4	3	10	2			-	0.5	2	10				10	5
l budge	Yr 3	3	10	2			-	0.5	2	10				10	5
xpected	Yr 2	3	10	2	5	2	-	0.5	2	10				10	5
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		ious IEC materials		in operationalizing ard mechanism	r developing the	in sloo	opted best	Iccess	annual	lining sessions on areas of concern				peer review	egrity testing
		various IEC materials ed		ss in operationalizing te card mechanism	r developing the	in sloo	adopted best	success ted	annual	training sessions on c areas of concern	witness protection, / etc.			peer review	integrity testing isms
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Performance indicator Le		No. of various IEC materials designed		Progress in operationalizing k dialogue card mechanism	pinç		opted best	success ted	nnual	No. of tr specific	witness protection, / etc.			peer review ms	egrity testing
Performance indicator					Progress in developing publishing the handbook	Progress in reporting tools	No. of adopted best practices	success ted	No. of annual published	No. of tr specific	such at witness protection, case flow etc.	of	lts	of peer review thanisms	No. of integrity testing mechanisms
Performance indicator			No. of IEC materials produced and disseminated		Progress in developing publishing the handbook	Progress in reporting tools	No. of adopted best practices	No. of success documented	No. of annual published	No. of tr specific	such at witness protection, case flow etc.	flow les of	rights s Te	No. of peer review mechanisms	No. of integrity testing mechanisms
Performance indicator			No. of IEC materials produced and disseminated		Progress in developing publishing the handbook	Progress in reporting tools	No. of adopted best practices	No. of success documented	No. of annual published	No. of tr specific	such at witness protection, case flow etc.	se flow , rules of .T,	an rights ghts crime	No. of peer review mechanisms	No. of integrity testing mechanisms
Performance indicator			No. of IEC materials produced and disseminated		Progress in developing publishing the handbook	Progress in reporting tools	No. of adopted best practices	No. of success documented	No. of annual published	No. of tr specific	such at witness protection, case flow etc.	, case flow ent, rules of , ICT,	uman rights n rights ss, crime	No. of peer review mechanisms	No. of integrity testing mechanisms
Performance indicator			No. of IEC materials produced and disseminated		Progress in developing publishing the handbook	Progress in reporting tools	No. of adopted best practices	No. of success documented	No. of annual published	No. of tr specific	such at witness protection, case flow etc.	ion, case flow ement, rules of ure, ICT,	n, human rights man rights ches, crime	No. of peer review mechanisms	No. of integrity testing mechanisms
Performance indicator			No. of IEC materials produced and disseminated		Progress in developing publishing the handbook	Progress in reporting tools	No. of adopted best practices	No. of success documented	No. of annual published	No. of tr specific	such at witness protection, case flow etc.	lection, case flow nagement, rules of cedure, ICT,	dren, human rights human rights roaches, crime	No. of peer review mechanisms	No. of integrity testing mechanisms
Performance indicator		Design IEC materials. No. of various IEC materials designed		alize citizen card/ feedback m.	it and Progress in developing of CUCs publishing the handbook	Progress in reporting tools	No. of adopted best practices	success ted	annual	Design/ develop training No. of training sessions on on areas of specific specific areas of concern	Ss such at witness protection, case flow etc.	protection, case flow management, rules of procedure, ICT,	children, human rights and human rights approaches, crime trends acto	r review No. of peer review	rity testing. No. of integrity testing mechanisms
High Level Activities Performance indicator			No. of IEC materials produced and disseminated	Operationalize citizen dialogue card/ feedback mechanism.	Progress in developing publishing the handbook	orting tools Progress in reporting tools	M&E and learning on No. of adopted best best practices.	Documentation of No. of success success stories.	No. of annual published	No. of tr specific	such at witness protection, case flow etc.	protection, case flow management, rules of procedure, ICT,	children, human rights and human rights approaches, crime	No. of peer review mechanisms	No. of integrity testing mechanisms
High Level Activities Performance indicator		Design IEC materials.	Produce and No. of IEC materials disseminate IEC produced and disseminated materials	Operationalize citizen . dialogue card/ feedback mechanism.	Progress in developing publishing the handbook	Design reporting tools Progress in and levels.	M&E and learning on No. of adopted best best practices.	Documentation of No. of success success stories.	No. of annual published	Design/ develop training No. of tr on areas of specific specific	concern for the CUCs such at witness protection, such as witness case flow etc.		children, human rights and human rights approaches, crime	CUCs Peer review No. of peer review mechanisms	CUCs Integrity testing. No. of integrity testing mechanisms
High Level Activities Performance indicator		Design IEC materials.	Produce and No. of IEC materials disseminate IEC produced and disseminated materials	Operationalize citizen . dialogue card/ feedback mechanism.	Progress in developing publishing the handbook	Design reporting tools Progress in and levels.	M&E and learning on No. of adopted best best practices.	Documentation of No. of success success stories.	No. of annual published	Design/ develop training No. of tr on areas of specific specific	concern for the CUCs such at witness protection, such as witness case flow etc.		children, human rights and human rights approaches, crime trends etc	of CUCs Peer review No. of peer review mechanisms	sms CUCs Integrity testing. No. of integrity testing ed.
