



ADMINISTRATION OF JUSTICE IN KENYA ANNUAL REPORT

2022 - 2023

Abridged Version



NATIONAL COUNCIL ON THE ADMINISTRATION OF JUSTICE
(NCAJ)



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NATIONAL COUNCIL ON THE ADMINISTRATION
OF JUSTICE (NCAJ)

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The preparation and launch of this report was supported by:



OFFICE OF THE ATTORNEY GENERAL
AND DEPARTMENT OF JUSTICE



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IJM



**CENTER for
REPRODUCTIVE
RIGHTS**



Equality Now
A just world for women and girls



VISION

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



MISSION

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



VALUES

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



Word from the Chairperson

The Administration of Justice in Kenya Annual Report 2022-2023 documents various people-centred achievements and outlines the priority programs for the justice sector's transformation. These programs align with the National Agenda articulated in Kenya's Vision 2030, and are consistent with international commitments and laws that aim to promote a peaceful and inclusive society.

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



Word from the Vice- Chairperson

Having a coordinated and collaborative justice system that serves the people of Kenya is crucial for the rule of law. I urge all NCAJ institutions and partners to unreservedly strengthen partnerships for effective administration of justice in Kenya.

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



Word from the Hon. Attorney General

The Administration of Justice in Kenya Annual Report is prepared in keeping with the requirements of Section 37 of the Judicial Service Act, 2011. Going forward, a renewed focus on civil justice reforms will be a norm while upholding the rule of law and ensuring justice for all.

Hon. Justin B. N. Muturi, EGH,
The Attorney General



Word from the Inspector General of Police

The justice sector will continue to enhance the observance of the rule of law, especially for the most vulnerable members of the society. Since the administration of criminal justice commences upstream, the NPS commits to improved efficiency through timely investigations and apprehension of offenders.

Japhet N. Koome, EBS, HSC 'ndc'(K),
Inspector General, National Police Service



Word from the Commissioner General of Prisons

The NCAJ will continue to strengthen the frameworks for coordination and reforming the justice sector. The rehabilitation of offenders to avoid recidivism will remain a priority for the justice sector.

Brig. (Rtd) John K. Warioba, EBS,
Commissioner General of Prisons



Word from the Ag. Secretary, Probation and Aftercare Services

I applaud state and non-state justice sector actors for their tremendous achievements in FY 2022/23. Downstream at the trial and post-trial levels, we will strengthen the probation and reintegration of offenders for national prosperity.

Dr. Christine Obondi,
Ag. Secretary, PACS



Word from the President of the Law Society of Kenya

The NCAJ will continue to employ a multi-agency approach to bring meaningful change to the administration of justice in Kenya. Together, we can move towards a more just and peaceful society that adheres to the tenets of laws.

Mr. Eric Theuri,
President, LSK



Word from the Secretary

The myriad achievements by NCAJ in FY 2022/23 could not have been possible without the unwavering support of the Council, Working Committees, NCAJ Secretariat and CUCs. I sincerely appreciate all the justice sector agencies and partners for their invaluable contributions. Special appreciation goes to the Committee that diligently prepared this Report.

Anne A. Amadi, CBS,
Chief Registrar of the Judiciary & Secretary, NCAJ



Word from the Executive Director

Whereas many meaningful strides and achievements were realised in the administration of justice in FY 2022/23, there have been challenges and valuable lessons learnt. With adequate technical and financial support, the NCAJ and justice sector players will prioritise the programmes identified for implementation in FY 2023/24.

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

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CHAPTER 1: COORDINATION AND LEADERSHIP IN THE JUSTICE SECTOR

Background

To entrench an efficient and people-centred justice system, the National Council on the Administration of Justice (NCAJ) was established as an umbrella body to coordinate the administration of justice in Kenya and spearhead reforms in the justice system. Pursuant to the requirements of the Judicial Service Act (No. 1 of 2011), the NCAJ is required to prepare an Annual Report on the Administration of Justice in Kenya, that is eventually submitted to the National Assembly. This is an abridged version of the FY 2022/23 Report.

Establishment and Mandate of NCAJ

The NCAJ is established under Section 34 of the Judicial Service Act, 2011 as a high-level policymaking and implementation body mandated to ensure a coordinated, effective, efficient and consultative approach to the administration of justice in Kenya.



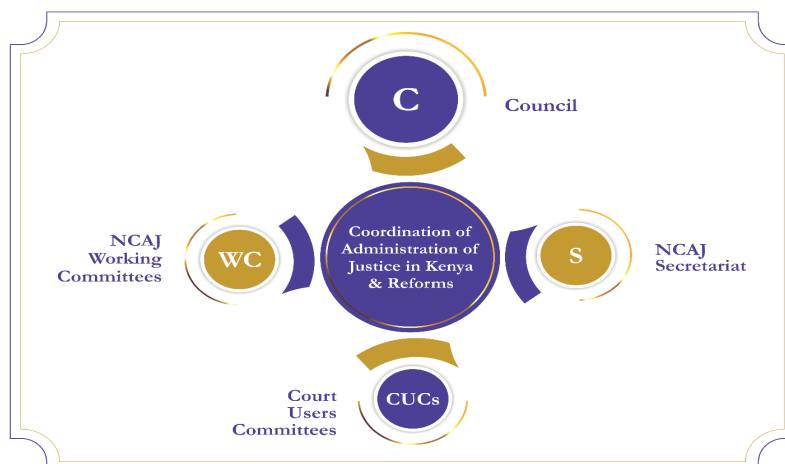
Composition and Structure of NCAJ

The NCAJ comprises many institutions, some expressly provided for in the statute, while others are co-opted. As per Section 34 of the Judicial Service Act, 2011, NCAJ has 16 members, namely:

- a. The Chief Justice as the Chairperson;
- b. The Cabinet Secretary for the time being responsible for matters relating to the Judiciary;
- c. The Attorney General;
- d. The Director of Public Prosecutions;
- e. The person, for the time being, exercising command over the National Police Service;
- f. The Commissioner General of Prisons;
- g. The Chairperson of the Law Society of Kenya
- h. The Principal Secretary for the time being responsible for matters relating to the Cabinet and the public service;
- i. The Principal Secretary for the time being responsible for matters relating to gender, women and children's affairs;
- j. The Principal Secretary for the time being responsible for matters relating to labour, environment and land;
- k. The Director of Witness Protection Agency;
- l. The Director of Probation and After-care Services;
- m. A representative of an organisation or association dealing with human rights issues and the provision of legal aid to women;
- n. A representative of an organisation or association dealing with human rights issues and the provision of legal aid to children;
- o. A representative of the private sector; and
- p. A representative of Non-Governmental Organisations dealing with human rights issues and the provision of legal aid.

Structure of NCAJ

The NCAJ comprises the Council, Working Committees, the Secretariat and CUCs.



Notable Achievements on Coordination of the Justice Sector, FY 2022/23

The NCAJ spearheaded the coordination of Kenya's justice sector on preparedness for the General Elections held in August 2022.



Mr. Noordin Haji (the then Director of Public Prosecutions & Vice Chairperson of NCAJ), together with Mr. Wafula Chebukati (the then Chairperson of IEBC & Chairperson of the NCAJ Ad-hoc Committee on Election Preparedness) and other Council members during a press briefing on NCAJ's support and preparedness to peaceful August 2022 elections.

A notable achievement by the NCAJ in FY 2022/23 was the preparation of the Inaugural Administration of Justice in Kenya Annual Report 2021-2022.



H.E. Dr. William Samoei Ruto, CGH, President of the Republic of Kenya, graced the occasion of the launch of the Inaugural Administration of Justice in Kenya Annual Report, 2021-2022

CHAPTER 2: PROGRESS AND REFORMS IN CRIMINAL JUSTICE

Crucial Criminal Justice Legal and Policy Reforms, FY 2022/23

- The NCAJ undertook a holistic review of the Penal Code and Criminal Procedure Code to align both statutes with the provision of the Constitution of Kenya, 2010.
- The NCAJ developed Sentencing Policy Guidelines (2023).



**Sentencing Policy
Guidelines (2023)**

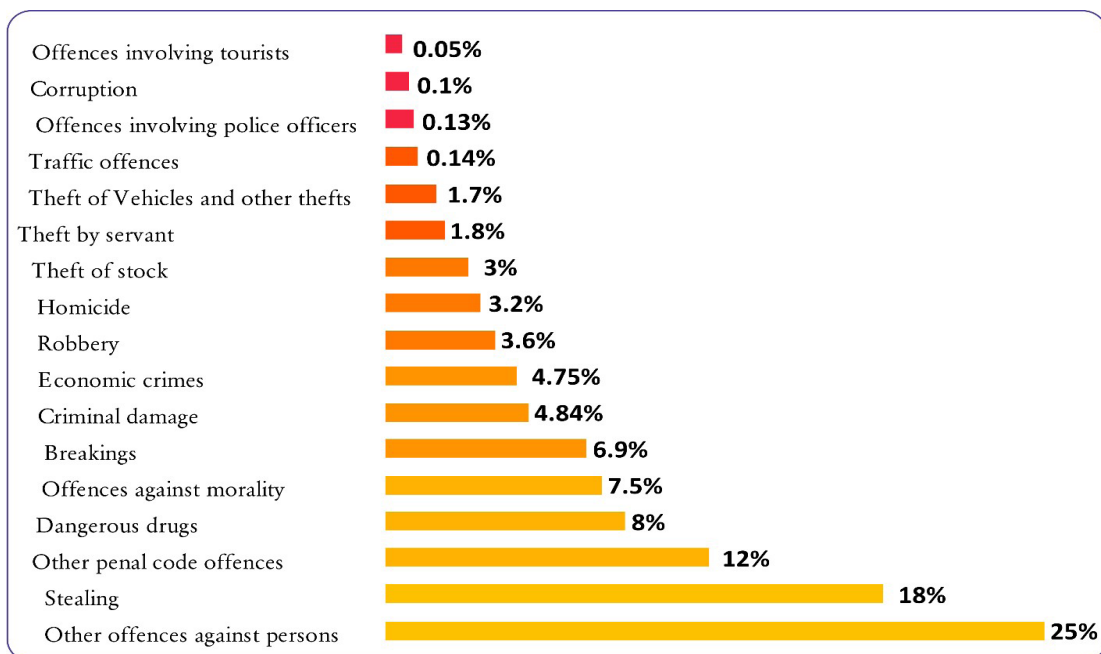
The Guidelines aim to standardise the sentencing processes and procedures in Kenya's criminal courts and provide a framework within which Judges and Magistrates can exercise their discretion in a manner that is objective, accountable, transparent, proportionate and respectful of the human rights of all concerned parties.



Members of the NCAJ Committee on Criminal Justice Reforms (NCCJR) and the NCAJ Technical Committee during the review and validation meeting for the revised Sentencing Policy Guidelines in January 2023

Handling of Serious Crimes by the National Police Service: *The NPS processed 97,301 serious crime incidents during the period under review.*

Percentage serious crimes reported and processed by the police by type, FY 2022/23



Processing of Anti-corruption Matters by the Ethics and Anti Corruption Commission (EACC): *A total of 5,349 reports were processed by EACC in the FY 2022/23*

Matters handled by EACC FY 2018/19 – 2022/23

Matters Handled	2018/19	2019/20	2020/21	2021/22	2022/23
1) Reports for investigation	3,482	2,221	2,032	1,916	1,952
2) Reports referred to public organizations	921	448	391	496	525
3) Reports pending more information	226	125	73	162	121
4) Complainants advised on where to report	3,803	2,308	1,621	1,652	1,745
5) Reports Terminated	876	814	777	822	909
6) Reports forwarded to ODPP	234	163	103	283	97
Total Matters Processed	9,542	6,079	4,997	5,331	5,349

Processing of matters by the Independent Police Oversight Authority (IPOA).

