



A vibrant agency for responsive law reform



ANNUAL REPORT 2018-2019



KLRC Annual Report

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Creating a Culture of Justice
International Development Law Organization

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LETTER OF TRANSMITTAL

The Clerk,
Kenya National Assembly,
P.O Box 41842-00100,
Parliament Buildings,
Nairobi, Kenya.

Attention Hon. Sialai,

RE: ANNUAL REPORT FOR THE FINANCIAL YEAR 2018/2019

The Kenya Law Reform Commission (KLRC) has a mission to facilitate law reform conducive to social, economic and political development through keeping all the law of Kenya under review, ensuring their systematic development and reform in conformity with the Constitution of Kenya.

It is our pleasure to formally present the Annual Report for the financial year 2018/2019 in accordance with Section 32 of the KLRC Act of 2013. This report captures our mandate, functions, the governance framework as well as the approach employed. It also contains our strategic goals, targets, achievements and milestones realized in the reporting period. The report further highlights challenges encountered, lessons learnt and the relevant recommendations.

It is our earnest trust, that the report will inform future policy interventions and be a useful tool in promoting feedback and building commitment in the law reform work in Kenya.

We thank you in advance for the continued support.
Mr. Mbage Ng'ang'a

Chairman



FOREWORD

By The Chairperson

“We also do reckon exemplary operational achievements among them: the declaration of KLRC as a public service organization; the growth in staff capacity; the development and operationalization of key internal policy frameworks”

The Publication of the Annual Report for the financial year 2018/2019 is both legendary and nostalgic. It comes at a time when the first Commission’s term (2013-2019) has lapsed. As I write this, my able colleagues already exited office in late December 2018. I am privileged to have remained staggered as a consequence of the appointment and finally be inking this last report while in office as the chairperson. It therefore behoves us to look down the memory lane even as we share the achievements, successes, challenges of the reporting period. On this front, our heads are steadfast, as the then young, crawling but potential organization in 2013, has been propelled through the unclear waters to be what it is today. We remain confident that KLRC has been nurtured well amid the myriad transition challenges.



Remarkably, it is during our tenure that Kenya's constitutional implementation process started and progressed in earnest. KLRC played a key role especially in the development of the 5th Schedule legislation and the initiation of key reform initiatives. We also do reckon exemplary operational achievements among them: the declaration of KLRC as a public service organization; the growth in staff capacity; the development and operationalization of key internal policy frameworks. KLRC indeed developed and oversaw the full implementation of the 2013-2017 Strategic Plan and the development of the current one for the period 2018-2022. This was no mean feat.

The report of the financial year 2018/2019 is the sixth during our tenure. The report highlights our mandate and functions and the approach we have employed to fruition the set targets. A wide range of milestones and success stories are captured in key themes: effective constitutional implementation, development of legislation towards realization of vision 2030 and the Big Four Agenda, Technical Assistance to National and County Governments, Law Reform initiatives and enhanced institutional capacities. The realized and documented achievements is a further testament of our commitment and the strong foundation that has been laid out in the secretariat. KLRC also drew into the support and collaboration of many of our stakeholders and development partners.

Indeed, the achievements outlined above would not have been possible without the innovation, resourcefulness, commitment and hard work of the members of the Commission, staff, partners and other stakeholders. In this regard, I express unreserved gratitude to my former colleagues and commissioners: Ms. Doreen Muthaura (Vice Chairperson), Njoki Kahiga (Commissioner), Apollo Mboya (Commissioner); Linda Mulira (Commissioner); Mary Wairagu (Commissioner) and Ms. Ruth Kirwa (Commissioner). I also convey congratulations to the KLRC Secretary/CEO, Mr. Joash Dache, MBS and the entire staff for relentless efforts and work well done.

We do remain eternally grateful for the honour bestowed upon us to serve the people of Kenya. We salute the Office of the Attorney General and Department of Justice and the Public Service Commission and other agencies for the confidence in us and the continued support. May KLRC continue working closely with all stakeholders and in all sectors to strengthen issue based, citizen centred, accountable and result-oriented law reform towards the realization of our constitutional aspirations and the Kenya Vision 2030.

Mr. Mbage Ng'ang'a

Chairperson

PREFACE

By The Secretary /Chief
Executive Officer



The Kenya Law Reform Commission (KLRC) is esteemed to publish the Annual Report which also contains the Financial Statements for the year 2018/19. We were also privileged to have worked with dedicated Commissioners whose term of office came to an end during this financial year. This founding Commission which was appointed following the enactment of the Kenya Law Reform Commission (KLRC) Act No. 19 of 2013, did set up proper policy frameworks and institutional structures for effective service delivery. This Report therefore describes the goals, targets and achievements as well as challenges and recommendations of the outgoing Commission in respect of the reporting period.

The financial year 2018/19 witnessed a tremendous improvement in our service delivery. The Secretariat braved the budget cuts and managed to meet most of the key result areas and targets. Particularly, there was enhanced collaboration and partnership in the provision of technical assistance to both the National and County Governments in matters of policy and legislative

development. Our internal capacities were significantly enhanced in the key relevant areas of core competency. We had close partnership with international institutions including the University of New York where peer learning and exchange was realized. It is also during this period that our service charter was reviewed to reflect emerging service areas and lines of accountability. To further promote public awareness of ongoing law reform work, we operationalized the Access to Information Act, 2016. My office designated an Information Access Officer (IAO) to manage information requests and to ensure observance of article 35 of the Constitution and the said Act. This has improved the confidence of our customers and stakeholders.

We have enjoyed the support of key stakeholders and partners including from all the arms of National Government, State Organs, County Governments, Civil Society Organizations, Academia, other Non-State Actors and the Media among others. Of particular mention is the close working relationship with the Office of the Attorney-General and



Department of Justice and the people of Kenya in general. Indeed their support has been a deep appreciation of the crucial role of KLRC in its mission of *facilitating law reform conducive for the social, economic and political development of Kenya.*

The KLRC Management Team is grateful for the continued support of all the Commissioners and the Chairperson. Their policy direction and leadership has enabled us to accomplish key milestones during the reporting period. Amid the exit of the Commissioners, the Secretariat will continue to ensure the effective implementation of the programmes as laid out in the Strategic Plan 2018-2022. We do seek the support of all stakeholders in this endeavor.

Mr. Joash Dache, MBS

A handwritten signature in black ink, appearing to read 'Joash Dache', is written over a circular stamp or watermark.

Secretary/ Chief Executive Officer

ACKNOWLEDGEMENTS

We are deeply grateful to members, staff, partners and stakeholders who made tremendous efforts towards the realization of our targets for the financial year 2018/2019. Your commitment, time and resources are in no doubt appreciated. We salute the Office of Attorney-General and Department of Justice whose leadership and support is warmly acknowledged. In the same vein, the following institutions have been a key pillar towards this celebrated and shared success: Office of the President and the entire Cabinet; Parliament; The Judiciary; the National Treasury as well as all other respective Ministries, Departments and Agencies at both levels of government for the shared success. The support of the development partners and the Civil Society remains exclusively invaluable.

The publication of this Annual Report for the financial year 2018/2019 has been made possible by the generous financial support of the International Development Law Organization (IDLO) through its Kenyan Office. Mr. Romualdo Mavedzenge, the outgoing Country Director and his dedicated colleague, Ms. Anne Nderi, deserve special mention in this regard. In the same breadth, we want to sincerely thank KLRC officers: Mr. Joash Dache, MBS (Secretary/CEO); Ms. Josephine Sinyo (Director Legislative Services); Mr. Peter Musyimi, HSC (Head of Legislative Drafting); Ms. Mercy Muthuuri (Head of Legal Research); Mr. John Kariuki (Head of Accounts); Dr. Jacob Otachi (Head of Corporate Affairs and Communications); and all other Heads of Departments and Staff who made contributions in the preparation of this Report.

Finally, KLRC is indebted to the People of Kenya for entrusting us with this critical mandate and believing in our ability to deliver.
Asanteni Sana!



