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REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEETH PARLIAMENT - THIRD SESSION – 2024

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON:

BUDGET IMPLEMENTATION MONITORING FOR THE FINANCIAL YEAR 2022/2023

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 31 JUL 2024
DAY: WEDNESDAY
TABLED BY: CHAIRPERSON, JLAC
HON. GEORGE MURUGARA
CLERK-AT-THE-TABLE: TRACEY CHEBET

CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

JULY 2024

Contents

LIST OF ABBREVIATIONS AND ACRONYMS 2
CHAIRPERSON'S FOREWORD 3

PART 1 5
1.0 PREFACE 5
1.1. Introduction 5
1.2. Mandate of the Committee 5
1.3. Committee Membership 7
1.4. Committee Secretariat 8
1.5. Overview of the Examination of the Approved Estimates for FY 2022/23 8
1.6. The Legal Framework for Budget Oversight and Monitoring 8
1.7. Acknowledgements 9

PART 2 10
2.1 OVERVIEW OF FY 2022/23 BUDGET PERFORMANCE FOR THE GOVERNANCE, JUSTICE, LAW AND ORDER SECTOR 10
2.2 The State Law Office and Department of Justice 11
2.3 The Judiciary 12
2.4 State Department for Correctional Services 12
2.5 The Independent Electoral & Boundaries Commission 14
2.6 The Office of Director of Public Prosecutions 14
2.7 The Office of the Registrar of Political Parties 15
2.8 The Witness Protection Agency 15
2.9 Ethics and Anti-Corruption Commission 16
2.10 The Kenya National Commission on Human Rights 16
2.11 The Commission on Administration Justice 17
2.12 The Judicial Service Commission 18

PART 3 19
3 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS 19
3.1.1 Judiciary 19
3.1.2 State Law Office and Department of Justice 19
3.1.3 State Department for Correction Services 20
3.1.4 Independent Electoral and Boundaries Commission 21
3.1.5 Commission for Administrative Justice 22
3.1.6 Witness Protection Agency 22
3.1.7 Kenya National Commission on Human Right 22
3.1.8 Ethics and Anti-Corruption Commission 23
3.1.9 Office of the Director of Public Prosecution 23
3.1.10 Registrar of Political Parties 24

LIST OF ABBREVIATIONS AND ACRONYMS

BPS	-	Budget Policy Statement
CAJ	-	Commission on Administrative Justice
CFS	-	Consolidated Fund Services
DJ	-	Department of Justice
DPP	-	Directorate of Public Prosecutions
EACC	-	Ethics and Anti-corruption Commission
FY	-	Financial Year
IEBC	-	Independent Electoral and Boundary Commission
IFMIS	-	Integrated Financial Management System
JSC	-	Judicial Service Commission
JPIP	-	Judicial Performance Improvement Project
KNCHR	-	Kenya National Commission on Human Rights
OAG	-	Office of the Attorney General
RPP	-	Registrar of Political Parties
TNA	-	Training Needs Assessment
WPA	-	Witness Protection Agency

CHAIRPERSON'S FOREWORD

The Departmental Committee on Justice and Legal Affairs is established pursuant to National Assembly Standing Order 216 which mandates it to inter-alia, ***"investigate, inquire into and report on all matters relating to the mandate, activities, administration, management, operations and estimates of the assigned Ministries and Departments as they may deem necessary, and as may be referred to them by the House."***

Standing Order 216(5) (ba) of the National Assembly requires each Departmental Committee to "on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate." Further, Standing Order 245(2)(c) provides that each Departmental Committee shall "examine and report on the expenditures and non-financial performance of the budget of the national government".

i. *Review the quarterly reports submitted by the Cabinet Secretary responsible for finance pursuant to the Public Finance Management Act;*
ii. *Review reports submitted by the Controller of Budget (CoB) on matters relating to implementation of the Budget by the national government;*
iii. *Examine and report on the expenditures and non-financial performance of the budget of the national government; and*
iv. *Examine the conformity of the implementation process with the principles and values of public finance as set out in Article 201 of the Constitution.*

Honorable Speaker, the Committee takes very seriously the responsibility that has been bestowed upon it by the Constitution and House Standing Orders and endeavors, at all times, to discharge this responsibility with utmost objectivity, and the engagements provided a platform for Members of the Committee to seek clarifications and gain deeper insight on the various aspects of the budget for FY 2022-23 which will help the Committee in strengthening its oversight role according to Article 95 (4) (c) of the CoK 2010, through:

i. *Apprising the House on the implementation status of the budgets of the agencies under its purview;*
ii. *Help the Committee choose critical programs/projects to monitor;*
iii. *Giving important feedback that will help lawmakers come up with legislative initiatives to resolve challenges in budget implementation in a timely manner;*
iv. *Helping plan corrective measures, such as special audits, for delayed or stalled projects and programs that are currently under way; and*
v. *Informing future budget reviews and scrutiny.*

May I take this opportunity to express my gratitude to the Committee Members for their devotion and commitment to duty which made scrutiny of the approved Budget Estimates for FY 2022/23 successful. May I also extend my sincere gratitude to the Parliamentary Budget Office for providing expert advice, Offices of Speaker and Clerk of the National Assembly for providing overall guidance and direction and the Committee secretariat for providing technical and logistical support.

On behalf of the Departmental Committee on Justice and Legal Affairs and pursuant to the Public Finance Management Act, 2012 and National Assembly's Standing Order 216(5)(ba) and 245A(2), it is my pleasant privilege and duty to present to the House the Report on Budget Implementation Oversight for the Financial Year 2022/2023.

HON. GEORGE GITONGA MURUGARA, CBS, MP
CHAIRPERSON
COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

PART 1

1.0 PREFACE

1.1. Introduction

1. This is the Committee report on its consideration of the budget implementation for the FY 2022/2023 for the Ministries, Departments and Agencies (MDAs) under its purview in accordance with Article 95 and 228(6) of the Constitution of Kenya together with the Public Finance Management Act, 2012 under Section 66(h) and Section 83(5a) which provide for the review of quarterly reports from the National Treasury and Controller of Budget Reports to monitor progress in implementation of the approved budgets.

2. The Departmental Committee on Justice and Legal Affairs held meetings with the Departments and Agencies under its purview to scrutinize the implementation of the approved budget for FY 2022/23 on 30th October, 2023 - 3rd November 2023 at Pride Inn Paradise Hotel, Mombasa County. The Committee then consolidated its recommendations for submission to the House pursuant to the provision of Standing Order 245A.

1.2. Mandate of the Committee

3. The Departmental Committee on Justice and Legal Affairs derives its mandate from Standing Order No. 216(5) which provides for the functions of Departmental Committees as follows-

   (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
   (b) study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;
   (c) study and review all legislation referred to it;
   (d) study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
   (e) investigate and enquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;
   (f) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments)
   (g) examine treaties, agreements and conventions;
   (h) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
   (i) consider reports of Commissions and Independent Offices submitted to the House pursuant to provisions of Article 254 of the Constitution; and
   (j) Examine any questions raised by Members on a matter within its mandate.

4. The Second Schedule of the Standing Orders on Departmental Committees mandates the departmental committee on justice and legal affairs to consider matters relating to -

   (a) Constitutional affairs;
   (b) The administration of law and Justice
   (c) The Judiciary;
   (d) Public prosecutions;
   (e) Elections;
   (f) Ethics, integrity and anti-corruption; and
   (g) Human rights.

5. It is from this perspective that this Committee is now mandated to scrutinize the implementation of approved budget estimates for the following agencies-

   (i) Judiciary
   (ii) Judicial Service Commission (JSC)
   (iii) State Department for Correction Services
   (iv) Office of the Attorney General and the Department of Justice (OAG&DJ)
   (v) Ethics and Anti-corruption Commission (EACC)
   (vi) Directorate of Public Prosecutions (DPP)
   (vii) Registrar of Political Parties (RPP)
   (viii) Witness Protection Agency (WPA)
   (ix) Kenya National Commission on Human Rights (KNCHR)
   (x) Independent Electoral and Boundaries Commission (IEBC)
   (xi) Commission on Administrative Justice (CAJ)

1.3. Committee Membership

6. The Departmental Committee on Justice and Legal affairs was constituted by the House on 27th October 2022 and comprises of the following Members:

Chairperson
Hon. Murugara George Gitonga, CBS, MP
Tharaka Constituency
UDA Party

Vice-Chairperson
Hon. Mutuse Eckomas Mwengi
Kibwezi West Constituency
MCCP Party

Members

Hon. Maalim Farah, MP
Dadaab Constituency
WDM-Kenya

Hon. Francis Kajwang' Tom Joseph, MP
Ruaraka Constituency
ODM Party

Hon. Junet Mohamed, CBS, MP
Suna East Constituency
ODM Party

Hon. (Dr.) Otiende Amollo, SC, MP
Rarieda Constituency
ODM Party

Hon. Onyiego Silvanus Osoro, CBS, MP
South Mugirango Constituency
UDA Party

Hon. Muchira Michael Mwangi, MP
Ol Jorok Constituency
UDA Party

Hon. Makali John Okwisia, MP
Kanduyi Constituency
FORD-Kenya

Hon. Muriu Wakili Edward, MP
Gatanga Constituency
UDA Party

Hon. Maina Jane Njeri, MP
Kirinyaga (CWR)
UDA Party

Hon. Gichohi Kaguchia John Philip, MP
Mukurweini Constituency
UDA Party

Hon. Mogaka Stephen M, MP
West Mugirango Constituency
Jubilee Party

Hon. Aden Daud, EBS, MP
Wajir East Constituency
Jubilee Party

Hon. Siyad Amina Udgoon, MP
Garissa Township (CWR)
Jubilee Party

1.4. Committee Secretariat

7. The Committee secretariat is as follows-

Mr. Ahmed Salim Abdalla
Clerk Assistant I / Head of the Secretariat

Mr. Ronald Walala **Senior Legal Counsel**	Mr. Abdikafar Abdi **Clerk Assistant III**
Mr. Stanley Langat **Serjeant-at-Arms**	Mr. Omar Abdirahim **Fiscal Analyst II**
Ms. Jael Ayiego Kilaka **Clerk Assistant III**	Ms. Vivian Ogega **Research Officer II**
Ms. Anthony Kariuki **Serjeant-at-Arms**	Ms. Peter Mutethia **Audio Recording Officer**
Ms. Fridah Ngari **Media Relations Officer**	Mr. Alvin Ochieng' **Research Officer III**

1.5. Overview of the Examination of the Approved Estimates for FY 2022/23

8. The Committee held Sixteen (16) sittings in examining the estimates. The first sitting took place on 30th October, 2023 where the Committee discussed the implementation of the Approved estimates for FY 2022/23 with the Parliamentary Budget Office before interacting with the State agencies.

9. Subsequently, the Committee met with the officials from the state agencies that include; the Judiciary and Judicial Service Commission, the Ethics and Anti-Corruption Commission (EACC), Kenya National Commission on Human Rights (KNCHR) and the Independent Electoral and Boundaries Commission (IEBC), the Office of the Attorney General and Department of Justice (OAG&DOJ), Kenya Law Reform Commission (KLRC), the Office of the Director of Public Prosecutions, the Commission on Administration of Justice (CAJ), State Department for Correctional Services, Office of the Registrar of Political Parties (ORPP), and Witness Protection Agency. The last sitting was held on 3rd of November, 2023 where the Committee met and adopted its report.