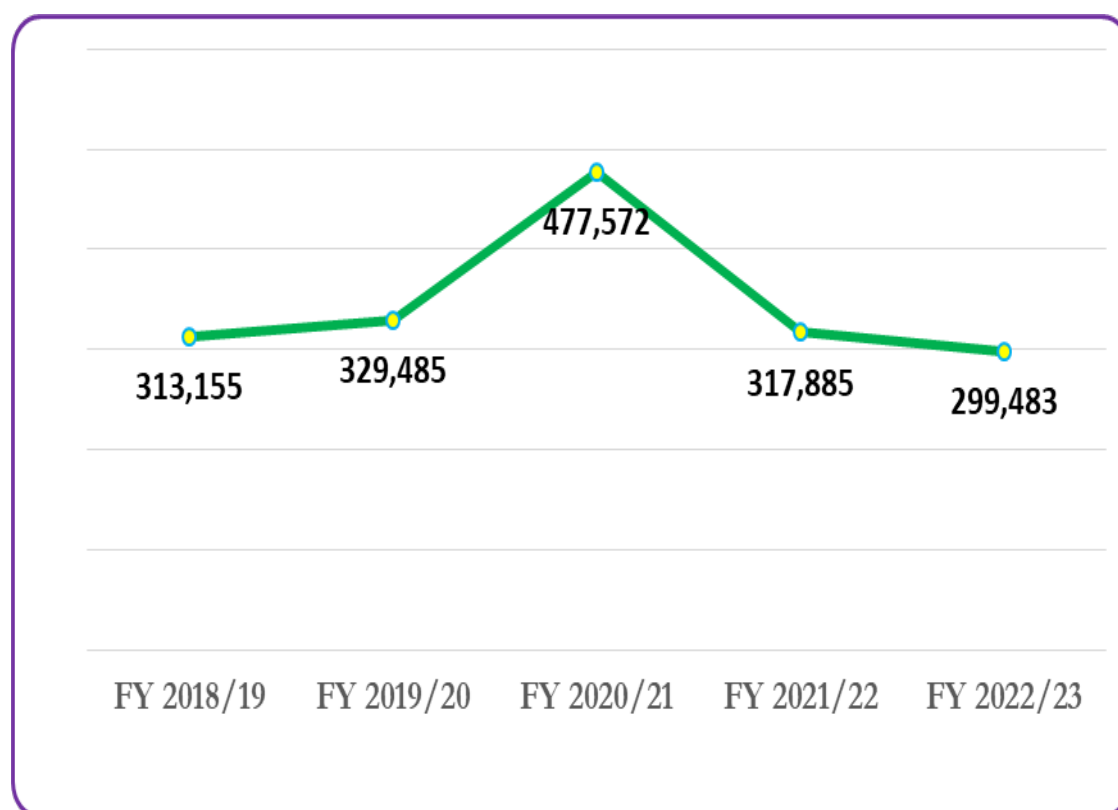
The IPOA handled 2,077 matters in the FY 2022/23.

Matters handled by IPOA FY 2018/19 – 2022/23

Financial Year	Matters Handled
2018/19	1,450
2019/20	1,392
2020/21	1,105
2021/22	1,601
2022/23	2,077

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

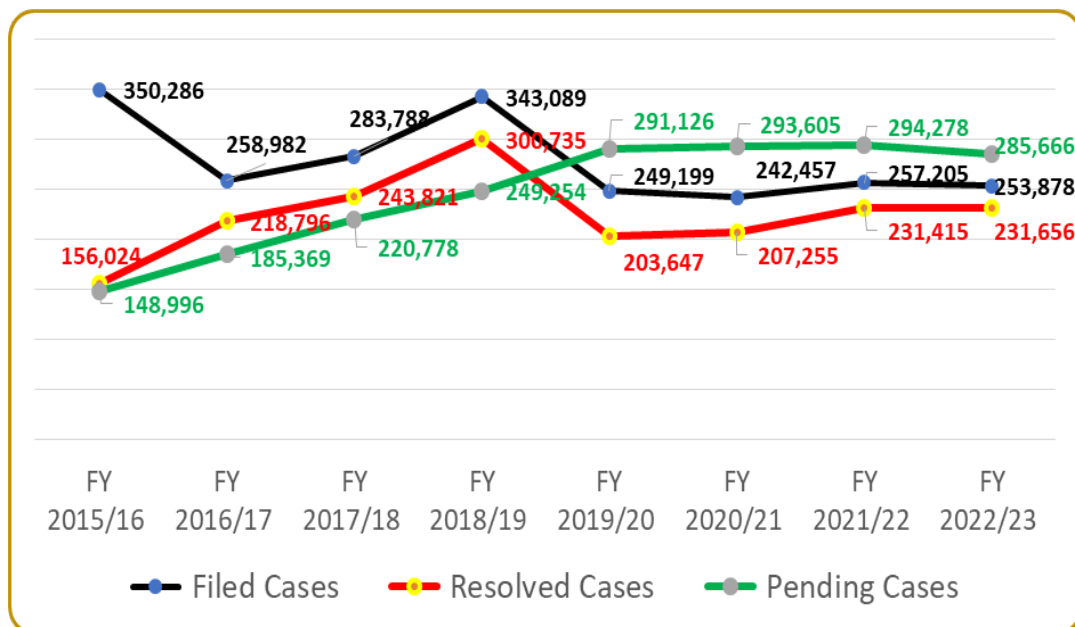
The ODPP processed a total of 299,483 cases in FY 2022/23.



Cases processed by ODPP, FY 2018/19 – FY 2022/23

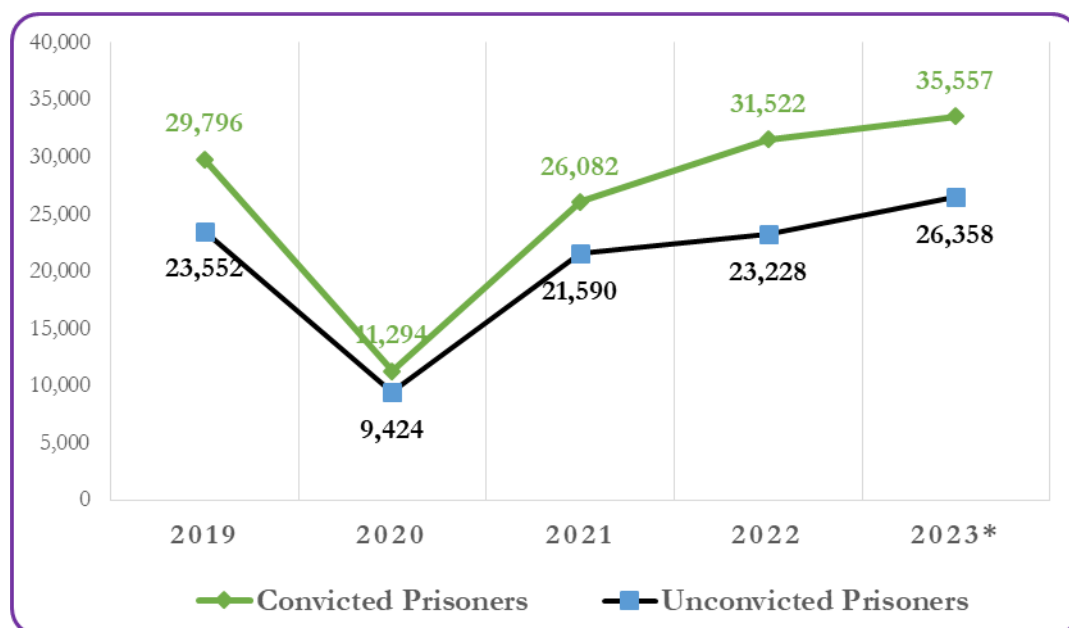
Criminal Cases Handled by Courts: *A total of 253,878 criminal cases were filed in all courts in FY 2022/23 while 231,656 were resolved.*

Criminal cases handled by all courts, FY 2018/19 – FY 2022/2



Committal of Offenders to Prisons: *The number of convicted and unconvicted prisoners was 61,915, being the highest number recorded in the last five years.*

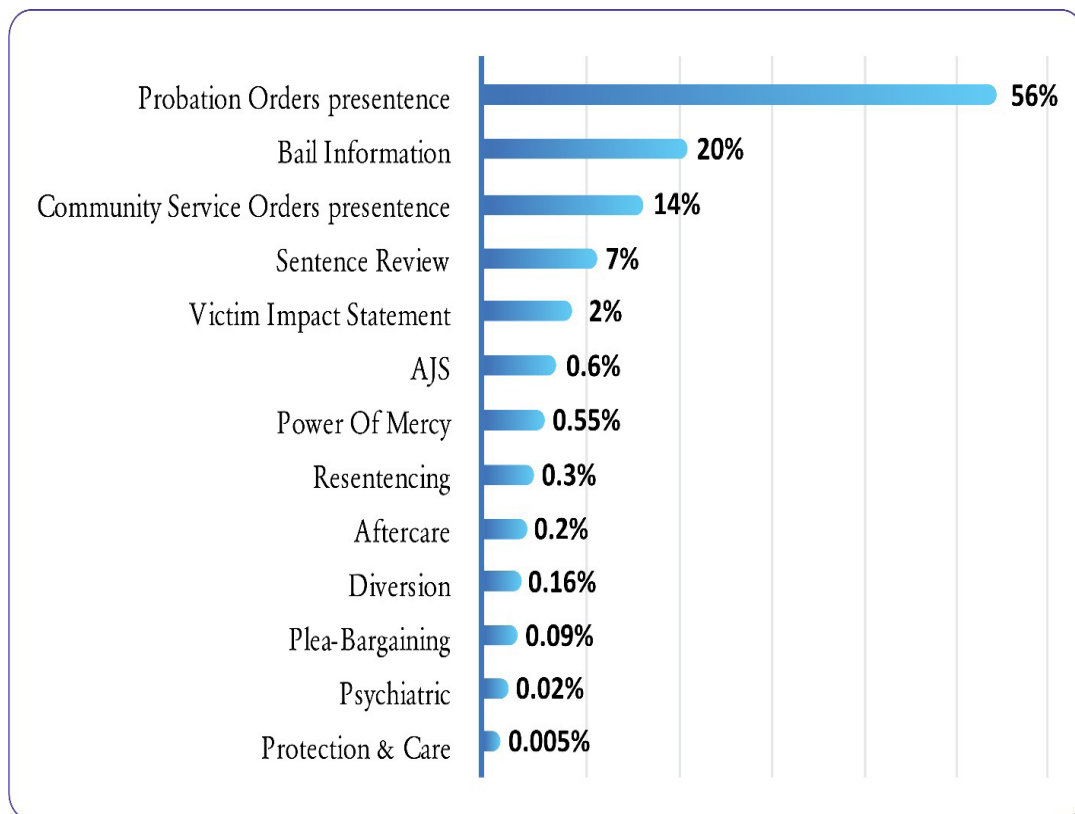
Daily average prisons population, 2018 – 2023



Cases handled by the Probation and Aftercare Services (PACS)

During the year under review, 63,581 referrals were received by PACS, where social inquiry reports (SIRs) were generated and presented to the courts. Probation orders pre-sentence reports were the bulk of referrals at 35,306 followed by bail information reports at 12,436 and community service orders (CSOs) pre-sentence reports at 8,607.

