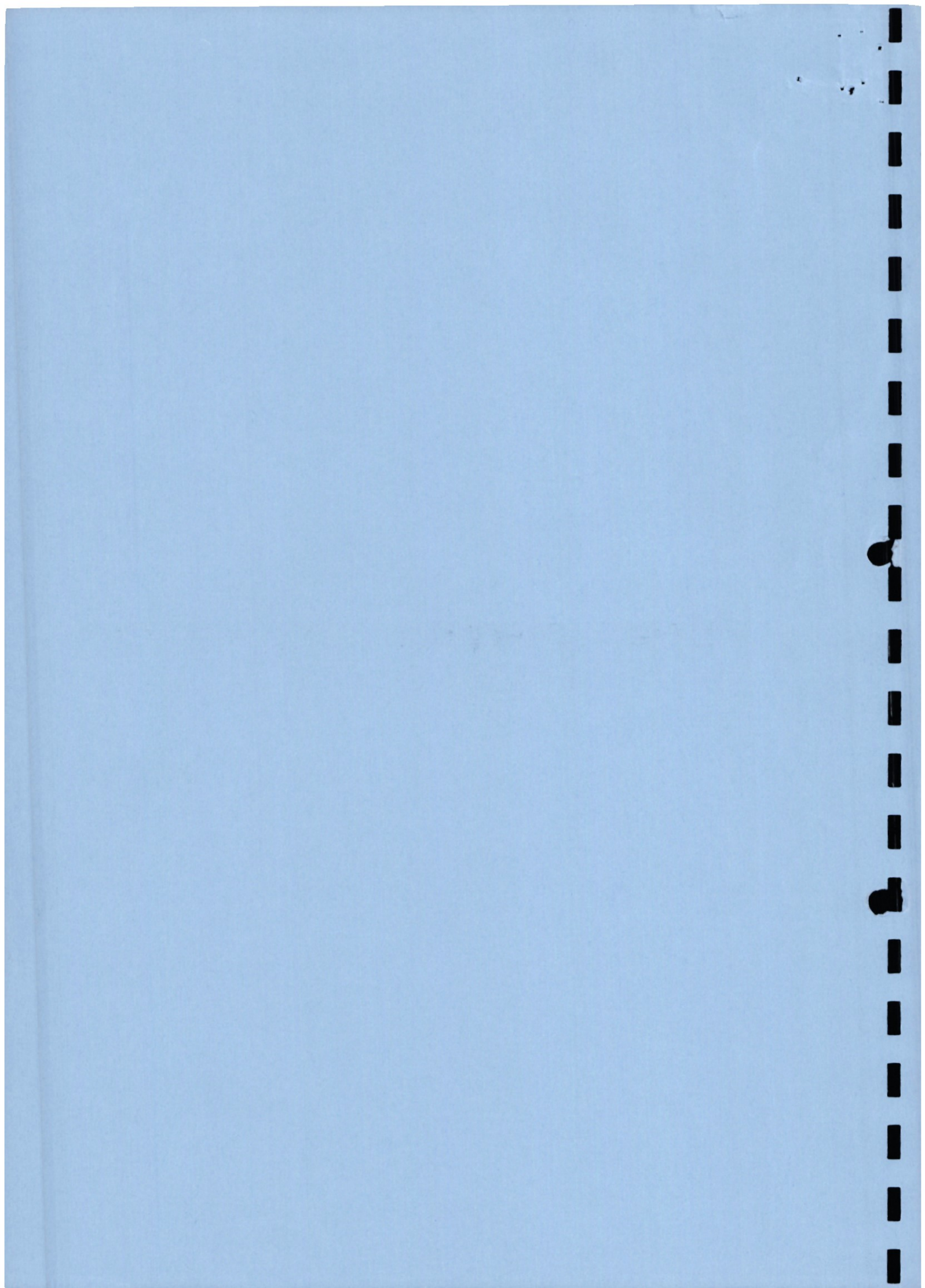




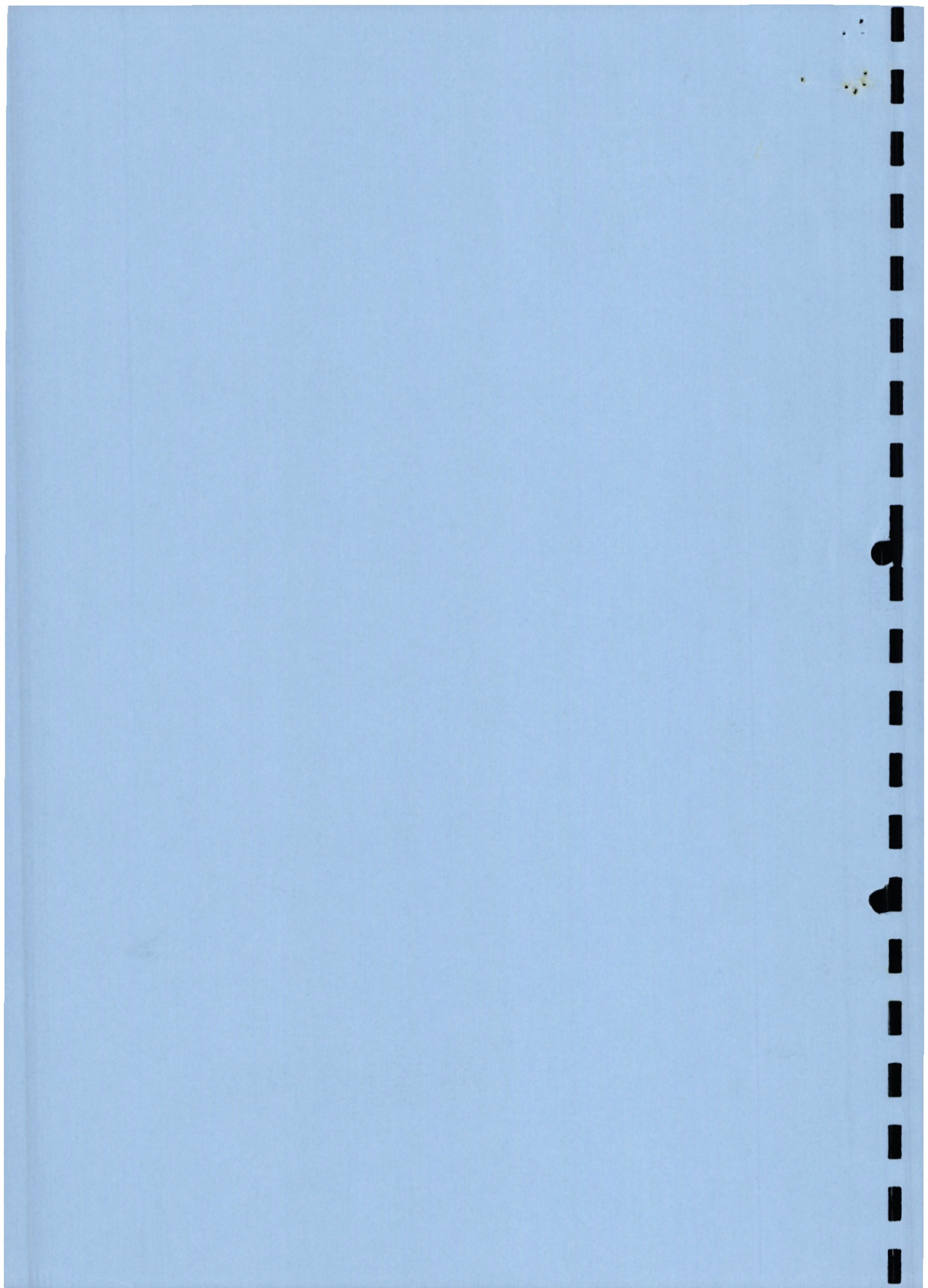
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Leader of the
Majority Party
Hon Aden Duale
Elt, MP on 19.4.18
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VOTE 1261
THE JUDICIARY



**SECTOR REPORT FOR MTEF PERIOD
2018/19 - 2020/21**





THE JUDICIARY



Sector Report

For
MTEF Period 2018/19 – 2020/21

November, 2017

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ALB	:	Auctioneers Licensing Board
CCR	:	Case Clearance Rate
CRJ	:	Chief Registrar of the Judiciary
CSOs	:	Civil Society Organizations
DPP	:	Director of Public Prosecutions
EACC	:	Ethics and Anti-Corruption Commission
EIA	:	Environmental Impact Assessment
ELC	:	Environment and Land Court
ELRC	:	Employment and Labour Relations Court
ESIA	:	Environment and Social Impact Assessment
ESMP	:	Environment and Social Management Plan
FY	:	Financial Year
GJLOS	:	Governance Justice Law and Order Sector
GOK	:	Government of Kenya
IFMIS	:	Integrated Financial Management Information System
IPT	:	Industrial Property Tribunal
JPIP	:	Judicial Performance Improvement Project
JSC	:	Judicial Service Commission
JTF	:	Judiciary Transformation Framework
KLR	:	Kenya Law Reports
LAPSSET	:	Lamu Port-South Sudan-Ethiopia-Transport
MDA's	:	Ministries, Departments and Agencies
MTEF	:	Medium Term Expenditure Framework
NCAJ	:	National Council on Administration of Justice
NCLR	:	National Council for Law Reporting
NEMA	:	National Environment Management Authority
NET	:	National Environment Tribunal
PFM	:	Public Finance Management
PFMA	:	Public Finance Management Act
PPDT	:	Political Parties Disputes Tribunal
SAGAS	:	Semi-Autonomous Government Agencies
SCAT	:	State Corporations Appeals Tribunal
SGR	:	Standard Gauge Railway
SJT	:	Sustaining Judiciary Transformation