LIST OF ACRONYMS

AFFA	Agriculture, Food and Fisheries Authority
AG	Attorney General
CAF	County Assemblies Forum
CAF	County Attorneys' Forum
CAJ	Commission on Administrative Justice
CEO	Chief Executive Officer
CIC	Commission for the Implementation of the Constitution
CIOC	Constitutional Implementation Oversight Committee
CoE	Committee of Experts
CoG	Council of Governors
CoK, 2010	Constitution of Kenya, 2010
EACC	Ethics and Anticorruption Commission
GJLOS	Governance, Justice, Law and Order Sector
IEBC	Independent Electoral and Boundaries Commission
IIBRC	Interim Independent Boundaries Review Commission
IICDRC	Interim Independent Constitutional Dispute Resolution Court
IIEC	Interim Independent Electoral Commission
ISO	International Organisation for Standardization
KLRC	Kenya Law Reform Commission
KNCPD	Kenya National Council for People with Disabilities
KSG	Kenya School of Government
MCDA	Ministry, County, Department and Agency
MDA	Ministry, Department or Agency
MoDP	Ministry of Devolution and Planning (MoDP)
OAG&DJ	Office of the Attorney General and Department of Justice
PSC	Public Service Commission
SCAC	State Corporation Advisory Committee
SRC	Salaries and Remuneration Commission
SUNY-AHADI	State University of New York- Agile and Harmonized Assistance for Devolved Institutions
SP	Strategic Plan
UNDP	United Nations Development Program
USAID	United States Agency for International Development

KENYA LAW REFORM COMMISSION

KLRC ANNUAL REPORT



Vision

A vibrant Agency for
Responsive Law Reform

Mission

To facilitate law reform
conducive to social,
economic and political
development

CHAPTER 1

Background of KLRC

1.0 Introduction

This chapter introduces the Kenya Law Reform Commission (KLRC). It captures the: mandate, functions, vision and mission of KLRC. It also highlights KLRC's core values, principal attributes and the governance framework.

1.1 Mandate of KLRC

The Kenya Law Reform Commission (KLRC) is a statutory body corporate with perpetual succession, which serves both National and County governments in matters of law reform. KLRC draws its mandate from a number of constitutional, statutory and administrative instruments which govern its establishment, structure, functions and operations. These instruments are the Constitution of Kenya 2010, Kenya Law Reform Commission Act, 2013, the State Corporations Act (Cap 446) and the County Government's Act, 2012 among others.

1.1.1 Traditional Mandate

The Kenya Law Reform Commission was established by the Law Reform Commission Act, No. 2 of 1982 (now repealed) as a primary agency to spearhead law reform and review processes in the country. Its mandate

as contained in section 3 of Chapter 3 of the Laws of Kenya (repealed statute) was: "to keep under review all the law of Kenya to ensure its systematic development and reform, including in particular the integration, unification and codification of the law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments and generally its simplification and modernization." Even when repealed, KLRC continues to perform this mandate by tradition and as it also pronounced in its current constituting legislation.

1.1.2 Constitutional Mandate

The promulgation of the Constitution of Kenya 2010 entrenched the legislative development and law reform function to KLRC. Under Clause 5(6) (b) of the Sixth Schedule to the Constitution of Kenya 2010 (CoK, 2010), KLRC is required to coordinate with the Commission for the Implementation of the Constitution (now defunct) and the Attorney-General (AG) to prepare for tabling in Parliament legislation required to implement the Constitution. The significance of this is that, beyond the required 5th Schedule legislation which had an initial 5 year

implementation period, KLRC needs to continuously conduct law reform on all laws existing immediately before and after the effective date of the Constitution. Specifically, the laws should be construed with alterations, qualifications and exceptions necessary to bring each into harmony and conformity with the CoK, 2010 (Clause 7 of the Sixth Schedule).

1.1.3 Statutory Mandate

KLRC is established under an Act of Parliament (the Kenya Law Reform Commission Act No 19 of 2013). The Act provides for the mandate, composition, governance, operations and functions of the organization.

1.2 Specific Functions of the Kenya Law Reform Commission

The functions of the Commission are set out in Section 6 of the Kenya Law Reform Commission Act (2013), which provides that the Commission shall—

- (a) keep under review all the law and recommend its reform to ensure—
 - (i) that the law conforms to the letter and spirit of the Constitution;
 - (ii) that the law systematically develops in compliance with the values and principles enshrined in the Constitution;
 - (iii) that the law is, among others, consistent, harmonized, just, simple, accessible, modern and cost-effective in application;
 - (iv) the respect for and observance of treaty obligations in relation to international instruments that constitute part of the law of Kenya by virtue of Article 2(5) and (6) of the Constitution;
- (v) keep the public informed of review or proposed reviews of any laws; and
- (vi) keep an updated database of all laws passed and reviewed by Parliament;
- (b) work with the Attorney-General and the Commission for the Implementation of the Constitution (defunct) in preparing for tabling, in Parliament, the legislation and administrative procedures required to implement the Constitution;
- (c) provide advice technical assistance and information to the national and county governments with regard to the reform or amendment of a branch of the law;
- (d) upon request or on its own motion, undertake research and comparative studies relating to law reform;
- (e) formulate and implement programmes, plans and actions for the effective reform of laws and administrative procedures at national and county government levels;
- (f) consult and collaborate with State and non-State organs, departments or agencies in the formulation of legislation to give effect to the social, economic and political policies for the time being in force;
- (g) formulate, by means of draft Bills or otherwise, any proposals for reform of national or county government legislation;
- (h) upon request or on its own motion, advise the national or county governments on the review and reform of their legislation;



- (i) undertake public education on matters relating to law reform; and
- (j) perform such other functions as may be prescribed by the Constitution, this Act or any other written law.

1.3 Vision

“A vibrant agency for responsive law reform”

1.4 Mission

“To facilitate law reform conducive to social, economic and political development through keeping all laws in Kenya under review, ensuring their systematic development and reform in conformity with the CoK2010”

1.5 Core Values

To achieve its Vision and Mission, KLRC endeavours to articulate and execute its functions with fidelity to the following core values:

- (i) Integrity;
- (ii) Teamwork;
- (iii) Professionalism;
- (iv) Transparency and Accountability;
- (v) Courtesy; and
- (vi) Equality .