Percentage of referrals to PACs by type, FY 2022/23



Primary Components of Civil Justice



Objectives of Civil Justice



Reforms in the Civil Justice Sector

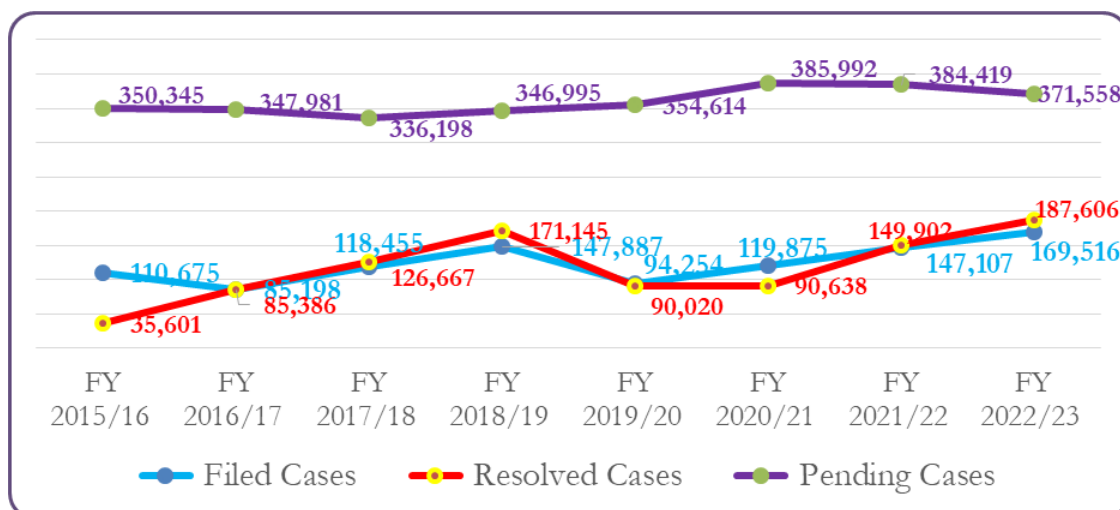
The Chairperson of the NCAJ Working Committee on Civil Justice Reforms, Hon. Justin B. N. Muturi, the Attorney General, convened a forum where priority civil justice reforms were mapped out.



Progress in the Civil Justice Sector, FY 2022/23

Civil Litigation in Courts: In FY 2022/23, 169,516 civil matters were filed in courts with 187,606 being resolved. The reduction in the number of pending civil cases implied that there was a general enhancement of service delivery in the civil justice arena.

Civil Litigation in Courts, FY 2015/16 - 2022/23



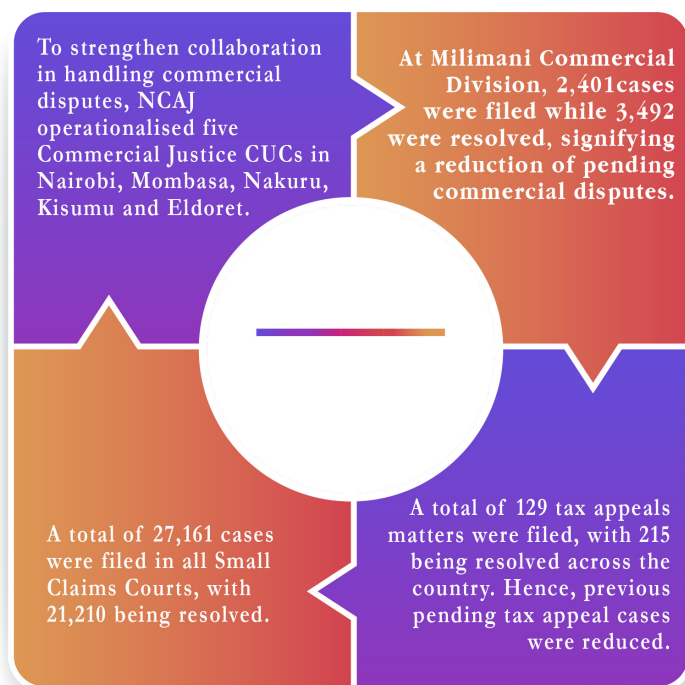
Civil Cases Registered and Processed by the State Law Office, FY 2022/23

Nature of Cases	Number of Cases
Filed cases	5,573
Resolved Cases	2,796
Pending cases	23,150

Enhancing the Administration of Commercial Justice to Support Investments, Trade and Economic Growth in Kenya

In FY 2022/23, the justice sector agencies handled diverse cases with a potentially massive impact on investments, trade and economic growth

- At Milimani Commercial Division, 2,401 cases were filed while 3,492 were resolved, signifying a reduction of pending commercial disputes.
- A total of 129 tax appeals matters were filed, with 215 being resolved across the country. Hence, previous pending tax appeal cases were reduced.
- A total of 27,161 cases were filed in all Small Claims Courts, with 21,210 being resolved.
- To strengthen collaboration in handling commercial disputes, NCAJ operationalised five Commercial Justice CUCs in Nairobi, Mombasa, Nakuru, Kisumu and Eldoret.



Enforcement of Arbitral Processes and Awards

Courts continued to uphold and enforce arbitral awards to facilitate alternative dispute resolution. Some of these are:

- Loxea Limited (Formerly Tsusho Capital Kenya Ltd) vs. Vehicle Equipment and Leasing Ltd (Arbitration Cause E026 of 2022) [2023] KEHC 2888 (KLR);
- Insurance Training & Education Trust t/a College of Insurance vs. Orange Works Limited (Arbitration Cause E032 of 2022) [2023] KEHC 1680 (KLR); and
- Kenya Technical Teachers College vs. Will Developers & Construction Limited & another (Arbitration Cause E014 of 2021) [2022] KEHC 106 (KLR).

Arbitration Disputes handled by OAG&DOJ

The OAG&DOJ was involved in the defence of arbitration cases filed against the government of Kenya, and the successful defence of these arbitration matters resulted in savings to the exchequer, a total sum of KShs 2,029,522,203.04.

Dispute Resolution through Administrative Petitions and Complaint Handling

- The Commission on Administrative Justice (CAJ) received 3,894 complaints and resolved 2,093.
- The Kenya National Commission on Human Rights (KNCHR) handled 1,898 complaints, which included screening of 1,044 new petitions.
- The National Land Commission (NLC) received 4,000 complaints processed through ADR mechanisms. Further, the NLC handled 2,925 court cases across the country.

Declaration of Unconstitutionality of Diverse Provisions in Statutes

From time to time, Kenyan courts have declared certain laws unconstitutional. Some of the laws or sections of laws declared unconstitutional during the period under review were:

- Political Parties Act 2022 - Section 34(fd)
- Elections Act- Section 22(1)(b)(i)
- The Supreme Court (Presidential Election Petition) (Amendment) Rules, 2022
- Higher Education Loans Board Act- Section 15(2)
- Elections (General) Regulations, 2012 (as amended in 2017) - Regulations 18(2)(c), 24(2) (c), 28(2)(c) and 36(2)(c)
- Elections (Registration of Voters) Regulations, 2012- Regulation 13C
- Law of Succession Act- Sections 35(1)(b), 36(1)(b), 39(1)(a) and (b)
- Political Parties Act- Section 14
- Income Tax Act- Section 12D
- Tax Procedures Act, 2015- Section 107
- The Constituencies Development Act, 2013

Other Notable Achievements on Civil Justice by NCAJ Agencies

During the year under review, various policy and administrative reforms, and other notable achievements were realised by diverse NCAJ agencies, notably:

- *Enhanced Environmental and Land Justice:* A total of 6,585 cases were filed in the Environment and Land Court (ELC). Over the same period, 9,612 cases were resolved.
- *Resolution of Employment and Labour Relations cases:* A total of 3,880 cases were filed in the Employment and Labour Relations Court (ELRC), with 5,989 cases being resolved.
- *Resolution of Family and Succession Matters:* Family justice is an important component of civil justice. In the period under review, 4,599 cases involving family disputes, notably divorce and succession, were filed in all High Court stations, representing 21 per cent of all cases. Over the same period, 10,433 cases were resolved.
- *Adoption of Alternative Dispute Resolution Mechanisms:* A total of 4,708 disputes were referred to mediation, with 4,451 being settled. The monetary value of the disputes was Kshs. 34 Billion, with the settled matters having a value of KShs 9 Billion.
- *Enhanced access to justice for the indigent:* The OAG & DOJ, working alongside the Kenya Law Reform Commission, developed Legal Aid (General) Regulations 2022.
- *The launch of the National Action Plan on Business and Human Rights* by the OAG & DOJ and KNCHR in collaboration with other agencies.
- *Recruitment of 174 new State Counsel* to facilitate effective service delivery.
- *Establishment and operationalization of two sub-registries by the Supreme Court* in Mombasa and Kisumu. Further, a sub-registry was established at Forodha House during the elections.
- *Upgrading of Kakamega, Bungoma and Malindi ELRC sub-registries* to fully fledged courts. New ELRC sub-registries were operationalized in Nyamira and Kisii.
- *Creation of two Environment & Land Court (ELC) divisions*, namely, the Environment and Planning Division and the Land Division.
- *The Law Society of Kenya (LSK) engaged justice sector agencies to address critical issues on legal practice.* The LSK instituted 45 cases during the year under review. The LSK played a vital role in facilitating constructive contributions to 18 legislations to align them with constitutional principles.

CHAPTER 4: ADMINISTRATION OF JUSTICE FOR VULNERABLE GROUPS

Vulnerable persons are individuals susceptible to harm, exploitation or other risks and require special protection and support. The Constitution of Kenya places a statutory obligation on agencies to treat every individual equally, with dignity and, wherever possible, make available the services and infrastructure required to enhance access to justice.

Administration of Justice for Children

- To enhance administration and access to justice for children, the NCAJ coordinated the *Annual National Service Month on Children Matters* in November 2022 and held the *2nd Child Justice Summit*.



The 2nd Child Justice Summit was held on 28th and 29th November, 2022 at Safari Park Hotel, Nairobi

Celebration of the Day of the African Child held in June 2023 in Busia



- To address challenges faced in the administration and access to justice for children, NCAJ developed *the National Strategy on Justice for Children, 2023-2028*.



**The National Strategy on
Justice for Children, 2023-2028**

- The development of the Rules and Regulations supporting the Children Act 2022 commenced.
- The NCAJ, in partnership with UNICEF, finalised the development of the Training Handbook on the Investigation and Prosecution of Online Child Sexual Exploitation and Abuse (OCSEA) cases.