High Level Activities Performance indicator		Design IEC materials.	Produce and No. of IEC materials disseminate IEC produced and disseminated materials	Operationalize citizen . dialogue card/ feedback mechanism.	Progress in developing publishing the handbook	Design reporting tools Progress in and levels.	M&E and learning on No. of adopted best best practices.	Documentation of No. of success success stories.	No. of annual published	rr of Design/ develop training No. of tr on areas of specific specific	ement concern for the CUCs such at witness protection, such as witness case flow etc.		children, human rights and human rights approaches, crime trends efc	of CUCs Peer review No. of peer review mechanisms	sms CUCs Integrity testing. No. of integrity testing ed.
High Level Activities Performance indicator		Design IEC materials.	Produce and No. of IEC materials disseminate IEC produced and disseminated materials	Operationalize citizen . dialogue card/ feedback mechanism.	Progress in developing publishing the handbook	age review Design reporting tools Progress in and levels. reporting tools	M&E and learning on No. of adopted best best practices.	Documentation of No. of success success stories.	No. of annual published	rr of Design/ develop training No. of tr on areas of specific specific	ement concern for the CUCs such at witness protection, such as witness case flow etc.		children, human rights and human rights approaches, crime trends etc	of CUCs Peer review No. of peer review mechanisms	sms CUCs Integrity testing. No. of integrity testing ed.
Performance indicator			Produce and No. of IEC materials disseminate IEC produced and disseminated materials	ent Operationalize citizen ack. dialogue card/ feedback mechanism.	Progress in developing publishing the handbook	Progress in reporting tools	M&E and learning on No. of adopted best best practices.	No. of success documented	No. of annual published	No. of tr specific	ement concern for the CUCs such at witness protection, such as witness case flow etc.	empowered protection, case flow and capacity management, rules of built. procedure, ICT,	children, human rights and human rights approaches, crime trends etc	No. of peer review mechanisms	sms CUCs Integrity testing. No. of integrity testing ed.
Performance High Level Activities Performance indicator		Progress in Design IEC materials. development	of Produce and No. of IEC materials mechanisms disseminate IEC produced and disseminated for citizen materials	Operationalize citizen . dialogue card/ feedback mechanism.	Progress in developing publishing the handbook	%age review Design reporting tools Progress in of and levels.	recommendati M&E and learning on No. of adopted best ons and best practices.	resolutions of Documentation of No. of success the CUCs. success stories. documented	No. of annual published	Number of         Design/ develop training         No. of tr           CUCs         on areas of specific         specific	management concern for the CUCs such at witness protection, teams such as witness case flow etc.	empowered and capacity built.	children, human rights and human rights approaches, crime trends arc	Number of CUCs Peer review No. of peer review intentity mechanism	mechanisms CUCs Integrity testing. No. of integrity testing established.
Performance High Level Activities Performance indicator		Progress in Design IEC materials.	of Produce and No. of IEC materials mechanisms disseminate IEC produced and disseminated for citizen materials	engagement Operationalize citizen and feedback. dialogue card/ feedback mechanism.	Progress in developing publishing the handbook	%age review Design reporting tools Progress in end of and levels. reporting tools	recommendati M&E and learning on No. of adopted best ons and best practices.	resolutions of Documentation of No. of success the CUCs. success stories. documented	No. of annual published	Number of         Design/ develop training         No. of tr           CUCs         on areas of specific         specific	management concern for the CUCs such at witness protection, teams such as witness case flow etc.	empowered and capacity built.	children, human rights and human rights approaches, crime trends actor	Number of CUCs Peer review No. of peer review integrity mechanism	mechanisms CUCs Integrity testing. No. of integrity testing established.
Performance High Level Activities Performance indicator		Progress in Design IEC materials.	of Produce and No. of IEC materials mechanisms disseminate IEC produced and disseminated for citizen materials	back engagement Operationalize citizen and feedback. dialogue card/ feedback mechanism.	Progress in developing publishing the handbook	%age review Design reporting tools Progress in end of and levels. reporting tools	recommendati M&E and learning on No. of adopted best ons and best practices.	resolutions of Documentation of No. of success the CUCs. success stories. documented	No. of annual published	Number of         Design/ develop training         No. of tr           CUCs         on areas of specific         specific	management concern for the CUCs such at witness protection, teams such as witness case flow etc.	empowered and capacity built.	children, human rights and human rights approaches, crime trends acto	Number of CUCs Peer review No. of peer review integrity mechanism	mechanisms CUCs Integrity testing. No. of integrity testing established.
High Level Activities Performance indicator		Design IEC materials.	Produce and No. of IEC materials disseminate IEC produced and disseminated materials	back engagement Operationalize citizen and feedback. dialogue card/ feedback mechanism.	Progress in developing publishing the handbook	age review Design reporting tools Progress in and levels. reporting tools	recommendati M&E and learning on No. of adopted best ons and best practices. practices	s the CUCs. Success stories. documented	No. of annual published	rr of Design/ develop training No. of tr on areas of specific specific	management concern for the CUCs such at witness protection, teams such as witness case flow etc.		children, human rights and human rights approaches, crime trends ach	of CUCs Peer review No. of peer review mechanisms	mechanisms CUCs Integrity testing. No. of integrity testing established.