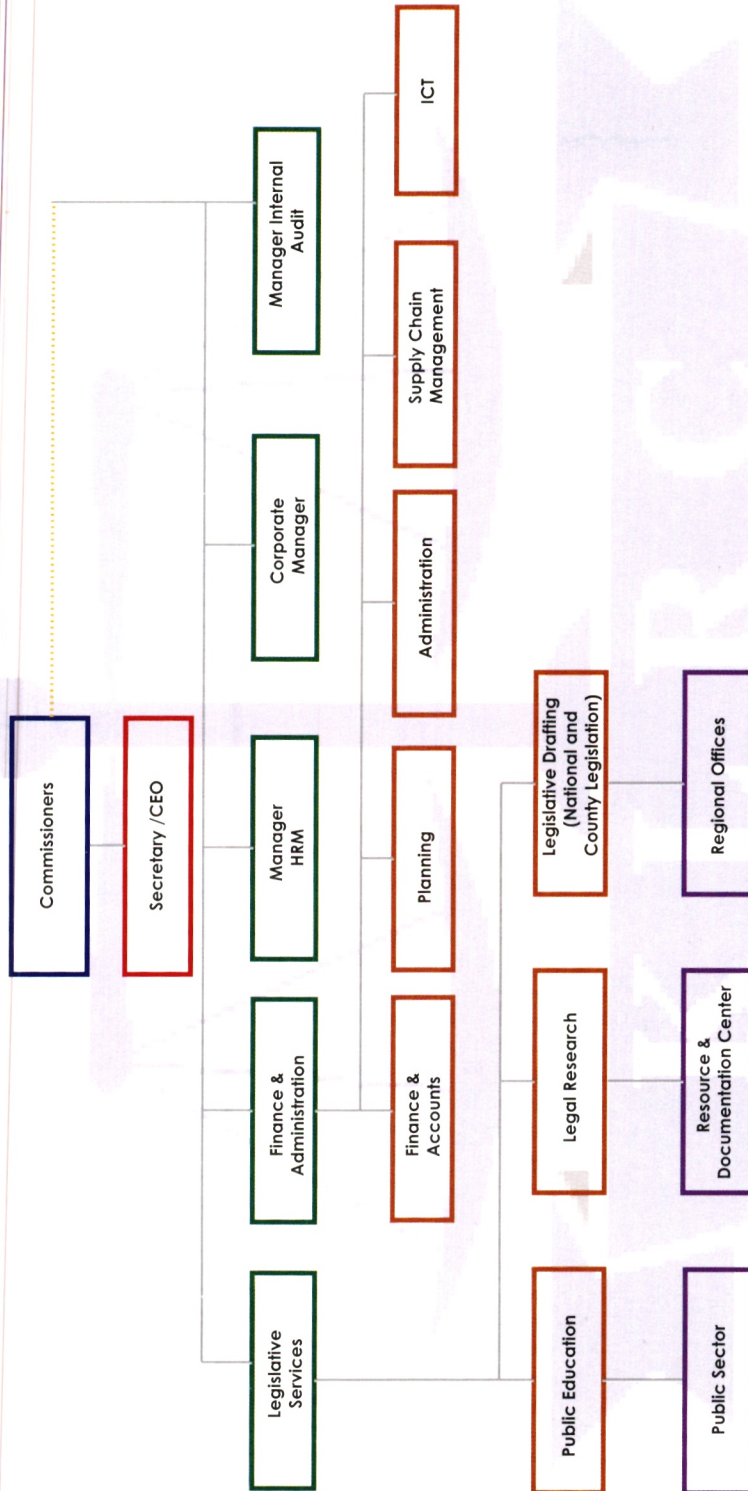
1.6 Inherent Principles and Attributes

KLRC, like other Law Commissions in Commonwealth jurisdiction, appreciates the fact that a national law reform agency should possess certain distinguishing characteristics that is to say: it should be permanent, authoritative, full-time, independent, generalist, consultative and implementation-minded. The Commission has strived to and continues to hold these ideals as it executes its mandate.

1.7 Structure and Administration of KLRC

At the apex of the Commission is the Board of Commissioners headed by the Chairperson. This is the policy organ of the Commission. The Secretary is the Chief Executive Officer and is responsible to the Commission for day-to-day administration. All the Commissioners meet at least once a month to review projects and programmes of the Commission and provide appropriate direction to the Secretariat. When there is need, Commissioners may meet more frequently. The full organizational structure of the Commission is captured in the organogram below.

The Commission's Organization Structure



CHAPTER 2

The Approach

2.0 Introduction

In order to effectively carry out its mandate and functions, KLRC adopted diverse strategies. Key among the strategies included: strategic planning, research and development, stakeholder engagement, leveraging technology, performance contracting, monitoring and evaluation.

2.1 Strategic Planning

To effectively perform and deliver services to both National and County Governments among other stakeholders, KLRC set out its 2018-2022 Strategic Plan (SP). The Strategic Plan provides an institutional review

of successes and challenges faced in the previous reporting period (2013-2017). It provides useful insights and lessons on what worked and what did not. With a robust mission and vision, the SP provided the strategic direction with clearly settled yearly strategic interventions and activities towards its vision. Realization of the yearly milestones provided the necessary motivation and feedback for periodic checks and improvement.

2.2 Research and Development

KLRC observed that its core work revolved around law reform and legislative development. Therefore, the



Stakeholders and KLRC staff pose for a photo after attending a stakeholder consultative forum in Nairobi



KLRC CEO leads some staff in public engagement, during the 6th Annual Devolution Conference in Kirinyaga County

need for up-to date research on best practices, international standards, emerging legislation and jurisprudence became paramount. KLRC thus embarked on various researches on existing and emerging areas so as to provide sound technical advice. Some of the research KLRC focused on during the period included: Desk Reviews; Focus Group Discussions; Bench Mark Visits; Baseline Surveys and Audit of Legislation. This approach ensured that KLRC was delite on the cutting edge of legal, administrative and governance scholarly work locally and internationally. Research findings and products also augmented our advisory and capacity building role for the stakeholders and customers.

2.3 Targeted and Prioritized Review and Development of Legislation

KLRC reckoned that there were a number of upcoming pieces of legislation that were being enacted by the 47 County Assemblies and Parliament (National Assembly and Senate). In addition, there were several legislation in the statute book that were yet to be aligned with the Constitution of Kenya 2010. All these, required KLRC`s attention for possible law reform. With such an enormous task before it and faced limited capacity, KLRC opted to prioritize key legislation that were essential and required to achieve social economic development of the people of Kenya in the medium term. These legislation were to be drawn from the Vision 2030 and the Big Four Agenda. Similarly, KLRC worked closely with the legislative assemblies and MDAs so as to appreciate the legislative agenda during the financial year.

2.4 Stakeholder Mapping, Consultations, Collaboration and Partnership

KLRC appreciated that its work was largely dependent on the input and concurrence of key stakeholders. To achieve this, KLRC initiated a number of mechanisms and for a to foster in-depth engagements, consultation



and collaboration. These avenues included the identification of relevant stakeholders in each project, establishment of project committees with membership from the targeted stakeholders and public consultative fora on matters of public interest. This approach secured useful feedback and insights and the required support of stakeholders and partners. One of the outstanding feedback that has yielded results after its implementation was the need for a standardized template for receiving instructions from instructing MDAs and county governments. Consequently there has been improvement in the quality of submissions which are more concise and properly contextualized legal problems.

2.5 Capacity Enhancement and Training

KLRC reckoned that most of the stakeholders required additional law reform capacity. With only one centralized office in the capital city of Kenya and limited number of technical staff; KLRC would be overstretched to offer meaningful service delivery. Similarly, with the devolved system of governance being somewhat new to the elected and appointed officials after the 2017 General Election, a good number of policy makers and implementers needed to be equipped with policy, administrative, institutional, and legislative and law reform knowledge. KLRC thus embarked on a robust capacity building programme targeting Members of County Assemblies, county attorneys, county counsels and other policy makers. This capacity enhancement was in form of trainings and publication of legislative resource manuals. This approach increased KLRC's pool of trained networks who would serve the various devolved units and other customers whenever need arose. KLRC also received generous support from IDLO who facilitated the embedment of two legal researchers for purposes of enriching its research interventions.

2.6 Communication and Outreach

KLRC sought to improve its public communications and engagement with key stakeholders so as to gain visibility and good will from the public. A number of communication strategies were initiated such as targeted media engagements on topical programmes and projects; consultative public barazas, open seminars, stakeholder briefing sessions, publications and the use of digital media (ICTs) such as blogs. Based on demand from the public, KLRC printed out 250 copies of the pocket size Constitution and disseminated to both internal and external stakeholders. KLRC also initiated courtesy calls with selected counties with particular focus on County Governments, where the Governors were serving a first term in office following general election in 2017. In this regard, KLRC reached out to over 16 counties with an aim of: creating awareness on the mandate of KLRC: identification of capacity needs of the relevant offices in policy formulation and development of legislation and to strengthen the working relationship between KLRC and county governments. KLRC further engaged with stakeholders in various fora. In the reporting period,



KLRC participated in various outreach functions namely: the Annual Devolution Conference in Kakamega, Law Society of Kenya Conference, Nairobi International Trade Fair in Nairobi and the Constitutional Commissions and Independent Offices forum of Chairpersons. The Commission also attended the ALRAESA (Association of Law Reform Agencies of Eastern and Southern Africa) Annual Conference in South Africa. The Conference brought together delegates from over 17 member States including a representative from the Commonwealth countries. During these events, KLRC was able to interact, show case its work and to promote its brand amongst stakeholders. Through these mechanisms, rapport was established and useful in/direct feedback was obtained from stakeholders. This approach promoted public awareness and continued access to law reform information.