**Training Handbook on the
Investigation and Prosecution
of (OCSEA)**

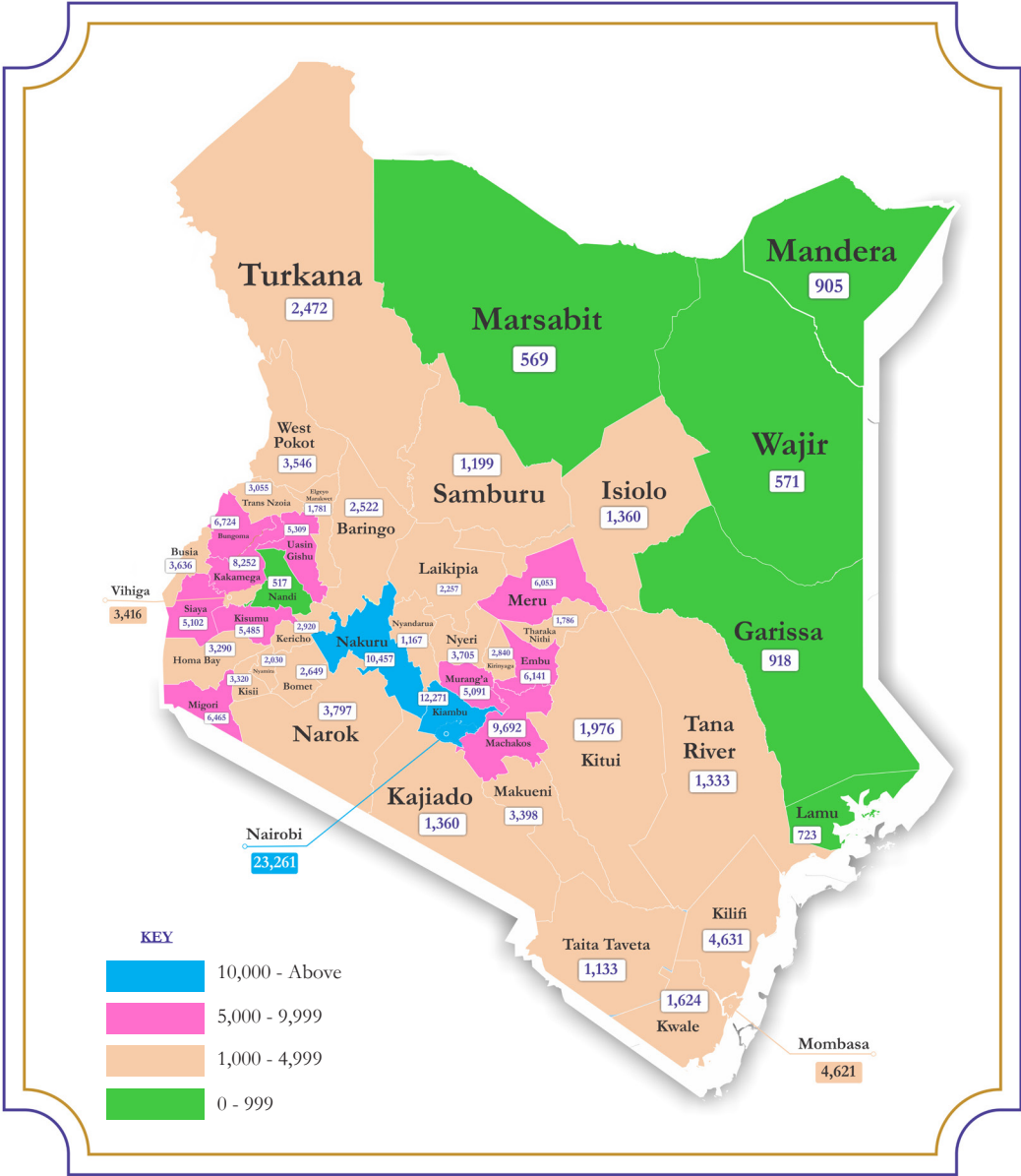
- The National Council for Children Services (NCCS) developed a Training Manual for the Social Service Workforce on Online Child Sexual Exploitation and Abuse (OCSEA).



**Training Handbook on the
Investigation and Prosecution
of (OCSEA)**

Handling of Children Who Are Victims of Violence by DCS

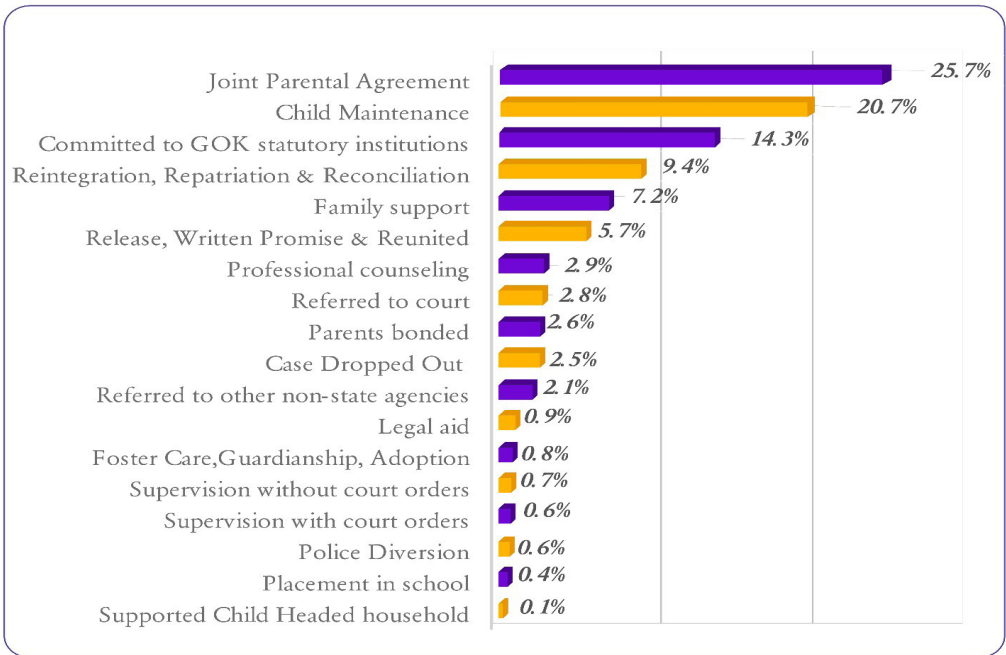
In FY 2022/23, 188,760 children experienced various forms of violence.



Cases of Violence Against Children per County, FY 2022/23

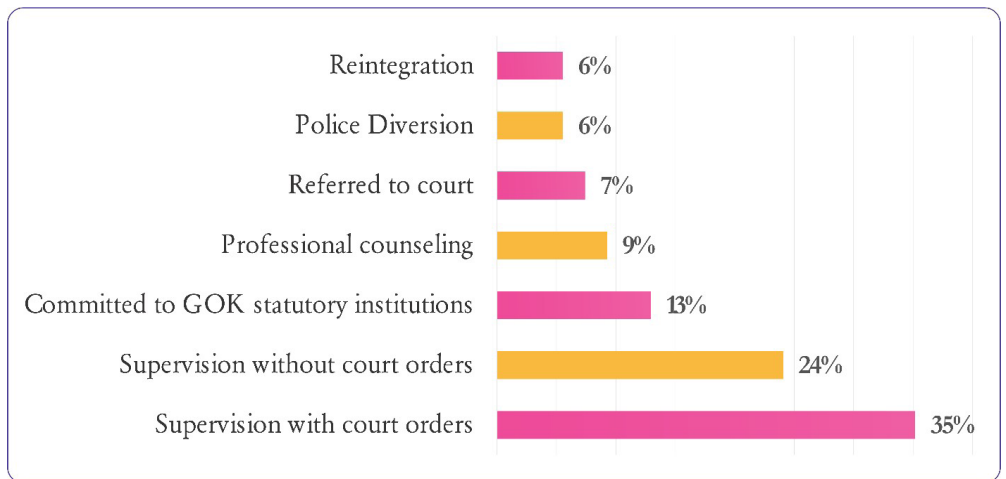
Interventions on Violence Against Children by DCS

The Directorate of Children Services (DCS) remained at the forefront in addressing violence against children.



Handling of Child Offenders- *The total number of reported offenses committed by children in the FY 2022/23 was 1,990.*

Diverse interventions were instituted to meet the specific needs of children in conflict with the law as depicted below.



Handling of Children Cases in Courts - *A total of 4,983 cases of children in conflict with the law were filed in all courts with 4,866 cases being resolved.*

Administration of Justice on Sexual and Gender-Based Violence

To enhance the administration and access to justice on Sexual and Gender-Based Violence (SGBV), the NCAJ undertook the following interventions.

- Launched National SGBV CUCs.
- Commenced the review of the Sexual Offences Act 2006 and other attendant laws.
- A total of 8,444 SGBV-related cases were filed in Magistrates' Courts across the country, with 10,222 being resolved.

Launch of SGBV CUC- *In November 2022, NCAJ launched the National SGBV CUCs to enhance the administration of justice in SGBV cases at the grassroots*



Launch of the National SGBV Court Users' Committees in November 2022.

Administration of Justice for Intersex Persons

To deepen legal, policy and administrative reforms in the administration of justice for intersex persons, the following interventions were carried out:

- The drafting process of the Intersex Persons Bill, 2023, continued.
- The International Intersex Awareness Day was commemorated on 13th June 2023.

Administration of Justice for Persons with Mental Illness

To reduce discrimination against persons with mental illness, the following milestones were realised during the period under review:

- The Report on Quality Rights Assessment of Mental Health Facilities in Kenya was launched by KNCHR.
- The KNCHR mapped the organisations dealing with persons with psychosocial and intellectual disabilities in Kenya.
- The NCAJ coordinated the capacity building of 100 counsellors and psychologists handling vulnerable persons with mental illness.



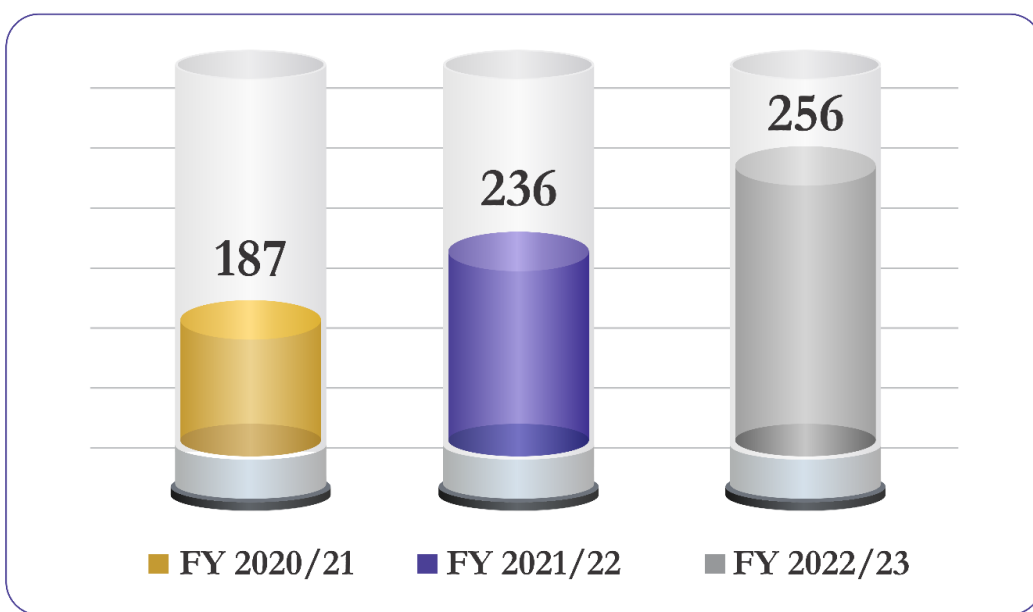
- *The KNCHR* developed Human Rights Standard Operating Procedures for Monitoring the Human Rights Situation of Migrants held in detention and holding facilities.
- *The OAG & DOJ* jointly with the State Department of Gender, mapped out discriminatory laws against women and assessed their implications.
- *The Commission on Administrative Justice* spearheaded legal aid programs in marginalised areas to enhance access to justice for vulnerable groups.
- *The Legal Aid Act 2016* was translated into braille and audio-visual versions to support persons with visual and hearing impairment.
- *The Kenya Magistrates and Judges Association (KMJA)* sensitised judges and magistrates on their role in protecting the rights of vulnerable persons in Kenya.
- *The Law Society of Kenya* broadened its *pro bono* scheme to ensure a greater number of children and persons with disabilities accessed legal services.
- *The ICJ-Kenya* undertook a cost-benefit analysis of Legal Aid in Kenya to provide persuasive information and data.
- *Clean Start Africa* trained 233 women across 10 prisons with essential skills to support their reintegration back to society.

