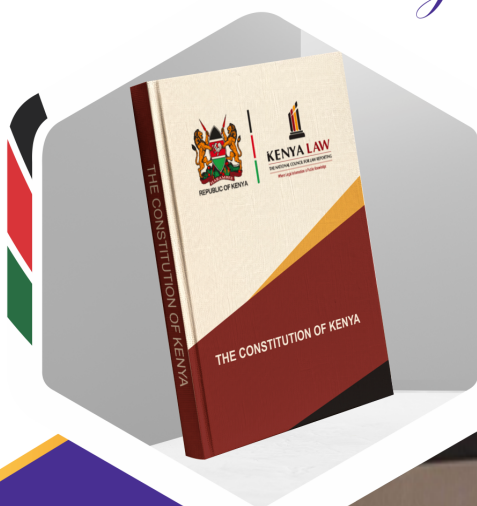




# ADMINISTRATION OF JUSTICE IN KENYA ANNUAL REPORT

2023 - 2024

*Abridged Version*



NATIONAL COUNCIL ON  
THE ADMINISTRATION OF JUSTICE (NCAJ)





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The preparation and launch of this report was supported by:





## MANDATE

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



## VISION

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



## MISSION

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



## VALUES

- |   |  |
|---|--|
| <input type="checkbox"/> Accountability | <input type="checkbox"/> Constitutionalism |
| <input type="checkbox"/> Consultation   | <input type="checkbox"/> Interdependence   |
| <input type="checkbox"/> Public Service | <input type="checkbox"/> Innovation        |



### A word from the Chairperson

The Administration of Justice in Kenya Annual Report outlines significant milestones in reforming and coordinating the justice system as envisaged in the NCAJ Strategic Plan 2021–2026. Looking ahead to FY 2024/25, NCAJ will remain steadfast in creating a people-centred justice system that effectively addresses the needs and aspirations of Kenyans.

**Hon. Justice Martha K. Koome, EGH**  
**Chief Justice & Chairperson, NCAJ**



### A word from the Vice-Chairperson

Our collective efforts have fostered a coordinated approach to resolving justice sector challenges, reinforcing our commitment to fair and transparent service delivery. We will remain committed to upholding the rule of law and being responsive to the justice needs of all Kenyans while enhancing integrity and accountability mechanisms.

**Mr. Renson M. Ingonga, OGW,**  
**Director of Public Prosecutions & Vice-Chairperson,**  
**NCAJ**



### A word from the Hon. Attorney General

The justice system will always endeavour to improve efficiency and effectiveness in delivering justice as envisaged in the Constitution, the Judicial Service Act, Cap 8A, and other laws and policies. My Office will remain steadfast in civil and criminal justice reforms to realise a fair and equitable legal system that is responsive to all citizens and the dictates of the rule of law.

**Hon. Dorcas Oduor, SC, OGW, EBS**  
**The Attorney General of the Republic of Kenya**



### A word from the Inspector General of Police

A unified justice system is ideal for supporting a nation's security and economic aspirations. Upstream, the National Police Service will remain committed to expeditious investigations and apprehending offenders. Strategic emphasis will be on maintaining law and order, adopting new technology and protecting the most vulnerable.

**Douglas K. Kirocho, EBS, OGW**  
**Inspector General, National Police Service**



### **A word from the PS, Correctional Services**

We will explore feasible alternatives to enhance access to justice right from the upstream to the downstream institutions of the justice system, with a renewed focus on integrating environmental safeguards and climate change action.

**Ms. Salome Beacco, CBS**

**PS, State Department for Correctional Services**



### **A word from the PS, State Department for Gender & Affirmative Action**

The intersection between gender equality and access to justice remains crucial in our society. We endeavour to remain a gender-responsive justice sector.

**Ms. Anne Wang'ombe**

**PS, State Department for Gender & Affirmative Action**



### **A word from the Commissioner General of Prisons**

Valuable lessons have been learned, particularly on the justice system's response to emerging issues. Through partnerships, we will relentlessly decongest our prisons and render them premier institutions for behavioural change.

**Patrick M. Aranduh, MBS**

**Commissioner General of Prisons**



### **A word from the Secretary/CEO Ethics and Anti Corruption Commission**

The strengthened partnership of the criminal justice agencies in forging a common approach to the fight against corruption, enhancing accountability and service delivery, has been phenomenal. This collaborative journey will be the norm.

**Twalib Mbarak,**

**Secretary/CEO EACC**



### **A word from the Secretary, Probation and Aftercare Services**

In the quest for continuous improvement, we will pursue a people-centred and restorative justice system and enhance offenders' rehabilitation and reintegration into society as productive members.

**Christine A. Obondi (Mrs) Ph.D., OGW**  
**Secretary, PACS**



### **A word from the President of the Law Society of Kenya**

As we reflect on the progress made in the administration of justice, we recommit ourselves to promoting the rule of law, respect for human rights, and a relentless quest for a just society.

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



### **A word from the Secretary**

The myriad achievements detailed in the Administration of Justice in Kenya Annual Report 2023-2024 demonstrate the Council's collaborative efforts. I sincerely thank our stakeholders for the numerous successes outlined in this report.

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



### **A word from the Executive Director**

To navigate the future, the NCAJ Strategic Plan (2021-2026) and priority areas outlined in this report will remain the foundation for the justice sector interventions.

**Dr. Moses W. Marang'a, MBS**  
**Executive Director, NCAJ**

## TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b> .....	vii
<b>CHAPTER 1: BACKGROUND</b> .....	1
1.1 Background .....	2
1.2 Establishment, Mandate and Strategic Focus of NCAJ .....	2
1.3 Structure of the NCAJ .....	3
<b>CHAPTER 2: COORDINATION AND LEADERSHIP IN THE JUSTICE SECTOR</b> .....	5
2.1 High-Level Coordination of the Justice System .....	6
2.2 Enhanced Climate Action by the Justice System .....	7
2.3 Inaugural National Conference on Sexual and Gender-Based Violence.....	8
2.4 Development of Standard Operating Procedures for Service Delivery Initiatives ..	9
2.5 Development of the Anti-Corruption Guiding Framework for the Justice Sector .....	9
<b>CHAPTER 3: PROGRESS AND REFORMS IN CRIMINAL JUSTICE</b> .....	11
3.1 Progress in the Administration of Criminal Justice, FY 2023/24.....	12
3.2 Legal, Policy and Administrative Reforms in the Criminal Justice.....	14
3.3 Research in the Criminal Justice System.....	14
<b>CHAPTER 4: PROGRESS AND REFORMS IN CIVIL JUSTICE</b> .....	15
4.1 Progress in the Civil Justice Sector.....	16
4.2 Legal, Policy and Administrative Reforms in the Civil Justice Sector.....	18
<b>CHAPTER 5: ADMINISTRATION OF JUSTICE FOR VULNERABLE GROUPS</b> .....	19
5.1 Administration of Justice for Children.....	20
5.2 Administration of Justice on Sexual and Gender-Based Violence.....	24
5.3 Administration of Justice for Intersex Persons.....	24
5.4 Administration of Justice for Persons with Disabilities.....	24
5.5 Administration of Justice for Persons with Psychological/Mental Illness .....	24
5.6 Administration of Justice for Other Vulnerable Groups .....	24
<b>CHAPTER 6: ADMINISTRATION OF JUSTICE AT THE GRASSROOTS THROUGH COURT USERS' COMMITTEES</b> .....	25
6.1 Aim and Coverage of CUCs .....	27
6.2 Some of the Best Performing CUCs in FY 2023/24.....	27
6.3 Achievements Realised by Different Types of CUCs, FY 2023/24 .....	29
6.4 Development of Specialised CUC Guidelines .....	32

<b>CHAPTER 7: JUSTICE SECTOR CAPACITY AND SUSTAINABILITY .....</b>	<b>33</b>
7.1 Human Capital Requirements in the Justice Sector .....	34
7.2 Justice Sector Physical Infrastructure Capacity .....	34
7.3 Justice Sector ICT Capacity .....	34
<b>CHAPTER 8: JUSTICE SECTOR FINANCIAL RESOURCES FOR FY 2023/24.....</b>	<b>35</b>
8.1 Required Resources and Approved Budget .....	36
8.2 Budget Utilisation by NCAJ Agencies.....	36
<b>CHAPTER 9: PRIORITY PROGRAMMES AND ACTIVITIES ON ADMINISTRATION OF JUSTICE FOR FY 2024/25.....</b>	<b>37</b>
9.1 Programmes and Activities on Council Coordination and Leadership .....	38
9.2 Programmes and Activities on Criminal Justice Reforms .....	38
9.3 Programmes and Activities on Civil Justice Reforms.....	39
9.4 Programmes and Activities for Strengthening CUCs.....	40
9.5 Programmes and Activities on Access to Justice for Vulnerable Groups.....	40
9.6 Programmes and Activities on Justice Sector Monitoring and Evaluation.....	42
9.7 Programmes and Activities on Capacity Improvement in the Justice Sector .....	42
9.8 Programmes and Activities for Enhancing Justice Sector Financing .....	43
9.9 Conclusion .....	43



# Chapter 1

## BACKGROUND



### 1.1 Background

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

As a requirement of the Judicial Service Act 2011, the NCAJ prepares an annual report on the administration of justice in Kenya. This is an abridged version of the report. The report accounts for achievements realised in the administration of justice in Kenya in the Financial Year (FY) 2023/24. It has captured coordination mechanisms and achievements, advancements in criminal and civil justice reforms, access to justice for vulnerable groups and successes at the grassroots level through Court Users' Committees (CUCs) and other community-based efforts. The report also provides information on the justice sector's capacity, covering financial, infrastructural, ICT and human resources. Moreover, the report highlights the 2024/25 priority programmes for the justice sector.

### 1.2 Establishment, Mandate and Strategic Focus of NCAJ

The NCAJ is established under Section 34 of the Judicial Service Act, 2011, with the mandate to ensure a coordinated, effective, efficient and consultative approach to the administration of justice in Kenya.



The Strategic Focus Areas of NCAJ as per its Strategic Plan 2021-2026 are as follows.