2.7 Performance Contracting, Monitoring and Evaluation

KLRC has been one of the agencies that have regularly participated in performance contracting. This has been a systematic and widely appreciated way of improving accountability and commitment towards service delivery. In the reporting period, KLRC signed the 2018/2019 Performance Contract (PC). The Performance Contract was further cascaded to various departments for ease of tracking and reporting. In order to obtain information and feedback on ongoing work, the carried out periodic project assessments with the implementers on the targeted goals and success indicators.

CHAPTER 3

Goals, Targets and Results

3.0 Introduction

This chapter highlights KLRC's goals which are drawn from its 2018-2022 Strategic Plan. It also documents the key result areas and targets which are captured in the Performance Contract for the financial year 2018/2019. The targets were drawn in consideration of KLRC Strategic Plan, Medium Term Plans (the Big Four Agenda) and the Kenya Vision 2030. It also summarizes the key achievements and success stories that emanated from projects and programmes implemented during the reporting period.

3.1 Strategic Goals

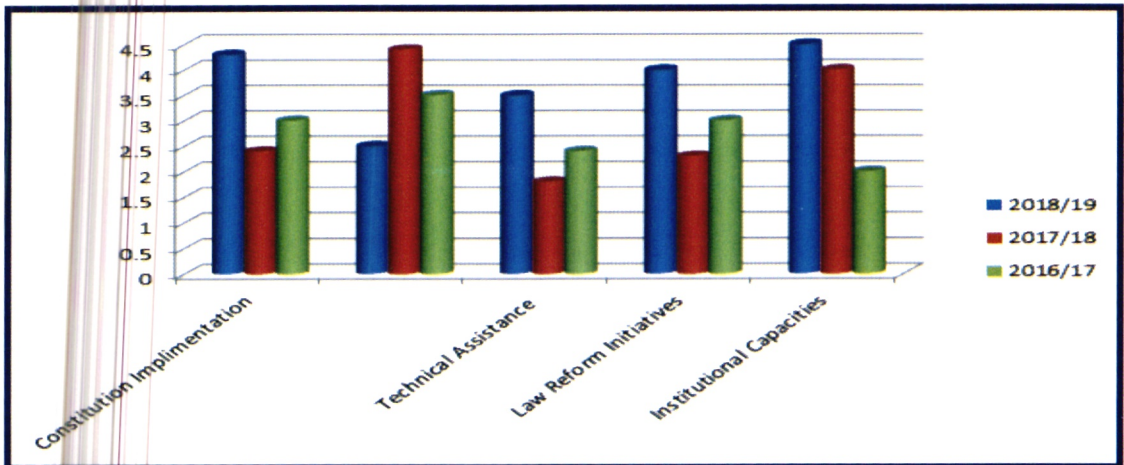
KLRC's strategic goals are drawn from the Strategic Plan. The goals are integral as they anchor the KLRC's strategic direction for the five-year (2018-2022) period and are geared towards the realization of the vision: a vibrant agency for responsive law reform. Our planning and interventions are geared towards the realization of these strategic goals which are

thematically summarized below:

- (a) Effective Constitutional Implementation;
- (b) Targeted legislation towards the realization of the Development Agenda;
- (c) Strengthened technical assistance to stakeholders (including National and County Governments);
- (d) Enhanced law reform in Kenya; and
- (e) Enhanced institutional capacity.

3.2 Effective Constitutional Implementation

Constitutional implementation is an ever ongoing process. KLRC is required to continually ensure that all law in Kenya is in consonance with the Constitution and that the law is consistent, harmonized, just, simple, accessible, modern and cost-effective in application.



3.2.1 Targets

To facilitate continued and effective implementation of the Constitution, KLRC aimed to support the development and review of a number of legislation so as to give effect to prevailing social, economic, cultural and political issues in Kenya. The specific pieces of legislation that were targeted included:

- a. Review legislation on transport and infrastructure;
- b. Review of the Intergovernmental Relations Act;
- c. Review the County Government Act; and
- d. Review labour related laws.

3.2.2 Achievements

In the reporting period KLRC assisted in the development of the above targeted legislation. The legislation were properly construed and recommendations made to ensure their conformity with the constitutional requirements and are currently with the relevant MCDAs and Parliament.

3.2.3 Key Milestones

Beyond the review and development of the targeted legislation; KLRC undertook the following projects successfully:

(a) Study on the Status of observance of treaty obligations in relation to international instruments

KLRC conducted a study of international laws ratified in Kenya, with an aim of assessing the status of implementation of Article 2 (5) and 2 (6) of the Constitution. This was in line with its mandate which obligates KLRC to ensure the observance of treaty obligations in relation to international instruments which constitute part of the law of Kenya. The study report provides insights which Parliament, the relevant ministries and other policy makers will find useful in ensuring harmony with this constitutional provision.



(b) Realization of National Cohesion and National Values

In the reporting period, KLRC worked with and collaborated with various stakeholders in furtherance of National Values and Principles of governance under Article 10 of the Constitution. KLRC proactively participated and contributed in the development of necessary legislation and policy frameworks. KLRC was co-opted in government Taskforces that recognized and advocated for non-discrimination and protection of the marginalized. KLRC also promoted and encouraged inclusive public participation, and education in the review and development of legislation and national policies.

3.3 Development of Legislation towards the Realization of the Big Four Agenda

In realization of our mission of facilitating law reform conducive to Kenya's social, economic and political development; KLRC aimed to contribute and participate in the development of legislation, policy and administrative framework towards realization of Kenya Vision 2030, the Big Four Agenda and other government policies.

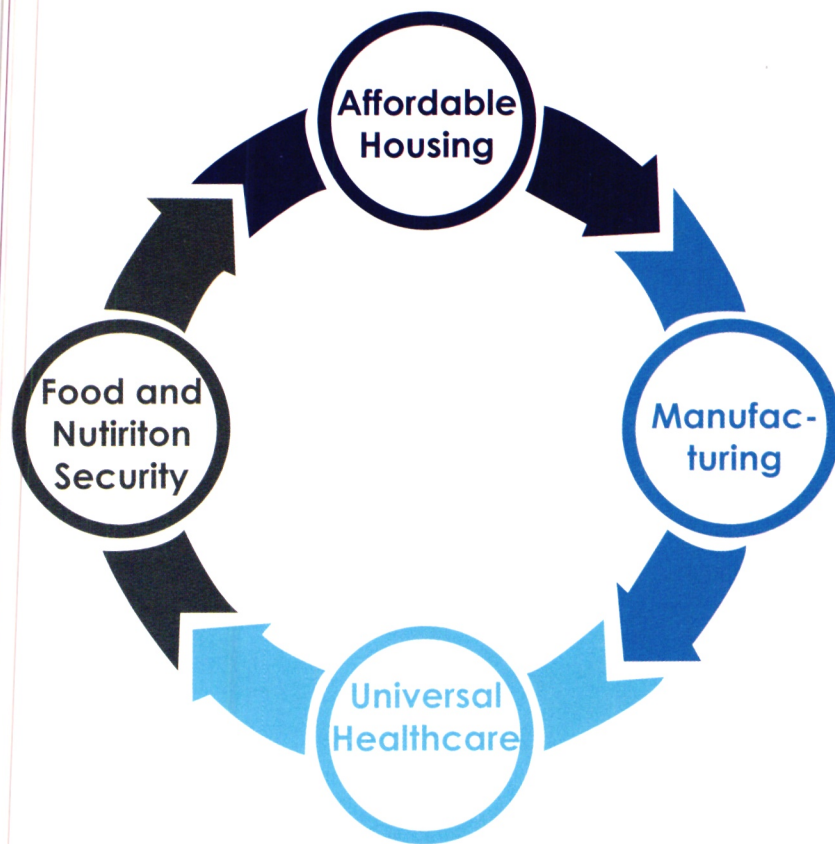
3.3.1 Targets:

During the Financial year 2018/19, KLRC specifically aimed to partner with the relevant MDAs to work on these the below key legislation:

- a. Review of health related legislation and facilitation of Universal healthcare;
- b. Review of social protection related legislation;
- c. Development of the Food and Drug Authority Bill;
- d. Development of the Slum Prevention Bill 2018; and
- e. Finalization of the Built Environment Bill 2017 and the Building Regulations (Building code) ;
- f. Offering technical assistance in developing ICT/ BPO policy and laws;
- g. Finalizing the Export Promotion Bill, 2018 to streamline export businesses.