CHAPTER 5: ADMINISTRATION OF JUSTICE AT THE GRASSROOTS THROUGH COURT USERS' COMMITTEES

Administration of Justice through CUCs

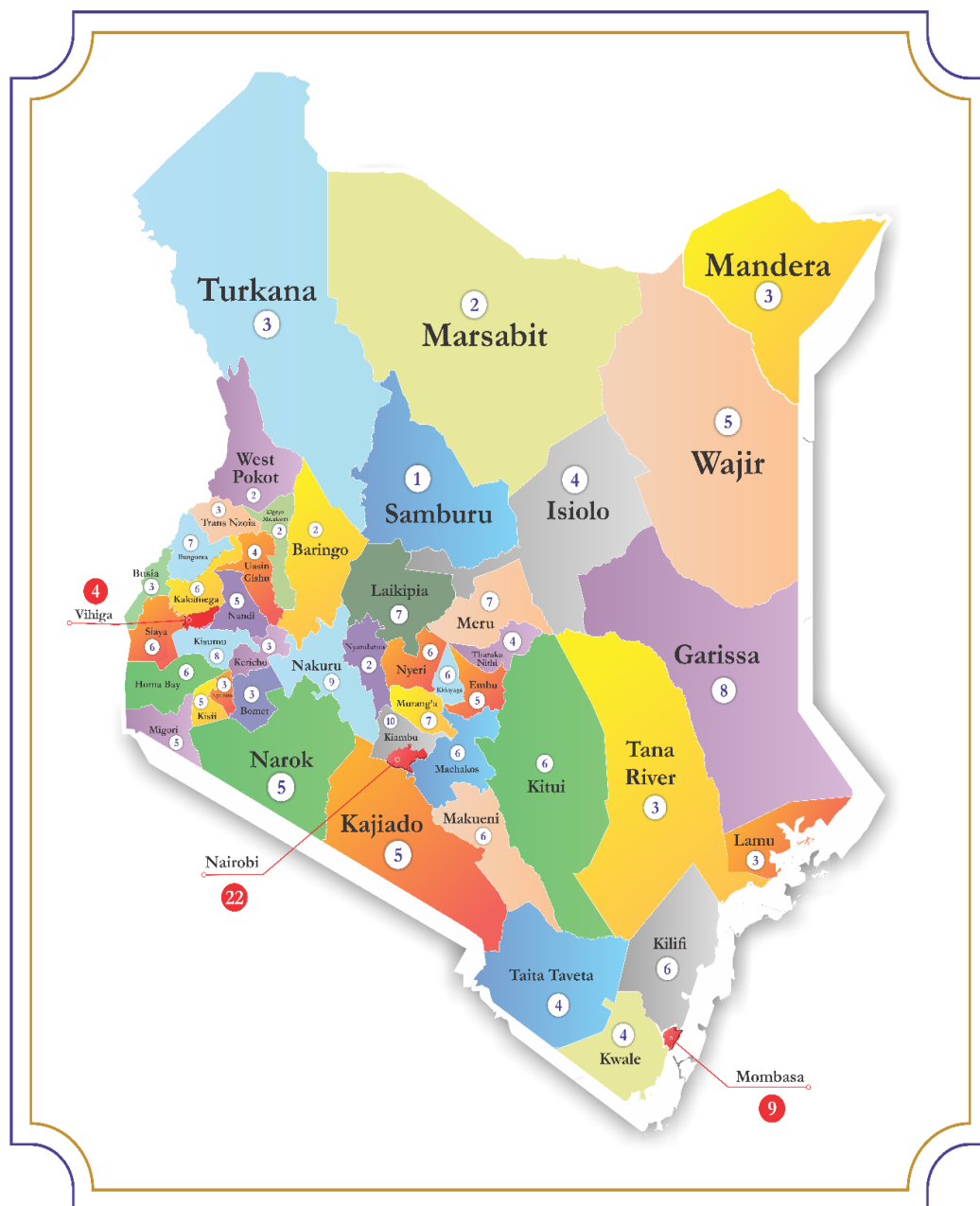
The Court Users Committees (CUCs) bring together state and non-state actors to deliberate and address justice sector issues at a local level. There has been a steady rise in the number of CUCs in Kenya.

Growth in the Number of CUCs

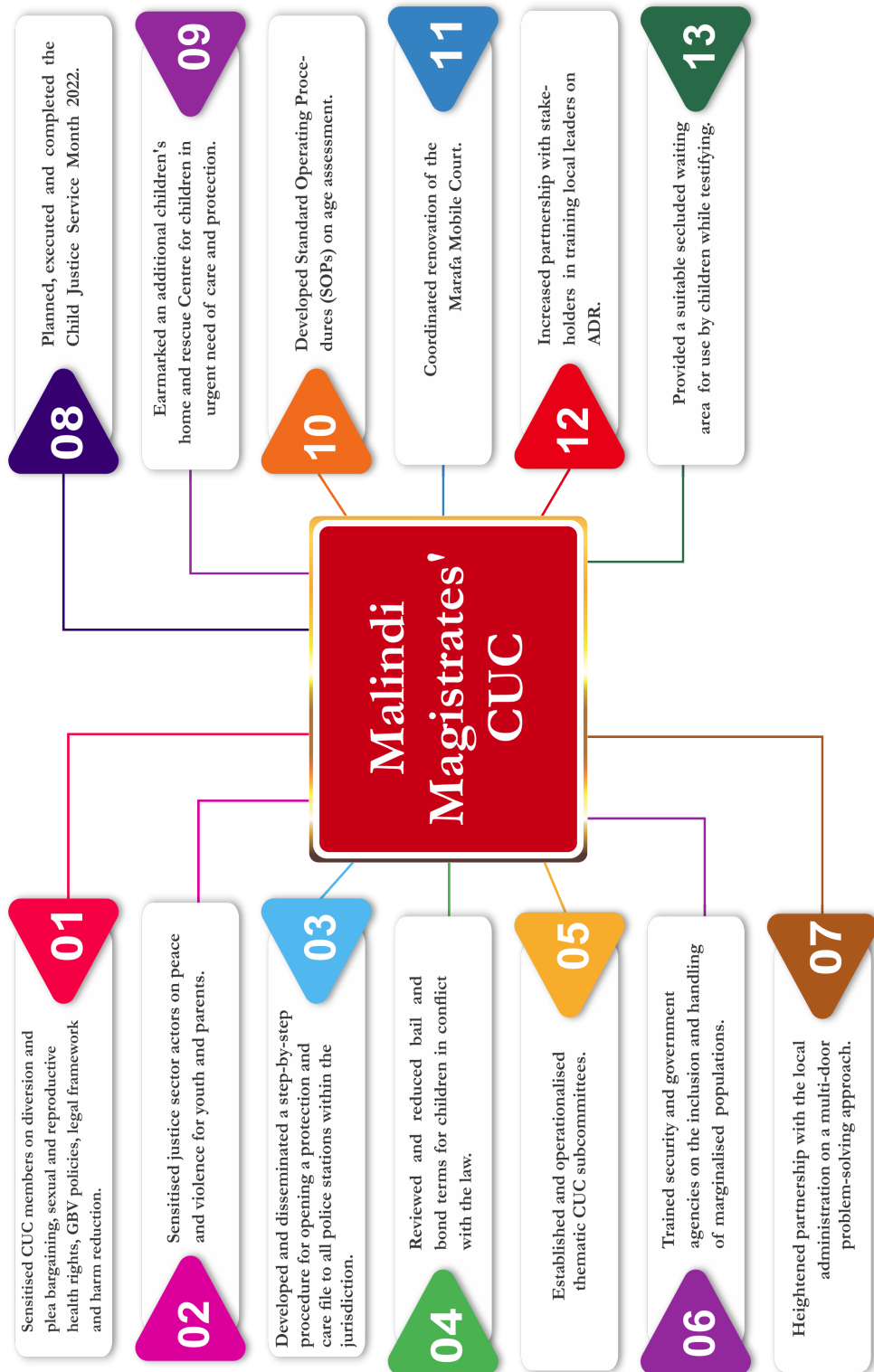


Between the FY 2020/21 and 2022/23, the number of CUCs rose by 37 per cent.