UNDP	:	United Nations Development Programme

EXECUTIVE SUMMARY

The Judiciary is established under the Constitution of Kenya as an independent arm of government whose mandate is to administer justice in a manner that upholds the rule of law and protects the constitution. To achieve its mandate, the Judiciary in the past embarked on an aggressive transformation agenda under the Judiciary Transformation Framework (JTF), 2012-2016 and the Judiciary Strategic Plan (2014-2018) that focused on institutional building and capacity enhancement. Following the culmination of the JTF in 2016 the Judiciary embarked on the next phase of the transformation agenda codified in Sustaining Judiciary Transformation (SJT) (2017-2021) in line with the Strategic Plan. The SJT shifts focus from institutional building and capacity enhancement to enhancing service delivery. The shift towards quality service delivery will be achieved through a series of interventions, including: (a) automation, digitization and improvement of work methods (b) operationalization of development systems (c) enhancing individual accountability (d) enhancing institution accountability (e) entrenching performance measurement, monitoring and evaluation, and (f) entrenching policies and manuals already developed. These interventions will be realized through the SJT Operational Plan and annual Work Plans.

Article 173 (3) as read together with Article 221 (3) of the Constitution requires that each financial year, the Chief Registrar of the Judiciary prepares estimates of expenditure for the following year and submit them to the National Assembly for approval two months before the end of each financial year. Section 37 (4) of Public Finance Management Act, 2012 (PFMA) requires that this submission shall not be later than 30th April.