### STRATEGIC PLAN IMPLEMENTATION

The Strategic Plan, 2012 – 2016 will be implemented within the organizational structure (organogram) of the NCAJ that consists of the Council, office of the Secretary, Technical Committee, Executive Director and three Directorates namely:

- vi) Policy, Strategy and M&E Directorate
- vii) Finance and Administration Directorate and
- viii) Court Users Committees Directorate

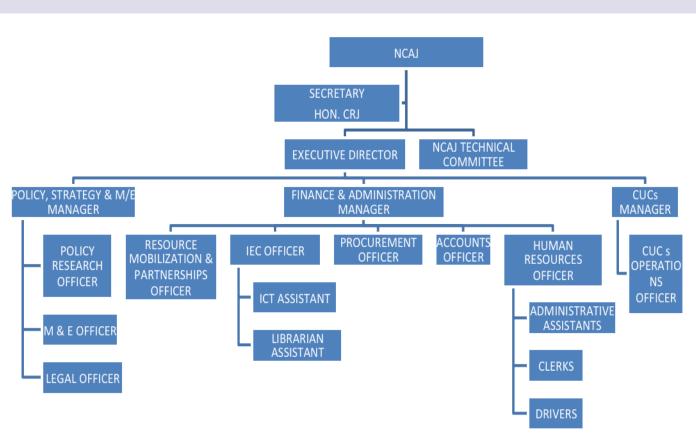
The management will engage the tenets of good management aimed at overseeing the fulfillment of the operational and organizational priorities through supervising officers at all levels to ensure set targets are achieved. Development of sound managerial strategies over the plan period cannot be underscored to ensure achievement of set plan targets. The management will continue providing guidance in the formulation of operational implementation plans where lessons learnt inform future implementation plans with a quest to achieve results. Regular staff meetings will be held to address various managerial issues and matters of policy. During such meetings, performances reviews, implementation challenges and future projections should be discussed.

Successful implementation of this Strategic Plan will require establishment of a Strategic Plan implementation team led by the policy, strategy and M&E manager that will play the pivotal role of ensuring that the Plan remains a living document, a realistic undertaking and an important yardstick for measuring progress.

### 5.1 Establishment

The establishment of NCAJ is projected to be comprised of the NCAJ Secretary, Executive Director, Managers, Section Heads, Officers and Support staff. The projected establishment is necessary to effectively deliver on the NCAJ mandate as well as offering quality services to the citizens. Efforts will be made to achieve the intended establishment of officers through sustained annual recruitment as planned in this Strategic Plan. In addition, competitive terms of service will be pursued to motivate and retain the staff to deliver on the Strategic Plan. Some of the key issues that might be reviewed include medical insurance cover, remuneration and fringe benefits. The diagram on the proposed organizational structure is herein presented:

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### 5.2 Training

In fast-tracking the implementation of this Strategic Plan, continuous skills upgrading will be ensured through development of a comprehensive training programme for all the officers. Training of all officers will be geared towards enhancing competencies and officers will be exposed to technical skills and best practices which will enable them play their role in the Plan implementation with ease.

### 5.3 Physical Infrastructure

The need for additional infrastructure is evident for effective implementation of this plan and a number of measures have been factored into this Strategic Plan to improve the current infrastructural situation like procuring more ICT equipment. Proper usage and maintenance of the available equipment will also be ensured.

### 5.4 ICT Infrastructure and Communication

During the Strategic Plan period NCAJ targets to harness ICT and will procure modern ICT equipment and accessories to improve on implementation by capitalizing on intensified use of modern technology to carry out the Council's mandate. The strategies to be adopted include automation of systems and processes and improving ICT skills of technical and professional officers.



#### 6.1. Funding Requirements

NCAJ will require Kshs.1,490.5 million to achieve its Strategic objectives over the plan period. The areas for which the funds will be required and the estimated amounts are as given in the table below:

	Strategic Objective	Years 2012 - 2016					Total Amount (Kshs. 000,000)
		1	2	3	4	5	
1	To review legal and policy frameworks for NCAJ and the entire justice sector	157	114.5	23	8	8	310.5
2	To strengthen the institutional operation framework for NCAJ and its membership	117.5	135.5	126	126	126	631
3	To mobilise resources for efficient and effective administration of justice	5	5	5	5	5	25
4	To coordinate, monitor and evaluate strategies on the administration of justice	14.6	14.6	9.1	9.1	9.1	56.5
5	To operationalize Court Users Committees.	63.5	108.5	98.5	98.5	98.5	467.5
	Total	357.6	378.1	261.6	246.6	246.6	1,490.5