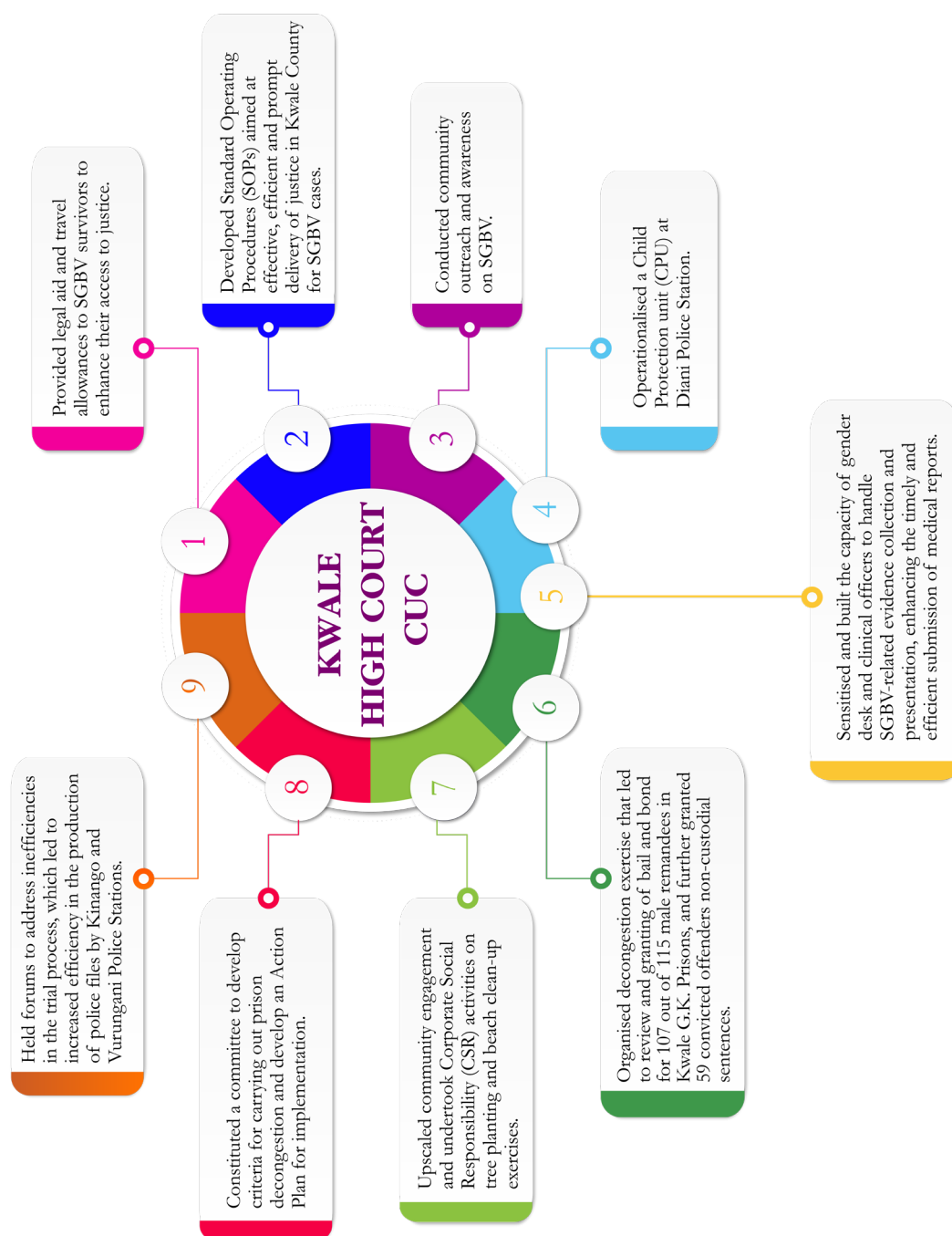
National Coverage of CUCs



A Success Story at the Grassroots: Malindi Magistrates' CUC

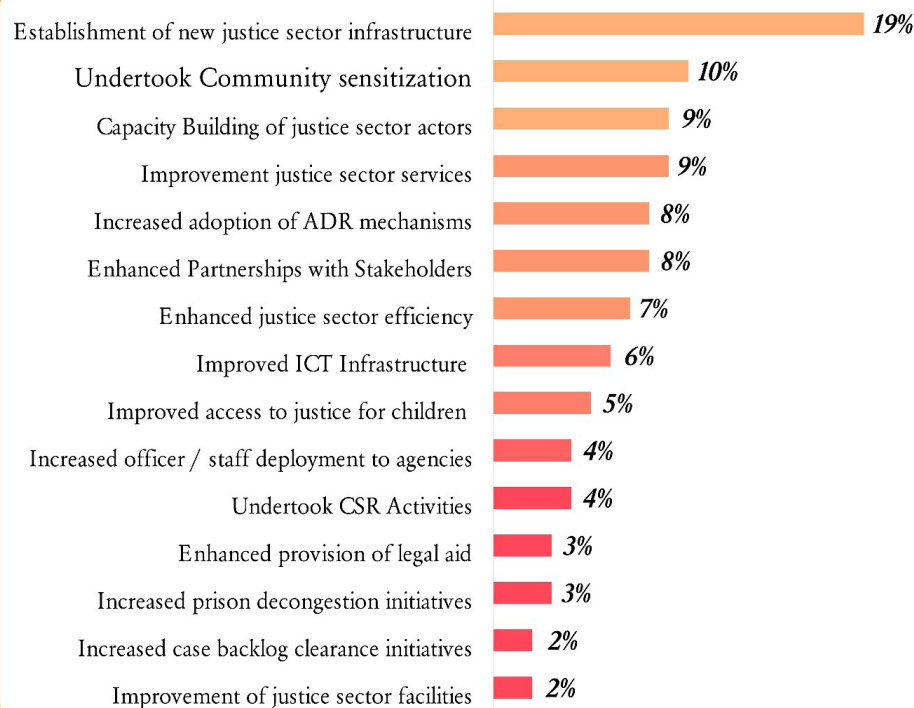


A Success Story at the Grassroots: Kwale High Court/ County CUC

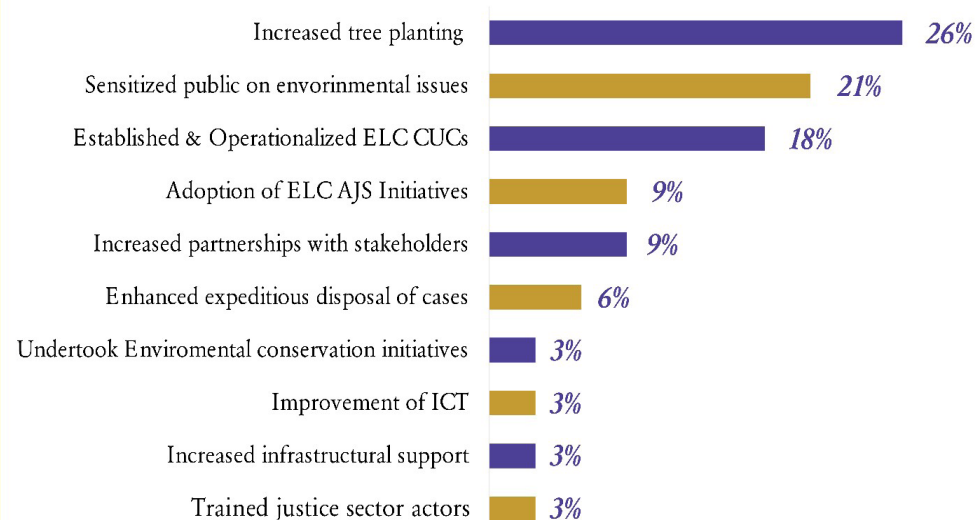


Notable Achievements Realised by Different Types of CUCs, FY 2022/23

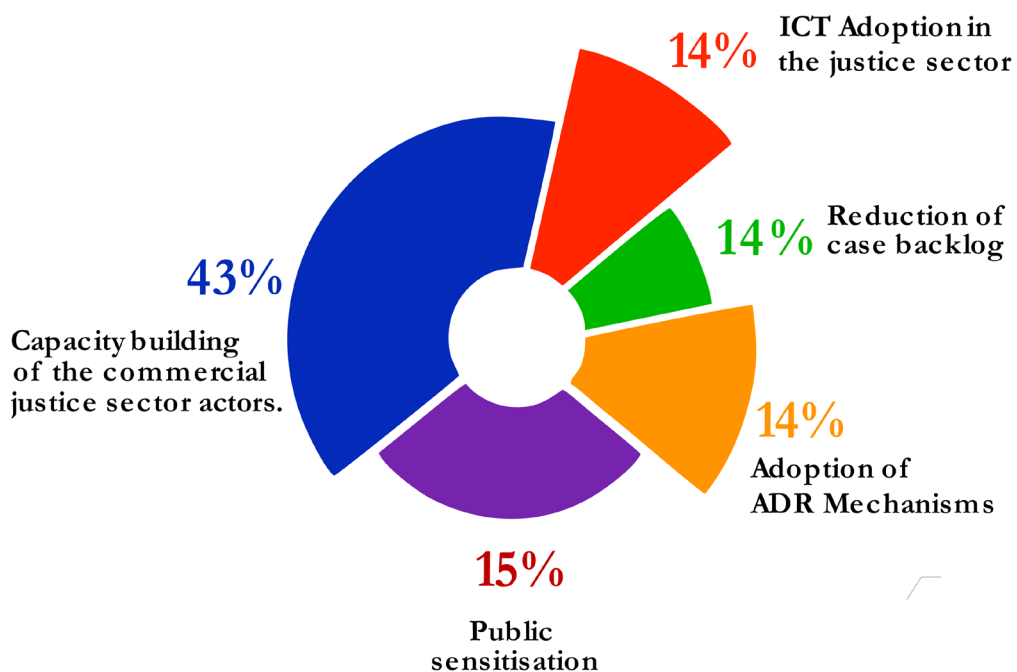
Achievements by High Court/County CUCs, FY 2022/23



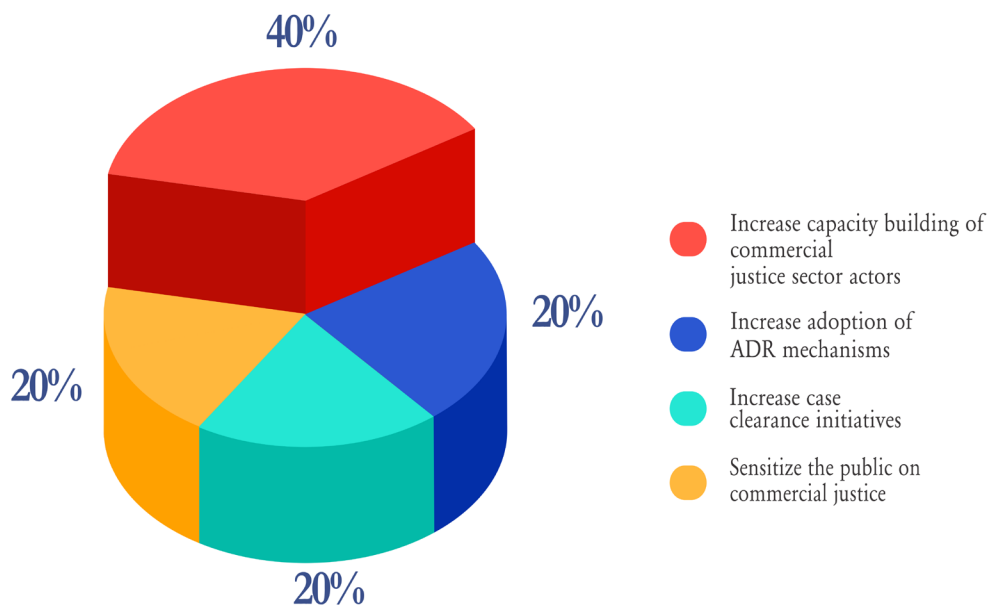
Achievements by the E&L Justice CUCs, FY 2022/23



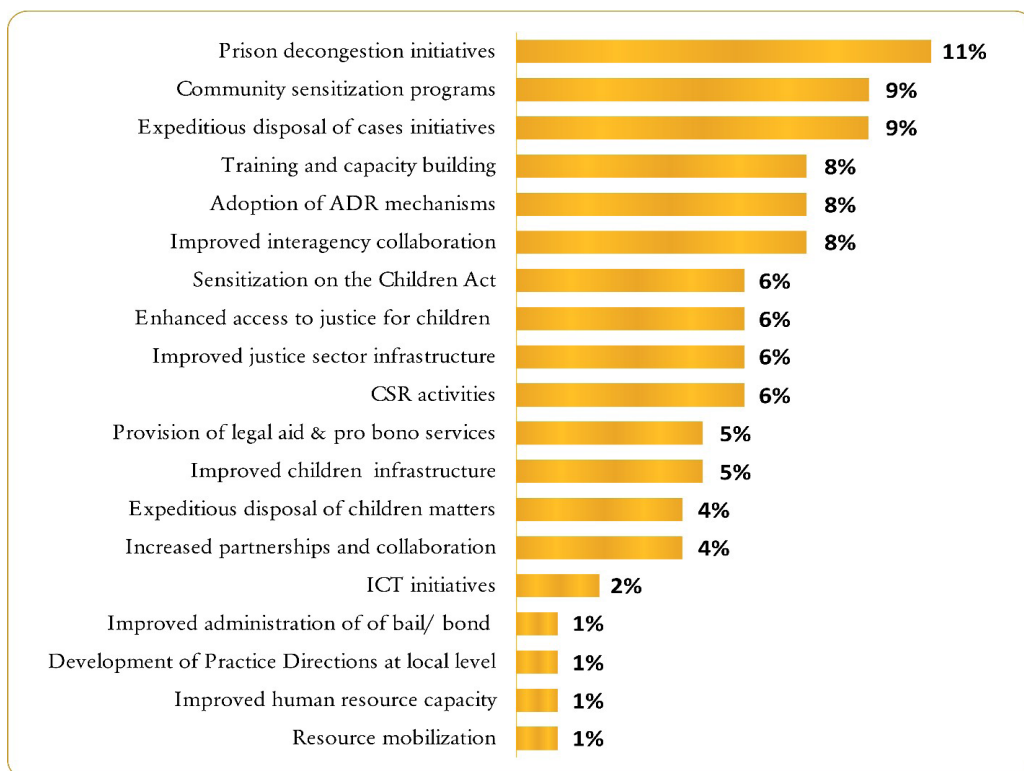
Achievements by the Commercial Justice CUCs, FY 2022/23



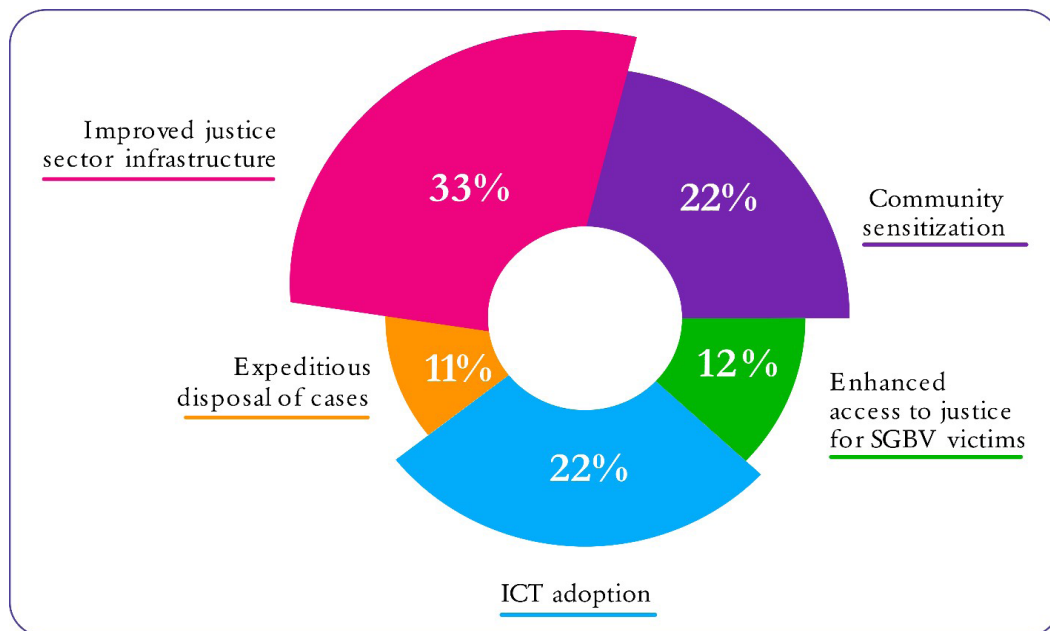
Proposed Reforms by the Commercial Justice CUCs