1.6. The Legal Framework for Budget Oversight and Monitoring

10. Article 95 of the Constitution mandates the National Assembly to appropriate funds for expenditure by National government as well as national state organs. It further envisages that the National Assembly exercises oversight over national revenue and its expenditure.

11. The Constitution under Article 228(6) together with the Public Finance Management Act, 2012 under section 66(h) and section 83(5a) provide for production of in-year reports including QEBR from the National Treasury and Controller of Budget Reports which are laid

in the House. The Committees are required to review these quarterly reports to monitor progress in implementing the approved budget and inform future budgeting.

12. In addition, Standing Order No. 245A requires each Departmental Committee to;
    a. Review the quarterly reports submitted by the Cabinet Secretary responsible for finance pursuant to the Public Finance Management Act;
    b. Review reports submitted by the Controller of Budget on matters relating to implementation of the Budget by the national government;
    c. Examine and report on the expenditures and non-financial performance of the budget of the national government; and
    d. Examine the conformity of the implementation process with the principles and values of public finance as set out in Article 201 of the Constitution.

13. In this regard, the National Assembly is not only tasked with allocating funds for expenditure by the national government and other national state organs, but also with monitoring how voted public resources are used to deliver public goods and services. As a result, the Committee is therefore required to monitor progress in implementing the approved budget.

1.7. Acknowledgements

14. The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee wishes to thank all the State Departments under its purview for their participation in scrutinizing the implementation of the approved budget for FY 2022/23.

15. Finally, I wish to express my appreciation to the Honourable Members of the Committee who made useful contributions towards the preparation and production of this report.

16. It is my pleasant duty and privilege, on behalf of the Departmental Committee on Justice and Legal Affairs to submit its Report on the scrutiny of the implementation of the approved budget for FY 2022/2023.

PART 2

2.1 OVERVIEW OF FY 2022/23 BUDGET PERFORMANCE FOR THE GOVERNANCE, JUSTICE, LAW AND ORDER SECTOR

17. In April 2022, the Committee approved a budget of **Kshs. 92.1 billion** for the various votes under its Purview comprising of **Kshs. 89.5 billion** for recurrent expenditure and **Kshs. 2.6 billion** for development expenditure. This had been subsequently approved by the National Assembly in June, 2022. It had been a culmination of a process that started with the Scrutiny of Polices espoused in the Budget Policy Statement (BPS) 2022 followed by detailed analysis and review of estimates for FY 2022/23.

Table 1: Budget Performance for Governance, Justice, Law and Order Sector FY 2022/23

Vote		Revised Estimate	Cumulative expenditure	Absorption rate
Judiciary	Recurrent	19,232.4	18,744.2	97.5%
	Dev't	1,900.0	1,495.5	79%
State department for Correctional Services	Recurrent	31,566.3	31,269.5	99.1%
	Dev't	505.2	423.1	83.7%
Independent Electoral and Boundaries Commission	Recurrent	21,686.8	20,306.1	93.6%
	Dev't	-	-	-
Ethics and Anti-Corruption Commission	Recurrent	3,520.5	3,415.3	97.0%
	Dev't	46.60	46.6	100%
State Law Office	Recurrent	5,718.3	4,920.8	86.1%
	Dev't	96.6	67.75	93.6%
Office of the Director of Public Prosecution	Recurrent	3,670.4	3,644.8	99%
	Dev't	12.14	20.97	173.3%
Kenya National Commission on Human Right	Recurrent	464.4	449.5	96.8%
	Dev't	-	-	-
Witness Protection Agency	Recurrent	631.8	633.6	100.3%
	Dev't	-	-	-
Judicial Service Commission	Recurrent	887	843.7	95.1%
	Dev't	-	-	-
Commission on Administrative Justice	Recurrent	577.8	568.7	98.5%
	Dev't	-	-	-
Registrar of Political Parties	Recurrent	1,530.3	1,452.8	94.9%
	Dev't	-	-	-
Total		92,048.5	88,302.9	95.9%

Source: Approved Revised Budget Estimates 2022/23

18. During the period under review, the Agencies under the purview of the Committee recorded a cumulative expenditure of Kshs 88.3 billion Comprising of Kshs 86.3 billion for recurrent expenditure and Kshs 2.1 billion for development expenditure.

2.2 The State Law Office and Department of Justice

19. The gross Approved Estimates for the State Law Office and Department of Justice for the FY 2023/23 amounts to **Kshs. 6,411.6 million.** This comprises of **Kshs. 6,219.3 million** for recurrent expenditure and **Kshs. 192.3 million** for Capital expenditure.

Table 2: Approved Budget Estimates for the FY 2022/23 Kshs million

Ministries/Departments	Details	Approved Gross Estimates	Cumulative Expenditure	Absorption Rate
State Law Office	Recurrent	5,718.3	4,920.8	86.1%
	Development	96.55	67.75	70.2%
	Total	**5,814.9**	**4,994.8**	**85.9%**

Source: Approved Estimates, National Treasury

20. The Cumulative expenditure for the agency amounts to **Kshs 4,994.8 million** comprised of **Kshs. 4,920.8 million** for Recurrent Expenditure and **Kshs. 67.75 million** for Capital expenditure. The table below shows the projects implemented during the period under review.

Table 3: Implementation Status of the Ongoing Projects Kshs Million

No.	Description	Estimated Project Cost	Approved Estimates	Cumulative Expenditure	Completion Status
1.	Refurbishment of Regional Offices – Machakos, Kisii, Kisumu and Malindi	113.5	11.3	27.3	70%
2.	Ultra-modern library & Moot Court – Kenya School of Law	488.7	56.5	432.2	98%
3.	Refurbishment Sheria House and company's Registry Nairobi	285.0	-	85.7	23%
4.	Programme for Legal Empowerment & Aid Delivery in Kenya (PLEAD)	289.4	28.8	83.5	29%
Total		**1,176.6**	**96.6**	**628.7**	-

Source: Approved Estimates, National Treasury

21. The major achievements made during the period under review include conclusion of 1,498 cases filed against the Attorney General, lodging investigation into 916 complaints against advocates and issuance of 2,006 legal advisories to MDAs. The Office also obtained preservation and forfeiture orders of assets valued at Kshs 6.2 billion, USD 21.6 million, Euros 1,045 and 55 motor vehicles, drafted 50 legislative proposals in support of the national development priorities, finalized 4,286 estates and trust files upon fulfillment of all legal requirements, and registered 53,135 marriages and other applications processed under the marriage act.

22. The total pending bill for the office as of 30th June 2023 is Kshs 162.7 million out of which Kshs 109.3 million is for the FY 2022/23 occasioned by lack of exchequer release. The adoption of austerity measures on our planned development spending that negatively impacted the quest to provide office accommodation to our staff among other amenities and facilities intended to create conducive working environment.

2.3 The Judiciary

23. The gross Approved Estimates for Judiciary for the FY 2022/23 amounts to **Kshs. 21,132.4 million.** This comprises **Kshs. 19,232.4 million** for recurrent expenditure and **Kshs. 1,900 million** for Capital expenditure respectively.

Table 4: Approved Budget Estimates for the FY 2022/23 – Kshs Million

Ministries/Departments	Details	Approved Gross Estimates	Cumulative Expenditure	Absorption Rate
Judiciary	Recurrent	19,232.4	18,744.2	97.5%
	Development	1,900.0	1,495.5	79%
	Total	**21,132.4**	**20,239.7**	**95.8%**

Source: Approved Estimates, National Treasury

24. The Cumulative expenditure for the agency amounts to **Kshs 20,239.7 million** comprised of **Kshs. 18,744.2 million** for Recurrent Expenditure and **Kshs. 1,495.5 million** for Capital expenditure during the period under review.

25. During the period under review, The Department reduced case backlog by 12.5%, 2 supreme court sub-registries established, 20 magistrate courts rehabilitated, 5 high court buildings refurbished, 21 vehicles procured, 1 state of the judiciary report published, 24 court stations with digitized records, 33 court stations with e-filling system, 55 court stations with video conferencing kits, 60 court rooms installed with transcription solutions, and 5 stations installed with solar systems.

26. The Agency had as at 30th June 2023 a pending bill of Kshs 228.8 million relating to arbitration award due to Landmark Holdings Limited and N.K Brothers of Kshs 125.3 million and Kshs 103.5 million respectively.

2.4 State Department for Correctional Services

27. The gross Approved Estimates for the State Department for the FY 2022/23 amounts to Kshs. 32,071.5 million. This comprises Kshs. 31,566.3 million for recurrent expenditure and Kshs. 505.2 million for Capital expenditure respectively.

Table 5: Approved Budget Estimates for the FY 2022/23 – Kshs Million

Ministries/Departments	Details	Approved Gross Estimates	Cumulative Expenditure	Absorption Rate
State Department for Correctional Services	Recurrent	31,566.3	31,269.5	99.1%
	Development	505.2	423.1	83.8%
	Total	**32,071.5**	**31,692.6**	**98.8%**

Source: Approved Estimates, National Treasury

28. The cumulative expenditure for the period under review is Kshs 31,692.6 million comprised of Kshs 31,269.5 for recurrent expenditure and Kshs 432.1 million for development expenditure translating to an absorption rate of 99.1% and 83.8% respectively. The department's recurrent expenditure was largely utilized for compensation of employees (71.9%), use of goods and services (27.7%) and other recurrent at 0.3%.

29. The major achievement for the State Department includes the following; contained a daily average of 50,070 inmates in humane and safe custody; provided 22,423 pairs of uniforms; 28,660 beddings and linen to inmates; supervised 60,924 non–custodial offenders; supervised 40,834 on Community Service Orders and 79 power of mercy pardonees.

30. The State Department also rehabilitated inmates through offering formal education to 17,148 inmates; registered 2,016 inmates for KCPE and 287 for KCSE, 23,776 non–custodial offenders were rehabilitated and reintegrated within the community; 8,866 probationers were offered vocational education; 46 ex–offenders provided with workshop tools; and 308 special needs offenders were provided with temporary accommodation.

Table 6: Implementation Status of the Ongoing Projects Kshs Million

Head/ Description	Estimated Project Cost	Approved Estimate	Cumulative Expenditure	Completion Status
1023104000 Prison Staff Housing	378.2	23.3	21.2	5.6%
1023101200 Security in Penal Institutions	223.7	93.8	91.5	40.9%
1023102100 Construction of Probation Office Blocks	132.3	36.3	35.3	69%
1023102000 Probation Hostels	266.4	36.6	36.0	51%
1023101300 Construction of penal facilities	348.5	55.6	66.8	19.2%
1023101000 Acquisition of ICT applications and infrastructure set up	1000	121.3	119.97	12%
1023103900 Strengthening the Prison and Probation Services, Phase II in Kenya	440.0	70.0	53.0	26%

Source: Approved Estimates, National Treasury

2.5 The Independent Electoral & Boundaries Commission

31. The gross Approved Estimates for the Independent Electoral and Boundaries Commission for FY 2022/23 is Kshs. 21,686.8 million which was solely for recurrent expenditure. The budget catered for the following key areas; General administration, planning and support services – Kshs 5,001.4 million, voter registration and electoral operations – Kshs 13,205.1 million, voter education and partnerships – Kshs 428.8 million and electoral information and communication technology – Kshs 1,740.9 million and delimitation of boundaries - Kshs 262.4 million.