The annual expenditure estimates are prepared in a process guided by the National Treasury in a prescribed format for the medium term, pursuant to Section 36 of the PFMA. In this regard, Ministries, Departments and Agencies (MDAs) prepare their estimates based on strategic objectives, expected output and key performance indicators. The outputs and indicators for the Medium Term Expenditure Framework (MTEF) period have been drawn from the SJT and Judiciary Strategic Plan, which provide the road map for sustaining transformation of the Judiciary. These outputs will be implemented through *The Dispensation of Justice* programme. The programme comprises of two sub-programmes namely; (i) *access to justice and*, (ii) *general administration planning and support services*. The access to justice sub-programme will continue taking the larger share of resources since it focuses on the core business of the Judiciary.

In the MTEF period under review, the Judiciary made gains in several areas of service delivery which include; a) reduced backlog of cases from one (1) million cases to four hundred and ninety nine thousand, three hundred and forty one (499,341) cases, b) increased number of judges from 53 to 136, c) increased the number of High Courts from 20 to 39 in 37 counties, d) successfully implemented the pilot programme of Court Annexed Mediation where 453 cases with a value of Ksh. 10 billion were referred to mediation out of which 151 cases with a value of Ksh. 566 million were resolved.

The purpose of this report is to establish a framework for requesting and allocating resources to the Judiciary's strategic priorities while ensuring overall fiscal discipline. Chapter 1 of this

report provides the background information on the Judiciary as a sub sector in Governance Justice Law and Order Sector (GJLOS). This includes the Judiciary mandate, vision, mission, and strategic goals and objectives. Chapter 2 comprises of a review of programme performance for MTEF period 2014/2015- 2016/2017 and includes an outline of expenditure trends and achievements in the period under review. Chapter 3 presents the medium term priorities for the Judiciary for the MTEF period 2018/2019-2020/2021 which forms the basis for the resource requirements of the Judiciary. Chapters 4, 5 and 6 summarize the key issues addressed in the report including; an analysis of emerging issues, conclusions and recommendations.

1.1 Background

The Judiciary is established under Chapter 10 of the Constitution of Kenya. Its mandate is to resolve disputes in a just manner with a view of protecting the rights and liberties of all. It is headed by the Chief Justice who is also the President of the Supreme Court. It comprises the judges of the superior courts, magistrates and other judicial officers and staff. The Chief Registrar is the chief administrator and Accounting Officer of the Judiciary. In discharging its mandate the Judiciary is guided by the principles enshrined in the Constitution and the Kenya Vision 2030 which is the national blue print. The Vision spells out the following strategies which are associated with the role of the Judiciary:

- i Aligning the national policy and legal framework with the needs of a market-driven economy, human rights and gender equality commitments.*
- ii Increasing access and quality of services available to the public and reducing barriers to service availability and access to justice*
- iii Streamlining functional capability (including professionalization) of legal and judicial institutions to enhance their inter-agency cooperation*
- iv Inculcating a culture of compliance with laws, cultivating civility and decent human behavior between Kenyans and outsiders*

The Strategic Plan and SJT draw their priorities from the second Medium Term Plan of the Vision 2030, which provide the basis for prioritizing expenditure in the medium term budget. Some of the key result areas under the SJT include. (a) automation, digitization and improvement of work methods (b) operationalization of development systems (c) enhancing individual accountability (d) enhancing institution accountability (e) entrenching performance measurement, monitoring and evaluation, and (f) entrenching policies and manuals already developed.

1.2 Vision and Mission

The Vision and Mission statements for the Judiciary are:

Vision

An independent institution of excellence in the delivery of justice to all.

Mission

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

1.3 Strategic goals/Objectives

The overriding goal for the Judiciary is to provide equitable access to and expeditious delivery of justice. For purposes of achieving this goal, the Strategic Plan (2014-2018) focuses on the following priority areas: i) access to justice, ii) progressive jurisprudence, iii) organizational development iv) operational efficiency v) facilities development and management and vi) governance. Going forward, the implementation of this goal will be

anchored on the priority areas identified in the SJT thus. (a) automation, digitization and improvement of work methods (b) operationalization of development systems (c) enhancing individual accountability (d) enhancing institution accountability (e) entrenching performance measurement and monitoring and evaluation, and (f) entrenching policies and manuals already developed.

1.4 Mandate

The core mandate of the Judiciary is to resolve disputes. It is guided by the following principles as stipulated in Chapter 10 of the Constitution:-

- a) To expeditiously administer justice to all irrespective of status;
- b) To administer justice without undue regard to procedural technicalities;
- c) To protect and promote the purpose and principles of the Constitution 2010; and
- d) To promote alternative forms of dispute resolution, including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms.