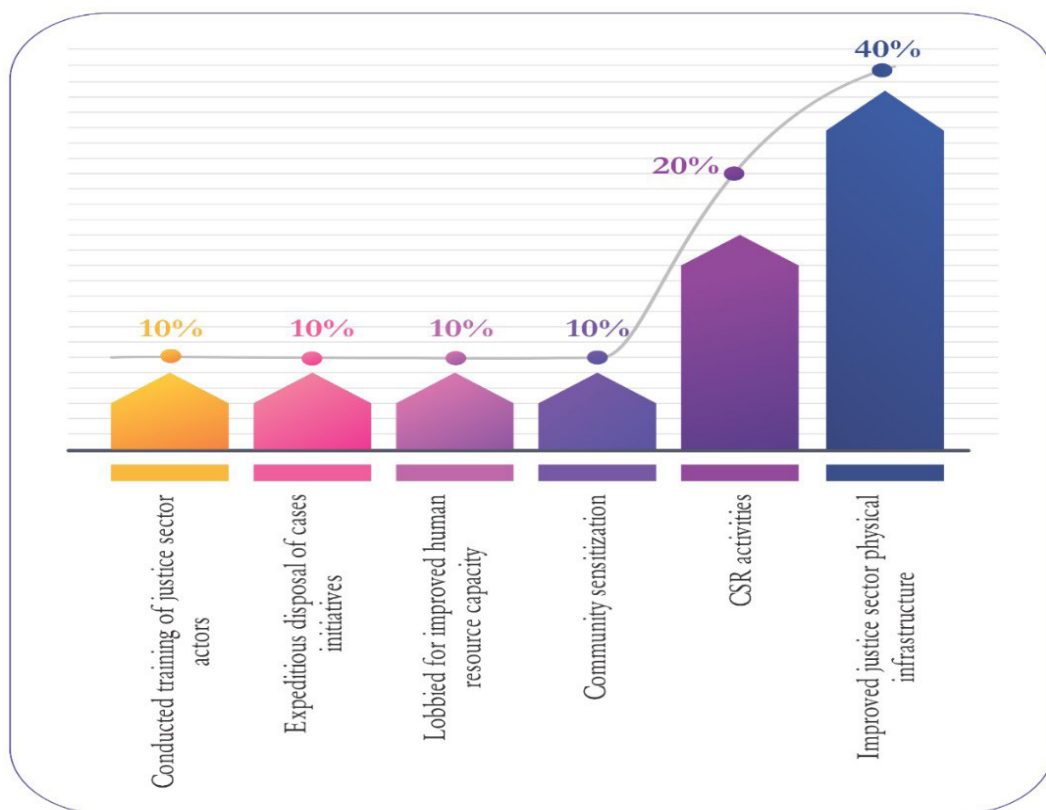
Achievements by the Magistrates' Courts CUCs, FY 2022/23



Achievements by the Kadhis' CUCs, FY 2022/23



Achievements by the Child Justice CUCs, FY 2022/23



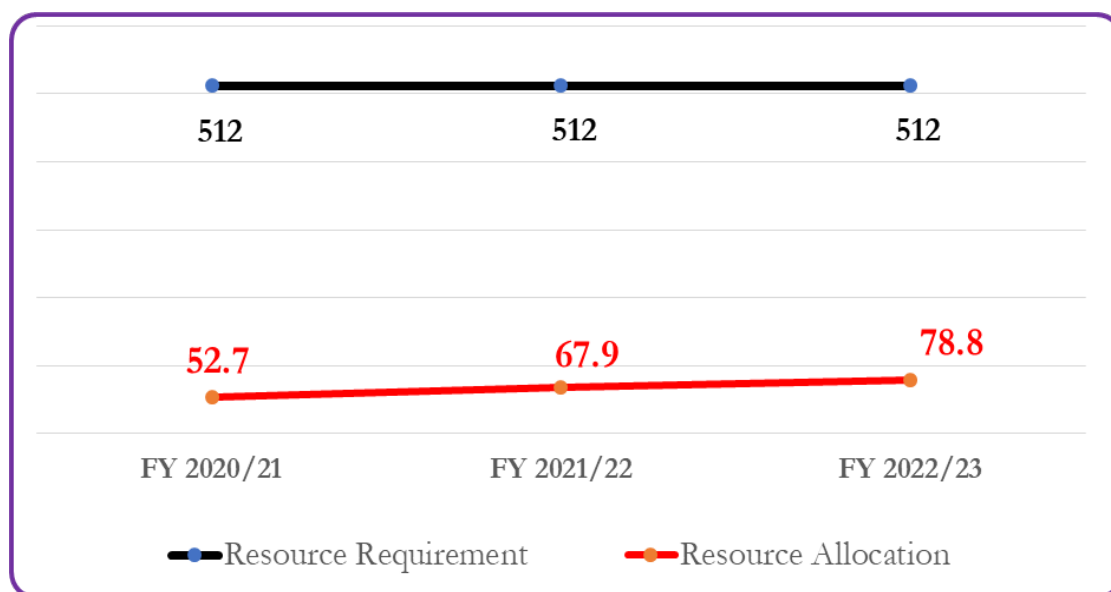
CHAPTER 6: JUSTICE SECTOR CAPACITY AND SUSTAINABILITY

Core Elements of the Justice Sector Capacity

- The justice sector is human resource intensive in service delivery, thus a *talented and well-facilitated workforce* is crucial.
- To deliver justice services, the *availability and accessibility of physical infrastructure and amenities* for justice sector institutions is vital.
- ICT adoption and increased uptake* remains a fundamental enabler of service delivery, especially in justice sector institutions.
- Adequate financial resources* are essential for the effective coordination and reform of the justice sector. The successful implementation of programmes in the NCAJ Strategic Plan 2021-2026 is heavily reliant on the availability of adequate financial resources.

The Justice Sector Funding Needs and Gap

NCAJ Funding Gap, FY 2020/21 to 2022/23 (Kshs. Millions)



The areas requiring additional funding include recruitment of NCAJ staff, and funding for programs to enhance criminal and civil justice reforms, administration of justice for vulnerable persons, coordination of administration of justice, ICT adoption and justice sector monitoring.

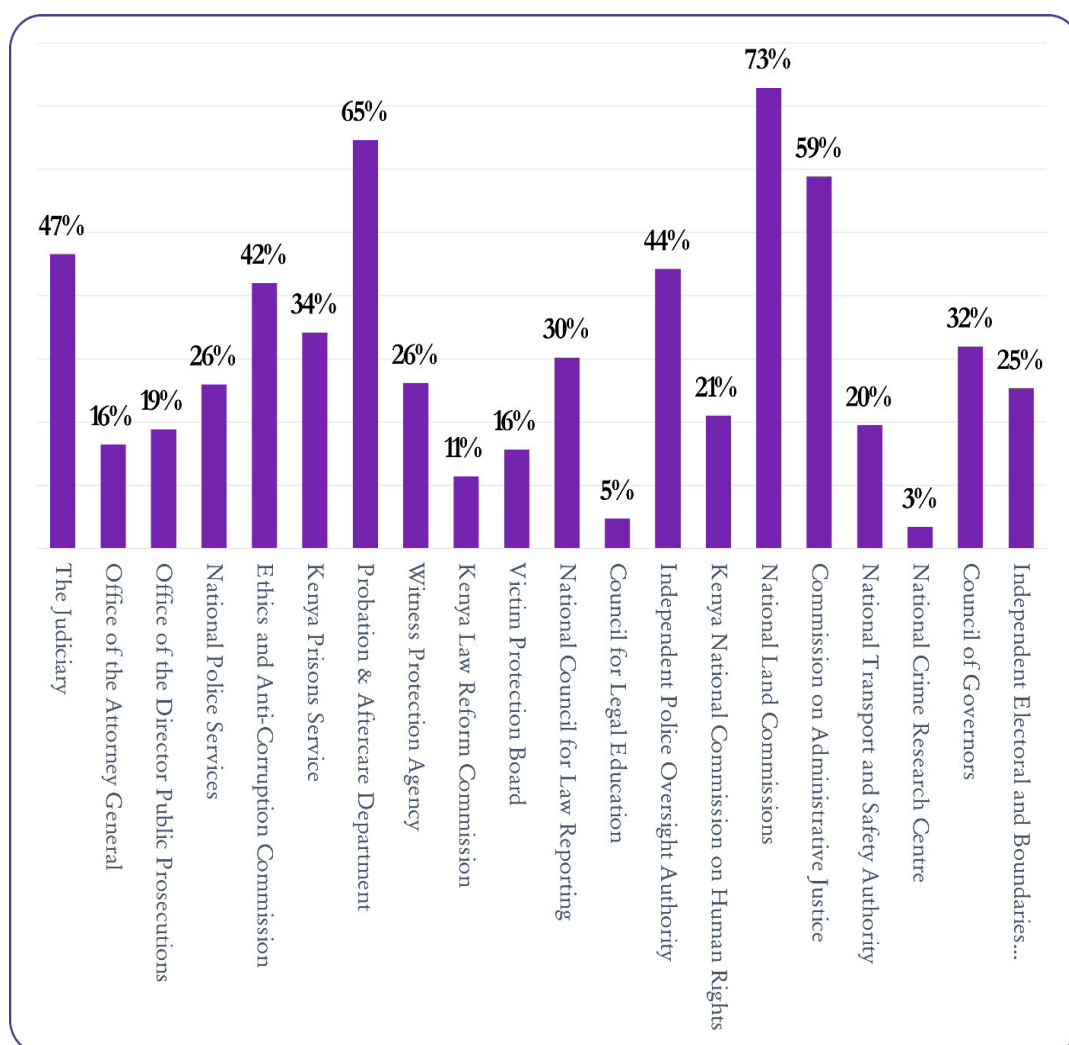
Funding Gap for the Various NCAJ Agencies

The NCAJ agencies were allocated approximately 5.4 per cent of the national budget. Increasing the percentage allocation would enhance service delivery in the justice sector.



The GOK funding for select core NCAJ agencies was Kshs 199.82 billion in FY 2022/23, out of a resource requirement of KShs 292 billion. This translates to a resource gap of KShs 92.9 billion.

Percentage funding gap for the Various NCAJ agencies



Strategic Partnerships on Resource Mobilisation- NCAJ strengthened partnership with diverse partners for technical and financial support.