#### The implementation matrix provides detailed breakdown of required funding for each planned main activity.

#### 6.2. Funding Sources

Successful implementation of this strategic plan will depend not only on the quality and commitment of the NCAJ staff but also on the availability and efficient utilisation of the resources that will be required for the various activities to be undertaken satisfactorily. The following will be the main funding sources:

#### 6.2.1. Treasury allocations

NCAJ budget is currently provided through the Judiciary and is largely from the GOK. During this plan period, it is anticipated that GOK will continue supporting the NCAJ programmes through Exchequer releases despite the growing GOK resource constraints. The Treasury will be lobbied to continue allocating more resources towards administration of justice during the Strategic Plan period.

#### 6.2.2. Loans and grants

The NCAJ with technical support from Treasury will lobby for financial assistance from International Development Partners where deliberate efforts will be made to strengthen partnerships with various International Development Partners as well as lobbying them to fund some of the programmes in the Strategic Plan.

#### 6.2.3. Cost Saving and Efficiency Measures

The NCAJ Administration plans to pursue cost saving measures during the plan period that include; improved coordination of inter-agency implementation, promoting synergies within different agencies, and ensuring effective and efficient use of availed resources. Finally, continued prudent use of resources will be guaranteed by continuous strengthening of the financial and other management capability of relevant officers.

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Successful implementation of the NCAJ Strategic Plan will significantly depend on how effectively the planned activities and outputs are monitored and evaluated to ensure the plan implementation remains on the targeted road map. Effective monitoring and evaluation of NCAJ programmes requires the existence of Monitoring and Evaluation Framework that is linked to NIMES and composed of the following components;

#### 7.1 Institutionalization of M&E:

A Monitoring and Evaluation team will be formed headed by the Policy, Strategy and M&E Manager and reporting to the Executive Director. The team will be charged with the responsibility of ensuring a coordinated approach in developing and implementing the framework for monitoring and evaluating the Council's programmes and activities. The team will provide day to day leadership in ensuring all required monitoring and evaluation activities are coordinated in the most efficient manner. Regular meetings will be held to discuss the Strategic Plan implementation, assess whether adopted strategies are working effectively, discuss progress made, problems encountered during implementation and map the way forward.

#### 7.2 Data Collection, Processing and Analysis:

Data will be collected through secondary sources, field visits, workshops, sample surveys and in-depth investigation. Information on output indicators will mostly be collected through quarterly meetings, regular project reports, annual reports and field visits while information on outcome indicators will be generated through mid-term evaluations, terminal evaluation, ad-hoc evaluations and surveys. All collected data will be processed and analyzed by use of computerized systems. Databases that capture the information needed for M&E will be maintained to guarantee efficient repository.

## Reporting: Progress Reports will be prepared and coordinated at the secretariat level by the M&E Officer.

The M&E Officer will ensure all the agencies prepare reports that are then consolidated into a NCAJ report. Three different reports will be prepared that describe actions taken towards achieving specific outcomes and strategies of the plan.

- i) Quarterly Progress Report: Quarterly progress reports shall include information on key process and output indicators against set targets for the quarter. The quarterly progress report shall be used for reviewing progress and forward planning by the NCAJ members.
- ii) Semi Annual Progress Report: This report will capture the same information as the quarterly review report and is actually a cumulative report for two quarters.
- iii) Annual Review Report: At the end of every calendar or financial year, annual progress report will be prepared that objectively highlights key achievements against set targets (both physical progress and financial status), constraining factors, lessons learned and recommendations on the way forward.

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#### 7.4 Communication / Dissemination of Reports:

The NCAJ Information, Education and Communication officer in liason with the M&E Officer and the ICT Officer will put in place an aggressive dissemination strategy to ensure that reports are widely disseminated to influence effective programme management and policy making. Forums like meetings, workshops, retreats, seminars and reviews will be used to share the findings and recommendations of the reports. Other channels like newsletter, news release, press conference, public debate and electronic (e-mail, Internet, websites) transmission will also be used.

#### 7.5 Evaluation Mechanisms:

Evaluation of the plan will be carried out twice with mid-term evaluation and terminal evaluation entailing the following: measuring actual performance against target levels and establishing variances, if any; identifying the causal factors for the variance; and identifying & recommending appropriate remedial measures including a review of the objectives and/ or strategies.

#### 7.6 Linking M&E to Performance Management:

To ensure sustainability, a culture of performance management needs to cover all staff irrespective of levels. This will enable all staff appreciate their linkage and contributions to the implementation of the strategic plan and the attainment of the objectives. The M&E will be an integral part of the NCAJ performance management system and will be linked to staff appraisal and reward systems.

# GUIDELINES FOR COURT USERS COMMITTEES (CUCs)

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## INTRODUCTION

The Court Users Committees (CUCs) provide a platform for actors in the justice sector at the local or regional level, to consider improvements in the operations of the courts, coordinate functions of all agencies within the justice system and improve the interaction of these stakeholders.