1.5 Autonomous and Semi-Autonomous Government Agencies

The following Semi-Autonomous Government Agencies (SAGAS) and Tribunals compliment the Judiciary in the administration of justice chain:-

- i. National Council for Law Reporting (NCLR) is a state corporation established by the National Council for Law Reporting Act, 1994 whose mandate is to publish the official Kenya Law Reports which comprise the decisions of the superior courts of record. The Council is charged with updating of the Laws of Kenya, a delegated mandate from the office of the Attorney General vested under Legal Notice No 29 of 2009. The institution is the official custodian of public legal information, and maintains an online repository of updated laws, judicial decisions, cause lists and the Kenya gazette. The Council is also involved in building public legal awareness and ensuring access to free legal information to the public.
- ii. The National Council on Administration of Justice (NCAJ) is established under the Judicial Service Act, 2011 as revised in 2015. It provides a forum for stakeholders' collaboration in delivery of justice. Its mandate is to formulate policies relating to administration of justice, implement, monitor, evaluate and review strategies for administration of justice: facilitate the establishment of court user committees at county levels and mobilize resources for purposes of efficient administration of justice.
- iii. Auctioneers Licensing Board (ALB), is established under the Auctioneers Act, 1996 and its function is to exercise general supervision and control over the business and practice of auctioneers. The Board plays a facilitative role in the execution of court orders by ensuring all registered auctioneers meet the minimum legal and ethical threshold for the auctioneering standards.
- iv. Political Parties Disputes Tribunal (PPDT) is a body corporate established under the Political Parties Act, 2011. Its mandate is to resolve disputes arising from political parties' activities in Kenya

- v. The Education Appeals Tribunal is established under the Basic Education Act, 2013 to resolve complaints from any person aggrieved by the decision of the County Education Boards.
- vi. The HIV and AIDS Tribunal is established by the HIV and AIDS Prevention and Control Act, 2006. Its mandate is to hear and determine HIV and AIDS related disputes. Its objective is to promote rights and dignity for people living with HIV and AIDS.
- vii. The National Environment Tribunal is established under the Environmental Management and Coordination Act, 1999. Its mandate is to hear and determine appeals from NEMA's decisions and other actions relating to issuance, revocation or denial of Environmental Impact Assessment (EIA) licenses.
- viii. The Rent Restriction Tribunal is established under the Rent Restriction Act, Cap 296 of the Laws of Kenya. Its mandate is to hear and resolve disputes between landlords and tenants and regulate rent for residential dwellings in urban areas in the country.
- ix. The Sports Disputes Tribunal is established under the Sports Act, 2013. Its mandate is to hear and determine appeals made by national sports organizations or umbrella national sports organizations whose rules specifically allow for appeals to be made to the tribunal in relation to that issue including; appeals against disciplinary decisions and appeals against not being selected for a national team or squad and to resolve anti-doping cases under the Anti-Doping Act, 2016.
- x. The Energy Tribunal is established by the Energy Act, 2006 to hear and determine appeals brought against the decisions of the Energy Regulatory Commission and to exercise other powers as are conferred to it.
- xi. The Cooperative Tribunal is a body established under the Co-operative Societies Act, 1997 as amended by the Co-operative Societies (Amendment) Act, 2004. Its mandate is to settle Co-operative disputes.
- xii. The Industrial Property Tribunal is established under the Industrial Property Act, 2001. Its mandate is to hear and resolve disputes on industrial property rights such as patents, industrial designs, utility models and technovations.
- xiii. The Standards Tribunal is established vide legal notice no 7 of 2004. Its mandate is to hear appeals from any person aggrieved by the decision of Kenya Bureau of Standards, the National Standards Council and the Kenya National Accreditation Service.
- xiv. The Business Premises Rent Tribunal is established under the Landlord and Tenants (Shops, Hotels and Catering Establishments) Act Cap. 301 of the Laws of Kenya. Its mandate is to set out reasonable tenancy standards and to ensure that the landlords do not charge unreasonable rents for business premises.
- xv. Public Private Partnerships Petition Committee is established under the Public Private Partnerships Act, 2013. Its mandate is to consider all petitions and complaints submitted by a private party during the process of tendering and entering into a project agreement under the Act.
- xvi. Competition Tribunal is established under the Competition Act, Cap 504 of the Laws of Kenya. Its mandate is to determine appeals emanating from the decisions of the Competition Authority in regard to mergers and acquisitions, restrictive trade practices, abuse of dominance cases, and consumer protection.
- xvii. State Corporations Appeals Tribunal is established under the State Corporations Act, Cap 446 of the Laws of Kenya. Its mandate is to hear appeals against the decisions of the Inspector General of State Corporations.

- xviii. Transport Licensing Appeals Board is established under the National Transport and Safety Authority Act, 2012. Its mandate is to hear appeals from the decisions of the National Transport and Safety Authority.
- xix. The National Civil Aviation Administrative Review Tribunal is established under the Civil Aviation Act, 2013. Its mandate is to hear and determine complaints and appeals against the decision of the National Civil Aviation Authority.
- xx. The Micro and Small Enterprises Tribunal is established under the Micro and Small Enterprises Authority Act, 2012. Its mandate is to hear and determine disputes relating to micro and small enterprises as amongst themselves and with the Micro & Small Enterprises Authority.
- xxi. The Communications & Multimedia Appeals Tribunal is established under the Kenya Information & Communications Act, 1998 (Revised in 2015). The mandate of the tribunal is to hear and determine appeals from the decisions of Director General of the Communications Authority.
- xxii. Witness Protection Appeals Tribunal is established under the Witness Protection (Amendment) Act No. 2 of 2010. Its mandate is to review and determine grievances by persons not satisfied with the decisions or orders of the Witness Protection Agency relating to admissions or terminations of placement into the programme.
- xxiii. The Competent Authority is established under section 48 of the Copyright Act, which is an Act of Parliament. Its mandate is to listen and determine matters where the Copyright Board is accused of unreasonably refusing to grant a certificate of registration in respect of a collecting society, the board is imposing unreasonable terms or conditions on the granting of such a certificate or where a collecting society is unreasonably refusing to grant a licence in respect of a copyright work, or where a collecting society is imposing unreasonable terms or conditions on the granting of such licence.
- xxiv. Legal Education Appeals Tribunal is established under the Legal Education Act No. 27 of 2012. It is mandated to hear and determine appeals arising from the decision of the Council of Legal Education.