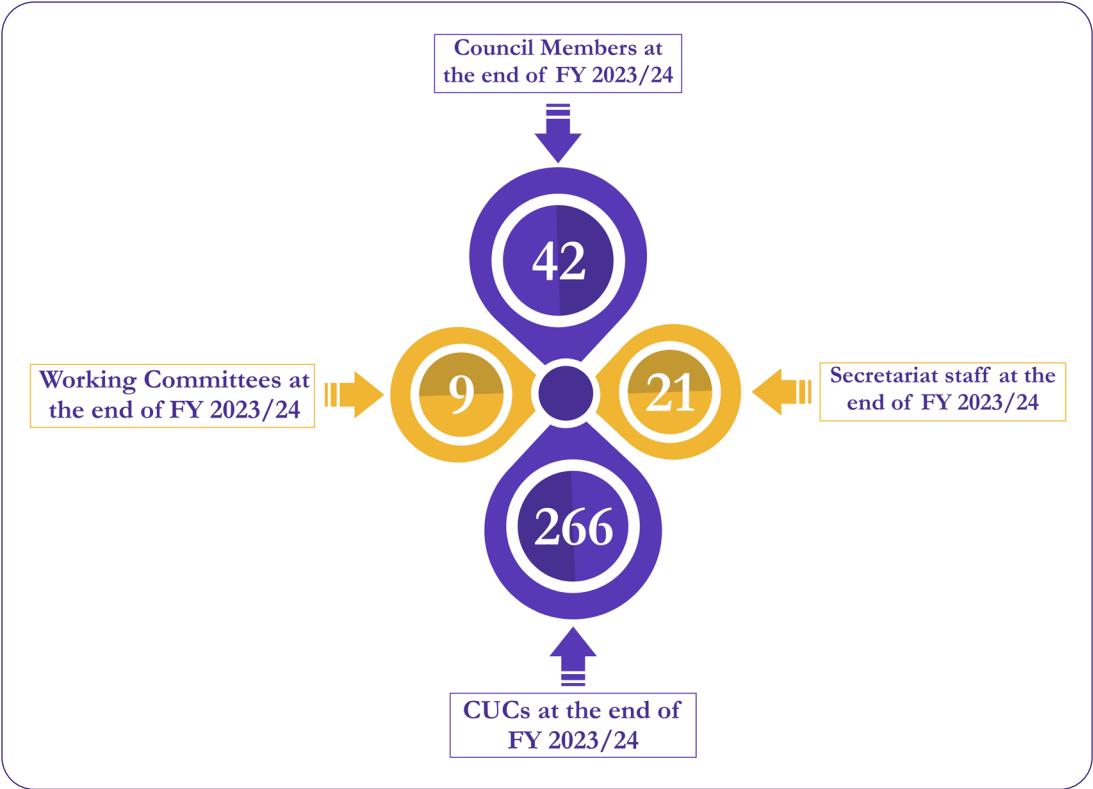


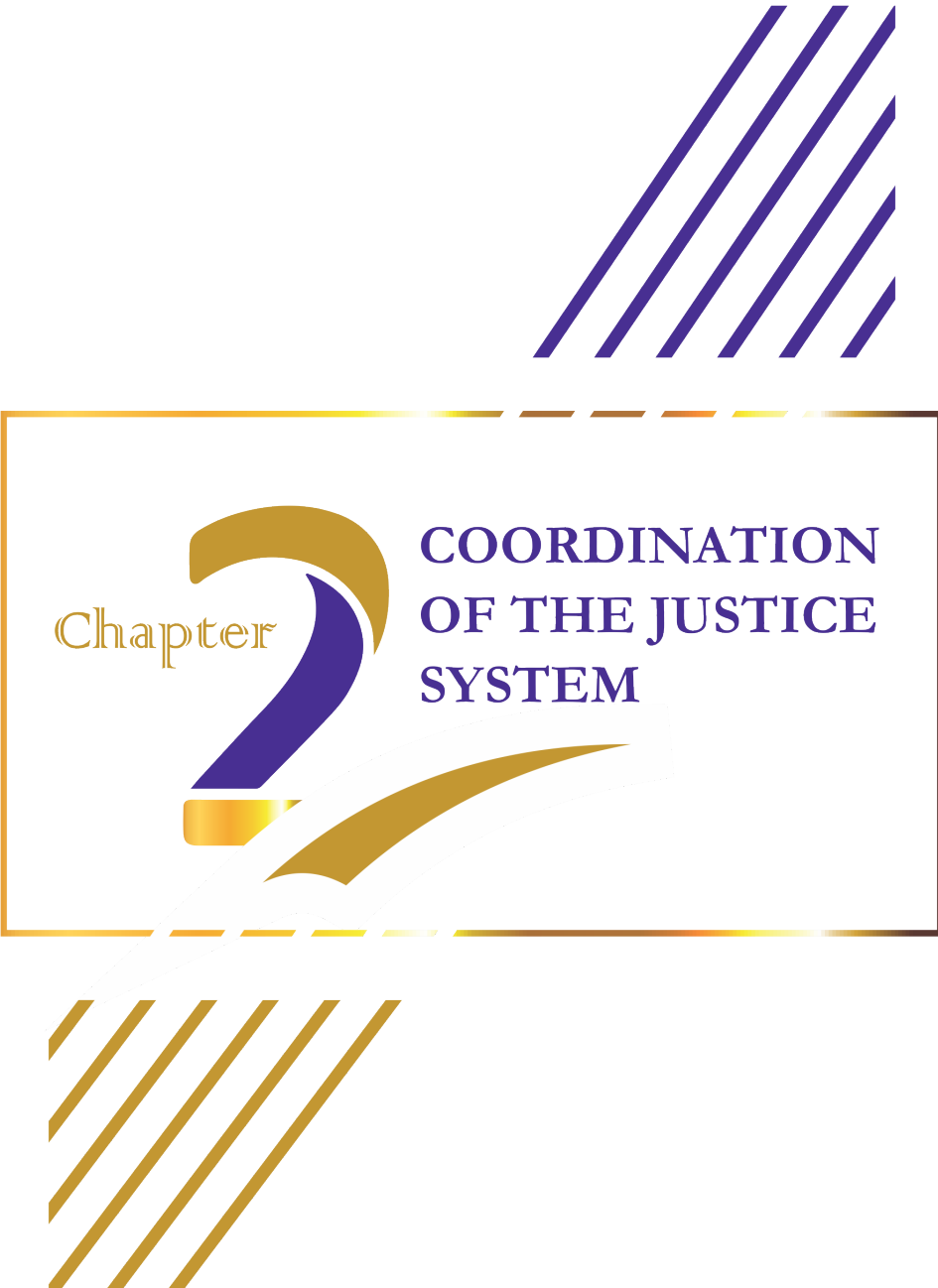
1.3 Structure of the NCAJ

The Council is supported by the Secretariat, Court Users Committees and Working Committees



At the end of Financial Year 2023/24, the status of the Council, Secretariat, Court Users Committees and Working Committees is as illustrated below:





**CHAPTER 2: COORDINATION AND LEADERSHIP IN THE JUSTICE SECTOR**

**2.1 High-Level Coordination of the Justice System**

The NCAJ successfully **held all the required statutory meetings**, focusing on improving **coordination and collaboration** within the justice sector and driving reforms. The Council approved the draft NCAJ Bill for stakeholders’ engagement. Moreover, it approved its communication strategy to enhance awareness of its mandate and initiatives, build public confidence in the administration of justice, and position the Kenyan justice system as a benchmark for excellence and the rule of law.



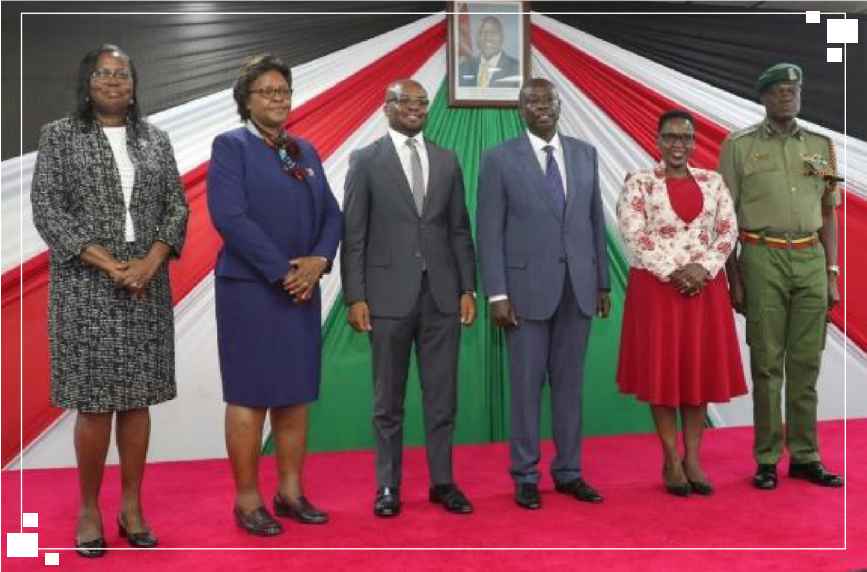
*Participants in the NCAJ Council Retreat held in February 2024.*

The National Council for Law Reporting (NCLR) prepared the 24th Annual Supplement of the Laws of Kenya.



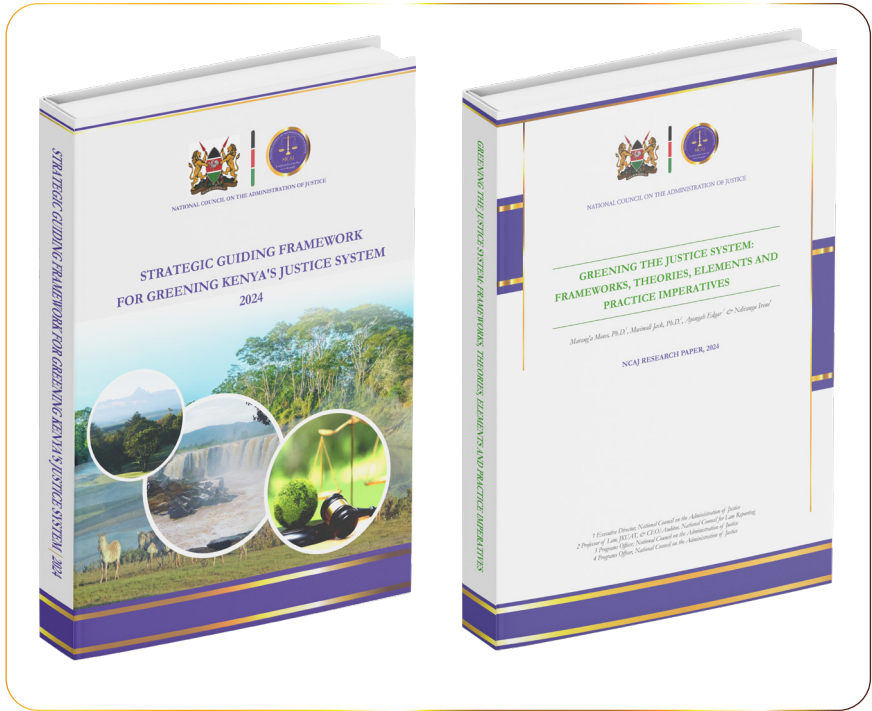
*H.E., the President of the Republic of Kenya and Commander-in-Chief of the Kenya Defence Forces, the Hon. Chief Justice and the Hon. Attorney General during the launch of the Twenty-Fourth Annual Supplement to the Laws of Kenya*

The State Department for Correctional Services held a Correctional Service Week to sensitize the public and stakeholders on *Promoting Holistic Rehabilitation and Reintegration Approaches for Sustainability and Economic Growth*.