CUCs provide the Judiciary with an opportunity to make the justice system more participatory and inclusive since the public is represented by all arms of government, civil society organizations opinion leaders, representatives of women and youth, the clergy, and faith-based groups and the private sector.

In fulfilling its Constitutional mission as a co-equal arm of Government, the Judiciary has embarked on the implementation of its Transformation Framework, a blueprint that aims to provide general principles and goals to be pursued and the methods of undertaking institutional transformation. The Framework is premised on four key pillars, which are:

- 1. People focused delivery of service;
- 2. Transformative leadership, organization culture and professional, motivated staff;
- 3. Adequate financial resources and physical infrastructure;
- 4. Harnessing Technology as an enabler for justice.

#### These four pillars are in turn borne by a further ten Key Result Areas (KRAs) namely:

- KRA 1: Access to and Expeditious Delivery of Justice
- KRA 2: People-Centeredness and Public Engagement
- KRA 3: Stakeholder Engagement
- KRA 4: Philosophy and Culture
- KRA 5: Leadership and Management
- KRA 6: Organizational Structure
- KRA 7: Growth of Jurisprudence and Judicial Practice
- KRA 8: Physical Infrastructure
- KRA 9: Resourcing and Value for Money
- KRA 10: Harnessing Technology as an Enabler for Justice

CUCs, therefore, provide an avenue to address matters in the administration of justice while enhancing public participation and stakeholder engagement; developing public understanding of court operations; promoting effective justice sector partnerships and advancing the application of Alternative Dispute Resolution mechanisms.

RATIONALE



### MANDATE

Article 159(1) of the Constitution recognizes that

judicial authority is derived from the people and vests in, and shall be exercised by, the courts and tribunals established by or under this Constitution".

Section 35 of the Judicial Service Act institutionalizes CUCs by providing for the establishment of the National Council on the Administration of Justice (NCAJ) to ensure a coordinated, efficient, effective and consultative approach in the administration of justice and the transformation of the justice system.

The NCAJ in turn is required to establish CUCs at the county level and to review and implement their reports. It is in this respect, that the following guidelines are developed.

**CORE VALUES** 



A Court Users Committee shall be guided by the following core values:

- **1. Collective responsibility**: That in discharging its functions, each stakeholder or agency bears equal responsibility for the successes and failures of the CUC.
- 2. Interdependence: That while all agencies remain robustly independent, they shall nevertheless depend on each other for the operationalization of the CUC.
- 3. Service : That all stakeholders are bound by the recognition that the interactions and engagements within the CUC are about quality service delivery to the public
- 4. Constitutionalism: That all actors will be guided by strict fidelity to the Constitution and the principles espoused therein
- 5. Mutual Accountability: That all stakeholders will be accountable to each other and perform their obligations within the CUC.



The overall objective of CUC is to streamline the administration of justice within the respective courts' jurisdiction

The specific objectives of the CUC shall include:

- To ensure an accountable, coordinated, efficient, effective and consultative approach in the delivery of justice
- · To improve access to justice and the quality of service delivery by all actors in the justice system
- To enhance public participation and engagement in the delivery of justice
- To promote information sharing and learning among stakeholders
- To strengthen feedback mechanisms and promote dialogue among stakeholders and court users
- To propose policies and legislation for implementation by the NCAJ for effective delivery of justice
- To carry out all functions that are incidental to the operations of the CUCs



## **ESTABLISHMENT**

To ensure an accountable, coordinated, efficient, effective and consultative approach in the delivery of justice, CUCs shall be established at the following levels:

- Supreme Court
- Court of Appeal
- The High Court Station
- The Magistrate Court Station
- Special Courts and Tribunals;

#### Special Courts and Tribunals including but not limited to:

Industrial Court, Land and Environment Court, Children's Court, Municipal Council Courts, Milimani Commercial Court, Kadhis Courts, Courts Martial, Mobile Courts, Rent Restriction Tribunal, Cooperative Tribunal, Industrial Property Tribunal, Intellectual Property Tribunal, County Court Tribunal, Communications Affairs Tribunal, HIV/AIDS Tribunal, Water Appeals Tribunal, Political Parties Dispute Resolution Tribunal, Business Premises Rent Tribunal, Landlord and Tenant (Shops, Hotels and Catering Establishment) Tribunal

• The County level and at each Court Station within the County

## MEMBERSHIP

The membership of the CUC shall reflect that of the NCAJ in as far as is practicable. However, a CUC is at liberty to invite members on an *ad hoc* or permanent basis according to its needs. The ad hoc members may only be invited to attend to specific agenda of the CUC and cease to be a member thereafter.