1.6 Role of Sector Stakeholders

The responsibility of a just society and State is shared among the Judiciary and stakeholders in the justice system who must perform their respective roles. For purposes of coordination and commonality of purpose, stakeholders in the justice system are brought together under the umbrella of the National Council on the Administration of Justice (NCAJ) as provided under sections 34 and 35 of Judicial Service Act, 2011. The details of stakeholders are provided below:

Parliament

Parliament, consisting National Assembly and Senate are State organs responsible for the enactment of legislation, appropriation of the national budget and oversight over State organs. The Accounting Officer of the Judiciary (CRJ) is required by the Public Finance Management (PFM) Act 2012, to prepare MTEF budget proposals and submit annual expenditure estimates by 30th April to the National Assembly for approval. This requirement is reiterated under the Judicial Services Act, Section 29 (2), which further requires prior approval of the same by the Judicial Service Commission. The Judiciary is required to submit

annual reports to the National Assembly on the state of the Judiciary and administration of justice.

The National Treasury

The National Treasury derives its mandate from the Public Finance Management Act, 2012 which provides for proper budgetary and expenditure management of public financial resources. It coordinates MDAs in the preparation and implementation of the annual national budget through issuance of Circulars and administration of the Integrated Financial Management Information System (IFMIS).

The Office of the Controller of Budget

The Office of the Controller of Budget is established under Article 228 of the Constitution with the mandate of overseeing the implementation of the Judiciary budget by authorizing withdrawals from the Consolidated Fund through approval of exchequer requests.

Office of the Auditor- General

The Office of the Auditor General is established under Article 229 of the Constitution of Kenya. The Auditor General is the external auditor for the Judiciary's whose mandate is to confirm whether or not public money has been applied lawfully and in an effective way through routine audits and preparation of annual reports which are submitted to Parliament.

Office of the Attorney General

The Office of the Attorney General (OAG) draws its mandate from Article 156 of the Constitution of Kenya which vests on the Attorney General the responsibility of being the principal legal adviser to the Government. The Attorney-General represents the Judiciary in any civil proceedings to which the Government is not a party to in order to promote, protect and uphold the rule of law and defend the public interest. The OAG provides legal opinion on financing agreements with development partners. The OAG drafts Bills that are enacted into Law which are interpreted by the Judiciary.

Office of the Director of Public Prosecutions

The Office of the Director of Public Prosecutions (ODPP) is provided for under Article 157 of the Constitution and operationalized by the Office of the Director of Public Prosecutions Act, 2013. It is responsible for instituting and undertaking criminal proceedings against any person before any court (other than a court martial) in Kenya with respect to any offence alleged to have been committed.

The National Police Service

The broad mandate of the National Police Service (NPS) as outlined in the National Police Service Act, is to maintain law and order and perform any other duties as may be assigned by the Inspector General in accordance with the law. The NPS arrests and arraigns suspects in court for trial.

Kenya Prisons Service

The Kenya Prisons Service (KPS) derives its mandate from the Prisons Act, Cap 90 of the Laws of Kenya, the Borstal Act, Cap 92 of the Laws of Kenya and the Public Service Commission Act, 2012. Its functions are to contain and keep offenders in safe custody, rehabilitate and reform offenders, facilitate administration of justice and promote social re-

integration of prisoners. The KPS presents offenders to court for case mention, appeals, hearing and trial.

The Law Society of Kenya

The Law Society of Kenya (LSK) is established under the Law Society of Kenya Act, 2014. Its mandate is to advise and assist members of the legal profession, the government and the larger public in all matters relating to the administration of justice in Kenya. The members of the LSK represents litigants in the court of law.

Witness Protection Agency

The Witness Protection Agency (WPA) is a body corporate established under the Witness Protection Act, 2008. The Agency provides special protection on behalf of the State to persons in possession of important information and who are facing potential risk or intimidation due to their co-operation with prosecution and other law enforcement agencies.

Civil Society Organizations

Civil Society Organizations (CSOs) are the non-governmental and not-for profit organizations in Kenya. They file petitions on matters of public interest while advocating for their rights.

The Ethics and Anti-Corruption Commission

The Ethics and Anti-Corruption Commission (EACC) is a public body established under the Ethics and Anti-Corruption Commission (EACC) Act, 2011. Its mandate is to promote integrity and combat corruption through law enforcement, prevention and education. The EACC investigates and recommend for prosecution on matters of economic crime to the ODPP for trial.

Development Partners

The Judiciary partners with various development partners such as World Bank and Ford Foundation in carrying out its programmes. These partners provide additional resources through loans or grants which form part of the Judiciary's budget.

2. [REDACTED]

2.1 Review of Sector performance

Delivery of justice to all is the core mandate of the Judiciary. The following are the key achievements accomplished by the institution and its units in the FY 2014/15, 2015/16 and 2016/17.