Table 7: Approved Budget Estimates for the FY 2022/23 – Kshs Million

Ministries/Departments	Details	Approved Gross Estimates	Cumulative Expenditure	Absorption Rate
Independent Electoral & Boundaries Commission	Recurrent	21,686.8	20,306.1	93.6%
	Development	-	-	-
	Total	**21,686.8**	**20,306.1**	**93.6%**

Source: Approved Estimates, National Treasury

32. The Cumulative expenditure for the period under review amounts Kshs 20,306.2 million Comprised of the following; General administration, planning and support services – Kshs 4,951.6 million, voter registration and electoral operations – Kshs 13,197.5 million, voter education and partnerships – Kshs 407.4 million, electoral information and communication technology – Kshs 1,528.1 million and delimitation of boundaries – Kshs 221.5 million.

33. During the period under review, the Commission prepared and forwarded 5 Bills to Parliament; conducted by elections in quarter 1&2, and statutory Elections (Law Society of Kenya, Kenya Institute of Surveying and Mapping, Judicial Service Commission & Kenya Red Cross Society). In addition, the Commission prepared BQs and prefeasibility report for Uchaguzi centre, achieved 64.7% turnout for the general elections, and 56 administrative boundaries updated.

2.6 The Office of Director of Public Prosecutions

34. The gross Approved Estimates for the Office of the Director of Public Prosecutions for the FY 2022/23 amounts to Kshs. 3,682.5 million. This comprises of Kshs. 3,670.4 million for recurrent expenditure and Kshs. 12.1 million for Capital expenditure respectively.

Table 8: Approved Budget Estimates for the FY 2022/23 – Kshs Million

Ministries/Departments	Details	Approved Gross Estimates	Cumulative Expenditure	Absorption Rate
Office of Director of Public Prosecutions	Recurrent	3,670.4	3,644.8	99.3%
	Development	12.1	20.98	173.8%
	Total	**3,682.5**	**3,665.8**	**99.5%**

Source: Approved Estimates, National Treasury

35. The cumulative expenditure for the period under review is Kshs 3,665.8 million comprised of Kshs 3,644.8 million for recurrent expenditure and Kshs 20.98 million for development expenditure translating to an absorption rate of 99.3% and 173.8% respectively. The department's recurrent expenditure was largely utilized for compensation of employees (63.7%), and other recurrent at 36.3%.

36. During the period under review the ODPP achievements include: the 205,187 criminal matters handled (caseload), uadilifu case management system rolled out, construction of the PTI is 90% complete, 173 staff trained, participated in 5 inter-agency for a, and 799 public complaints handled. The conviction rates for the three reporting periods were 92.2%, 93.3% and 91.1% respectively.

2.7 The Office of the Registrar of Political Parties

37. The gross approved allocation for the Office of the Registrar of Political Parties for the FY 2022/23 is Kshs. 1,530.3 million which comprises of Kshs 645.9 million for office operations and Kshs 884.4 million for Political Parties Fund which is shared amongst the political parties as per the provisions of Section 25 of the Political Parties Act.

38. The cumulative expenditure for the period under review is Kshs 1,452.8 million comprised of Kshs 568.5 million for office operations and Kshs 884.3 million for Political Parties Fund translating to an absorption rate of 88.0% and 100% respectively.

Table 9: Approved Budget Estimates for the FY 2022/23 – Kshs Million

Ministries/Departments	Details	Approved Gross Estimates	Cumulative Expenditure	Absorption Rate
Office of the Registrar of Political Parties	Recurrent	1,530.3	1,452.8	94.9%
	Development	-	-	-
	Total	**1,530.3**	**1,452.8**	**94.9%**

Source: Approved Estimates, National Treasury

39. During the period under review, 5,550 political party officials/agents were trained in readiness for the 2022 general elections, three policy document was developed – Registration policy, Transport policy and field coordination policy, 4000 IEC materials disseminated, development and Launch of Kenya political source book, post-election evaluation workshop held, office sensitized fund managers from the 48 registered political parties eligible for funding, and Kshs 884.4 million was disbursed to political parties.

2.8 The Witness Protection Agency

40. The gross approved allocation for the Commission for FY 2022/23 is Kshs. 631.8 million which is for recurrent expenditure. The expenditure return as at 30th June 2023 was **Kshs 633.4 million** translating to an absorption rate of 100.3% due to a pending bill of Kshs 2.4 million relating to personnel emoluments emanating from declaration and surrender of excess personnel emoluments during Supplementary Estimates II.

41. The Agency during the period under review, 36 witnesses were successfully managed, post-trial risk assessment done, resettle and re-integrate of witnesses, psychosocial assessments on the witnesses was carried out, safe houses was procured for the witnesses and related persons after admission into the program, for witnesses, and provision of armed escort to and from pre-trial and in court protection.

Table 10: Approved Budget Estimates for the FY 2022/23 – Kshs Million

Ministries/Departments	Details	Approved Gross Estimates	Cumulative Expenditure	Absorption Rate
Witness Protection Agency	Recurrent	631.8	633.4	100.3%
	Development	-	-	-
	Total	**631.8**	**633.4**	**100.3%**

Source: Approved Estimates, National Treasury

42. The agency had as at 30th June 2023 a pending bill of Kshs 2.4 million relating to personnel emolument emanating from declaration and surrender of excess personnel emolument during the supplementary estimate II. The pending bill formed the 1st charge in the FY 2023/24 and has since been cleared.

2.9 Ethics and Anti-Corruption Commission

43. The gross approved allocation for the Commission for FY 2022/23 is Kshs. 3567.1 million comprised of Kshs 3520.5 million for recurrent expenditure and Kshs 46.6 million for development expenditure.

44. The cumulative expenditure for the period under review was Kshs 3,360.1 million comprised of 3313.5 million for recurrent expenditure and Kshs 46.6 million for development expenditure translating to an absorption rate of 94.1% and 100% respectively.

Table 11: Approved Budget Estimates for the FY 2022/23 – Kshs Million

Ministries/Departments	Details	Approved Gross Estimates	Cumulative Expenditure	Absorption Rate
Ethics and Anti-Corruption Commission	Recurrent	3,520.5	3,313.5	94.1%
	Development	46.6	46.6	100%
	Total	**3,567.1**	**3,360.1**	**94.2%**

Source: Approved Estimates, National Treasury

45. There are no changes to the outputs and targets for the Commission's programme of Ethics and Anti-corruption in line with the changes in expenditure as proposed under the Supplementary Estimate 1 for the FY 2023/24.

2.10 The Kenya National Commission on Human Rights

46. The gross approved allocation for the Commission for FY 2022/23 is Kshs. 614.0 million for recurrent expenditure comprised of Kshs 451.3 million from exchequer and Kshs 162.7 million from donors.

47. The cumulative expenditure for the period under review is Kshs 612.1 million comprised of Kshs 449.5 million from exchequer and Kshs 162.5 million from donor support translating to an absorption rate of 99.7%.

Table 12: Approved Budget Estimates for the FY 2022/23 – Kshs Million

Ministries/Departments	Details	Approved Gross Estimates	Cumulative Expenditure	Absorption Rate
Kenya National Commission on Human Rights	Recurrent	614.01	612.05	99.7%
	Development	-	-	-
	Total	**614.01**	**612.05**	**99.7%**

Source: Approved Estimates, National Treasury

48. During the period under review, 708 cases of human right violations, investigated and filed in court, 1800 members of the public sensitized on human rights and fundamental freedoms, one thematic report on human right developed and 5 cases on human rights petitions through human rights mediation, and 150 non-state actors trained on economic and social rights.

2.11 The Commission on Administration Justice

49. The gross approved allocation for the Commission on Administration Justice for FY 2022/23 is Kshs. 577.8 million for recurrent expenditure. In the financial year under review, the Commission actual expenditure is Kshs 568.8 million to facilitate the planned activities translating to an absorption rate of 98%.

Table 13: Approved Budget Estimates for the FY 2022/23 – Kshs Million

Ministries/Departments	Details	Approved Gross Estimates	Cumulative Expenditure	Absorption Rate
Commission on Administration Justice	Recurrent	577.8	568.8	98%
	Development	-	-	-
	Total	**577.8**	**568.8**	**98%**

Source: Approved Estimates, National Treasury

50. During the period under review, decentralized the ombudsman services through establishment of branch office in Garissa County, 4458 cases/complaints were resolved, promoted adoption of the access to information model law for the counties through training of county attorneys, Automation and digitization of CAJ services, resolution of public complaints on maladministration, Sensitized and educated public on administrative justice and three bi-annual and annual reports were published.

51. The commission carried forward pending bills amounting to Kshs 6.7 million from the 2022/23 financial year. So far, the commission has settled some of the bills amounting to Kshs 3.97 million.

2.12 The Judicial Service Commission

52. The Judicial Service Commission was allocated **Kshs 887.0 million** in the FY 2022/23. During the under review, the actual expenditure of the Commission was **Kshs 839 million** translating to an absorption rate of 95%.

53. During the period under review, the commission delivered the following outputs; operationalization of the small claims court, developed training and development policy and internship and attachment policy, promotion of 146 judicial officers, received and processed 118 petitions against judges and concluded 77 petitions, 428 judicial staff and 24 judicial officers were appointed, and appointment of 27 judges of superior courts.

54. The commission had pending bills amounting to Kshs 3.0 million as at June, 2023 in FY 2023/24. The pending bills have been processed awaiting issuance of exchequer by the National Treasury. The processing of the bills has been hampered by the freeze of IFMIS rights.