3.3.2 Achievements

KLRC was proactive to support the realization of the four pillars in the government's development agenda namely: Universal Health Coverage, Affordable Housing, Manufacturing and Food & Nutrition Security. KLRC made its contribution towards the realization of the Big Four as follows:



(a) Realization of Universal Health Coverage / Healthcare

(i). Development of the National Public Health Institute Bill, 2019

In collaboration with other stakeholders, KLRC assisted in the development of the National Public Health Institute Bill, 2019. This bill seeks to: establish the Kenya National Public Health Institute to conduct surveillance and monitoring of health-related indicators; enhance the country's preparedness and public health response to disease outbreaks, disasters and other emergencies; provide public health interventions to prevent, detect and control the emergence, re-emergence and

spread of diseases ensuring a competent workforce for effective public health delivery; and advance public health research to inform and influence policy and practice.

(ii) Development of the Social Health Insurance Policy

KLRC also assisted in the development of a Sessional Paper on Social Health Insurance Policy. The policy aims to achieve Universal Health Care (UHC) in Kenya by:

- (i) Progressively increasing the percentage of Kenyans with insurance coverage for essential health services;

- (ii) Increasing the percentage of Kenyans covered under prepaid health financing mechanisms such as health insurance, subsidies and direct government funding to access health services;
- (iii) Progressively expanding the scope of the health benefit package accessible to all Kenyans;
- (iv) Improving the quality of health and reduce inequalities;
- (v) Protecting Kenyans from catastrophic health expenditures, in particular the poor and the vulnerable groups;
- (vi) Providing and retaining health resources appropriate for the delivery of health services and ensure fairness of financing; and
- (vii) Strengthening the leadership and governance within the health sector and become responsive to peoples' expectations.

(b) Affordable Housing

(i) Development of the Slum Upgrading and Prevention Bill, 2019.

In collaboration with other MCDAs' including the Ministry of Housing, Transport and Urban Developments, the Slum Upgrading and Prevention Bill, 2019 was developed and is in the process of finalization. The Bill gives effect to Article 43 of the Constitution which declares the right of every person to economic and social rights and particularly provides for the right to accessible and adequate housing, and to reasonable standards of sanitation. Once enacted, the Bill will give effect to the Big Four agenda by transforming slums into dignified

livelihoods and actualizing the right of every person to accessible and adequate housing with reasonable standards of sanitation.

(c) Manufacturing

(i) Export Promotion Council

In the reporting period, KLRC began reviewing the Export Promotion Bill, 2018. The bill establishes the Export Promotion Council to promote exports and export related industries; its review is yet to be finalized.

3.4 Technical Assistance to National Government MDAs

3.4.1 Targets

KLRC aimed to offer technical assistance to both National and County Government Ministries, Departments and Agencies. This assistance was to be in form of development of draft bills and policies; review of legislation and policies, capacity building and legislative research.

3.4.2 Achievements

The following achievements were realized in respect of technical assistance to National Government MDAs during the reporting period.

(i) Enhanced Cooperation with East Africa Community (EAC)

A programme of Harmonization of laws relating to trade in the EAC Partner States was initiated in the reporting period. KLRC participated and contributed towards the development of legislation aimed at deepening the cooperation in the East

Africa Community (EAC). Delegations from Law Reform Commissions and Ministries of Justice and Office of the Attorneys-General from Kenya, Uganda, Tanzania, Rwanda, Burundi and Republic of South Sudan participated in the program.

(ii) Restructuring of the National Youth Service

The National Youth Service (NYS) is the pride and backbone of our nation whose focus has been to help the youth discover and develop their potential since 1964. KLRC participated in the development of the National Youth Service Act, 2018, to facilitate restructuring of the National Youth Service into a premier agency through which Government executes an elaborate and comprehensive youth empowerment master plan known to the public.

3.4.3 Key Milestones

(i) Publication and Presidential Launch of the Sectoral National and County Policy and Legislation Report
KLRC, in collaboration with the Council of Governors (CoG) commissioned a study of law and policies across seven sectors namely; health, public finance management, agriculture, land and physical planning, trade and investment, urban development and natural resources management. The objectives of the study were to: audit county policies and legislation with a view to analysing their compliance with the Constitution; audit National policy and legislation with a view to examining to what extent they conformed with the

devolved system of governance; and to identify the gaps and challenges and propose remedies available for harmonization and alignment to the Constitution. The findings of this study were published in a report titled 'Report on the Audit of National and County Policy and Legislation'. The report was publicly launched by the President of the Republic of Kenya H.E. Uhuru Kenyatta, EGH during the 6th Devolution Conference in Kirinyaga County.

(ii) Improved Intergovernmental Relations

The Constitution of Kenya envisages mutual cooperation and interdependence between the two levels of Government (National and County Governments). This cooperation is currently further entrenched in Intergovernmental Relations Act, 2012.

Following requests from the attendant stakeholders, the Inter-Governmental Relations (Amendment) Bill, 2019 was developed with the technical support of KLRC. The bill amends the Intergovernmental Relations Act, 2012 to harmonize the framework of intergovernmental institutions for purposes of deepening cooperation and consultation between the two levels of government and to incorporate the lessons learnt in the implementation of the Act. If enacted, it is to:

- (a) Provide for cooption of additional members on the Summit;
- (b) Streamline the functions of IGRTC to make it the Secretariat of the Summit;

- (c) Provide for intergovernmental forums; and
- (d) Provide for the establishment of a separate secretariat for the Council of Governors.

3.5. Technical Assistance to County Governments

3.5.1 Targets:

KLRC aimed to liaise with all the 47 County governments in the process of developing their legislation, regulations, policies and administrative procedures. KLRC also aimed at enhancing the capacity of County Governments with regards to policy development, drafting of legislation and law reform.

3.5.2 Achievements:

The following achievements were realized in respect of technical assistance to County Governments and their MDAs during the reporting period.

(i) Review of the County Governments Act, 2012

Since the advent of devolved units in the year 2013, County Governments have been operating under the County Governments Act No. 17 of 2012. At the time, a number challenges were yet to be realized as later pronounced in the multiple court decisions, opinions of policy makers and the implementers of devolution. In light of the emerging devolution dynamics

in Kenya, KLRC in collaboration with other stakeholders assisted in the development of the County Governments (Amendment Bill) 2019. This bill sought to amend and align various provisions to the emerging issues. The draft Bill was finalized and presented before relevant Committees of the two Houses of Parliament, and validated in selected counties.

(ii) Development of Draft Bills

KLRC supported the development and review of over 30 draft bills from counties (see appendix) and ensured that these pieces of legislation were up to standard, consistent and harmonized. KLRC also reviewed and submitted advisories on a number of county legislation including: Nairobi City, Taita Taveta, Trans-Nzoia and Makueni Counties.

(iii) Enhanced legislative capacity of County Governments

In the reporting period, KLRC disseminated the Guide to the Legislative Process in Kenya and sensitized on County Model Laws in the following Counties: Isiolo, Meru, Laikipia, Tharaka Nithi, Kisumu, Kirinyaga, Kajiado, Bomet, Bungoma and Vihiga. The dissemination was in form of trainings and capacity building courtesy calls.

3.5.3 Milestones

The following were key milestones in respect of technical assistance offered to the county governments.



(i) Review of Regional Development Authorities` Acts

County Governments have in the recent past developed economic regional blocks. Some had opted to enact legislation to this effect. KLRC worked closely with the County Governments and managed to review six of the Acts establishing Regional Development Authorities with the aim of standardizing their operations. The Acts include: Tana and Athi River`s Development Authority Act, Lake Basin Development Authority Act, Kerio Valley Development Authority Act, Ewaso Ng`iro South Development Authority Act, Ewaso Ng`iro North Development Authority Act, The Tana and Athi Rivers Development Authority Act and The Coast Development Authority Act.