- a) In the period under review, the Judiciary established 19 new High Court Stations in Chuka, Garsen, Kabarnet, Kajiado, Kapenguria, Kiambu, Kitui, Lodwar, Marsabit, Migori, Naivasha, Nanyuki, Nyamira, Siaya, Makeni, Narok, Nyahururu, Bomet and Voi. The Anti-corruption and economic crimes division of the High Court was also established at Milimani Law Courts. In addition, a High Court sub-registry was established at the Thika Law Courts.
- b) The Judiciary also established 8 new Environment and Land Courts (ELC) in Narok, Makeni, Nyahururu, Thika, Garissa, Chuka, Kajiado, and Migori bringing a total to 26 ELC courts across the country. Sub-registries were established in Naivasha, Kilgoris and Engineer Courts. Further, 8 new Magistrates Courts were established in Engineer, Kakuma, Githongo, Mbita, JKIA, Loitokitok, Mpeketoni and Ngong. Tononoka children's court was elevated into a magistrate court
- c) The former Industrial Court was renamed to Employment and Labor Relations Court in conformity with the Constitution and was then officially launched together with its Service Delivery Charter. The rules of the court were developed and gazetted. During the period under review, six (6) sub-registries of the court were established in Malindi, Machakos, Meru, Bungoma, Garissa and Eldoret. Circuit courts were held in Malindi, Eldoret and Meru towards reducing distance travelled by litigants to access court services.
- d) The following High Court stations were refurbished during the review period; Kisii, Homa Bay, Milimani, Eldoret, Garissa, Kapenguria, Kitale, Nyeri, Nakuru, Kajiado, Busia, Meru, Marsabit, Mombasa, Malindi, Bungoma, Migori and Kerugoya.
- e) The Court Annexed Mediation Program was initiated in Family and Commercial divisions of the Milimani High Court in Nairobi. This was a pilot project where 453 cases with a value of Ksh. 10 billion were referred to mediation out of which 151 cases valued at Ksh. 566 million were resolved within an average of 66 days.
- f) Towards improving access to justice, the Judiciary established 58 mobile magistrate courts, namely: Bangale, Ijara, Dadaab, Modogashe, Zombe, East Pokot, Kabara, Faza Island, Wamba, Laisamis/Merille, Lokichar, Lokitang, Merti, Archers Post, Songhor, Kipini, Kapsokwony, Kisanana, Baragoi, Kasigau, Rumuruti, Kiambere, Nyatike, North Horr, Loiyangalani, Etago, Murua Dikirr (Trans Mara East), Kathangacini, Kuresoi, Sio Port, Ngobit, Olokurto, Bura, Bute, Elwak, Rhamu, Borabu, Migwani, Kikima, Kendu Bay, Navakholo, Maguga, Doldol, Sigor, Ol'Kalou, Khwisero, Sololo, Kachibora, Lokichogio, Magarini, Mikinduri, Kibiyet, Gaitu, Garba Tulla, Tot, Wamunyu, Alale and Marafa. The High Court established two mobile courts at Loitokitok and Kakuma.
- g) To improve delivery of judicial services, 34 High Court judges and 19 ELC judges were recruited and sworn-in. A total of 1,476 staff (i.e. 1221 court clerks, 131 secretaries, 70 archivists, 18 Internal Auditors and 36 ICT officers) were recruited to address staff shortage.
- h) There was improvement in Case Clearance Rate (CCR) from 75.8% in FY 2015/16 to 87.4% in the FY 2016/17. In the FY 2016/17, 350,882 matters were filed in courts across the country and 306,603 cases were resolved. In January 2014 and March 2016,

the Judiciary conducted Case Audit and Institutional Capacity Surveys respectively, which provided baseline data on the case backlog and detailed the nature and status of all pending cases. The findings of the surveys guides policy on disposition of dormant cases and informs distribution of human resource and equipment.

- i) The Supreme Court published the Supreme Court (Amendment) Rules 2016 and Supreme Court Registry Manual (2016) to guide the Court's operations provide simplified guidelines on the Court's registry operations, respectively.
- j) Pursuant to Articles 164 and 165 of the Constitution, the Court of Appeal and the High Court Organization and Administration Acts were enacted in 2015, respectively. These Acts provide for the effective and efficient management of the Courts, development of jurisprudence and improvement of access to justice. The High Court Registry Operations Manual and Magistrates' & Kadhis' Courts Registry Manual were developed to standardize the registry procedures This guarantees clients similar quality services across the country. Other policies and guidelines developed included: Bail and Bond Policies Guidelines, Sentencing Policy Guidelines, Directions on Traffic Cases, Illicit Trade Manual, Court Users Committee Guidelines and Court Users Committee IEC materials.
- k) To enhance general administration of the institution, the Judiciary developed a number of key policy documents. These included Sustaining Judiciary Transformation (SJT), Strategic Plan, Transfer Policy for Magistrates and High Court Judges, Transfer Policy for Court of Appeal, Communication Policy, Disability Mainstreaming Policy, Finance Policy, ICT Policy and Human Resource Manual.
- l) The Judiciary launched Performance Management and Measurement Framework in April 2015. The Framework guides the measurement of performance in the Judiciary based on internationally accepted Judicial performance indicators, aimed at focusing efforts towards improving administration, enhancing access to and expeditious delivery of justice. This heralded the rollout of performance management process in the Judiciary including the National Council for Law Reporting and was accompanied by signing of "Performance Commitments" by all the units for implementation since the FY 2015/16.
- m) In the Financial Year 2016/17, the Judiciary through the National Council for Law Reporting published 4 volumes of Kenya Law Reports (KLR); 2014 Volume 2,3 and 4, KLR 1997, The Devolution Case Digest Volume 1, Bench Bulletins (Issues 34,35,36 & 37). A total of 29 weekly newsletters were compiled and four (4) quarterly reports on emerging law reform issues and jurisprudence were prepared. These reports were submitted to the Attorney General and the Kenya Law Reform Commission.
- n) The online publication of the Laws of Kenya was 85% updated while 100% of judicial decisions collected from the court stations were uploaded on the Case law database. Kenya Law website maintained its universal accessibility guidelines status with an average of 8,100 hits recorded on the website per day including access by the visually impaired.
- o) During the period under review, 15 tribunals namely: Sports Disputes Tribunal, Transport Licensing Appeals Tribunal, State Corporations Appeals Tribunal, HIV & AIDS Tribunal, Rent Restriction Tribunal, Business Premises Rent Tribunal, Environment Tribunal, Cooperative Tribunal, Standards Tribunal, Education Appeals Tribunal, Industrial Property Tribunal, Energy Tribunal, Competition Tribunal, Political Parties Disputes Tribunal and the Public-Private Partnership Petitions Tribunal transited to the Judiciary.
- p) All Tribunals under the Judiciary sustained their efforts to reduce case backlog and achieve expeditious delivery of Justice. In the period under review, 16,330 cases were