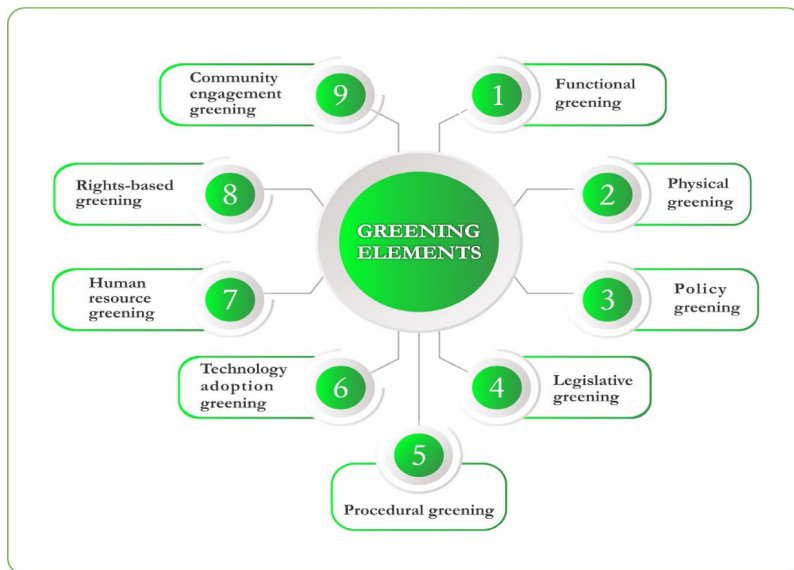
*High-level Participants during Correctional Service Week held in November 2023.*

2.2 Enhanced Climate Action by the Justice System



*A significant achievement was the development of the Strategic Guiding Framework for Greening Kenya's Justice System. This milestone, supported by UNEP, FAO and FIDA-Kenya, also included a study on greening Kenya's justice system.*





*Greening the justice system will focus on implementing diverse programmes for these nine elements.*

## 2.3 Inaugural National Conference on Sexual and Gender-Based Violence

The main goal of the conference was to improve the administration of and access to justice, as well as address issues of SGBV. The conference's published report is available on the NCAJ website.



The Chief Justice



The EU Ambassador to Kenya



PS. Correctional Services



*Some of the participants and panellists during the SGBV Conference held on 17th & 18th October 2023*

## 2.4 Development of Standard Operating Procedures for Service Delivery Initiatives

The procedures aim to guide the effective implementation of Service Delivery Initiatives. They include service days and weeks, open days, Rapid Result Initiatives, case backlog reduction initiatives, prison decongestion exercises, execution of pending warrants, legal aid clinics, customer service initiatives and court circuits.

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

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

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



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







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



*Stakeholder engagement forum on the draft Anti-Corruption Guiding framework for the Justice Sector*





# Chapter 3

## PROGRESS AND REFORMS IN CRIMINAL JUSTICE

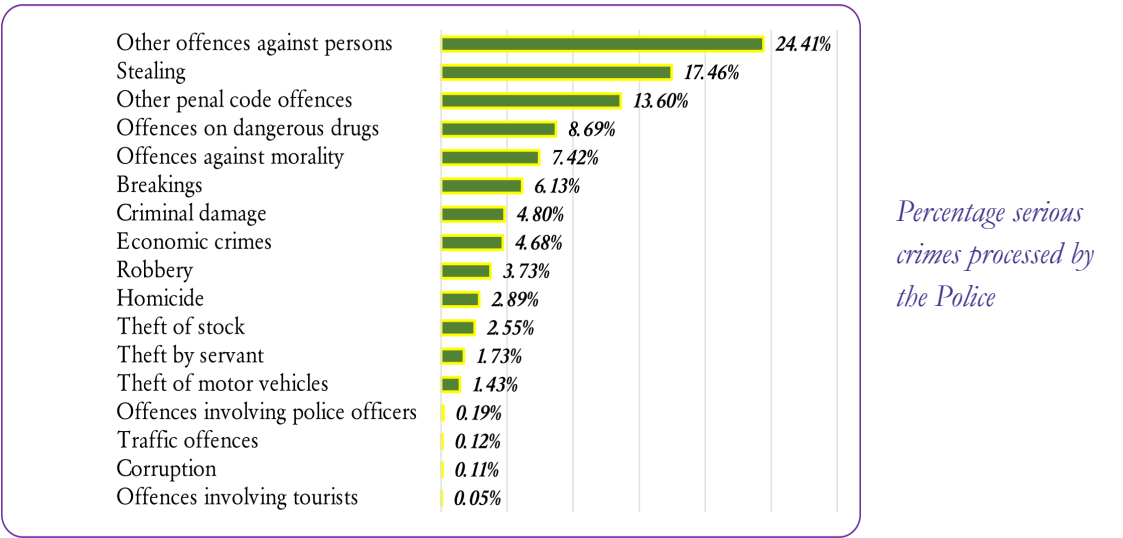
CHAPTER 3: PROGRESS AND REFORMS IN CRIMINAL JUSTICE

3.1 Progress in the Administration of Criminal Justice, FY 2023/24

During the review period, the criminal justice system made significant strides in legal, policy and administrative reforms to improve its effectiveness. A notable milestone was the finalisation of the Penal Code and Criminal Procedure Code draft bills.

3.1.1 Handling of Serious Crimes by the National Police Service (NPS)

The NPS investigated and processed 104,769 serious crime incidents.



3.1.2 Processing of Anti-corruption Matters by the Ethics and Anti-corruption Commission

A total of 5,255 matters were processed by EACC as shown below.

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

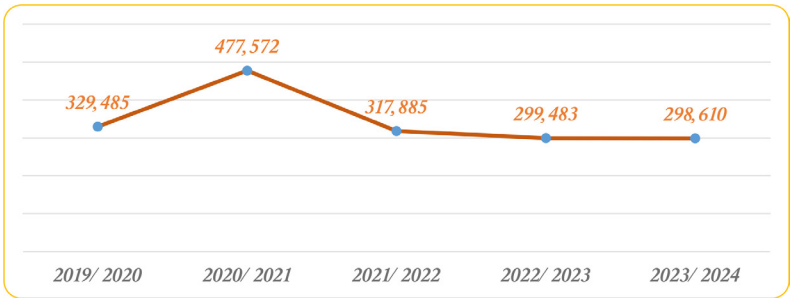
### 3.1.3 Processing of matters by the Independent Policing Oversight Authority (IPOA)

The IPOA handled 1,092 matters in the FY 2023/24.

Matters handled by IPOA FY 2019/20 - 2023/24

Matters Handled	2019/20	2020/21	2021/22	2022/23	2023/24
No. of police operations monitored	76	67	70	122	77
No. of investigations	763	625	781	995	895
No. of Cases Forwarded to ODPP	114	141	135	208	120
Total No. of matters processed	953	833	986	1,325	1,092

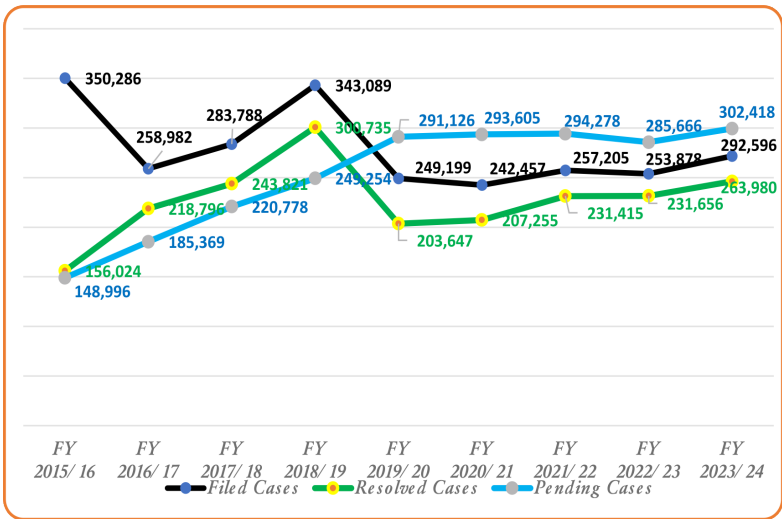
### 3.1.4 Prosecution of Cases by Office of the Director of Public Prosecutions (ODPP)



The ODPP processed **298,610** criminal cases in FY 2023/24.

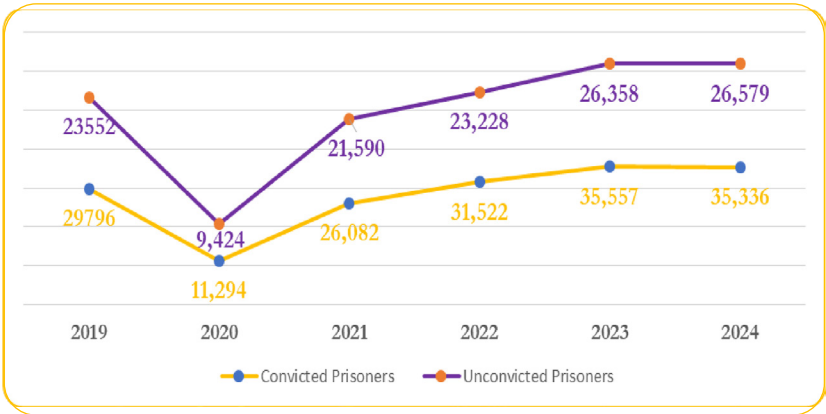
### 3.1.5 Criminal Cases Handled by Courts

292,596 criminal cases were filed in the courts while 263,980 were resolved.



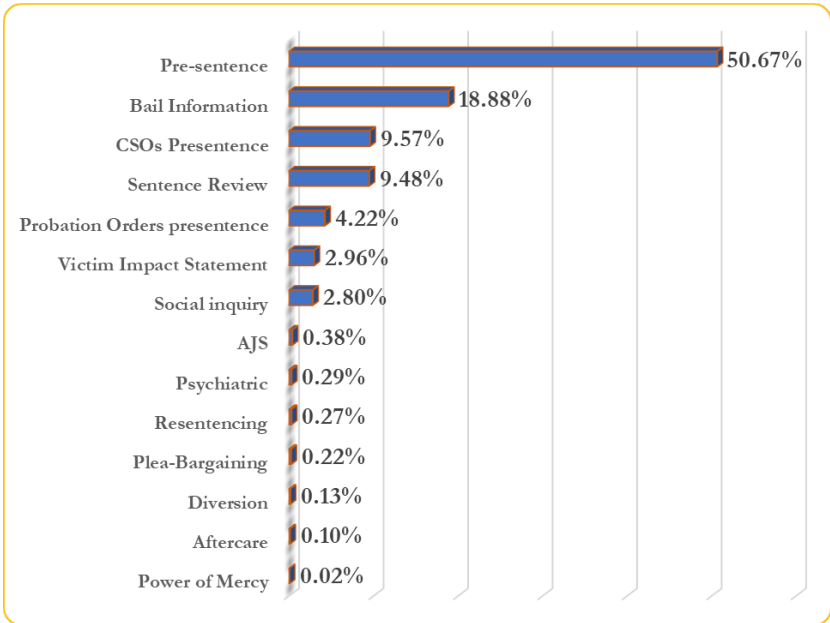
Trend of Criminal Cases Handled by Courts.

### 3.1.6 Committal of offenders to Prisons



*The number of convicted and unconvicted prisoners at the end of FY 2023/24 was 61,915.*

### 3.1.7 Referrals handled by the Probations and Aftercare Services (PACs)



*A total of 68,643 referrals were received by PACs in FY 2023/24.*

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

- 9** major legislative reforms finalised.
- 4** main policy reforms concluded.
- 3** main administrative reforms undertaken.

## 3.3 Research in the Criminal Justice System

The National Crime Research Centre of Kenya carried out four major and crucial studies on the criminal justice sector providing diverse policy and administrative recommendations.