Table 14: Approved Budget Estimates for the FY 2022/23 – Kshs Million

Ministries/Departments	Details	Approved Gross Estimates	Cumulative Expenditure	Absorption Rate
Judicial Service Commission	Recurrent	887	839	95%
	Development	-	-	-
	Total	**887**	**839**	**95%**

Source: Approved Estimates, National Treasury

PART 3

3 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

3.1 OBSERVATIONS

3.1.1 Judiciary

a) The gross Approved Estimates for Judiciary for the FY 2022/23 amounts to **Kshs. 21,132.4 million.** This comprises **Kshs. 19,232.4 million** for recurrent expenditure and **Kshs. 1,900 million** for Capital expenditure respectively.
b) The Cumulative expenditure for the agency amounts to **Kshs 20,239.7 million** comprised of **Kshs. 18,744.2 million** for Recurrent Expenditure and **Kshs. 1,495.5 million** for Capital expenditure during the period under review.
c) During the period under review, The Department reduced case backlog by 12.5%, 2 supreme court sub-registries established, 20 magistrate courts rehabilitated, 5 high court buildings refurbished, 21 vehicles procured, 1 state of the judiciary report published, 24 court stations with digitized records, 33 court stations with e-filling system, 55 court stations with video conferencing kits, 60 court rooms installed with transcription solutions, and 5 stations installed with solar systems.
d) The Agency had as at 30th June 2023 a pending bill of Kshs 228.8 million relating to arbitration award due to Landmark Holdings Limited and N.K Brothers of Kshs 125.3 million and Kshs 103.5 million respectively.
e) The challenges faced by the Judiciary include insufficient financial resources, limitations of the IFMIS operations that disrupt implementation of planned activities, delays in release of exchequer and delays in processing title documents for lands belonging to the Judiciary.
f) The Judicial Service Commission was allocated **Kshs 887.0 million** in the FY 2022/23. During the under review, the actual expenditure of the Commission was **Kshs 839 million** translating to an absorption rate of 95%.
g) During the period under review, the commission delivered the following outputs; operationalization of the small claims court, developed training and development policy and internship and attachment policy, promotion of 146 judicial officers, received and processed 118 petitions against judges and concluded 77 petitions, 428 judicial staff and 24 judicial officers were appointed, and appointment of 27 judges of superior courts.
h) The commission had pending bills amounting to Kshs 3.0 million as at June, 2023 in FY 2023/24. The pending bills have been processed awaiting issuance of exchequer by the National Treasury. The processing of the bills has been hampered by the freeze of IFMIS rights.

3.1.2 State Law Office and Department of Justice

a) The gross Approved Estimates for the State Law Office and Department of Justice for the FY 2023/23 amounts to **Kshs. 6,411.6 million.** This comprises of **Kshs. 6,219.3 million** for recurrent expenditure and **Kshs. 192.3 million** for Capital expenditure.
b) The Cumulative expenditure for the agency amounts to **Kshs 4,994.8 million** comprised of **Kshs. 4,920.8 million** for Recurrent Expenditure and **Kshs. 67.75 million** for Capital

expenditure. The table below shows the projects implemented during the period under review.

c) The major achievements made during the period under review include conclusion of 1,498 cases filed against the Attorney General, lodging investigation into 916 complaints against advocates and issuance of 2,006 legal advisories to MDAs. The Office also obtained preservation and forfeiture orders of assets valued at Kshs 6.2 billion, USD 21.6 million, Euros 1,045 and 55 motor vehicles, drafted 50 legislative proposals in support of the national development priorities, finalized 4,286 estates and trust files upon fulfillment of all legal requirements, and registered 53,135 marriages and other applications processed under the marriage act.

d) The total pending bill for the office as of 30th June 2023 is Kshs 162.7 million out of which Kshs 109.3 million is for the FY 2022/23 occasioned by lack of exchequer release. The adoption of austerity measures on our planned development spending that negatively impacted the quest to provide office accommodation to our staff among other amenities and facilities intended to create conducive working environment.

e) It has further been observed by the Committee that the Attorney General's Office litigates on behalf of the state agencies however when the court awards claims against those agencies, they don't promptly settle the claims but abandon the claims with the Attorney General office. In addition, the state law does not get the necessary support from the state agencies in terms of facilitating the legal counsels with daily subsistence allowance in order for them to execute their work.

f) The State Law Office is faced with the challenge of retaining staff due to uncompetitive remuneration package by the Office. The Office has lost considerable number of staffs to other organization such as Parliament, Judiciary and Ethics and Anti-Corruption Commission.

3.1.3 State Department for Correction Services

a) The gross Approved Estimates for the State Department for the FY 2022/23 amounts to **Kshs. 32,071.5 million.** This comprises Kshs. **31,566.3 million** for recurrent expenditure and **Kshs. 505.2 million** for Capital expenditure respectively.

b) The cumulative expenditure for the period under review is **Kshs 31,692.6 million** comprised of **Kshs 31,269.5 million** for recurrent expenditure and **Kshs 432.1 million** for development expenditure translating to an absorption rate of 99.1% and 83.8% respectively. The department's recurrent expenditure was largely utilized for compensation of employees (71.9%), use of goods and services (27.7%) and other recurrent at 0.3%.

c) The major achievement for the State Department includes the following; contained a daily average of 50,070 inmates in humane and safe custody; provided 22,423 pairs of uniforms; 28,660 beddings and linen to inmates; supervised 60,924 non–custodial offenders; supervised 40,834 on Community Service Orders and 79 power of mercy pardonees.

d) The State Department also rehabilitated inmates through offering formal education to 17,148 inmates; registered 2,016 inmates for KCPE and 287 for KCSE, 23,776 non–custodial offenders were rehabilitated and reintegrated within the community; 8,866 probationers were offered vocational education; 46 ex–offenders provided with workshop tools; and 308 special needs offenders were provided with temporary accommodation.

e) The Committee has observed that the department is faced with acute shortage of weapons and currently has 9,000 guns for a workforce of 31,000 officers. The department requires

an additional Kshs 1.7 billion to purchase 15,000 AK 47, 5000 machine guns and 5000 Pistols.

f) The Committee has also observed that there is need for the department to leverage on public private partnerships to implement some of its programmes. In addition, the Committee has also urged the state department to leverage on the huge tracks of land at its disposal and the convicted prisoners to generate food in order to complement the resources it has received from the exchequer.

g) The Committee has also observed the need for the departments in the Justice sector to collaborate together with a view to developing policies that are geared towards decongesting our prisons considering other forms restorative justice that can be implemented.

3.1.4 Independent Electoral and Boundaries Commission

a) The gross Approved Estimates for the Independent Electoral and Boundaries Commission for FY 2022/23 is Kshs. 21,686.8 million which was solely for recurrent expenditure. The budget catered for the following key areas; General administration, planning and support services – Kshs 5,001.4 million, voter registration and electoral operations – Kshs 13,205.1 million, voter education and partnerships – Kshs 428.8 million and electoral information and communication technology – Kshs 1740.9 million and delimitation of boundaries - Kshs 262.4 million.

b) The Cumulative expenditure for the period under review amounts Kshs 20,306.2 million Comprised of the following; General administration, planning and support services – Kshs 4,951.6 million, voter registration and electoral operations – Kshs 13,197.5 million, voter education and partnerships – Kshs 407.4 million, electoral information and communication technology – Kshs 1,528.1 million and delimitation of boundaries – Kshs 221.5 million.

c) During the period under review, the Commission prepared and forwarded 5 Bills to Parliament; conducted by elections in quarter 1&2, and statutory Elections (Law Society of Kenya, Kenya Institute of Surveying and Mapping, Judicial Service Commission & Kenya Red Cross Society). In addition, the Commission prepared BQs and prefeasibility report for Uchaguzi Centre, achieved 64.7% turnout for the general elections, and 56 administrative boundaries updated.

d) The Committee observed that the Commission runs one of the most expensive general elections in the world. The situation was necessitated by the high bills for election result transmission, court rulings that resulted to reprints ballot papers, foreign exchange losses and emergency airlifting of strategic election materials and staff.

e) The Committee noted with concern that the Commission has pending bills amounting to Kshs 5.3 billion of which legal fees accounts for Kshs 3.1 billion, election logistic – postal corporation 1.1 billion and other pending bills – Kshs 1.2 billion. The Committee stressed the need for the Commission to standardize the fees charged by the law firms and engage in-house lawyers to undertake some of the petitions.

f) The Committee cognizant of its oversight mandate has also directed the Commission to submit before the Committee primary documents in support of the pending bills especially on the legal bills for consideration and scrutiny to ascertain whether the Auditor General should undertake a special audit.

3.1.5 Commission for Administrative Justice

a) The gross approved allocation for the Commission on Administration Justice for FY 2022/23 is **Kshs. 577.8 million** for recurrent expenditure. In the financial year under review, the Commission actual expenditure is **Kshs 568.8 million** to facilitate the planned activities translating to an absorption rate of 98%.
b) During the period under review, decentralized the ombudsman services through establishment of branch office in Garissa County, 4458 cases/complaints were resolved, promoted adoption of the access to information model law for the counties through training of county attorneys, Automation and digitization of CAJ services, resolution of public complaints on maladministration, Sensitized and educated public on administrative justice and three bi-annual and annual reports were published.
c) The commission carried forward pending bills amounting to Kshs 6.7 million from the 2022/23 financial year. So far, the commission has settled some of the bills amounting to Kshs 3.97 million.
d) The Committee stressed the need for the commission to create awareness on its mandate particularly in ensuring the citizen right to quality service both at the national and county level of government is not compromised.

3.1.6 Witness Protection Agency

a) The gross approved allocation for the Commission for FY 2022/23 is **Kshs. 631.8 million** which is for recurrent expenditure. The expenditure return as at 30th June 2023 was **Kshs 633.4 million** translating to an absorption rate of 100.3% due to a pending bill of **Kshs 2.4 million** relating to personnel emoluments emanating from declaration and surrender of excess personnel emoluments during supplementary estimate II.
b) The Agency during the period under review, 36 witnesses were successfully managed, post-trial risk assessment done, resettle and re-integrate of witnesses, psychosocial assessments on the witnesses was carried out, safe houses was procured for the witnesses and related persons after admission into the program, for witnesses, and provision of armed escort to and from pre-trial and in court protection.
c) The agency had as at 30th June 2023 a pending bill of Kshs 2.4 million relating to personnel emolument emanating from declaration and surrender of excess personnel emolument during the supplementary estimate II. The pending bill formed the 1st charge in the FY 2023/24 and has since been cleared.
d) The Committee acknowledges the critical role the office plays in the criminal justice system particularly in guaranteeing the safety and security of witnesses and further noted that the office has played crucial role in the prosecution of complex corruption and terrorism related cases in the recent past.

3.1.7 Kenya National Commission on Human Right

a) The gross approved allocation for the Commission for FY 2022/23 is **Kshs. 614.0 million** for recurrent expenditure comprised of **Kshs 451.3 million** from exchequer and **Kshs 162.7 million** from donors.
b) The cumulative expenditure for the period under review is **Kshs 612.1 million** comprised of **Kshs 449.5 million** from exchequer and **Kshs 162.5 million** from donor support translating to an absorption rate of 99.7%.

c) During the period under review, 708 cases of human right violations, investigated and filed in court, 1800 members of the public sensitized on human rights and fundamental freedoms, one thematic report on human right developed and 5 cases on human rights petitions through human rights mediation, and 150 non-state actors trained on economic and social rights.

3.1.8 Ethics and Anti-Corruption Commission

a) The gross approved allocation for the Commission for FY 2022/23 is **Kshs. 3,567.1 million** comprised of **Kshs 3,520.5 million** for recurrent expenditure and **Kshs 46.6 million** for development expenditure.
b) The cumulative expenditure for the period under review was **Kshs 3,360.1 million** comprised of **3,313.5 million** for recurrent expenditure and **Kshs 46.6 million** for development expenditure translating to an absorption rate of 94.1% and 100% respectively.
c) The Committee has further observed that the Commission has made significant strides in during the period under review FY 2023/23. In particular, the Commission has recovered public assets (cash, moveable and immovable assets) valued at approximately Kshs 1.1 billion, averted loss of approximately Kshs 2.51 billion through investigations and disruption of corruption networks, and 43 files High impact investigation cases finalized and forwarded to the ODPP.
d) The Committee observed that the commission plays a critical role in the Big Four Agenda since it will be useful in abetting corruption as the government undertakes the big four projects.