Heads of beneficiary NCAJ institutions and partners during the launch of the PLEAD II in May 2023



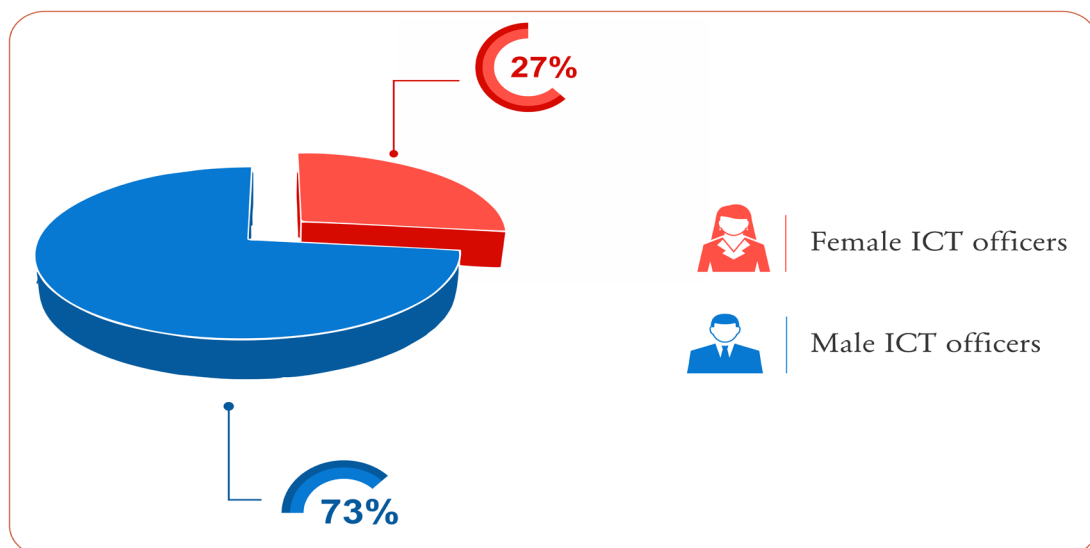
Courtesy call to NCAJ by Dr. Najat M'jid Maalla, the UN Special Representative of Secretary-General on Violence Against Children, Prof. Phillip Jaffe, the Vice Chair of the UN Committee on the Rights of the Child, and Edith Bardel Child Protection Officer, Office of the Special representative. The NCAJ was represented by Dr. Moses Marang'a the Executive Director, and Ms. Waturi Esiera the Head of Vulnerable Groups Department.

Justice Sector ICT Capacity

In modern public service, especially in the justice sector, increased ICT adoption and uptake remain a fundamental enabler.

In FY 2022/23, there were limited technical ICT officers within the justice sector institutions totaling to 379.

Technical ICT employees in NCAJ Agencies, FY 2022/23



Justice Sector Staff Capacity

Although various justice sector agencies continued to undertake recruitment and appointments to fill the human resource gap, the sector faced challenges in carrying out its tasks due to understaffing. The employee deficit for select core NCAJ agencies stood at 26 per cent in FY 2022/23.

Enhancing the Performance of the NCAJ Secretariat

The NCAJ Secretariat plays a pivotal role in supporting the Council in coordinating the administration of justice and spearheading the reform agenda. In FY 2022/23, the NCAJ's leadership, through the Executive Committee, recognized the need for having a distinct and autonomous performance management for the NCAJ.

Under the leadership of the Executive Director, the Secretariat ensures resolutions passed by the Council are implemented and technical and secretariat services are provided to all the committees. Therefore, ensuring that the Secretariat performs optimally is a key focus area of the NCAJ leadership.



Performance Negotiation and Target Setting for FY 2022/23 between Chairperson NCAJ and the NCAJ Secretariat led by the Executive Director

CHAPTER 7: PRIORITY PROGRAMMES AND ACTIVITIES ON ADMINISTRATION OF JUSTICE FOR FY 2023/24

The priority programs and activities to support the efficient and effective Administration of Justice in Kenya for the FY 2023/24 are as follows:

Council Coordination and Leadership

- Finalise the development of the draft NCAJ Bill.
- Hold statutory Council forums and promptly disseminate the decisions for action.
- Finalise the NCAJ Communication Strategy.
- Strengthen the NCAJ working committees for effective execution of their mandate.
- Strengthen justice sector partnership and engagement with the public.
- Coordinate engagements on financing of witness expenses and pro-bono legal services.
- Coordinate engagements on proper enforcement of court orders on evictions.
- Engage the Justice and Legal Affairs Committee of the National Assembly and other Parliamentary Committees in supporting justice sector legislative and other reforms.

Criminal Justice Sector Reforms

- Coordinate justice sector response to corruption and develop guidelines to expedite the trial of corruption and economic crime cases in specialised magistrates' courts, and develop Grey Book of legislation and policies on anti-corruption.
- Initiate the development of a National Strategy or Framework for efficient coordination of alternative forms of dispute resolution.
- Disseminate Sentencing Policy Guidelines (2023) and sensitise duty-bearers.
- Engage the National Assembly on amending the Criminal Procedure Code and Penal Code.
- Coordinate multi-stakeholder prison decongestion exercises.
- Enhance the provision of legal aid.
- Develop a training manual on handling youth in the criminal justice system.
- Coordinate the implementation of guidelines on instant traffic fines.
- Train criminal justice actors on the observance of human rights.
- Enhance access to mental health services for Criminal Justice System employees, victims, accused persons and convicts.
- Review the National Police Service Standing Orders on the identification parade process.
- Initiate the development of the rules on forensic management of evidence.
- Organise the 3rd National Criminal Justice Reforms Conference (2024).

Civil Justice Sector Reforms

- Map all areas requiring reforms in civil justice and develop a detailed action plan.
- Initiate legal, policy and administrative reforms in civil justice, notably land justice, employment and labour justice, and handling of succession cases, among other areas.
- Engage Parliament to expedite legal reforms in the civil justice sector.
- Coordinate the assessment of existing laws and consider necessary reforms and amendments to align them with emerging realities of civil practice in Kenya.
- Initiate the development of a comprehensive strategy to ensure government agencies comply with court orders.
- Coordinate the processing and dissemination of legal information on civil justice.
- Convene the Inaugural Commercial Justice Conference in Kenya.
- Coordinate the implementation of service weeks, rapid result initiatives and active case management among civil justice actors to address case backlogs.
- Organize basic civil procedure and process training for police officers, to enable them aid individuals filing civil disputes at police stations.

Strengthening of CUCs

- Develop a National Strategy on CUCs.
- Develop a Legal Aid Strategy for CUCs.
- Develop and disseminate CUCs' guidelines on Commercial Justice, Environment and Land Justice, and Sexual and Gender-Based Violence.
- Develop an age-assessment guide or standard operating procedure (SOP) to enhance consistency in age assessment across all CUCs, especially amongst children.
- Conduct a training needs assessment and mapping of knowledge gaps for CUCs and sensitise them on identified emerging issues.
- Train National Government Administration Officers on emerging justice sector issues.
- Coordinate the establishment of 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, children justice, succession matters, commercial justice, employment and labour relations, among others.
- Finalise and roll-out an automated CUCs' Monitoring, Reporting and Analysis System (MORAS) and train users on the same.
- Create a documentary on CUCs conceptualisation, operations, successes and roles in the administration of justice.



Enhancing administration and access to justice for children

- Develop and gazette Rules and Regulations on the Children Act 2022.
- Coordinate and undertake sector-wide training on the Children Act 2022, Report on Budgeting for Children and Throughcare and Aftercare Guidelines for Children.
- Finalise and disseminate the National Strategy on Justice for Children, 2023-2028.
- Develop a national framework on the diversion of children matters in Kenya.
- Coordinate the development of a child justice case digest.
- Hold an International Conference on Child Protection.
- Train actors on investigation and prosecution of Online Child Sexual Exploitation and Abuse.
- Develop guidelines on the examination of children in the justice system.
- Develop standard operating guidelines for the Wakili wa Watoto Clubs to enhance access to justice for children.
- Coordinate the National Service Month on Children Matters.

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

- Develop a justice sector strategy on Sexual and Gender-Based Violence (SGBV).
- Develop a policy on the prevention and response to SGBV.
- Review the Sexual Offences Act (SOA), 2006 and other laws on SGBV.
- Initiate the development of Rules on victim protection under SGBV for the efficient administration of justice.
- Organise the Inaugural National Conference on SGBV and pursue the timeous implementation of commitments arising thereof.
- Develop a forensic mental health policy to improve access to justice for vulnerable groups.
- Standardise sensitization on SGBV.
- Coordinate the establishment of safe-houses for victims of SGBV.

Other cross-cutting issues for enhancing administration for vulnerable persons

- Raise awareness and train actors on emerging justice issues, especially upscaling the observance of human rights for vulnerable persons.
- Strengthen the provision of pro-bono services for vulnerable groups in the justice system.
- Map out the justice needs for other vulnerable groups and develop an action plan.

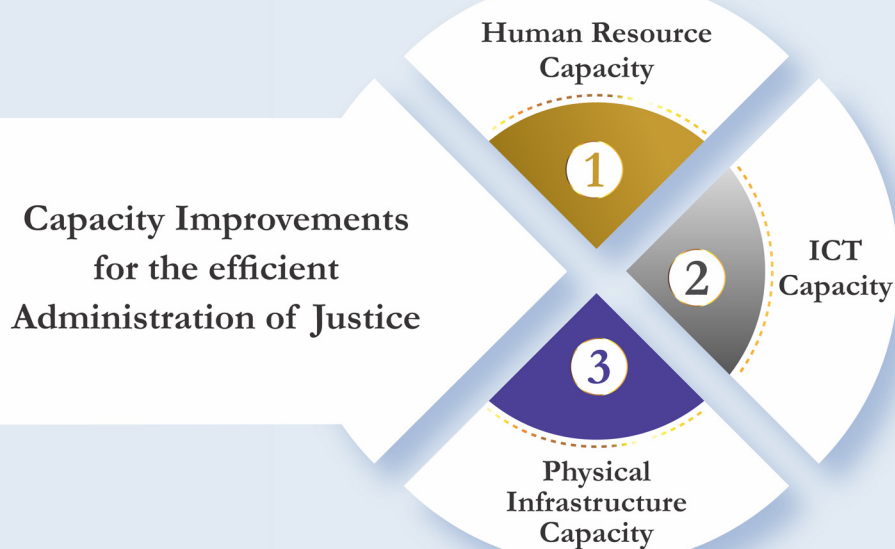
Justice Sector Monitoring and Evaluation

- Develop the justice sector monitoring, evaluation and learning guidelines.
- Develop justice sector monitoring, evaluation and performance system.
- Prepare Standard Operating Procedures for the undertaking of justice sector Service Delivery Initiatives.
- Monitor and report progress on the administration of justice in Kenya.
- Develop NCAJ research guidelines.
- Develop NCAJ performance management system and monitoring system.
- Pursue ISO certification for the NCAJ Secretariat.
- Undertake research on diverse issues of administration and access to justice in Kenya.
- Strengthen performance management for the NCAJ Secretariat.

NCAJ and Justice Sector Financing

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

Justice Sector Capacity Improvement



Human Resource Capacity

- Recruit adequate Staff for the justice sector agencies.
- Enhance employee compensation and retention strategies.
- Review and align the career progression guidelines to foster strategic career development of justice sector employees.
- Enhance welfare programs to motivate the justice sector workforce.
- Enhance the staff capacity and work environment of the NCAJ secretariat.

Infrastructural Capacity

- Increase financial allocation for the construction of new infrastructure and refurbishment of old ones, purchase of motor vehicles and other physical amenities.
- Collaborate with development partners and financial institutions to support the development of Justice Sector infrastructure.

ICT Capacity

- Prepare an ICT governance structure for the justice sector.
- Undertake an audit of the existing sectoral ICT systems.
- Assess the integration of ICT systems for the justice sector institutions.
- Create a justice sector ICT curriculum to build the capacity of justice sector actors.
- Develop guidelines for the use of technology in delivery of justice.
- Coordinate the uptake of technology within the justice sector.
- Develop ICT guidelines for 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 courts.
- Finalise the development of diverse NCAJ operational policies and guidelines, notably the Communication Policy and Guidelines, Resource Mobilisation Strategy, Human Resource, Finance, Supply Chain and Performance Management Guidelines.
- Provide ICT equipment for the justice sector employees.



ADMINISTRATION OF JUSTICE IN KENYA ANNUAL REPORT

2022 - 2023

Abridged Version

A unified justice sector serving the people in Kenya.

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