Chapter



## PROGRESS AND REFORMS IN CIVIL JUSTICE

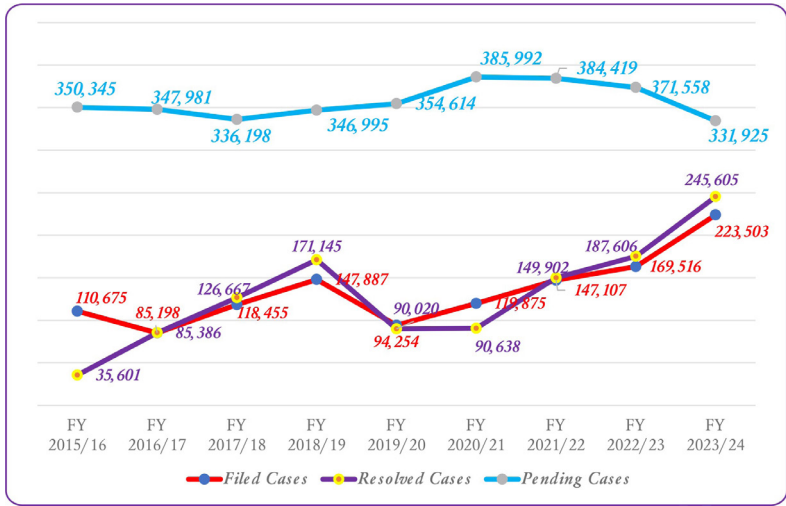


CHAPTER 4: PROGRESS AND REFORMS IN CIVIL JUSTICE

4.1 Progress in the Civil Justice Sector

4.1.1 Civil Litigation in Courts

A total of 223,503 cases were filed in courts in FY 2023/24. Over the same period, 245,605 cases were resolved.



Trend of civil litigation in all courts, FY 2015/16 - 2023/24

- **Environment and Land Justice:** 9,528 environment and land cases were resolved.
- **Commercial Justice:** 3,817 cases were resolved in the Milimani Commercial and Tax Division, while 22,122 cases were resolved in Magistrates’ Courts. Additionally, the Tax Appeals Tribunal finalised 1,083 cases. In the Small Claims Courts, 32,373 cases were concluded.
- **Employment and Labour Relations (ELR) Justice:** 8,014 cases were resolved by the ELR court. Moreover, the Magistrates’ Courts resolved 5,901 cases.
- **Family and Succession Matters:** 9,325 family cases were resolved at the High Court. In the Magistrates’ Courts, 5,796 divorce cases were finalised. Additionally, 30,892 succession cases were resolved in Magistrates’ Courts. Moreover, 1,169 disputes involving children in conflict with the law were concluded.

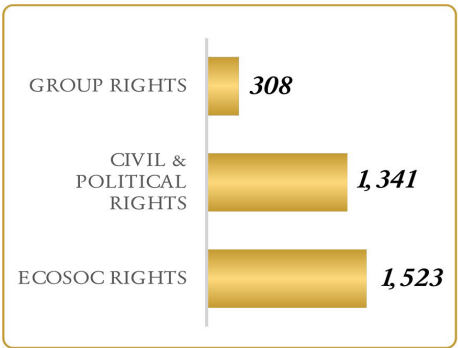
### 4.1.2 Progress in Civil Justice Processes within the Attorney General's Office

During the review period, the Office of the Attorney General concluded 2,897 cases and offered 843 legal opinions to various Ministries, Departments and Agencies. Moreover, it achieved the following:

- **International Law Division:** Issued 843 legal opinions and represented Kenya in five international cases, while coordinating 224 judicial cooperation matters.
- **Department of Justice:** Sensitized 2,400 citizens on governance and electoral processes, and proposed the Policy on Public Participation for citizen involvement.
- **Registrar General:** Registered 60,700 marriages, 456 adoptions and 1,118 associations to promote organized civil society.
- **Legal Advisory & Research Department:** Provided 560 legal opinions to government agencies, enhancing support for implementing the Constitution.
- **Public Trustee:** Managed and finalised 2,896 estates and 1,317 trusts, resolving inheritance disputes and supporting families.
- **Legislative Drafting Division:** Drafted 13 legislative items that were passed by the National Assembly.
- **Civil Litigation Department:** Concluded 2,468 civil and constitutional cases, enhancing government legal representation.
- **In the arbitration,** claims worth of Kshs. 26,777,955 were awarded Kshs. 4,647,535, saving the government Kshs. 22,130,420.

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

a) The KNCHR processed 3,172 new complaints in FY 2023/24.



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

4.1.4 Diverse Achievements on Administration of Justice by the LSK

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

4.2 Legal, Policy and Administrative Reforms in the Civil Justice Sector

- 30 Legislative reforms spearheaded by diverse NCAJ agencies
- 6 policy reforms finalised
- 10 major administrative reforms undertaken





# Chapter 5

## ADMINISTRATION OF JUSTICE FOR THE VULNERABLE GROUPS

## CHAPTER 5: ADMINISTRATION OF JUSTICE FOR VULNERABLE GROUPS

### 5.1 Administration of Justice for Children

#### 5.1.1 Finalisation of the National Strategy on Justice for Children, 2023- 2028

The National Strategy on Justice for Children, 2023- 2028 was finalised.



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

#### 5.1.2 Undertaking of Child Justice Service Month

A total of 9,746 matters were handled in various courts across the country.



*Deputy Chief Justice Philomena Mwilu, inspects a guard of honour during the launch of Service Month, and proceeds to lay the foundation stone for the Child Protection Unit at Mavoko Police Station.*

5.1.3 Holding of International Conference on Child Protection (ICCP)

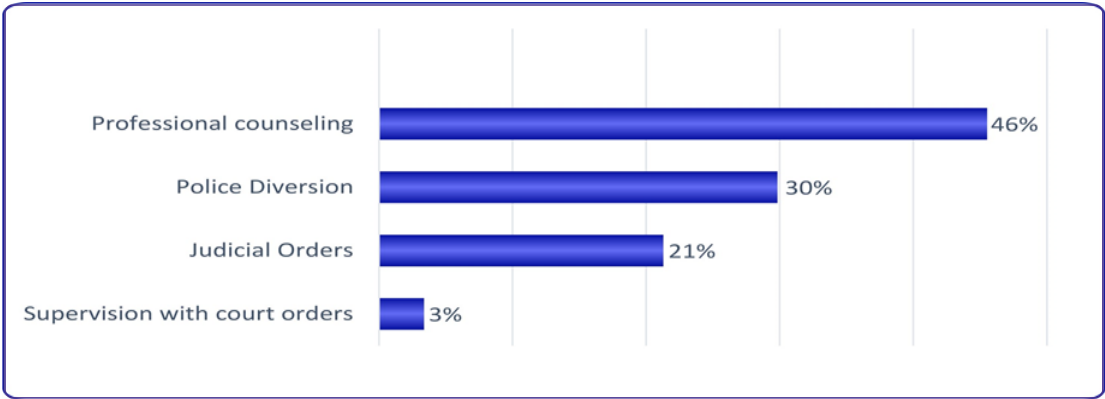
The Directorate of Children Services in collaboration with diverse paretners organised the ICCP in November 2023.



*NCAJ delegates during the Conference*

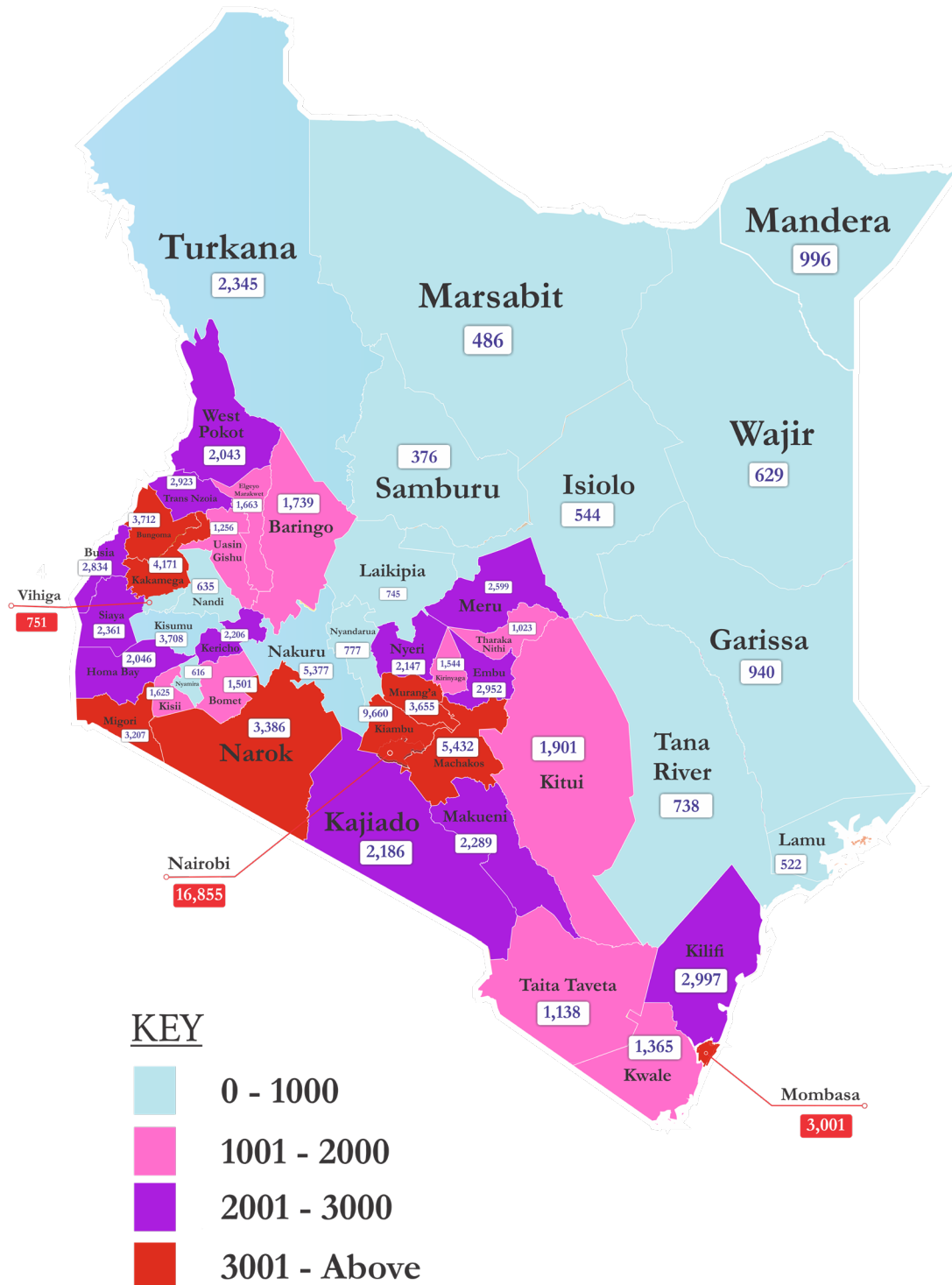
5.1.4 Handling of Children by the Directorate of Children Services

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



**Percentage interventions on violence against children**

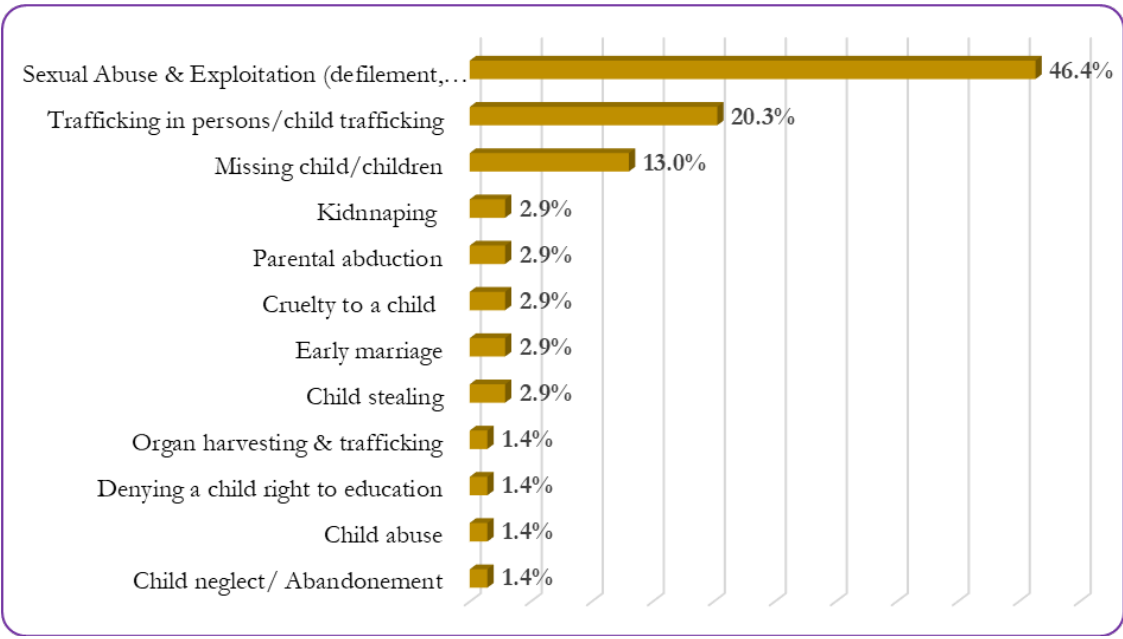
## Cases of violence against children per County, FY 2023/24





### 5.1.5 Investigation of Children-Related Offenses by DCI

The Directorate of Criminal Investigation's Anti-Human Trafficking and Child Protection Unit (AHTCPU) investigated and addressed different types of crimes against children.