3.1.9 Office of the Director of Public Prosecution

a) The gross Approved Estimates for the Office of the Director of Public Prosecutions for the FY 2022/23 amounts to **Kshs. 3,682.5 million.** This comprises of **Kshs. 3,670.4 million** for recurrent expenditure and **Kshs. 12.1 million** for Capital expenditure respectively.
b) The cumulative expenditure for the period under review is **Kshs 3,665.8 million** comprised of **Kshs 3,644.8 million** for recurrent expenditure and **Kshs 20.98 million** for development expenditure translating to an absorption rate of 99.3% and 173.8% respectively. The department's recurrent expenditure was largely utilized for compensation of employees (63.7%), and other recurrent at 36.3%.
c) During the period under review the ODPP achievements include: the 205,187 criminal matters handled (caseload), Uadilifu Case Management System rolled out, construction of the PTI is 90% complete, 173 staff trained, and handling public complaints, among others. The conviction rates for the three reporting periods were 92.2%, 93.3% and 91.1% respectively.
d) The Office is faced with a number challenges; inadequate funding, inadequate human resource capacity, uncompetitive terms of service, inaccessibility of mobile court stations, politicization of cases, weak inter-agency collaboration, intimidation of witnesses and victims and inadequate infrastructural and operation capacity.
e) The Committee further observed that the Office is a key player towards improving the national security, strengthening good governance and fight against corruption and requires increase in resource allocation to enable the Office execute its mandate.

3.1.10 Registrar of Political Parties

a) The gross approved allocation for the Office of the Registrar of Political Parties for the FY 2022/23 is **Kshs. 1,530.3 million** which comprises of **Kshs 645.9 million** for office operations and **Kshs 884.4 million** for Political Parties Fund which is shared amongst the political parties as per the provisions of Section 25 of the Political Parties Act.
b) The cumulative expenditure for the period under review is **Kshs 1,452.8 million** comprised of **Kshs 568.5 million** for office operations and **Kshs 884.3 million** for Political Parties Fund translating to an absorption rate of 88.0% and 100% respectively.
c) During the period under review, 5,550 political party officials/agents were trained in readiness for the 2022 general elections, three policy document was developed – Registration policy, Transport policy and field coordination policy, 4000 IEC materials disseminated, development and Launch of Kenya political source book, post-election evaluation workshop held, office sensitized fund managers from the 48 registered political parties eligible for funding, and Kshs 884.4 million was disbursed to political parties.

3.2 Recommendations

(1) **One-line budget item** – the budget of the Ethics and Anti-Corruption Commission and the Office of the Director of Public Prosecutions are one-line budget items contrary to the provisions of the Article 201(a) and (e) of the Constitution and Section 66(1)(a) of the PFM Act which calls for the promotion and enforcement of transparency, effective management and accountability with regard to the use of public finances. Therefore, the Committee recommends the budgets for these institutions to be itemised in accordance with the provisions of the Constitution and PFM Act.

(2) **Construction of Training Institutes** – The Committee observed that several institutions under the purview of the Committee are currently constructing training institutions; including the Office of the Director of Public Prosecutions which is constructing the Prosecution Training Institute. In addition, the Judiciary is also currently setting up Judiciary Training Institute in Karen. Therefore, the Committee recommends the Agencies under the Governance, Justice, Law and Order Sector (GJLOS) to have one training school rather than each institution setting up its own training school to save on cost.

(3) The allocation to the Political Parties Fund is not in compliant with the provision of Section 24 of the Registrar of Political Parties Act as well as the ruling of the Hon. Lady Justice Roselyne Aburili on the implementation of Section 24 of the Act. Therefore, the Committee recommends the government to gradually comply with the provisions of the Act in light of the prevailing limited fiscal space.

(4) The implementation of the budget has been affected considerably by limitations of the IFMIS operations that disrupt implementation of planned activities, and delays in release of exchequer. Therefore, the Committee recommends the National Treasury to improve the IFMIS operations and release the exchequer for all the agencies in a timely manner.

(5) **Pending Bills** – The Committee noted with concern that the Independent Electoral and Boundaries Commission has pending bills amounting to Kshs 5.4 billion, of which legal fees accounts for Kshs 3.1 billion, election logistics through the postal corporation 1.1 billion, and other pending bills at Kshs 1.2 billion. The Committee therefore recommends the Commission to standardize the fees charged by the law firms and engage in-house lawyers to undertake some of the petitions to cut down on cost.

(6) **Decongesting of Prisons** – The Committee recommends the departments in the Justice Sector to collaborate together with a view to developing and implement policies that are geared towards decongesting our prisons by considering other forms of restorative justice that can be implemented.

(7) The Committee recommends the State Department for Correctional Services to leverage on public private partnerships to implement some of its programmes. In addition, the Committee urges the State Department to leverage on the huge tracts of land at its disposal, and the skills and manpower of the convicted prisoners, to generate food for its prisoners in order to complement the resources it receives from the exchequer.

(8) The Committee recommends the State Law Office to engage the Salaries and Remuneration Commission and the Public Service Commission to improve the terms of service for its employees to address the inability of the Office in retaining staff due to uncompetitive remuneration package.

Signed.....**Date**.31.7.024.....

Hon. George Gitonga Murugara, CBS, MP
Chairperson
Departmental Committee on Justice and Legal Affairs

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 31 JUL 2024 DAY: WEDNESDAY
TABLED BY: CHAIRPERSON, JLAC
CLERK-AT THE-TABLE: TRACEY CHEBET

Annexure 1: Adoption Schedule

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

ADOPTION OF THE COMMITTEE REPORT ON BUDGET IMPLEMENTATION MONITORING FOR THE FINANCIAL YEAR 2022/2023

We, the Members of the Departmental Committee on Justice and Legal Affairs have, pursuant to Standing Order 199, adopted this Report of the Committee on Budget Implementation Monitoring for The Financial Year 2022/2023 and affixed our signatures to affirm our approval and confirm its accuracy, validity and authenticity:

1. Hon. Murugara George Gitonga, CBS, MP - Chairperson .....
2. Hon. Mutuse Eckomas Mwengi, OGW, MP - Vice Chair .....
3. Hon. Maalim Farah, EGH, MP .....
4. Hon. Francis Kajwang' Tom Joseph, MP .....
5. Hon. Junet Mohamed, CBS, MP .....
6. Hon. Onyiego Silvanus Osoro, CBS, MP .....
7. Hon. (Dr.) Otiende Amollo, SC, MP .....
8. Hon. Muchira Michael Mwangi, MP .....
9. Hon. Makali John Okwisia, MP .....
10. Hon. Muriu Wakili Edward, MP .....
11. Hon. Maina Jane Njeri, MP .....
12. Hon. Gichohi Kaguchia John Philip, MP .....
13. Hon. Mogaka Stephen M., MP .....
14. Hon. Aden Daud, EBS, MP .....
15. Hon. Siyad Amina Udgoon, MP .....

Annexure 2: Minutes

MINUTES OF THE FORTY SEVENTH (47TH) SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY, 30TH JULY 2024 AT 10:00AM IN ROOM 18&19, 3RD FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS

MEMBERS PRESENT

1. Hon. Murugara George Gitonga, CBS, MP - *Chairperson*
2. Hon. Mutuse Eckomas Mwengi, OGW, MP - *Vice Chairperson*
3. Hon. Francis Kajwang' Tom Joseph, MP
4. Hon. Muchira Michael Mwangi, MP - *virtually*
5. Hon. Makali John Okwisia, MP
6. Hon. Aden Daud, EBS, MP
7. Hon. Muriu Wakili Edward, MP
8. Hon. Gichohi Kaguchia John Philip, MP
9. Hon. Mogaka Stephen M, MP

MEMBERS ABSENT WITH APOLOGIES

1. Hon. Maalim Farah, MP
2. Hon. Onyiego Silvanus Osoro, CBS, MP
3. Hon. Junet Mohamed, CBS, MP
4. Hon. (Dr.) Otiende Amollo, SC, MP
5. Hon. Maina Jane Njeri, MP
6. Hon. Siyad Amina Udgoon, MP

SECRETARIAT

1.	Mr. Ahmed Salim Abdalla	-	Clerk Assistant I / Lead Clerk
2.	Mr. Walala Ronald	-	Ag. Deputy Director, Legal Services
3.	Mr. Abdikafar Abdi	-	Clerk Assistant III
4.	Mr. Omar Abdirahim	-	Fiscal Analyst II
5.	Mr. Isaac Nabiswa	-	Legal Counsel
6.	Ms. Vivienne Ogega	-	Research Officer III
7.	Mr. Calvin Karungo	-	Media Relations Officer
8.	Ms. Mary Kamande	-	Public Communication Officer
9.	Mr. Daniel Kamau	-	Audio Officer
10.	Mr. John Nduaci	-	Serjeant-at-Arms

AGENDA

1. Prayers
2. Preliminaries
3. Confirmation of the previous minutes
4. Legal briefing on the Whistleblower Protection Bill, 2023
5. Legal briefing on the County Boundaries Bill (Senate Bill no. 6 of 2023)
6. Legal briefing on the Senate Amendments to the Conflict-of-Interest Bill, 2023
7. Legal briefing on the EACC (Amendment) Bill, 2024
8. Adoption of the Report on the Tribunals Bill (National Assembly No. 45 of 2023)
9. Legal briefing on the reservations on the Penal Code (Amendment) Bill, 2024
10. Consideration and Adoption of the Report on Budget Implementation Monitoring for the FY 2022/2023
11. Way Forward on Actualization of the NADCO report considering that the Speaker directed the Committee to conclude within 30days
12. Any Other Business
13. Adjournment/ Date of the Next Meeting

MIN. NO/DDC/JLAC/236/2024: PRELIMINARIES

The meeting was called to order at twenty minutes past ten o'clock by the Chairperson followed by a word of prayer from the Chairperson and thereafter Members introduced themselves. The agenda of the meeting was adopted having been proposed by Hon. Aden Daud, MP and seconded by Hon. Philip Kaguchia, MP.

MIN.NO/DDC/JLAC/237/2024: CONFIRMATION OF MINUTES

The agenda was deferred.

MIN.NO/DDC/JLAC/238/2024: LEGAL BRIEFING ON THE WHISTLEBLOWER PROTECTION BILL, 2023

The Committee was briefed on the Whistleblower Protection Bill (National Assembly Bill No. 56 of 2023) sponsored by the Hon. Irene Muthoni Kasalu, MP. The Committee took note of a letter Ref: DOJ/CONF/ACE/12 VOL II, dated 2nd April 2024, from the Office of the Attorney General requesting Parliament to either withdraw the Bill or shelve the review of the Bill pending the consideration, finalization and submission of the Whistleblower Protection Bill by Government.

The Committee noted that although the request of the Attorney General was reasonable, but a lot of time has since passed yet no Bill has been forwarded to the National Assembly from the Attorney General. Therefore, it was high time that the Committee proceeded with public hearings in order to get more views from other stakeholders. The Committee was of the view that the Office of the Attorney General will still be given an opportunity during the hearings to provide more insight into their request.