## Consequently, the membership of the CUC will comprise the heads of the following institutions or their deputies appointed in writing:

- The Resident Judge or Head of Division and in the case of Magistrates, the Head of a Station appointed as such who shall serve as the Chairperson of the Court Users Committee;
- Other Judges and or Magistrates
- Probation and Aftercare Service
- Kenya Prisons Service
- Children's Department;
- Office of the Director of Public Prosecution;
- Attorney General's representative
- National Police Service Station Commanders and Divisional Commanders including specialized units within the Police Service;
- Other agencies with prosecutorial powers within the stations; e.g. Labour, Environment, Municipal Councils
   etc
- Witness Protection Agency
- National Legal Aid Programme
- Superintendent of the local hospital
- Law Society of Kenya or local Bar Representatives;
- A representative of the County Executive in the case of the station CuCs
- Two Representatives of relevant Civil Society Organizations dealing with the administration of justice;
- Community Leaders (two) including Youth and Women representatives;
- Three Representatives of Faith-Based Organizations
- A representative of Court Bailiffs, Court Brokers and Auctioneers;
- The Executive Officer or the Deputy Registrar in the case of High Court.
- A representative of the Provincial Administration as currently constituted
- A representative of the Paralegal Support Network
- Two persons representing Special Interest Groups

#### **County-level Membership**

In line with the provision of the Judicial Service Act that CUCs will be established at the County level, the supplementary membership shall be constituted as follows:

- The County Judge will be the Chair and in his or her absence, the Chief Justice will designate a Judge to perform the functions of the Chair.
- In the event that the County Judge is incapacitated, the CUC shall appoint an interim Chair, pending appointment of a Judge by the Chief Justice.

- The Chief Registrar of the Judiciary shall appoint a Chair for Magistrates Courts Stations in the County.
- Each County CUC shall have representatives from all the CUCs in the County including Special Courts as may be tenable and necessary
- The County Governor shall also be a member of the County CUC

Because the above membership is simply illustrative and not exhaustive, CUCs shall remain at liberty to permanently or temporarily co-opt or invite any member as relevant for its purposes. CUCs are further encouraged to ensure the participation of all through Sub-Committees and the promotion of awareness of its activities through regular media briefs and other open fora.

All CUCs must promote gender equality by ensuring that not more than two-thirds of its members shall be of one gender.



## **ESTABLISHMENT**

The Chairperson of a CUC is the Head of a Court Station or a person acting in that capacity. In the case of a Magistrates court, a person appointed as such by the CUC through the Chief Registrar of the Judiciary.

In the event that the Chair cannot perform that function, the CUC shall appoint another to act in that capacity.

#### The Chairperson of a CUC shall:

- Convene and preside over all the meetings;
- · Ensure implementation of resolutions of the CUC;
- · Submit recommendations requiring further consideration by the NCAJ
- Submit quarterly reports to the NCAJ;
- Ensure prudent utilization of voted funds in accordance to the government financial regulations and such other funds sourced that there is adequate resourcing for CUC activities
- Attend County CUC meetings
- Be the Chief Accounting Officer of the CUC
- · Perform such other functions in the furtherance of the purposes of the CUC

#### The Deputy Chairperson of a CUC shall:

• Act as the substantive alternate to the Chair

- Support the Chairperson in his or her functions
- Perform such other functions as delegated by the Chairperson in furtherance of the purposes of the CUC
- Be in charge of Monitoring and Evaluation
- The Deputy Chair, the Secretary and the Treasurer shall be elected by the members of the CUC

#### The Treasurer of a CUC shall:

- Be the head the CUC Finance Sub-Committee
- Ensure each CUC shall establish a Finance Sub-Committee for resource mobilization and management
   of the CUC finances
- Be accountable to the CUC and ensure that the Finance Sub-Committee operates within Government regulations
- Facilitate the CUC Secretariat as it coordinates CUC operations
- Perform financial functions for the furtherance of the CUC
- Submit quarterly financial reports and any other reports necessary

#### The Secretary of a CUC shall:

- · Issue notices and agenda for meetings fourteen days in advance
- Take detailed minutes of CUC proceedings and manage records of all meetings
- Extract and forward the resolutions to the Chairperson
- Prepare reports as directed by the chair
- Oversee the functions of the CUC Secretariat including handling logistics, writing reports and organizing meetings
- Distribute relevant information and materials as received from the chair and members of the CUC as well
   as NCAJ
- · Be the custodian of all the records and minutes of the CUC

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### FUNCTIONS AND SCOPE OF COURT USERS COMMITTEES

The functions and scope of CUCs are to:

- Implement policies and strategies of the NCAJ
- Identify challenges that hinder the expeditious delivery of justice and propose effective solutions;
- Serve as a platform for promoting the establishment of peer review mechanisms among participating departments

- Enhance information sharing and learning among stakeholders;
- · Identify needs of various agencies for intervention by the NCAJ;
- Propose relevant stakeholder training on relevant fields of concern to the NCAJ;
- Propose policy and legislative interventions to the NCAJ for the effective and expeditious disposal of cases;
- Organize and hold annual open days and execute outreach programmes
- Hold fact-finding missions to penal facilities and places of custody including prisons, remand homes, borstal institutions, rehabilitation schools, psychiatric hospitals, probation hostels and any place of detention including hospitals
- Produce reports on any CUC events and visits held
- Promote Alternative Dispute Resolution in accordance with the provisions of Article 159 of the Constitution
- Establish peer review mechanisms
- Promote crime prevention initiatives
- Engage in any other activity to enhance access to justice.
- Review its programmes and activities
- Organize CUC outreach and sensitization events
- Organize retreats and bonding sessions for the CUC members