Types of cases handled by the AHTCPU in FY2023/24

### 5.1.6 Children Matters Handled by Court

A total of 16,267 new cases were filed and 16,119 were resolved.

### 5.1.7 Other Initiatives in the Child Justice Sector

The NCAJ Standing Committee on the Administration of Justice for Children, in collaboration with UNICEF, undertook training sessions on Investigation and Prosecution of OCSEA for justice sector actors.



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

---

## 5.2 Administration of Justice on Sexual and Gender-Based Violence

- 32,909 SGBV cases were filed in courts with 30,877 being resolved.
- County-specific SGBV laws and policies were developed at Taita Taveta, Wajir, Meru, Nairobi, Embu, Makueni, Nandi, Kisumu, Kakamega and Migori.

## 5.3 Administration of Justice for Intersex Persons

The Intersex Persons Bill, 2024, which seeks to provide recognition, protection, and safeguarding of the rights of intersex persons in Kenya, was finalised and submitted to Parliament.

## 5.4 Administration of Justice for Persons with Disabilities

- The KNCHR, in collaboration with the Ministry of Labour and Social Protection and other partners, launched the Needs Assessment Report for persons with disabilities.
- The ICJ Kenya developed a simplified version of the Access to Justice Manual titled *“Promoting Inclusion and Responding to Justice Needs for Persons with Mental Disabilities”*.
- The Kenya Disability Inclusion Conference was held from 28th to 29th November 2023 at the Kenya School of Government.

## 5.5 Administration of Justice for Persons with Psychological/Mental Illness

The KNCHR developed and submitted to Parliament a memorandum for persons with Psychological/Mental illnesses. The Commission also commemorated Mental Health Awareness Month.

## 5.6 Administration of Justice for other Vulnerable Groups

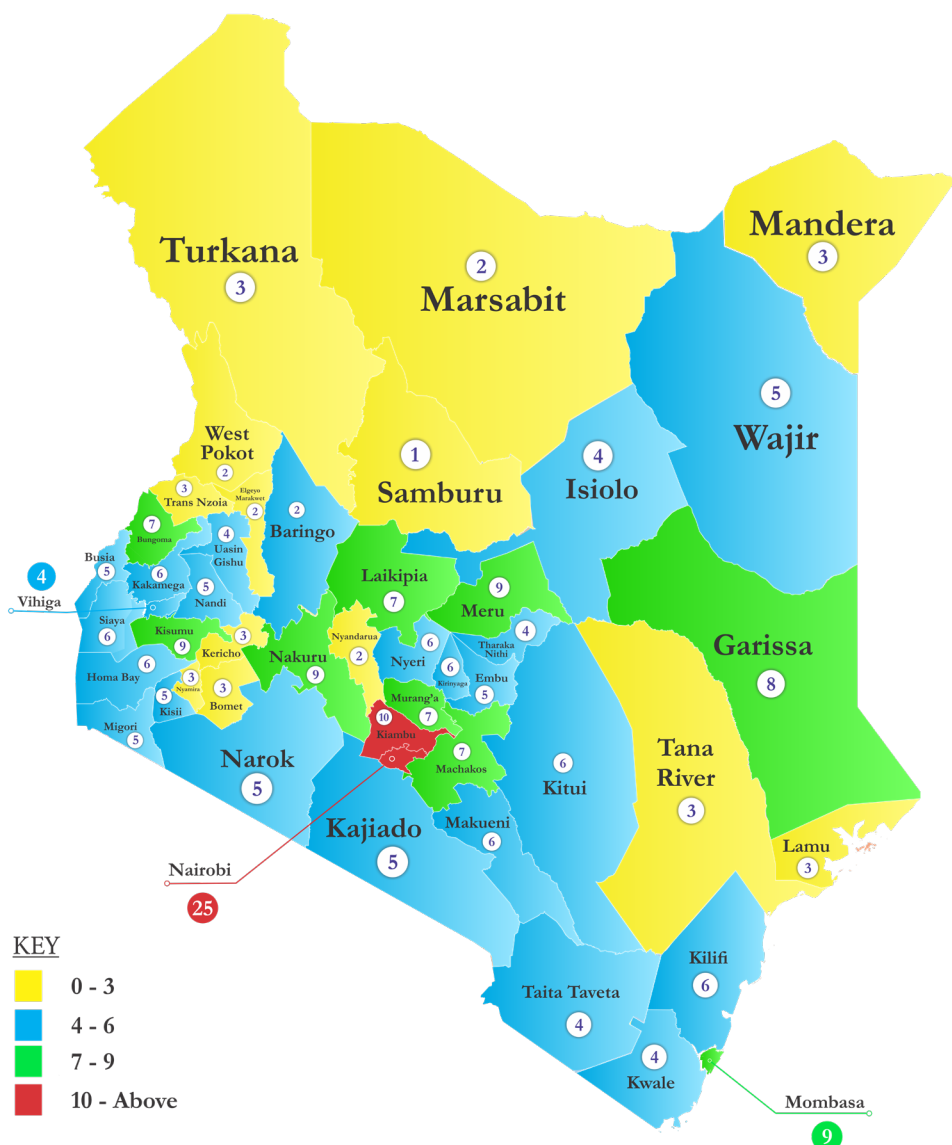
- The Kenya Private Sector Alliance (KEPSA) established a Gender Sector Board to add to its economic sector boards.
- The State Department for Gender and Affirmative Action developed the National Care Policy.
- The Council of Governors supported County Governments in developing social protection policies to respond to the needs of vulnerable and marginalised communities.