MIN.NO/DDC/JLAC/239/2024: LEGAL BRIEFING ON THE COUNTY BOUNDARIES BILL (SENATE BILL NO. 6 OF 2023)

The Committee was taken through the County Boundaries Bill (Senate Bill No. 6 of 2023) and noted that, among others, the Bill was consistent with the principles enshrined under Article 188 of the Constitution of Kenya.

The Committee further noted that it was scheduled to meet various stakeholders on the Bill on Thursday, 1st August 2024. Some Members were of the view that more stakeholders ought to have been invited, and therefore a second round of public hearings may be necessary. Meanwhile, the Committee was hopeful that Kenyans will still respond to the advert dated 10th June 2024 calling for views from members of the public on the County Boundaries Bill.

MIN.NO/DDC/JLAC/240/2024: LEGAL BRIEFING ON THE SENATE AMENDMENTS TO THE CONFLICT-OF-INTEREST BILL, 2023

The Committee noted that the Senate Amendments to the Conflict of Interest Bill, 2023 (National Assembly Bill No. 12 of 2023) were considered in the House on Wednesday, 24th July 2024 and the Leader of the Majority Party, seconded by the Vice Chairperson of the Departmental Committee on Justice and Legal Affairs, moved the House to reject the Senate Amendments. The Bill was therefore referred to Mediation. The Committee noted that there was therefore, no need for further reporting to the House on the Bill.

MIN.NO/DDC/JLAC/241/2024: **LEGAL BRIEFING ON THE ETHICS AND ANTI-CORRUPTION COMMISSION (AMENDMENT) BILL, 2024 (N.A. BILL NO. 11 OF 2024)**

The Committee was taken through the Ethics and Anti-Corruption Commission (Amendment) Bill, 2024 (National Assembly Bill No. 11 of 2024). The Committee noted that the Bill was one of the bills to be enacted towards the actualization of the recommendations of the National Dialogue Committee Report.

The Committee further noted that it was scheduled to meet various stakeholders on the Bill on Wednesday, 31st July 2024.

MIN. NO/DDC/JLAC/242/2024: **ADOPTION OF THE REPORT ON THE TRIBUNALS BILL, *(NATIONAL ASSEMBLY NO. 45 OF 2023)***

The Committee, having considered the Tribunals Bill (National Assembly No. 45 of 2023) recommended that the House approves the Bill with amendments.

Adoption of the Report

The report was therefore adopted, having been proposed by Hon. Mogaka Stephen M, MP and seconded by Hon. Makali John Okwisia, MP.

MIN.NO/DDC/JLAC/243/2024: **LEGAL BRIEFING ON THE PRESIDENTIAL RESERVATIONS ON THE PENAL CODE (AMENDMENT) BILL, 2024**

The Committee was taken through the memorandum by the President on his reservations and his refusal to assent to the Penal Code (Amendment) Bill 2022 by Hon. David Gikaria, MP. The President was of the view that if the Bill was assented to in its present form without offering alternative offences or sanctions, the Bill will effectively render certain indecent, immoral or disruptive public conduct to be acceptable.

The President further noted that his position was the same position taken by the Justice and Legal Affairs Committee, and also advanced by other Members of Parliament on the floor of the House on various dates, including on 13th March 2024 during the Committee of the Whole House.

Way Forward

The Committee concurred fully with the President's reservations, noting that the same was the Committee's position from the onset. The Committee to prepare and adopt its report on consideration of the President's memorandum.

MIN.NO/DDC/JLAC/244/2024: **ADOPTION OF THE REPORT ON BUDGET IMPLEMENTATION MONITORING FOR THE FY 2022/2023**

The Committee was taken through the Report on Budget Implementation Monitoring for the Financial Year 2022-2023, and unanimously adopted the Report in readiness for tabling.

Adoption of the Report

The Report was adopted, having been proposed by Hon. Aden Daud, EBS, MP and seconded by Hon. John Makali, MP.

MIN.NO/DDC/JLAC/245/2024: ANY OTHER BUSINESS

The Committee noted all the pending business before the Committee and, considering the heavy agenda, resolved to seek approval from the Clerk of the National Assembly to proceed on a working retreat from 1st to 8th of September 2024 in Mombasa County. The Committee to therefore consider, all the pending business including:

1. The omnibus Bill from the National Council on the Administration of Justice (NCAJ) on amendments to the Penal Code;
2. Policy on Public Participation (Sessional Paper No.3, Dec. 2023);
3. Sessional Paper No. 4 of 2024 on Alternative Dispute Resolution Policy;
4. The Sessional Paper No. 4 on the Power of Mercy Policy;
5. The Whistleblower Protection Bill, 2023 sponsored by Hon. Irene Muthoni Kasalu;
6. The County Boundaries Bill (Senate Bill No. 6 of 2023) sponsored by Sen. Moses Otieno Kajwang', MP;
7. Consideration and actualization of the National Dialogue Committee Report;
8. Report of and the addendum on the Multi-Sectorial Working Group on the realization of the Two-Thirds Gender Principle, from the Ministry of Gender, Culture, Arts & Heritage; and
9. Virtual meeting with Kenyans in the Diaspora as per their request vide a letter dated 1st May 2024.

The Committee to invite all the relevant stakeholders including the Office of the Attorney General, the Judiciary and the NCAJ to the proposed retreat.

MIN.NO/DDC/JLAC/246/2024: ADJOURNMENT

The meeting was adjourned at thirty minutes past one o'clock. The next meeting shall be held on Wednesday, 31st July 2024 at ten o'clock.

SIGNED.....**DATE**31.7.2024.....

(CHAIRPERSON: HON. MURUGARA GEORGE GITONGA, CBS, MP)

Annexure 3: Letter from the Clerk of the National Assembly inviting the Ministries, Departments and Agencies to consider the Budget Performance Review for the Financial Year 2022/23

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OFFICE OF THE CLERK

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Main Parliament Buildings

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Email: cna@parliament.go.ke
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Ref: NA/DDC/JLAC/2023/111 **12th October, 2023**

Dr. Benard Mogesa, PhD, CPM
Commission Secretary/Chief Executive Officer
Kenya National Commission on Human Rights
1st Floor, CVS Plaza, Lenana Road
NAIROBI

Dear D. Mogesa

RE: BUDGET IMPLEMENTATION MONITORING FOR THE 2022/23 FINANCIAL YEAR AND FAMILIARIZATION RETREAT WITH THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

Reference is made to your letter Ref No: KNCHR/FIN/JLAC/07/VOL.11 dated 25th July, 2023 on the aforementioned subject.

The Committee acknowledges the receipt of your written submissions related to the budget implementation for the Financial year 2022/23. Consequently, the Committee has resolved to hold a consultative retreat with the Ministries, Departments and Agencies (MDAs) under its purview to conduct a Budget Performance Review for the 2022/23 and the 2023/24 Financial Years as at 1st October, 2023.

Kindly provide the following information for the Financial Year 2023/24: -

1. Budget implementation status;
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5. Status of court awards/contingent liabilities arising; and

6. Any other relevant information regarding FY 2023/24 budget implementation you may wish to bring to the attention of the Committee.

The information may be presented in tabular form indicating status, reasons thereof and way forward. You are requested to submit twenty (20) hard copies of your submissions to the Committee not later than Monday 23rd October, 2023 at 5.00 pm. A soft copy may be emailed to cna@parliament.go.ke and copied to the email addresses of the liaison officers below.

The purpose of this letter is to invite you to a retreat scheduled for Monday 30th October - Friday 3rd November, 2023 in Mombasa County. A copy of the tentative retreat programme is attached.

The liaison officers for this activity are Mr. Douglas Katho who may be contacted on tel. no. 0722333145 or email: douglas.katho@parliament.go.ke or Ms. Jael Ayiego Kilaka on tel. no. 0725385945 or email: jael.kilaka@parliament.go.ke or Mr. Abdikafar Abdi on tel. 0715456503 or email: abdikafar.sheikh@parliament.go.ke

Yours

JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

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Ref: NA/DDC/JLAC/2023/110 **12th October, 2023**

Ms. Jedidah W. Waruhiu
Chief Executive Officer
Witness Protection Agency
Liaison office Milimani Law Courts,
4th Floor, Room 413,
NAIROBI

Dear Ms Waruhiu

RE: BUDGET IMPLEMENTATION MONITORING FOR THE 2022/23 FINANCIAL YEAR AND FAMILIARIZATION RETREAT WITH THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

Reference is made to your letter Ref No: WPA/COLLABO/PARLIAMENT/011/BW/VOL II (3) dated 28th July, 2023 on the aforementioned subject.

The Committee acknowledges the receipt of your written submissions related to the budget implementation for the Financial Year 2022/23. Consequently, the Committee has resolved to hold a consultative retreat with the Ministries, Departments and Agencies (MDAs) under its purview to conduct a Budget Performance Review for the 2022/23 and the 2023/24 Financial Years as at 1st October, 2023.

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Ref: NA/DDC/JLAC/2023/117 **13th October, 2023**

Ms. Salome W. Muhia
Principal Secretary,
State Department for Correctional Services
Ministry of Interior and National Administration
Teleposta,Towers
NAIROBI

Dear Ms Muhia

RE: BUDGET IMPLEMENTATION MONITORING FOR THE 2022/23 FINANCIAL YEAR AND FAMILIARIZATION RETREAT WITH THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

Reference is made to your letter Ref No: SDC/FIN/6/5 VOL.XIV/ (23) dated 27th July, 2023 on the aforementioned subject.

The Committee acknowledges the receipt of your written submissions related to the budget implementation for the Financial Year 2022/23. Consequently, the Committee has resolved to hold a consultative retreat with the Ministries, Departments and Agencies (MDAs) under its purview to conduct a Budget Performance Review for the 2022/23 and the 2023/24 Financial Years as at 1st October, 2023.

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Ref: NA/DDC/JLAC/2023/119 **13th October, 2023**

Ms. Anne Atieno Amadi
Chief Registrar of the Judiciary / Secretary
Judicial Service Commission
Kenya Re-Insurance Plaza
Taifa Road, CBD, Nairobi
NAIROBI

Dear Ms Amadi

RE: BUDGET IMPLEMENTATION MONITORING FOR THE 2022/23 FINANCIAL YEAR AND FAMILIARIZATION RETREAT WITH THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

Reference is made to your letter Ref No: JUD/FIN/5 dated 26th July, 2023 on the aforementioned subject.

The Committee acknowledges the receipt of your written submissions related to the budget implementation for the Financial Year 2022/23. Consequently, the Committee has resolved to hold a consultative retreat with the Ministries, Departments and Agencies (MDAs) under its purview to conduct a Budget Performance Review for the 2022/23 and the 2023/24 Financial Years as at 1st October, 2023.

Kindly provide the following information for the Financial Year 2023/24

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Ref: NA/DDC/JLAC/2023/114

12th October, 2023

Mr. Renson Mulele Ingonga, OGW
The Director of Public Prosecutions
ODPP House, Ragati Road, Upper Hill
NAIROBI

Dear M. Ingonga

RE: BUDGET IMPLEMENTATION MONITORING FOR THE 2022/23 FINANCIAL YEAR AND FAMILIARIZATION RETREAT WITH THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

Reference is made to your letter Ref No: ODPP/5/4/VOL.VI (71) dated 2nd August, 2023 on the aforementioned subject.