(ii) Issuance of Advisories and Legal Opinions

When called upon and on its own motion, KLRC gave advisories and legal opinions to number of emerging legislation and policy issues to county governments. Key among these was whether serving members of County Public Service Boards were eligible for reappointment. KLRC reiterated that the term of six years for the members remained non-renewable under the current law.

(iii) Capacity needs assessment on policy formulation and the legislative process

In addition, KLRC prepared a survey tool to assess the level of knowledge in policy formulation and the legislative process among the counties. The

tool was administered in more than five counties which included Meru, Kisumu, Nakuru, Vihiga, Bungoma, Bomet, Kajiado, Nyandarua and Kiambu among others. Analysis of the findings is ongoing and will inform further actions.

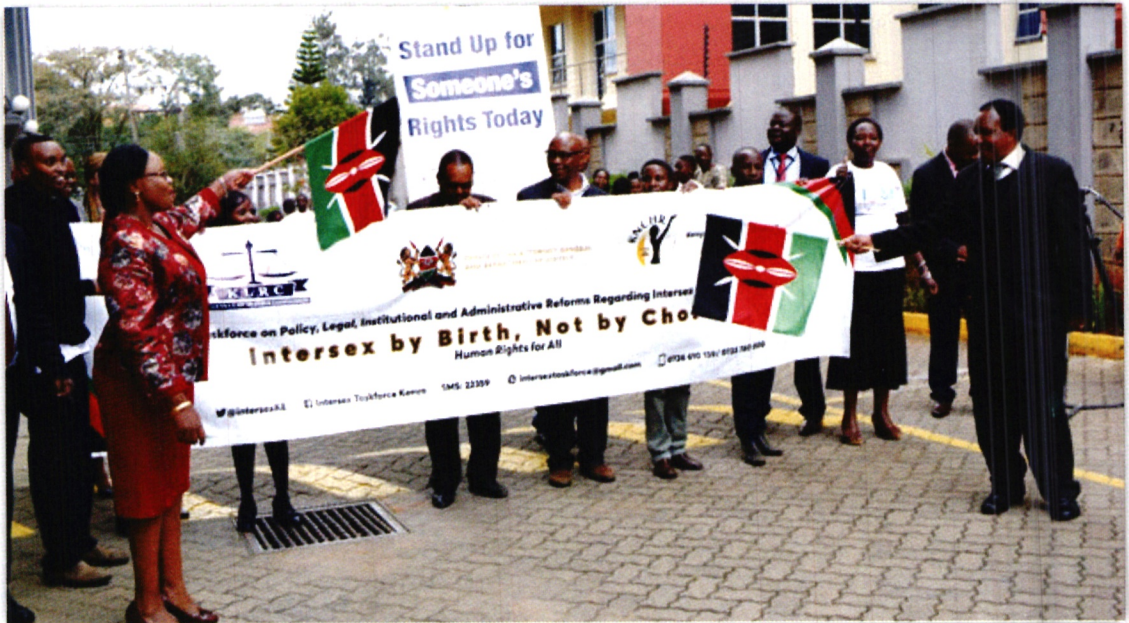
3.6 Law Reform Initiatives

KLRC in line with its mandate aimed to initiate and participate in key law reform initiatives. The following achievements were projected and realized.

3.6.1 Policy, Legal, Institutional and Administrative Reforms Regarding Intersex Persons in Kenya

In the reporting period, KLRC through its Chairperson, Mr. Mbage Ng`ang`a, led a Taskforce on Policy, Legal, Institutional and Administrative Reforms Regarding Intersex Persons in Kenya. The taskforce, whose membership comprised of the Kenya National Commission on Human Rights, the Office of the Attorney General and Department of Justice, Directorate of Immigration and Registration of Persons, National Gender and Equality Commission and the CRADLE, was charged with compiling comprehensive data regarding the number, distribution and challenges of intersex persons, undertaking comprehensive literature review based on a comparative approach to care, treatment and protection of the intersex, examining the existing policy, institutional, legislative, medical and administrative structures governing intersex persons and developing

a prioritized implementation matrix clearly stating the immediate, medium and long term reforms governing intersex persons.



The taskforce successfully conducted its work and the findings of this Taskforce were published in a report titled; Report of the Taskforce on Policy, Legal, Institutional and Administrative Reforms Regarding Intersex Persons in Kenya. This report was finalized and submitted to the Attorney General in March 2019. The report has succinctly described the plight of intersex persons and issued a number of recommendations key among them recognition of intersex persons in Kenya.

3.6.2 Legal and Policy Framework on the Mandatory Death Penalty in Kenya

KLRC continued to receive a number of referrals for law reform from various agencies including the Judiciary.

Following a ruling of the Supreme Court in Petition No 5/2015 between **Francis Karioko Muruatetu and another versus the Republic of Kenya**. The court required the Attorney General, Director of Public Prosecutions and other relevant agencies to prepare a professional review in context of that judgment and set up a framework to deal with sentence re-hearing of cases similar to that one ruled upon. To realize this objective, a taskforce was formed and tasked with the critical responsibility of receiving submissions from the public on the death penalty.

KLRC was subsequently appointed as a member this Taskforce. Other members included: the Judiciary, Office of Director of Public Prosecutions (ODPP), National Crime Research Centre (NCRC), the



Power of Mercy Advisory Committee (POMAC), Parliament, Kenya National Commission on Human Rights (KNCHR), the Ministry of Interior and the Office of Attorney General and Department of Justice (OAG & DOJ) as the chair of the Committee. The Taskforce was to particularly address the: re-hearing and re-sentencing of cases; the determination of life sentences and what would constitute the minimum versus the maximum sentence; whether the determination of the life sentence would be a legislative or judicial mandate; the recourse to alternative dispute resolution in criminal matters as well as establishment of the restorative justice policy within the ambit of international human rights law.

3.6.3 Criminal Justice Reforms

In the reporting period, KLRC also participated in the National Committee on Criminal Justice Reforms (NCCJR). The NCCJR was launched to spearhead comprehensive review and reform of Kenya's Criminal Justice system. It was also tasked with examining all aspects of criminal justice reform such as: arrests, investigations, policing, prosecution, adjudication, and sentencing (non-custodial sentences, incarceration, aftercare and re-entry). The committee has been reviewing the criminal justice system in Kenya and is to make legal, policy, institutional, operational, and administrative recommendations necessary for better functioning of the criminal justice sub-sector.

3.6.4 Review of the Legal, Policy Framework for Political Party Primaries in Kenya

In the reporting period, KLRC was part of an inter-ministerial team which was tasked with reviewing the legal and policy framework for Political Party Primaries in Kenya. The inter-ministerial team has been developing a policy to address the challenges faced by political parties in the conduct of political parties' primary elections in Kenya in order to realize a just electoral system. In particular the policy aims to establish and sustain: -

- a) a coordinated, transparent and accountable approach in the conduct of political parties' primaries;
- b. enhanced democracy and inclusivity in the conduct of party primaries;
- c. strengthened legal, institutional and administrative framework for conduct of political parties' primaries;
- d. enhanced participation and engagement of all party members in party primaries; and
- e. promote fair, just, peaceful, transparent and accountable political party primaries.



3.6.5 An Analysis of the Framework on Regulation of Surrogacy

KLRC undertook research into the legal environment of surrogacy in Kenya with a view to identifying a suitable regulatory framework for surrogacy arrangements in Kenya. The Study analysed the concept of surrogacy and the different forms of surrogacy arrangements. The study further reviewed the legal considerations attendant to surrogacy arrangements and made general and specific recommendations regarding the protection of surrogate mothers and children, intending parents and the recoverable costs in a surrogacy agreement. The findings were submitted to the Office of the Attorney- General. KLRC intends to further this research to enable it develop a legislative framework on surrogacy.

3.6.7 Access to Justice in Magistrates` Courts

During this period, KLRC embarked on a major research project on access to justice in magistrate courts. The research seeks to find out how the quality of legal processes and outcomes can be improved in under-resourced and over-burdened contexts like Kenya. It is being carried out in collaboration with New York University, Abu Dhabi and the Judiciary Training Institute (JTI) and is an ongoing project. The researchers involved in the project are exclusively young legal professionals who are currently embedded in various magistrate courts.