Chapter



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

## Number of CUCs Per County



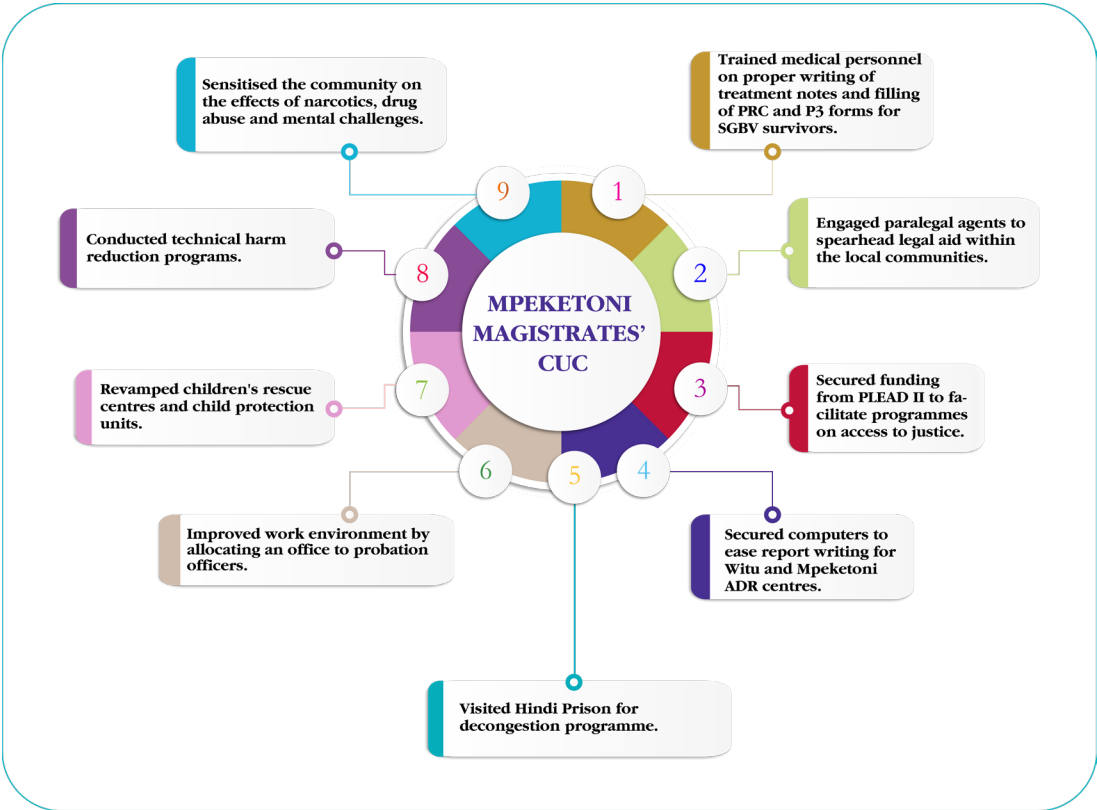


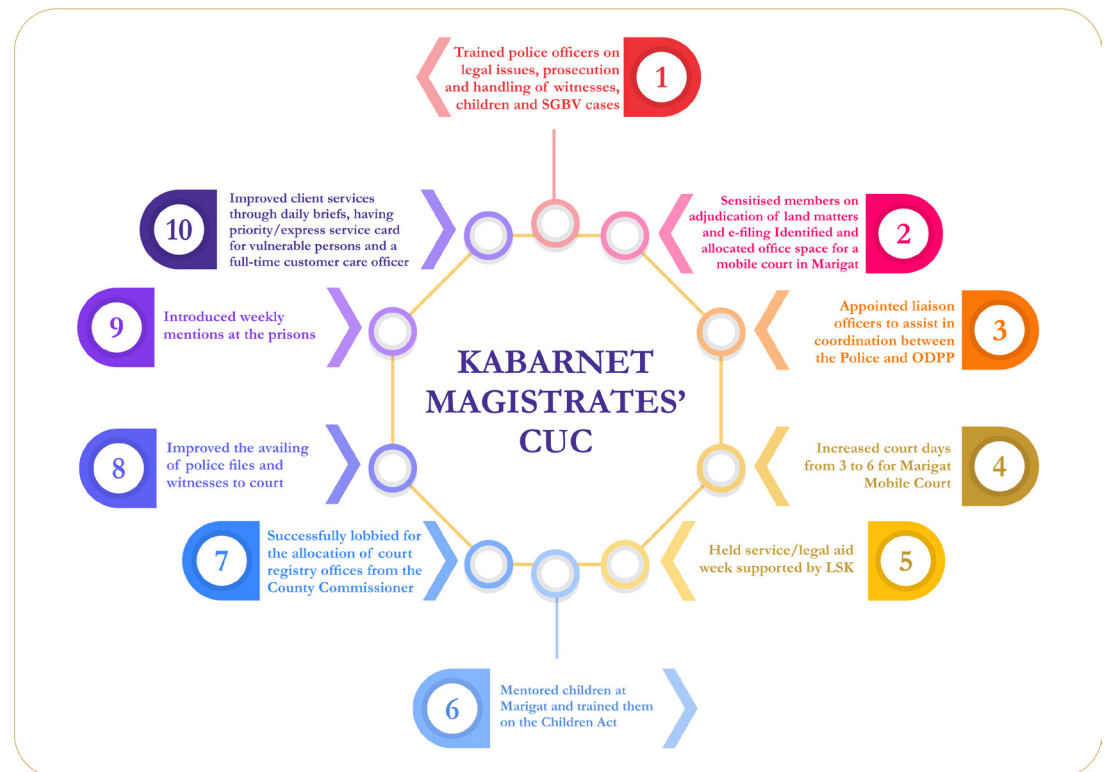
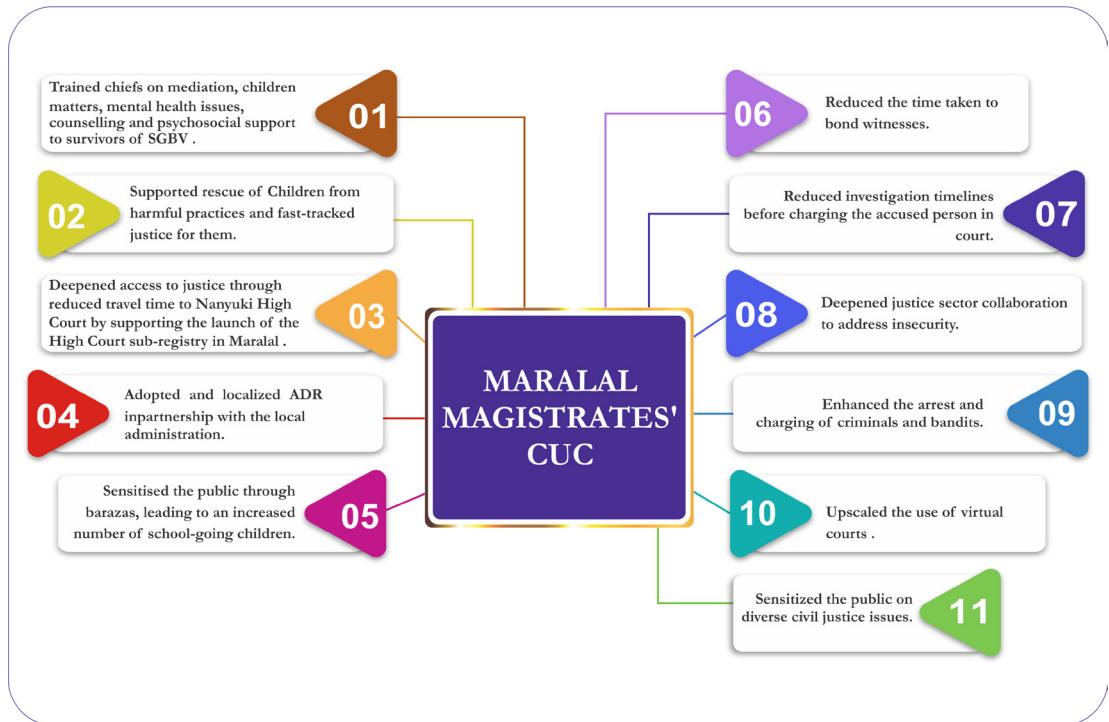
**CHAPTER 6: ADMINISTRATION OF JUSTICE AT THE GRASSROOTS THROUGH COURT USERS' COMMITTEES**

**6.1 Aim and Coverage of CUCs**

The Court Users Committees (CUCs) foster a coordinated, effective, and consultative approach to service delivery at the grassroots. Their strategic focus includes expediting the delivery of justice by addressing case backlogs, reducing delays and enhancing case management practices.

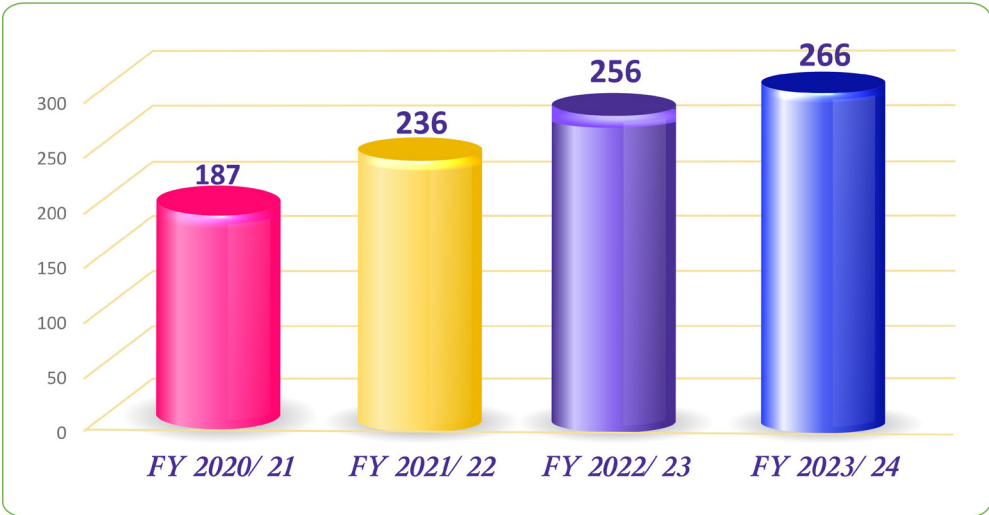
**6.2 Some of the Best Performing CUCs in FY 2023/24**



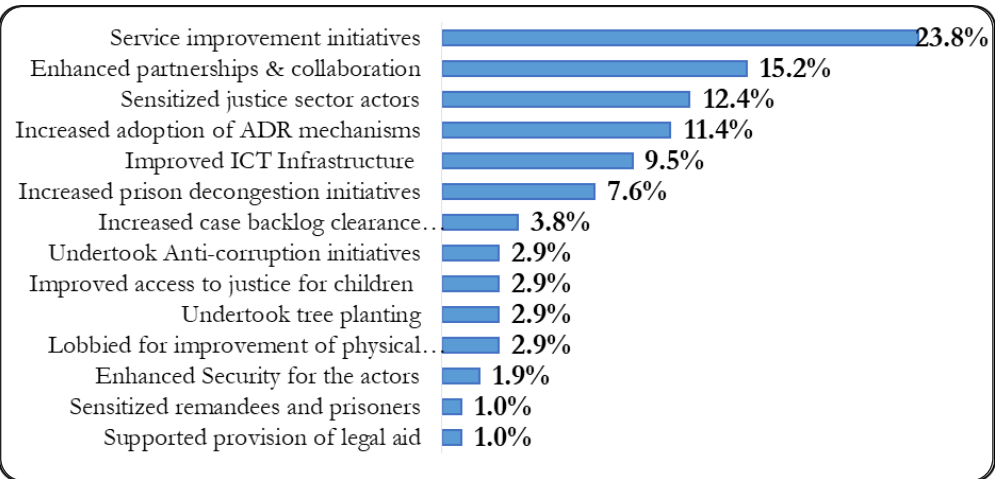


### 6.3 Achievements Realised by Different types of CUCs, FY 2023/24

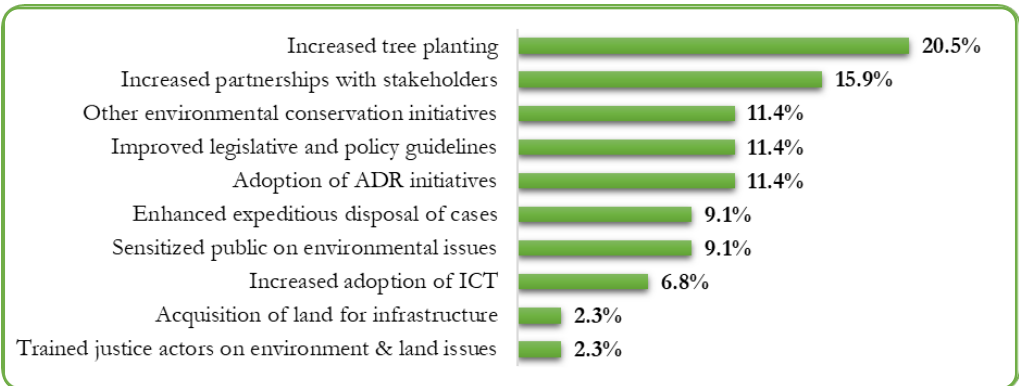
The CUCs increased from **256** in FY 2022/23 to **266** in 2023/24, demonstrating NCAJ's commitment to improving the administration of justice at the local level.



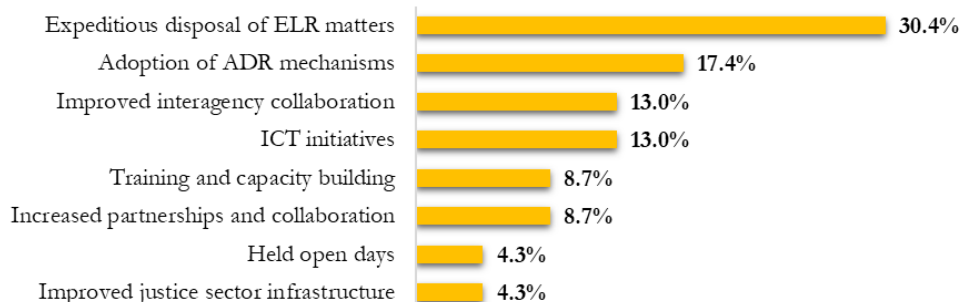
#### Achievements of the High Court/ County CUCs



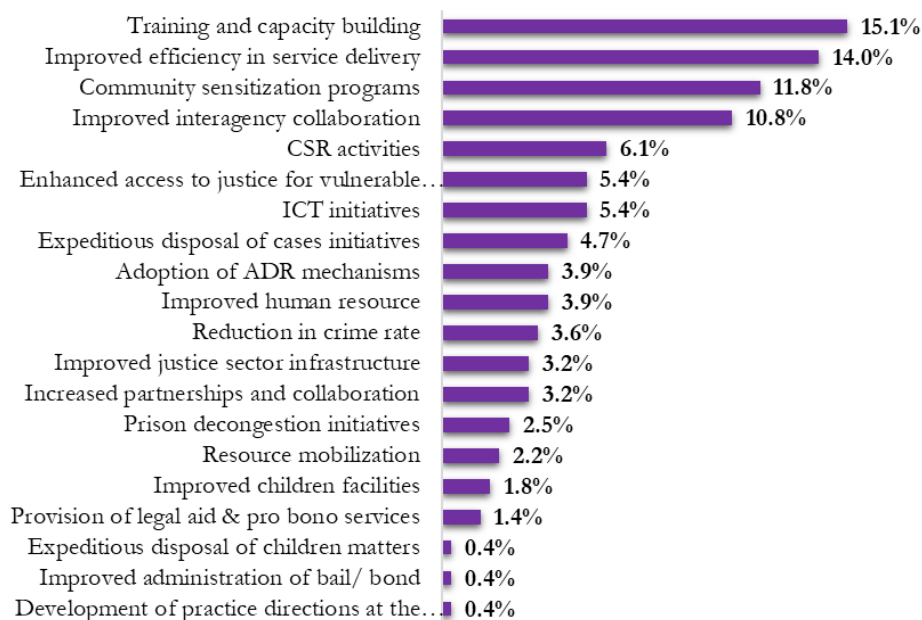
#### Achievements of the Environment & Land (E&L) CUCs