filed and 11,633 matters were disposed thus a case clearance rate of 71%. The tribunals undertook various sensitization campaigns to enhance public awareness. The Sports, HIV/AIDS, Standards, Energy and Competition Tribunals have validated their rules stipulating procedures and fees. HIV/AIDS Tribunal established liaison offices and county committees in 6 high HIV prevalence counties of Kisumu, Nyamira, Homa Bay, Siaya, Migori and Kisii. The Rent Restriction Tribunal revived 6 satellite stations in Mpeketoni, Kericho, Kitale, Meru, Muranga and Machakos.

- q) The Judiciary Committee on Elections was launched in 2015 as a standing committee to spearhead preparations by the Judiciary to discharge its constitutional mandate with regard to election disputes resolution. The Political Parties Act (Amendment) 2016 increased the number of the PPDT members from five to seven to increase the number of sittings at a time so as to speed up hearing of disputes especially during the election period.
- r) Access to information was enhanced through timely updating of the Judiciary website and social media pages. Various IEC material including *FAQs on Bail/Bond, Sustaining Judiciary Transformation Report and Brochures*; "How Court Works", "All About Us" were developed, printed, published and disseminated. Court dairies were printed and distributed to all court stations.
- s) The Judiciary also participated in public engagement activities all geared at educating the public on the operations of the Judiciary. Service initiatives were publicized through documentaries and targeted media interventions to enhance public confidence in the Judiciary. Court reporters from various media houses were trained on mediation, election petition and general court reporting.
- t) The Judiciary Financial Management Information System (JFMIS) was rolled out in all the 134 court stations across the country to enhance revenue, deposit and expenditure management and reporting
- u) The Judiciary enhanced jurisprudence through equipping 28 existing court libraries with legal reference materials and access to online resources.
- v) The Judiciary connected 102 court stations to the Internet and ICT infrastructure was enhanced in 120 court stations. This was in an effort to automate audiovisual recording and transcription, e-Diary, e-filing, sexual offenders register, and case registration.

Table 2:1: Sector Programme Performance

Program	Key Output	Key Performance Indicators	Planned Target			Achieved Targets			Remarks
			2014/15	2015/16	2016/17	2014/15	2015/16	2016/17	
Name of Program Dispensation of Justice									
Outcome Improved administration of justice, upholding the rule of law and protection of human rights and property and democracy as guaranteed by the Constitution									
		No of court of appeal constructions initiated	0	0	2	0	0	2	Nakuru & Mombasa have been initiated
		No of High Courts construction initiated	1	4	8	1	2	8	
		No of High Courts constructions completed	-	6	8	1	0	0	Inadequate no of clerk of works to supervise thereby delays by contractors
		No of new High Courts established	-	5	1	-	1	3	
		No of counties with High Courts	34	35	35	34	35	37	
		No of Magistrate court constructions initiated		16	24		24	12	Some courts did not start on time as they awaited clearance of E SIA E SMP by the WB
		No of new Magistrate courts completed	5	6	14	5	1	4	Makindu, Molo, Engineer and Kigumo completed
		No of Magistrate Courts established	-	3	4	-	4	1	3 courts targeted were not established due to land ownership challenges and non-existent structures
	Improve Quality & access to Judicial Services	No of High Court Stations under refurbishment	-	12	12	-	12	12	
		No of High courts extended refurbished	15	10	16	6	8	11	
No of Magistrate courts		55	70	60	45	60	53		

Program	Key Output	Key Performance Indicators	Planned Target			Achieved Targets			Remarks
			2014/15	2015/16	2016/17	2014/15	2015/16	2016/17	
		under refurbishment							
Increased accessibility to court services		No. of High Court Annexed mediation registries	-	-	4	-	-	2	The two were established in Milimani family and commercial divisions
		No. of new mobile High courts established	0	3	5	0	0	2	
		No. of new mobile Magistrate courts established	0	0	3	0	0	9	Additional mobile courts funded by JPIP
		No. of ELC circuits conducted	0	0	15	0	0	8	
		No. of ELRC sub-registries	-	4	6	-	6	0	
		No. of ELRC circuit courts established	-	2	15	-	0	8	
		No. of vehicles purchased	-	42	39	-	16	38	
Expeditious delivery of Justice through reduction of case backlog		No. of cases cleared	-	359,806	360,000	-	272,605	315,902	
		Case clearance rate	-	60%	76%	-	76%	87.4%	
		No. of cases resolved through ADR	-	20	23	-	1	174	The pilot was 151 therefore was over achieved because of the CAMP
		No. of disputes heard and determined by the tribunals	-	-	16,330	-	-	11,633	
		No. of Auctioneers licensed by ALB	400	400	400	336	340	384	
Enhanced transparency & accountability		State of Judiciary & Administration of Justice report (SOJAR)	1	1	1	1	1	1	
		% age of complaints heard and resolved	-	86%	86%	-	86%	89%	
Enhanced public perception of		% age satisfaction perception /Image	-	40%	71%	-	66.8%	73.3%	