3.7 Enhanced Institutional Capacity

3.7.1 Targets

KLRC aimed at building its institutional capacity for effective and efficient service delivery. A number of initiatives were targeted including: competency development; acquisition of requisite infrastructure; improving work environment and enhancing staff welfare. Further, KLRC aimed to enhance: budget utilization, use of ICTs, resolution of public complaints, Communications and Access to Information.

3.7.2 Achievements

In the reporting period, results were realized in the following key areas:

(i) Competency Development

KLRC enhanced its internal capacity to deliver on its mandate by training 13 officers in legislative drafting, legal research and administrative courses. Further, in collaboration with University of New York, KLRC hired and inducted over 30 researchers to help in the management and execution of Access to Justice Program. The officers were equipped with knowledge on operations of government, the judiciary and KLRC. This program has deepened peer to peer learning and exchange of knowledge.

(ii) Improved Staff Welfare

KLRC endeavored to improve its staff welfare via a number of initiatives among them:

a) Safety & Security Measures

KLRC worked towards implementing mechanisms to mitigate against technological hazards, terrorism, fire and natural disasters. It also implemented the Information Security Management System (ISMS). An ISMIS Committee was appointed and held a workshop to deliberate on the Information Security Management System. The Committee was briefed by NSIS officers on how to manage and safeguard its documents and also discussed ways in which it could implement the System.

b) Prevention of HIV/AIDS Infections

During 2018/19, KLRC implemented interventions as per Maisha1 guidelines so as to prevent HIV infection. The HIV/AIDS Control Committee was reconstituted and operationalized and staff were sensitized on condom use as well as the prevention measures. Counselling services and facilities were periodically made available.

c) Health Related Interventions to staff members

KLRC staff also continued to enjoy staff medical cover. Medics were contacted to offer its staff free medical tests and screening during the reporting period. KLRC enhanced working conditions of persons with disabilities. There was a general improvement of staff welfare as staff also received a harmonized salary review in line with guidelines that had been issued by the Salaries and Remuneration Commission. All members of staff were registered under suitable pension schemes.



(iii) Corruption Prevention

In line with the Ethics and Anti-corruption Commission Act No. 22 of 2011 and the Leadership and Integrity Act of 2012, KLRC implemented measures to prevent corruption. It undertook a corruption perception survey in order to establish a reliable corruption perception index. The survey targeted both internal and external customers. In addition to the above measures, KLRC continued to monitor corruption incidences by putting up reporting boxes in strategic places within its premises. An awareness of the same was conducted and action messages are visibly displayed at its premises. A public portal was also integrated in our website to encourage anonymous reporting and complaints where applicable.

(iv) Resolution of Public Complaints

During the Financial Year 2019/20 KLRC sought to promptly address and resolve all public complaints referred to it directly or channelled through the Commission on Administrative Justice. KLRC achieved this by reconstituting the complaints committee. The Committee members were also trained by CAJ on the public complaints procedures & requirements. The committee developed an updated Service Charter which is currently under publication. In compliance with the targets and standards, KLRC received a certificate from CAJ at the end of the reporting period.

(v) Asset/ Inventory Management

KLRC continued to make best use of its equipment, machinery and work-related tools. This was achieved by regular update of the catalogue of assets and property (inventory management), maintenance and relevant repairs to prevent damages. Additional office space and furniture were acquired to cater for the increased staff. KLRC also acquired a new 14-seater Van to facilitate delivery of services to the devolved units.

(vi) Leveraging Technology

In the financial year 2018/19, KLRC continued to leverage technology in line with the government's National ICT Policy and the Vision 2030. Consequently, most services and operations were automated. To enhance connectivity and technology use, internet within its premises was made available to all staff, Commissioners and other stakeholders. KLRC also initiated the use of Enterprise Resource Management Software (ERMS) which links the Procurement, Finance and Accounts Units. Several measures were put in place to protect data and information, including the updating and maintenance of Cyberoam firewalls, staff trainings/sensitization and server protection.

(vii) Improved Communication and Information Access

In the reporting period, there was an improved communication and visibility of KLRC. This was achieved by the proactive implementation of KLRC's Communications Strategy and Policy. Some of the initiatives conducted included: proactive media engagement through press releases and advisories, publication and dissemination of over 1200 IEC materials and other knowledge products, targeted public events such as the Nairobi International Trade Fair and proactive dissemination of information to the public via online platforms. Particularly, KLRC website www.klrc.go.ke, Facebook and Twitter proved useful in reaching out to many of our stakeholders from the local and international arenas. On knowledge management, procedures were put in place for capturing, developing and sharing of tacit and non-tacit information. This was achieved by developing a mechanism of sharing experiences and lessons learnt for integration and continuous improvement.

(viii) Effective Absorption of Allocated Funds

During the reporting period 2018/19, KLRC effectively utilized its allocation of Kshs. 305,460,200 in programs and projects for which they were appropriated and planned. The Commission also ensured that all its financial obligations were met and sustained bills below 1% of the total budget at the end of the financial year. The Commission also adhered to the Public Finance Management Act, related regulations and Circulars from the National Treasury. This was achieved by timely preparation of: Financial Programme Performance Reports; Annual Accounts; Annual Procurement Plans; Annual Work Plans and Cash Flow Projections. Further the Commission allocated 40% of the funds which is a total of Kshs. 22,944,190 to the locally produced goods and services and another 30% of the funds which totaled to Kshs. 17,171,128 to people with disability, women and youth.

CHAPTER 4

Financial Statements

4.0 Introduction

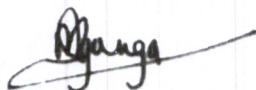
This chapter presents financial statements of KLRC for the financial year 2018/2019 which ended on the 30th June 2019. The statements capture budget variations of income and expenses on various items as the government grant was reduced. KLRC also did not dispose any tender during the reporting period.

4.1 Statement of Financial Performance

	Note	2018-2019	2017-2018
Government Grants –	6	305,460,200	330,700,000
Revenue from Exchange Transactions			
Other Income	7	-	27,000
Total Revenue		305,460,200	330,727,000
Expenses			
Employee Costs (Secretariat)	8	193,155,304	173,133,058
Remuneration of Commissioners	9	15,266,261	31,252,920
Contractual Employees	10	2,440,820	7,927,609
General Expenses	11	80,887,437	87,735,889
Repair and Maintenance	12	4,568,948	3,166,954
Depreciation Expenses	13	5,822,649	5,169,164
Total Expenditure		302,141,419	308,385,594
Surplus/deficit		3,318,781	22,341,406

Approval of the Financial Statements

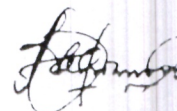
The Kenya Law Reform Commission's Financial Statements were approved by the Commission onand signed on its behalf by:



Mbage Ng'ang'a
CHAIRMAN.



John Kariuki
HEAD OF ACCOUNTS.



Joash Dache, MBS
SECRETARY/CEO.

4.2 Statement of Financial Position

	Note	2018-2019 Kshs.	2017-2018 Kshs.
ASSETS			
Non-Current Assets			
Property, Plant & Equipment	13	20,252,267	17,092,226
Intangible Asset	14	3,002,640	3,002,640
Total Non-Current Assets		23,254,907	20,094,866
Current Assets			
Cash and Cash Equivalents	15	409,453	2,750,748
Inventory	16	3,086,716	1,546,702
Receivables from Non-Exchange	17	8,554,162	7,594,140
Total Current Assets		12,050,331	11,891,590
Total Assets		35,305,237	31,986,456
LIABILITIES			
Current Liabilities			
Trade & Other Payables from Exchange Transactions	18	-	-
Surplus (Opening)		31,986,456	9,645,050
Surplus for the year		3,318,781	22,341,406
Total Liabilities		35,305,237	31,986,456

Approval of the Financial Statements

The Kenya Law Reform Commission's Financial Statements were approved by the Commission onand signed on its behalf by:

Mbage Ng'ang'a
CHAIRMAN.