### FUNCTIONS AND SCOPE OF COURT USERS COMMITTEES



In carrying out its functions, each CUC will work towards addressing the many problems that hinder effective delivery of service to the people. Each CUC shall endeavour to address the following concerns *inter alia*:

- Case backlog
- · Limited access to information and feedback mechanisms for litigants and the public
- Negative public perception of the justice system
- Corruption prevention
- Lack of integrity
- · Lack of coordination and communication in the justice sector
- Filling of professional forms, taking and recording of DNA samples, police abstract and age assessment forms
- Unreasonable and inconsistent conditions of bail and bond terms including cumbersome process of surety determination and approval
- Unequal access to justice for the poor, vulnerable and marginalized exacerbated with lack of legal aid to deserving persons

- Inadequate institutional capacity
- Lost files and poor filing systems
- Delayed and or miscarriage of justice;
- Unnecessary and or arbitrary arrests
- · Unprofessional conduct by justice sector actors and court officials
- Poor time management
- Complex court procedures
- Unavailability of police files leading to poor service delivery.
- Shoddy investigations of cases
- · Inadequate court cells and police cells facilities
- Handling of exhibits by police
- · Disconnect between prosecution, investigating officers and station commanders
- · Case backlog due to unexecuted warrants and uncollected revenues
- · Prisoners transportation and security
- Lack of holding cells for children and women
- Lack of mobile courts
- · Bail, bond terms and process of surety determination and approval
- · Children's courts and protections
- Bonding of witnesses and facilitation
- Illegal brokers in court corridors
- Handling of new types of criminal activities
- · Unavailability of designated medical officers and other expert witnesses
- · Inadequate witness protection mechanisms and facilities
- Congestion in penal facilities
- · Inadequate mobile courts services where due



## **MEETINGS**

- A CUC shall consist of such numbers of members not less than 13 and not more than 35
- A CUC shall meet at least once every three months in tandem with the NCAJ schedule of meetings in the financial year.
- The quorum for each meeting shall be a simple majority of at least half of the members.
- The venues of the meeting shall be agreed upon by the members taking into account the distance and convenience.
- A uniform allowance may be paid and transport reimbursements made to members.
- In the CUC meetings all members shall exercise mutual respect for each others' contribution and ensure an environment of free participation

#### Modus Operandi

In discharging its functions, the Court Users Committee shall:

- Determine its procedures at its meetings in accordance with the guidelines of the CUC;
- Establish such task oriented Special Working Groups as are necessary;
- Establish Sub-CUCs in instances where its membership is large and or where the area of the CUCs jurisdiction is vast
- As far as possible adopt a less formal approach in the conduct of its business.
- · The agenda of the meeting should address the concerns of the actors in the justice sector
- The minutes should be circulated fourteen days after the meeting to allow members the opportunity to raise issues in advance.

CODE OF CONDUCT

In order to streamline CUC functions, operations and to promote proper communication and conduct of business, a code of conduct approved by the NCAJ to govern the conduct of members of the CUC shall be adhered to.

- The code shall contain a conflict of interest policy.
- Each member of the CUC shall be expected to consent to it
- The code of conduct shall be reflective of the participating member institutions code of conduct where applicable
- The responsibility of implementing the code shall lie with the office bearers and where necessary the NCAJ



## FINANCING

- The CUC shall be financed from funds allocated by the Judiciary through NCAJ.
- Each CUC is at liberty to source and or receive grants and resources from donors and stakeholders provided that Chapter Six of the Constitution is upheld and there is no conflict of interest.
- Each CUC may open a donor account
- The funds allocated shall be utilized for the planned activities agreed upon by the CUCs and the donors.
- Each CUC is required to prepare and present a financial budget of all its proposed activities to the NCAJ Secretariat
- Every CUC shall, at the close of each Financial Year; file returns to the NCAJ Secretariat detailing the expenditure of the activities undertaken.
- The Chairperson of each CUC shall ensure that proper books and records of accounts are kept and maintained in accordance with the laid down government financial regulations.

#### FINANCIAL ACCOUNTING RESPONSIBILITIES

- In spite of the foregoing, the responsibilities relating to financial accounting within the CUC framework shall be in accordance with normal expenditure and accounting procedures of government disbursed funds.
- Further, all funds from donors should be sourced and utilized in accordance with the laws and regulations governing Public Finance Management in Kenya. Such funds shall therefore be appropriated through the laid down procedures that would of necessity follow the budget process.
- Bank accounts shall not be opened in the individual member's names and any such opening of a separate CUC bank accounts including donor account, must be authorized by the National Treasury through the office of the Chief Registrar of the Judiciary.
- Other donor supported activities that is not directly controlled by the CUC shall be brought to the notice of the Chief Registrar and captured in the financial and activity returns accordingly.