The Committee acknowledges the receipt of your written submissions related to the budget implementation for the Financial year 2022/23. Consequently, the Committee has resolved to hold a consultative retreat with the Ministries, Departments and Agencies (MDAs) under its purview to conduct a Budget Performance Review for the 2022/23 and the 2023/24 Financial Years as at 1st October, 2023.

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Ref: NA/DDC/JLAC/2023/113 **12th October, 2023**

Maj. (Rtd) Twalib Mbarak, CBS
Ethics and Anti-Corruption Commission
Integrity Centre,
Jakaya Kikwete/Valley Road Junction
NAIROBI

Dear Maj Mbarak

RE: BUDGET IMPLEMENTATION MONITORING FOR THE 2022/23 FINANCIAL YEAR AND FAMILIARIZATION RETREAT WITH THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

Reference is made to your letter Ref No: EACC.1/13Vol.11(134) dated 28th July, 2023 on the aforementioned subject.

The Committee acknowledges the receipt of your written submissions related to the budget implementation for the Financial year 2022/2023. Consequently, the Committee has resolved to hold a consultative retreat with the Ministries, Departments and Agencies (MDAs) under its purview to conduct a Budget Performance Review for the 2022/23 and the 2023/24 Financial Years as at 1st October, 2023.

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Ref: NA/DDC/JLAC/2023/112 **12th October, 2023**

Hon. Florence Kajuju, MBS
Chairperson
Commission on Administrative of Justice
Office of the Ombudsman
West End Towers, 2nd Floor, Waiyaki Way, Westlands
NAIROBI

Dear Hon Kajuju

RE: BUDGET IMPLEMENTATION MONITORING FOR THE 2022/23 FINANCIAL YEAR AND FAMILIARIZATION RETREAT WITH THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

Reference is made to your letter Ref No: CAJ/FIN/4 VOL.VIII (118) dated 10th August, 2023 on the aforementioned subject.

The Committee acknowledges the receipt of your written submissions related to the budget implementation for the Financial Year 2022/23. Consequently, the Committee has resolved to hold a consultative retreat with the Ministries, Departments and Agencies (MDAs) under its purview to conduct a Budget Performance Review for the 2022/23 and the 2023/24 Financial Years as at 1st October, 2023.

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Ref: NA/DDC/JLAC/2023/118

12th October, 2023

Ms. Ann Njeri Nderitu
The Registrar of Political Parties
Lions Place, 1st floor
Karuna Close, Waiyaki Way, Westlands
NAIROBI

Dear Ms Nderitu

RE: BUDGET IMPLEMENTATION MONITORING FOR THE 2022/23 FINANCIAL YEAR AND FAMILIARIZATION RETREAT WITH THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

Reference is made to your letter Ref No: RPP/ORG/34 VOL VI (20) dated 28th July, 2023 on the aforementioned subject.

The Committee acknowledges the receipt of your written submissions related to the budget implementation for the Financial Year 2022/23. Consequently, the Committee has resolved to hold a consultative retreat with the Ministries, Departments and Agencies (MDAs) under its purview to conduct a Budget Performance Review for the 2022/23 and the 2023/24 Financial Years as at 1st October, 2023.

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Ref: NA/DDC/JLAC/2023/115

12th October, 2023

Mr. Marjan Hussein Marjan
Commission Secretary/ CEO
Independent Electoral and Boundaries Commission
University Way, Anniversary Towers, 6th floor,
NAIROBI

Dear Mr. Marjan

RE: BUDGET IMPLEMENTATION MONITORING FOR THE 2022/23 FINANCIAL YEAR AND FAMILIARIZATION RETREAT WITH THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

Reference is made to your letter Ref No: IEBC/CEO/2/13/1 dated 27th July, 2023 on the aforementioned subject.

The Committee acknowledges the receipt of your written submissions related to the budget implementation for the Financial Year 2022/2023. Consequently, the Committee has resolved to hold a consultative retreat with the Ministries, Departments and Agencies (MDAs) under its purview to conduct a Budget Performance Review for the 2022/23 and the 2023/24 Financial Years as at 1st October, 2023.

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Ref: NA/DDC/JLAC/2023/116 **12th October, 2023**

Hon. Shadrack John Mose
Solicitor General
Office of the Attorney-General and Department of Justice
Sheria House, Harambee Avenue
NAIROBI

Dear Hon. Mose

RE: BUDGET IMPLEMENTATION MONITORING FOR THE 2022/23 FINANCIAL YEAR AND FAMILIARIZATION RETREAT WITH THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

Reference is made to your letter Ref No: FIN.B/BUD/8/VOL.III (210) dated 27th July, 2023 on the aforementioned subject.

The Committee acknowledges the receipt of your written submissions related to the budget implementation for the Financial Year 2022/23. Consequently, the Committee has resolved to hold a consultative retreat with the Ministries, Departments and Agencies (MDAs) under its purview to conduct a Budget Performance Review for the 2022/23 and the 2023/24 Financial Years as at 1st October, 2023.

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Ref: NA/DDC/JLAC/2023/120

12th October, 2023

Mr. Joash Dache, MBS
Commission Secretary/CEO,
Kenya Law Reform Commission
Reinsurance Plaza,
3rd Floor, 4 Taifa Road,
NAIROBI

Dear Joash

RE: BUDGET IMPLEMENTATION MONITORING FOR THE 2022/23 FINANCIAL YEAR AND FAMILIARIZATION RETREAT WITH THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

Reference is made to your letter Ref No: KLRC/8/64 Vol.IX (11) dated 25th July, 2023 on the aforementioned subject.

The Committee acknowledges the receipt of your written submissions related to the budget implementation for the Financial Year 2022/23. Consequently, the Committee has resolved to hold a consultative retreat with the Ministries, Departments and Agencies (MDAs) under its purview to conduct a Budget Performance Review for the 2022/23 and the 2023/24 Financial Years as at 1st October, 2023.

Kindly provide the following information for the Financial Year 2023/24: -

1. Budget implementation status;
2. Project implementation status;
3. Status of pending bills;
4. Status of non-financial performance indicators;

5. Status of court awards/contingent liabilities arising; and

6. Any other relevant information regarding FY 2023/24 budget implementation you may wish to bring to the attention of the Committee.

The information may be presented in tabular form indicating status, reasons thereof and way forward. You are requested to submit twenty (20) hard copies of your submissions to the Committee not later than Monday 23rd October, 2023 at 5.00 pm. A soft copy may be emailed to cna@parliament.go.ke and copied to the email addresses of the liaison officers below.

The purpose of this letter is to invite you to a retreat scheduled for Monday 30th October - Friday 3rd November, 2023 in Mombasa County. A copy of the tentative retreat programme is attached.

The liaison officers for this activity are Mr. Douglas Katho who may be contacted on tel. no. 0722333145 or email: douglas.katho@parliament.go.ke or Ms. Jael Ayiego Kilaka on tel. no. 0725385945 or email: jael.kilaka@parliament.go.ke or Mr. Abdikafar Abdi on tel. 0715456503 or email: abdikafar.sheikh@parliament.go.ke

Yours

JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Annexure 4: Submissions from the Ministries, Departments and Agency under the purview of the Committee on Justice and Legal Affairs

ATTORNEY GENERAL'S CHAMBER
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P. O. Box 40112, NAIROBI

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Ref: NA/DDC/JLAC/2023/116 **12th October, 2023**

Hon. Shadrack John Mose
Solicitor General
Office of the Attorney-General and Department of Justice
Sheria House, Harambee Avenue
NAIROBI

Dear Hon. Mose

RE: BUDGET IMPLEMENTATION MONITORING FOR THE 2022/23 FINANCIAL YEAR AND FAMILIARIZATION RETREAT WITH THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

Reference is made to your letter Ref No: FIN.B/BUD/8/VOL.III (210) dated 27th July, 2023 on the aforementioned subject.

The Committee acknowledges the receipt of your written submissions related to the budget implementation for the Financial Year 2022/23. Consequently, the Committee has resolved to hold a consultative retreat with the Ministries, Departments and Agencies (MDAs) under its purview to conduct a Budget Performance Review for the 2022/23 and the 2023/24 Financial Years as at 1st October, 2023.

Kindly provide the following information for the Financial Year 2023/24:-

1. Budget implementation status;
2. Project implementation status;
3. Status of pending bills;
4. Status of non-financial performance indicators;
5. Status of court awards/contingent liabilities arising; and
6. Any other relevant information regarding FY 2023/24 budget implementation you may wish to bring to the attention of the Committee.

Mr. Samuel M. Mugambi
Please Deal
16 OCT 2023
Solicitor General
Signed:

The information may be presented in tabular form indicating status, reasons thereof and way forward. You are requested to submit twenty (20) hard copies of your submissions to the Committee not later than Monday 23rd October, 2023 at 5.00 pm. A soft copy may be emailed to cna@parliament.go.ke and copied to the email addresses of the liaison officers below.

The purpose of this letter is to invite you to a retreat scheduled for Monday 30th October - Friday 3rd November, 2023 in Mombasa County. A copy of the tentative retreat programme is attached.

The liaison officers for this activity are Mr. Douglas Katho who may be contacted on tel. no. 0722333145 or email: douglas.katho@parliament.go.ke or Ms. Jael Ayiego Kilaka on tel. no. 0725385945 or email: jael.kilaka@parliament.go.ke or Mr. Abdikafar Abdi on tel. 0715456503 or email: abdikafar.sheikh@parliament.go.ke

Yours

JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS TO CONSIDER SUPPLEMENTARY ESTIMATES NO. I FOR THE FISCAL YEAR 2023/24

The Departmental Committee on Justice and Legal Affairs is established pursuant to Standing Order 216 of the National Assembly Standing Orders, and is mandated to *inter alia, 'investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and Departments; and study the programme and policy objectives of Ministries and Departments and the effectiveness of the implementation'.*

As you aware, Supplementary Estimates for Fiscal Year 2023/24 were submitted to the National Assembly and subsequently committed to Departmental Committees for consideration on Thursday 26th October, 2023 pursuant to Section 44(1) of the Public Finance Management Act, 2012 as read together with Standing Order 235(4). The Committees are required to consider the Supplementary Estimates for the MDAs under their purview and report to the Budget and Appropriations Committee within fourteen (14) days.

In this regard, the Departmental Committee on Justice and Legal Affairs has scheduled meetings with the Cabinet Secretary responsible for the Correctional Services, the Attorney General, the chief executive officers of Independent Offices and Commissions under the purview of the Committee to deliberate on expenditures contained in the Supplementary Estimates and any other issues that may arise in the course of the Committee proceedings. The Committee requests that you provide briefs on the following:

1. A schedule showing the programmes or projects affected by the proposed Supplementary Estimates;
2. Where money has already been withdrawn as per Article 223 of the Constitution:
    a. The purpose for which it was spent under each vote, programme and project;
    b. The date of the first withdrawal of money under Article 223; and,
    c. Necessary financial documents as evidence for the money spent.
3. Justification for additional expenditure requests and reallocations;
4. Indicative impact of the Supplementary Estimates on MDAs performance targets;
5. Information on the latest budget implementation and performance for the FY23/24 as at 31st October, 2023;
6. A copy of your latest Strategic Plan and status of implementation;
7. Status of pending bills; and,
8. Any other relevant information regarding FY23/24 Supplementary Estimates I you may wish to bring to the attention of the Committee.