John Kariuki
HEAD OF ACCOUNTS.

Joash Dache, MBS
SECRETARY/CEO.



4.3 Statement of Changes in net Assets

Retained earnings	Total	
As At July 1, 2016	4,013,818	4,013,818
Surplus for the year	5,631,232	5,631,232
As At June 30, 2017	9,645,050	9,645,050
As At July 1, 2017	9,645,050	9,645,050
Surplus for the year	22,341,406	22,341,406
As At June 30, 2018	31,986,456	31,986,456
As At July 1, 2018	31,986,456	31,986,456
Surplus for the year	3,344,410	3,344,410
As At June 30, 2019	35,330,866	35,330,866

4.4 Statement of Cash Flows

	Note	018-2019	2017-2018
Cash flow From Operating			
Surplus for the year before tax		3,318,781	22,341,406
Adjusted for: Depreciation	13	5,822,649	5,169,164
Increase/Decrease in inventory	16	(1,540,014)	748,645
Increase/Decrease in receivable	17	(960,022)	1,174,891
Increase/Decrease in Payables	18	-	(22,271,977)
Net cash flows from operating activities		6,651,394	7,162,129
Cash flow from investment activities			
Purchase of property, plant and equipment	13	(8,982,689)	(4,175,300)
Purchase Of Intangible Assets ¹	4	-	(3,002,640)
Net cash flow from investment activities		(8,982,689)	(7,177,940)
Cash flow from Investing Activities		0	0
Cash and Cash equivalent as at the beginning of the year		2,750,748	2,766,559
Cash and Cash equivalent as at the end of the year		409,453	2,750,748

CHAPTER 5

Challenges, Recommendations and Conclusion

5.0 Introduction

This chapter presents a summary of key challenges KLRC encountered during the financial year 2018/2019. It further contains and outline of specific recommendations and measures that could be employed to address the challenges.

5.1 Challenges

The challenges are captured below:

5.1.1 Operational Challenges

KLRC continued to encounter a number of operational and administrative challenges in the reporting period among them: budget cuts and underfunding which undermined key projects and programmatic interventions; delays in replacing Commissioners whose terms had come to an end and high staff turnover.

Recommendations:

- a) KLRC to proactively engage with Parliament, National Treasury and other development partners for additional funding in the underfunded programmatic areas;
- b) KLRC to enhance its staff motivation and retention strategies; and
- c) The Office of the Attorney General, the Public Service Commission and other relevant stakeholders to hasten the process of recruitment/ appointment of new Commissioners.

5.1.2 Inadequate Law Reform Capacity on Emerging Areas

With the dynamic social, political, technological and cultural changes in the globalized society, law reform continues to pose un-anticipated dilemmas and challenges. This poses the need for new competencies to both KLRC and stakeholders in the areas that need policy, legislative, administrative and constitutional reforms.

**Recommendations:**

- a) Parliament should allocate resources for continuous improvement and building of capacity in the new and emerging areas such as cyber-crime;
- b) Relevant development partners to support KLRC and other agencies to build the capacity of relevant law reform players; and
- c) KLRC and law reform stakeholders to seek alternatives for enhancing sustainability of existing capacity through research and innovation.

5.1.3 Huge Stakeholders` and PublicExpectations

KLRC remains steadfast as the premier and sole law reform agency in Kenya. It therefore continues to face huge stakeholders` and public expectations especially on service demands and interventions in various sectors including access to justice and the fight against corruption.

Recommendations:

- a) KLRC to facilitate effective stakeholder engagement through proactive disclosure of available law reform information;
- b) KLRC to update stakeholders and the public on existing law reform agencies and partners for quick resolutions to service demands;
- c) KLRC to remain proactive in enhancing civic education in the realm of law reform; and
- d) Law Reform agencies to foster public participation in the development and review of legislation.

5.1.4 Setting up of timelines without input from KLRC

KLRC continued to receive instructions to undertake projects, some of which without the knowledge of the requesting MCDAs, conflicted with already existing scheduled work.

Recommendations:

- a) MCDAs to proactively engage KLRC prior to setting up mutually agreed timelines; and
- b) KLRC to consultatively develop and share its annual workplans and project calendars with the relevant MCDAs.

5.1.5 Slow Uptake of KLRC Recommendations

KLRC has a mandate to facilitate law reform to both levels of government. This may be upon request or on its own motion. There are incidences where critical recommendations made by KLRC on reform or a particular law are not taken up by the relevant MCDA. Additionally, the MCDA's are also keen on setting up legislative and policy drafting units instead of seeking the KLRC technical support and advice. This has led to enactment of bills and policies without KLRC`s input.



Recommendations:

- a) KLRC to proactively engage with Parliament and County governments so as to facilitate proactive uptake of recommendations; and
- b) KLRC to continuously develop and strengthen its strategic partnerships with Parliament, County governments and other stakeholders so as to ensure streamlined uptake of input from KLRC;

5.1.6 Amendment of KLRC Act

KLRC as a semi- autonomous State Organ is governed by the KLRC Act No 19 of 2013. The Act provides for the mandate, functions and governance of KLRC. The Act also provides for the appointment of Commissioners who constitute the policy making organ. Currently, KLRC does not have full time Commissioners owing to inadequate clarity on who is the appointing authority.

Recommendation

Office of the Attorney General and Department of Justice to proactively engage the Cabinet and Parliament so as to amend the relevant section for clarity on the appointing authority between the Attorney General and Cabinet Secretary.

5.2 Conclusion

This report captured KLRC`s achievements in the reporting period. With notable milestones and success stories; the report presents challenges but with critical lessons and rich prospects for enhanced law reform in Kenya.



Appendix 1: Administration of the Commission

Commissioners

- | | |
|----------------------|--------------------------------|
| 1. Mbage Ng`ang`a | - Chairperson (full time) |
| 2. Doreen Muthaura | - Vice-Chairperson (full time) |
| 3. Njoki Kahiga, OGW | - Commissioner (full time) |
| 4. Mary Wairagu | - Commissioner (Ex-officio) |
| 5. Apollo Mboya | - Commissioner (Part-time) |
| 6. Ruth Kirwa | - Commissioner (Part-time) |
| 7. Linda Murila | - Commissioner (Ex-officio) |
| 8. Joash Dache, MBS | - Secretary/CEO |

Appendix 2: List of law reform projects

1. Review of Health Legislation to facilitate universal healthcare;
2. Review of social protection related legislation;
3. Development of Food and Drug Authority Bill;
4. Development of Slum Upgrading and Prevention Bill;
5. Finalization of the Built Environment Bill;
6. Development of the ICT policy;
7. Review of legislation on transport and infrastructure;
8. Review the Intergovernmental Relations Act;
9. Review the County Governments Act;
10. Review of Labor Laws;
11. Research on implementation of article 2(5) and (6);
12. Development of policy and legal framework on Intersex Persons;
13. Development of policy and legislation on the death penalty;
14. Review the Political Parties Act;
15. Review the NSSF Act;
16. Development of legislation on Intellectual Property;
17. Review and dissemination of the Guide to legislative process in Kenya;
18. Development of protocol on publication of County Legislation;
19. Development of policy and legislation on Access to Justice;
20. Conduct capacity needs assessment on level of knowledge of policy formation in five counties;
21. Prepare report on initiatives of law reform on ease of doing business;
22. Preparation of annual report on national values.



Appendix 3: List of Development Partners

1. International Law Development Organization (IDLO) (Technical Support);
2. USAID Agile Harmonized Assistance for Devolved Institutions (AHADI) - Dissemination of the Guide and Development of the National Public Participation Policy championed by the AG;
3. United Nations Development Program (UNDP)- Provision of technical support to Arid and semi- Arid Counties in Developing Disaster Management Policies and Legislation;
4. United States Agency for International Development (USAID);
5. Institute for Economic Affairs (IEA-Kenya) (Partners in research for evaluation of the Fifth Schedule legislation and penal legislation).

NAIROBI, Kenya

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The Quote:

*My goal for reform is not
necessarily to pass laws but to
make sure the laws are
being followed*

By. Chuck Grassley