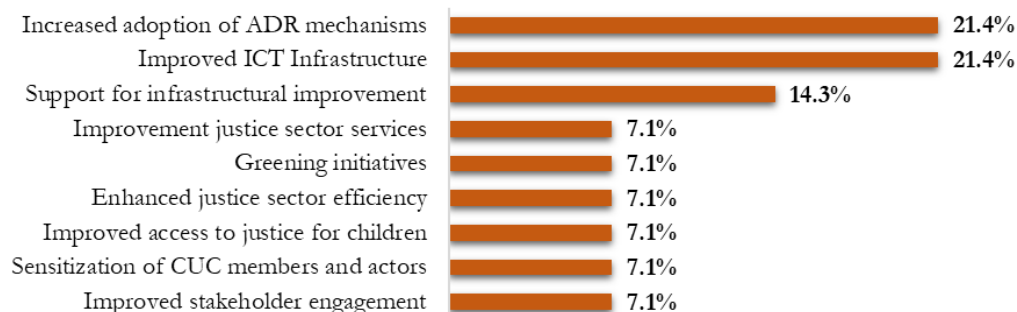
## Achievements of the Employment & Labour Relations (E&LR) CUCs



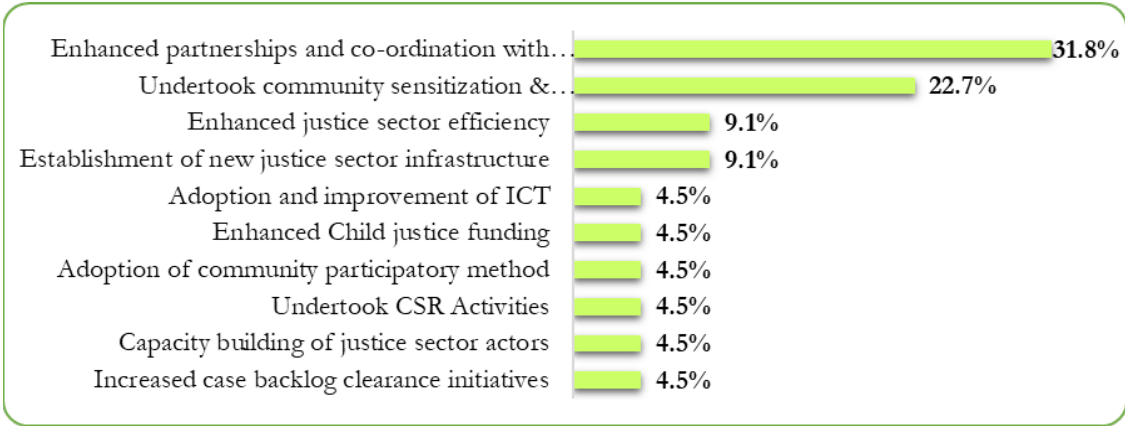
## Achievements of the Magistrates' CUCs



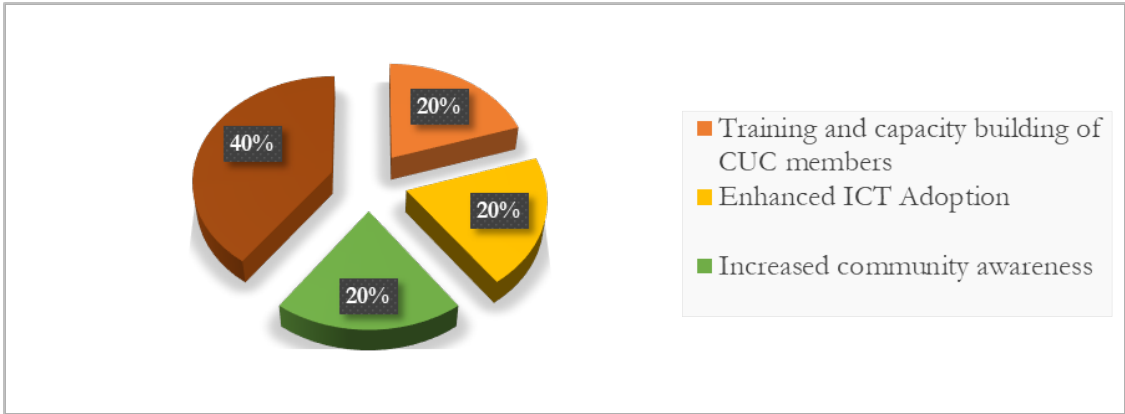
## Achievements of the Kadhis' Court CUCs



### Achievements of the Child Justice CUCs



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



### Achievements Realized by Tribunal’s Users Committee

#### Sports Disputes Tribunal

- Embraced ADR in resolving disputes and handled cases of doping expeditiously.
- Undertook sensitization in collaboration with the Anti-Doping Agency Kenya.
- Sensitized pro bono lawyers on issues of women and sexual harassment in sports.
- Sensitised advocates on prohibited substances, the WADA code, and ADAK rules.
- Engaged in forums to amend the Sports Act 2013 on jurisdiction issues and appeal mechanisms.

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## Rent Restriction Tribunal

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

### 6.4 Development of Specialised CUC Guidelines

Commercial Justice, SGBV and the Environment & Land CUCs' Guidelines were developed.





Chapter



**JUSTICE SECTOR  
CAPACITY AND  
SUSTAINABILITY**

## CHAPTER 7: JUSTICE SECTOR CAPACITY AND SUSTAINABILITY

Effective service delivery in the justice sector is dependent on skilled human resource, adequate infrastructure, digitalization and sufficient funding.

### 7.1 Human Capital Requirements in the Justice Sector

For the justice sector to effectively fulfil its mandate, it is essential to have sufficient qualified staff. At the end of 2023/24 Financial Year (FY), there were **46,707** staff in 19 selected justice sector agencies, which was **26 per cent** below the approved establishment of **62,993**.

### 7.2 Justice Sector Physical Infrastructure Capacity

To enhance the administration and access to justice, having adequate and conducive physical infrastructure for the justice system agencies is crucial.

### 7.3 Justice Sector ICT Capacity

Throughout the review period, various digitisation initiatives were implemented, including the acquisition of **2,309** computers and laptops.

The NCAJ Working Committee on ICT reviewed the Policy and Legal Environment for Justice Sector Digitalization and developed the draft justice sector ICT Action Plan.



*Members of NCAJ Working Committee on ICT led by Hon. Justice Isaac Lenaola, Supreme Court Judge, during a working retreat in September 2023.*



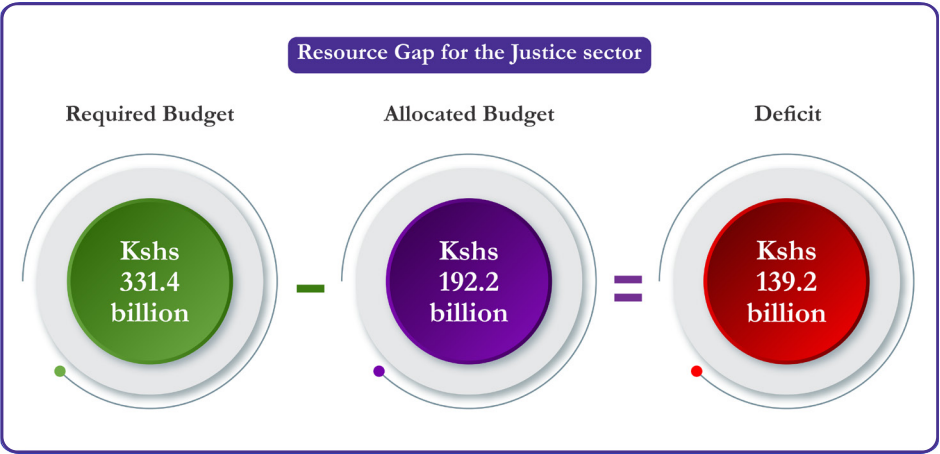
# Chapter 8

## NCAJ FINANCIAL RESOURCES AND UTILISATION

CHAPTER 8: JUSTICE SECTOR FINANCIAL RESOURCES FOR FY 2023/24

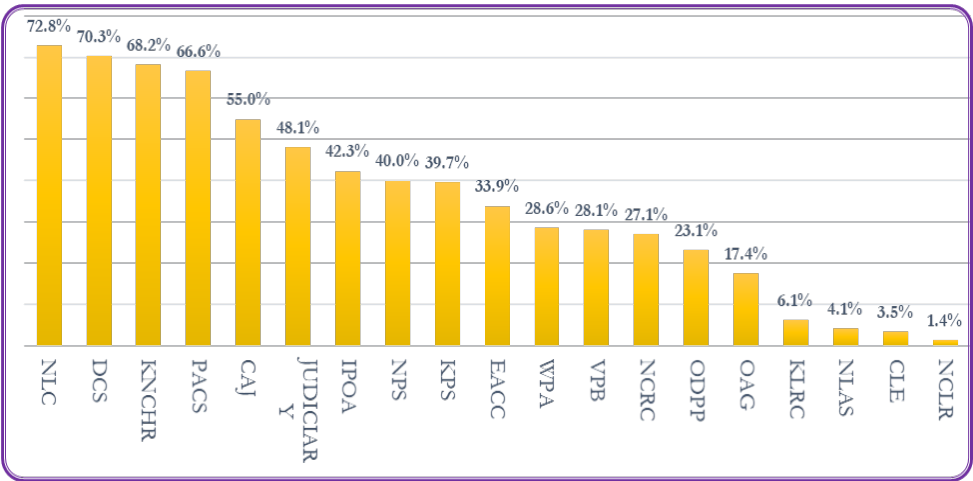
8.1 Required Resources and the Approved Budget

The justice system requires adequate financial resources to fulfil its mandate and provide high-quality services. In FY 2023/24, the NCAJ agencies required **KShs 331.4 billion** to efficiently and effectively administer justice, an increase from **KShs 293 billion** in the previous period. Over the same period, the GOK-approved budget for NCAJ agencies was **KShs 192.2 billion**, representing **4.3 per cent** of the national budget.



8.2 Budget Utilisation by NCAJ Agencies

In FY 2023/24, the budget allocated towards the administration of justice for select NCAJ agencies amounted to **KShs 192.2 billion**. Over the same period, the total expenditure was **KShs 185 billion**, implying an absorption rate of **96 per cent**.



Percentage Funding Gap for Select NCAJ Agencies

Source: NCAJ analysis from Agency Submissions



# Chapter 9

## PRIORITY PROGRAMMES AND ACTIVITIES ON ADMINISTRATION OF JUSTICE FOR FY 2024/25



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## **CHAPTER 9: PRIORITY PROGRAMMES AND ACTIVITIES ON ADMINISTRATION OF JUSTICE FOR FY 2024/25**

The justice system priority programmes for the FY 2024/25 are numerous. They have been drawn from the NCAJ Strategic Plan 2021-2026, Council decisions, agency-specific strategic plans and priorities, and inputs from analysed CUCs minutes.