Program	Key Output	Key Performance Indicators	Planned Target			Achieved Targets			Remarks
			2014/15	2015/16	2016/17	2014/15	2015/16	2016/17	
	the Judiciary								
	Enhanced local Jurisprudence	No of Kenya Law Reports and other legal materials published	12	15	18	12	9	8	Budgetary and HR capacity constraints
		No of Laws of Kenya compilations	1	-	3	22	1	0	Budgetary and HR capacity constraints
	Automated Judiciary & Tribunals Operations	No of courts installed with LAN and Wi-Fi internet connectivity	10	23	50	0	0	90	Attributed to policy directive by the CJ
	Improve jurisprudence and quality of judgment	No of libraries established and equipped	10	15	22	12	22	28	
SP2 General Administration and Planning	Entrenched Performance Management in Judiciary	% age of courts directorates SACAs under performance understanding & PAS	-	70%	100%	-	95%	95%	New tribunals transitioned to the Judiciary
	Improved transparency and public financial management due to risk based audits on internal systems of the Judiciary and Tribunals	No of internal audits conducted with appropriate recommendations	-	39	72	-	32	49	HR capacity
	Timely access of judiciary services by the	No of additional courts stations with delinked financial operations from	-	13	17	14	37	0	No station was delinked in 2016/17 due to lack of

Program	Key Output	Key Performance Indicators	Planned Target			Achieved Targets			Remarks
			2014/15	2015/16	2016/17	2014/15	2015/16	2016/17	
	public through control of the judiciary's resources and finances	the district treasury							accountants in the non-delinked court stations

2.2. Analysis of Expenditure Trends (2014/15 – 2016/17)

Absorption of the overall budget during the last three years has shown an upward trend with the recurrent expenditure moving from 96% to 97% and development from 52% to 67% as indicated in Figure 1 below. The improvement in absorption for development expenditure is largely attributed to establishment of an in house Directorate of Building Services (DBS).

Figure 1: Analysis of Absorption rates (2014/15-2016/17)

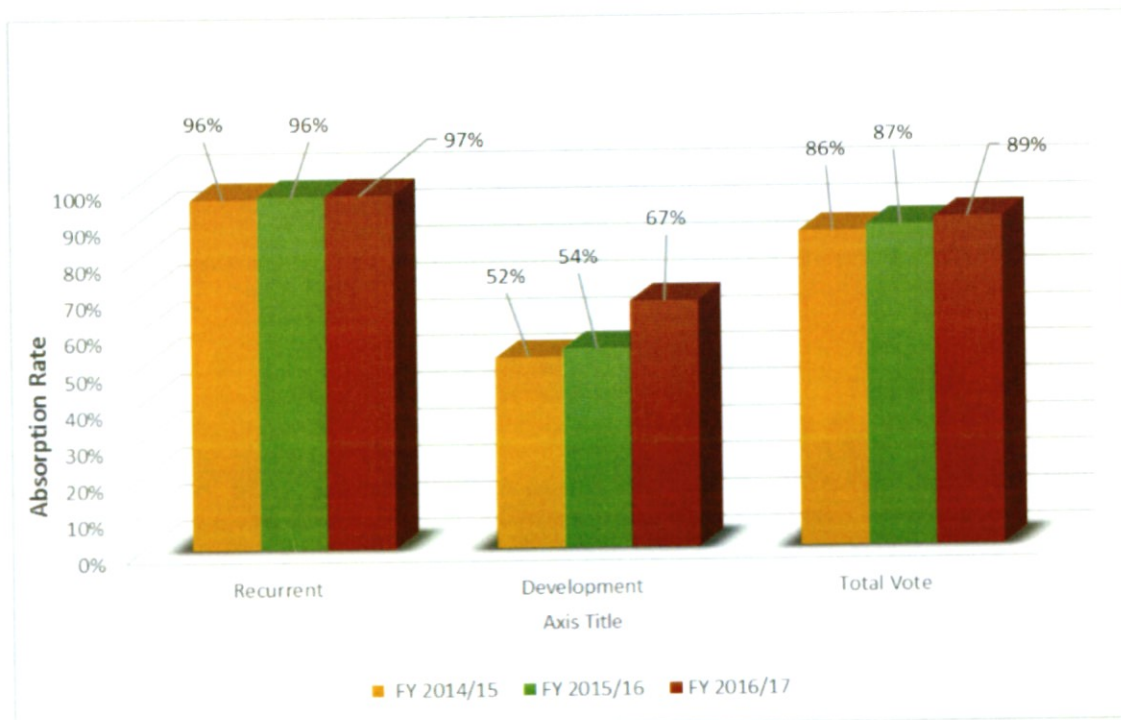


Table 2:2: Analysis of Recurrent Expenditure by Sector and Vote

ANALYSIS OF RECURRENT APPROVED BUDGET VS ACTUAL EXPENDITURE AMOUNT IN KSH MILLION							
SUB-SECTOR NAME:		JUDICIARY					
Vote & Vote Details	Economic Classification	Approved Allocation			Actual Expenditure		
		2014/15	2015/16	2016/17	2014/15	2015/16	2016/17
1261	Gross	10,732	11,684	12,956	10,269	11,259	12,506
	AIA	0	0	0	0	0	0
	NET	10,732	11,684	12,956	10,269	11,259	12,506