### MONITORING AND EVALUATION AND REPORTING



In order to streamline programme monitoring, communication and reporting structures between CUCs and national level policy organs including reporting on CUC recommendations;

- Each CUC shall develop its Annual Work Plan taking cognizance of the priority concerns and challenges of each court station
- The Annual Work Plan should take cognizance of the following key deliverables: access to justice; access to information; public participation; stakeholder engagement; timely delivery of court decisions and restoration of public confidence in the justice sector.
- Undertake training and or sensitization of the members.
- CUCs shall conduct biannual stakeholder surveys on the effectiveness of CUCs
- Conduct a biannual review of the reports
- Conduct biannual stakeholder surveys on the effectiveness of the CUCs will be done using a tool developed by the NCAJ Secretariat
- All CUCs shall prepare narrative and financial reports
- The County CUC Secretariat shall coordinate, monitor and evaluate the activities of CUCs within the County and all Court Stations falling within the supervisory jurisdiction of the County Court.
- CUCs shall adopt the NCAJ standard reporting mechanism.

- All CUCs shall prepare quarterly reports of their meetings and forward them to the NCAJ Secretariat with a copy to the County CUC Secretariat for any necessary action.
- The activity plan should be in line with timelines issued by NCAJ
- Every CUC shall produce and submit a procurement plan
- There shall be an annual review of the report
- In all matters that may require urgent intervention of the NCAJ, any CUC is at liberty to directly address such matters to the NCAJ Secretariat.

SUCCESS INDICATORS



In monitoring and evaluating the progress of the CUC, the following are examples of performance indicators to be applied:

- Reduced trial period from date of taking plea to time of judgment delivery.
- Increase in number of people released on bond
- Reduction in period taken to execute warrant of arrest and witness summons by the police.
- Increase in number of people coming to court to seek services
- Reduction of complaints from public, litigants and inmates.
- Significant reduction in number of pending cases.
- Results of the biannual stakeholder surveys
- CUC achievements against set targets in the Annual Work Plan

Pr. Willy M. Mutunga, P. Jur, S.C., E.G.H. Chief Justice/ President, Supreme Court of Kenya Chair, National Council on the Administration of Justice

Chair, National Council on the Administration of Justice

Wanningh

Pated this 10 day of April 2013

### SECTIONS 34, 35 JUDICIAL SERVICES ACT

#### The National Council on Administration of Justice

1. The National Council on Administration of Justice is established under Section 34 of the Judicial Service Act and comprises of—

- a. the Chief Justice who shall be the chairperson;
- b. the Cabinet Secretary for the time being responsible for matters relating to the
- c. Judiciary, or his or her representative appointed in writing;
- d. the Attorney-General, or his or her representative appointed in writing;
- e. the Director of Public Prosecutions, or his or her representative appointed in writing;
- f. the person for the time being exercising command over the National Police Service, or
- g. his or her representative appointed in writing;
- h. the Commissioner of Prisons, or his or her representative appointed in writing;
- i. the Chairperson of the Law Society of Kenya, or his or her representative appointed inj. writing;
- k. the Principal Secretary for the time being responsible for matters relating to the
- 1. Cabinet and the public service, or his or her representative appointed in writing;
- m. the Principal Secretary for the time being responsible for matters relating to gender,
- n. women and children's affairs, or his or her representative appointed in writing;
- o. the Principal Secretaries for the time being responsible for matters relating to labour,
- p. environment and land, or their representatives appointed in writing;
- q. the Director of the Witness Protection Agency, or his or her representative appointedr. in writing;
- s. the Director of Probation and After-care Services, or his or her representative
- t. appointed in writing;
- u. a representative of an organization or association dealing with human rights issues
- v. and the provision of legal aid to women;
- w. a representative of an organization or association dealing with human rights issues
- x. and the provision of legal aid to children;
- y. a representative of the private sector; and
- a representative of Non-Governmental Organizations dealing with human rights issues and the provision of legal aid.
- 2. The Chief Registrar of the Judiciary is the secretary to the Council. Under Section 35 of the Act states that the purpose of the Council is to ensure a co-ordinated, efficient, effective and consultative approach in the administration of justice and reform of the justice system. The functions of the Council are:
- a. formulate policies relating to the administration of justice;
- b. implement, monitor, evaluate and review strategies for the administration of justice;
- c. facilitate the establishment of court user committees at the county level; and
- d. mobilize resources for purposes of the efficient administration of justice.
- 3. The Council shall —
- a. liaise with the Council of the National Crime Research Centre in carrying out its mandate;
- b. review and implement the reports of the Court users committees; and
- c. oversee the operations of any other body engaged in administration of justice.

#### The Council shall have all the necessary powers for the execution of its functions under this act







**REPUBLIC OF KENYA** 

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