### **9.1 Programmes and Activities on Council Coordination and Leadership**

- Deepen partnerships and collaborations with Justice Sector Agencies.
- Engage stakeholders on the NCAJ Bill.
- Hold statutory NCAJ meetings and timely implement actions.
- Assess and deal with emerging issues that may affect the efficient administration of justice.
- Develop a justice sector ICT Governance Structure Framework or Action Plan.
- Sensitize the justice sector on the Standard Operating Procedures for Service Delivery Initiatives.
- Develop people-centred justice guide and study for Kenya's justice system.
- Engage and partner with diverse stakeholders for heightened technical and financial support.
- Update and harmonise existing operational manuals.
- Enhance public engagement and civic education.
- Strengthen complaints handling procedures and legal aid clinics.
- Partner with the Council of Governors in establishing legal resource centers.
- Strengthen Alternative Dispute Resolution Mechanisms.
- Engage the National Assembly in supporting the justice sector's legislative reforms.
- Strengthen Mahakama Popote and other service delivery innovations across the justice chain.

### **9.2 Programmes and Activities on Criminal Justice Reforms**

- Lobby with the National Assembly on enacting the Penal Code Amendment Bill and the Criminal Procedure Code Amendment Bill.
- Develop the Anti-Corruption Guiding Framework (ACGF) for Kenya's justice system.
- Finalize guidelines for hearing corruption and economic crime cases in Magistrates Courts.
- Strengthen investigation and prosecution of corruption and economic crimes cases.
- Convene the National Criminal Justice Reforms Conference for the year.
- Sensitize the justice sector actors on the revised Sentencing Policy Guidelines (SPGs) 2023.



- Engage stakeholders in the revision of NPS Standing Orders.
- Finalise the training manual on handling youth in the Criminal Justice System.
- Conduct legal aid clinics in different parts of the country.
- Review Traffic Act and policies, develop guidelines on instant fines and processing of traffic cases and enhance public awareness on the effective administration of justice on traffic cases.
- Strengthen the resolution of disputes through Alternative Dispute Resolution Mechanisms.
- Implement Community Probation Volunteer Program.
- Enhance community justice dialogues between actors and ‘Wanjiku’.
- Undertake prisons decongestion and provide legal aid in prisons.
- Enhance awareness and intervention on emerging and pressing criminal justice issues, such as rights observance, constitutionalism, and victim protection.
- Enhance access to mental health services for employees, victims, accused persons and convicts.

### 9.3 Programmes and Activities on Civil Justice Reforms

- Undertake a study or map priority civil justice reforms, align them with emerging realities of civil practice and develop an action plan.
- Initiate legal, policy and administrative reforms concerning civil justice covering among others, land justice, employment and labour justice, and handling of succession cases.
- Strengthen the NCAJ civil justice standing committee to reform the civil justice.
- Digitize the case management system within the OAG & DOJ to strengthen the defence of government in civil matters locally, regionally and internationally.
- Develop a strategy to ensure government agencies comply with court orders.
- Coordinate effective processing and dissemination of legal information on civil justice.
- Undertake civil justice service weeks, rapid result initiatives and active case management among other interventions to address civil case backlog.
- Prepare the 25th Annual Supplement of Laws of Kenya and National and County legislations.
- Publish Kenya Law Digests, specialized case digests and Annual Law Review Journal.
- Enhance the adoption of Alternative Dispute Resolution Mechanisms in the civil justice sector.
- Prepare periodic reports to treaty body mechanisms that Kenya is a party to.

## 9.4 Programmes and Activities for Strengthening CUCs

- Finalize and disseminate updated CUC Guidelines.
- Analyse administration of justice issues that may require reforms from CUCs minutes of the FY 2023/24 and present to the Council.
- Sensitize CUCs on some of the emerging issues from the FY 2023/24 CUC reports.
- Finalize the development of Monitoring and Reporting System for CUCs and train users.
- Undertake Spot checks on operations, programmes and emerging issues.
- Increase the establishment of CUCs in court stations up to six (6) per cent and appraise them on expectations and operations.
- Increase the frequency of CUC forums or meetings held nationally by 10 per cent.
- Engage partners in the justice sector to address specific rights issues.
- Expand commercial court services to handle the growing number of business-related disputes.
- Promoting the use of Alternative Dispute Resolution (ADR) for expeditious resolution of business disputes, especially for SMEs.
- Support the capacity building and convening of CUCs.
- Develop a National Strategy for CUCs.
- Train National Government Administration Officers (NGAO) on emerging justice sector issues.
- Establish gender-specific and child-holding cells in courts and police stations.
- Coordinate the undertaking of Service Delivery Initiatives (SDIs) on different thematic areas including environment and land, child justice, succession matters, commercial justice, employment and labour relations, among others.
- Monitor the activities of CUCs to assess compliance with mandate delivery.

## 9.5 Programmes and Activities for Enhancing Access to Justice for Vulnerable Groups

### *Enhancing administration and access to justice on Sexual and Gender-Based Violence*

- Develop a policy on the prevention and response to SGBV.
- Establish safe houses for victims of SGBV.
- Implement diverse recommendations of the SGBV Conference Report.
- Develop an Amendment Bill of the Sexual Offences Act.
- Develop a Justice Sector Strategy on SGBV.

### *Enhancing administration and access to justice for children*

- Gazette and implement Rules and Regulations on the Children Act, CAP 141.
- Undertake sector-wide sensitization on the Children Act, CAP 141, the Report on Budgeting for Children, Children's Rights, Throughcare and Aftercare Guidelines for Children in Statutory Institutions and Online Child Sexual Exploitation and Abuse.
- Implement the recommendations on the National Strategy on Justice for Children.
- Develop a national framework for the diversion of children in conflict with the law in Kenya.
- Develop guidance on the Examination of Children in the justice system.
- Hold the Annual National Child Justice Service Month and Summit.
- Undertake child justice research and develop a child justice case digest.
- Train children officers on the Child Protection Information Management System.
- Strengthen Child Protection Units (CPUs) and Child-Friendly courtrooms.
- Develop an age-assessment guide for children in the justice sector.

### *Cross-cutting priorities for enhancing the administration of justice for vulnerable persons*

- Raise awareness of the need to observe human rights for vulnerable persons.
- Train the justice actors on handling vulnerable persons, including trauma-informed care.
- Provide legal aid to indigent, vulnerable and marginalised persons.
- Strengthen the provision of pro-bono services for vulnerable groups in the justice system.
- Conduct a needs assessment for vulnerable groups, including fact-finding missions, investigations and rescues of vulnerable groups.
- Provide psychosocial support to vulnerable groups.
- Support clients and employees with special needs in the justice system.
- Conduct advocacy forums on special interest groups and human rights.
- Train paralegals on access to justice for vulnerable and marginalised groups.

## 9.6 Programmes and Activities on Justice Sector Monitoring and Evaluation

- Finalise and disseminate the Standard Operating Procedures (SOPs) for undertaking justice sector Service Delivery Initiatives (SDIs), and sensitise agencies.
- Prepare the Annual Administration of Justice in Kenya Annual Report for FY 2023/24 and regularly appraise the Council on progress.
- Finalise and disseminate the Strategic Guiding Framework for Greening Kenya's Justice System and study, and sensitise agencies on climate action, sustainability and greening.
- Undertake justice sector clients satisfaction survey to enhance accountability to wanjiku
- Organise justice sector M & E and data-sharing conference.
- Train NCAJ Secretariat staff on monitoring, evaluation and data analysis.
- Conduct periodic research on diverse emerging issues in the administration and access to justice.
- Develop justice sector monitoring, evaluation, learning and performance guidelines.
- Monitor and report on implementation of the NCAJ Strategic Plan (2021-2026).

## 9.7 Programmes and Activities on Capacity Improvement in the Justice Sector

### *Strengthening Human Resource Capacity*

- Increase capacity building for justice sector employees on emerging issues to enhance their skills, expertise, and competencies.
- Review and align career progression guidelines to foster strategic career development for justice sector employees.
- Recruit, train and provide essential physical infrastructure and ICT equipment to NCAJ secretariat's staff to improve their capabilities and support to the Council.
- Recruit adequate staff for the justice sector agencies.
- Enhance employee compensation and retention measures.
- Revamp welfare programs to increase justice sector employees' motivation.

### *Improvement of ICT Capacity*

- Develop and implement sectoral ICT policies and plans.
- Integrate ICT Systems among the various justice sector institutions.
- Upgrade existing software with new technologies like AI.
- Roll out the Enterprise Resource Planning (ERP) system in justice sector agencies.
- Upgrade internet services by adopting fibre services.
- Monitor, upgrade and improve ICT systems and operations for the agencies.
- Make the ICT systems more robust and secure.
- Upgrade storage servers and backup for justice sector agencies.
- Purchase computers, laptops, printers, scanners and photocopiers for the employees.
- Create a justice sector ICT curriculum to build the capacity of justice sector actors.

- Develop guidelines for the use of technology in the delivery of justice.
- Coordinate the uptake of technology within the justice sector.
- Develop a monitoring framework for implementing ICT guidelines across the justice sector.
- Initiate the development of a digital evidence management system in the justice sector to secure evidence, its storage, and transmission.
- Strengthen public awareness of ICT adoption, including e-filing and virtual attendance at justice sector agencies' offices.

### *Improvement of the Physical Infrastructure*

- Increase budgetary allocation for constructing new infrastructure, upgrading existing facilities, procuring motor vehicles and other essential amenities.
- Complete ongoing constructions in various justice sector institutions and build customised containerised offices as a short-term measure.
- Engage the National Treasury and National Assembly on additional funding to support infrastructural improvements.
- Embrace Public Private Partnerships in infrastructure development programs.
- Equip the newly acquired offices with all the adequate office equipment.
- Document all justice sector agencies' land with assistance from relevant agencies.
- Assess government buildings across to determine their suitability to hold critical offices.
- Establish more offices to decentralise services.

## **9.8 Programmes and Activities for Enhancing the NCAJ and Justice Sector Financing**

- Analyse the financial requirements and shortfall for the justice sector and engage the National Treasury and JLAC on increasing NCAJ funding.
- Engage diverse partners on the potential and continued partnership in the administration of justice initiatives, primarily technical, programmatic and financial support.
- Finalise the development of the NCAJ Resource Mobilization Strategy and train the NCAJ secretariat on resource mobilisation.

## **9.9 Conclusion**

The NCAJ and its agencies made significant progress in the administration and access to justice in FY 2023/24. However, several challenges were experienced, including delays in the criminal justice system processes, particularly the investigation, prosecution and trial and overcrowding of prison facilities. Other challenges include low integration of justice sector systems, insufficient office space and inadequate staffing and budget. To address these challenges, the NCAJ aims to upscale its coordination mechanisms and reform agenda. With sufficient funding and strengthened partnerships and collaboration, NCAJ and its agencies are optimistic and committed to achieving the FY 2024/25 goals.



NATIONAL COUNCIL ON THE ADMINISTRATION OF JUSTICE









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# ADMINISTRATION OF JUSTICE IN KENYA ANNUAL REPORT

2023 - 2024

*Abridged Version*

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*A unified justice sector serving the people in Kenya.*

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