This is therefore to request you to make the submissions during our planned engagement on Budget Implementation Monitoring as per the attached Schedule. You may be accompanied by technical officers who will assist in responding to issues that may arise in the course of the Committee proceedings.

The Principal Secretary, National Treasury is requested to send a representative to the meetings.

The liaison officers for this activity are **Mr. Douglas Katho** who may be contacted on tel. no. **0722333145** or email: douglas.katho@parliament.go.ke, or **Ms. Jael Ayiego Kilaka** on tel. no. **0725385945** or email: jael.kilaka@parliament.go.ke or **Mr. Abdikafar Abdi Sheikh** on tel no. **0715456503** or email abdikafar.sheikh@parliament.go.ke

Yours

JEREMIAH NDOMBI, MBS
CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Hon. Kithure Kindiki, CBS
Cabinet Secretary
Ministry of Interior and National Administration
Harambee House
NAIROBI

Pro. Njuguna Ndung'u, CBS
Cabinet Secretary
The National Treasury and Economic Planning
Treasury Buildings
Harambee Avenue
NAIROBI

Hon. Justin B.N. Muturi, E.G.H
The Attorney General
The state Law Office
Sheria House, Harambee Avenue
NAIROBI

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When replying, please quote:

Ref: NA/DDC/JLAC/2023/135

27th October, 2023

Ms. Anne Atieno Amadi
Chief Registrar of the Judiciary / Secretary
Judicial Service Commission
Kenya Re-Insurance Plaza
Taifa Road, CBD
NAIROBI

Ms. Salome W. Muhia
Principal Secretary
State Department for Correctional Services
Ministry of Interior and National Administration
Teleposta Towers
NAIROBI

Dr. Chris K. Kiptoo, CBS
Principal Secretary
The National Treasury
The National Treasury & Economic Planning
Treasury Buildings, Harambee Avenue
NAIROBI

Hon. Shadrack Mose
The Solicitor-General
The state Law Office
Sheria House, Harambee Avenue
NAIROBI

Dr. Benard Mogesa, PhD, CPM
Commission Secretary/CEO
Kenya National Commission on Human Rights
1st Floor, CVS Plaza
Lenana Road
NAIROBI

Maj. (Rtd) Twalib Mbarak, CBS
Ethics and Anti-Corruption Commission
Integrity Centre
Jakaya Kikwete/Valley Road Junction
NAIROBI

Mr. Renson Mulele, Igonga
Director of Public Prosecutions
ODPP House, Ragati Road, Upper Hill
NAIROBI

Mr. Marjan Hussein Marjan - Commission Secretary/ CEO
Independent Electoral and Boundaries Commission
University Way, Anniversary Towers, 6th floor
NAIROBI

Hon. Florence Kajuju, MBS
Chairperson
Commission on Administrative of Justice
Office of the Ombudsman
West End Towers, 2nd Floor, Waiyaki Way, Westlands
NAIROBI

Mr. Joash Dache, MBS
Commission Secretary/CEO
Kenya Law Reform Commission
Reinsurance Plaza, 3rd Floor, Taifa Road
NAIROBI

Ms. Ann Njeri Ndcritu
The Registrar of Political Parties
Lions Place, 1st floor
Karuna Close, Waiyaki Way, Westlands
NAIROBI

Ms. Jedidah W. Waruhiu
Chief Executive Officer
Witness Protection Agency
Liaison office Milimani Law Courts,
4th Floor, Room 413,
NAIROBI

Dear

REPUBLIC OF KENYA

THE STATE LAW OFFICE

BUDGET PERFORMANCE REVIEW FOR FY 2023/24 AS AT 1ST OCTOBER 2023

PRESENTATION TO THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

Prepared in line with the requirement of the National Assembly Office of the clerk letter Ref. NA/DDC/JLAC/2023/116 dated 12th October, 2023.

30TH OCTOBER 2023

Table of Contents

Introduction 4

1. Vision, Mission, Mandate and Function 4

I. Vision 4

II. Mission 4

III. Mandate 4

PART 1: BUDGET IMPLEMENTATION MONITORING 5

A. FINANCIAL 5

1.1 Revenue Receipts 5

1.2 Appropriation-In-Aid (A-I-A) 5

1.3 Exchequer Issues 6

1.4 Donor Disbursement 6

1.5 Expenditure 6

B. PROJECT IMPLEMENTATION STATUS 7

2.1 Project information 7

C. STATUS OF PENDING BILLS 8

3.1 Status of Pending Bills 8

D. STATUS OF NON-FINANCIAL PERFORMANCE INDICATORS 9

4.1 Non-Financial Performance Matrix 9

E. STATUS OF COURT AWARDS/CONTINGENT LIABILITIES 17

4.1 Court Awards/Contingent Liabilities 17

F. OTHER RELEVANT INFORMATION RELATING TO FY2023/24 BUDGET 17

6.1 Other Important Information 17

PART 2: SUPPLEMENTARY ESTIMATES NO.1 FY2023/2024 18

A. A Schedule showing the Programmes or Projects Affected by the Proposed Supplementary Estimates 18

B. Where the money has been withdrawn as per Article 223 of the Constitution 19

C. Justification for Additional Expenditure Requests and Reallocations 19

D. Indicative Impact of the Supplementary Estimates on Performance Targets 20

E. Information on the latest budget implementation and performance for the FY2023/24 as at 31st October 2023..... 24

F. A Copy of your Latest Strategic Plan and Status of Implementation. 24

G. Status of Pending Bills 25

H. Any other Relevant Information Regarding FY2023/24 Supplementary Estimates 1 you may wish to bring to the Attention of the Committee. 25

Introduction

Hon. Chairman, distinguished members of the Justice and Legal Affairs Committee, ladies and gentlemen. I take this opportunity to thank this committee for the invitation to deliberate on the budget implementation and monitoring report for the FY 2022/23 and consideration of Supplementary Estimates No.1 for the fiscal year 2023/24.

Hon. Chairman, as you are aware, the State Law Office falls under the Governance, Justice, Law and Order Sector (GJLOS). It is composed of nine (9) technical departments and eight (8) Semi-Autonomous Government Agencies. The office implements its strategic objectives and policies through the following programmes:

(i) Legal Services;
(ii) Governance, Legal Training and Constitutional Affairs; and
(iii)General Administration, Planning and Support Services.

1. Vision, Mission, Mandate and Function

I. Vision

To be the best institution in the region in the provision of public legal services and promotion of a just, democratic and corruption-free nation.

II. Mission

To facilitate the realization of good governance and respect for the rule of law through the provision of public legal services, protection and promotion of human rights and upholding of ethics and integrity.

III. Mandate

Article 156 of the **Constitution of Kenya 2010** and the **Office of the Attorney General Act, 2012** establishes the Office of the Attorney General. The role of the Attorney General:

- The Government's principal legal advisor responsible for representing the National Government in court or any other legal proceedings to which the National Government is a party (other than criminal proceedings) and for performing any other functions conferred to the Office by an Act of Parliament or by the President;
- The AG is responsible for the promotion of human rights and implementation of the Constitution, access to justice including through the promotion of legal aid, good governance, anti-corruption strategies, ethics and integrity, legal education and law reform, among others;
- Provides policy, coordination, and oversight with regard to various legal sector institutions and therefore has a broader cross-cutting mandate to support the strengthening of legal sector institutions;
- The Attorney General is also the promoter of the rule of law and defender of the public interest.

PART 1: BUDGET IMPLEMENTATION MONITORING

A. FINANCIAL

1.1 Revenue Receipts

As at the end of the first quarter FY2023/24, the State Law Office had collected revenue amounting to **KSh.369.19 million** against a target of **Ksh.403.60 million**. This represents a performance of 91%. This information leading a variance of **Ksh.34,409,719** as at the end of the quarter. **KSh.1.61 billion,** translating to revenue performance of **23%** as summarized in table 1:

Table 1: Planned Annual Revenue Targets, Quarterly Targets and Actual Receipts as at the end of the First Quarter FY 2023/24

Department / Section / Unit at head quarters	Annual Target	Target	Actual	Variance
	Quarter One (Ksh.)			
	A	B	C	D=(C-B)
Registration of Coat of Arms	102,222.00	25,555.50	10,000.00	(15,555.50)
Registration of Societies	12,901,733.00	3,225,433.25	7,457,200.00	4,231,766.75
Registration of Newspapers, Books and Periodicals	119,543.00	29,885.75	10,500.00	(19,385.75)
Registration of Marriages	168,843,277.00	42,210,819.25	33,080,950.00	(9,129,869.25)
Public Trustee Fees	107,278,305.00	26,819,576.25	14,659,091.50	(12,160,484.75)
Business Registration Services	1,325,145,342.00	331,286,335.50	313,970,145.00	(17,316,190.50)
Total revenue	**1,614,390,422.00**	**403,597,605.50**	**369,187,886.50**	**(34,409,719.00)**

1.2 Appropriation-In-Aid (A-I-A)

The approved provision for A-I-A for FY2023-24 is **Ksh.564.68 million**. The actual collection as at 30th September 2023 was **KSh.109.09 million**, which translate to A-I-A performance of **19%** as summarized in table 2:

Table 2: Summary of A-in-A Collection First Quarter FY 2023/24

No.	Delivery Units	Annual Target	Target	Actual	Variance
		A	B	C	D=(C-B)
		KSh.	Quarter One (KSh)		
1	Kenya Law Reform Commission (KLRC)	100,000	25,000	0	(25,000)
2	Kenya School of Law (KSL)	377,480,000	94,370,000	85,022,270	(9,347,730)
3	Council for Legal Education (CLE)	170,100,000	42,525,000	13,493,549	(29,031,451)
5	Nairobi Center for International Arbitration (NCIA)	7,000,000	1,750,000	5,154,958	3,404,958
6	National Council for Law Reporting (NCLR)	10,000,000	2,500,000	5,414,820	2,914,820
	Total	**564,680,000**	**141,170,000**	**109,085,597**	**(32,084,403)**

The main reason for the under-collection of A-in-A was the decreased enrollment of students seeking Advocates Training Programme (ATP) examination.

1.3 Exchequer Issues

The cumulative exchequer request as at the end of the first quarter FY2023/24 was **KSh.1,194.36 million** while the actual exchequer received is **KSh.1,068.36 million** resulting in a variance of **KSh.126 million** as contained in the schedule below:

Table 3: Exchequer Requests Vs Exchequer Receipts as at the end of the first quarter FY 2023/24

Quarters	Cumulative Exchequer Requested		Total	Cumulative Exchequer Received		Total
	Recurrent	Development		Recurrent	Development	
Quarter One	1,194,358,503	0	**1,194,358,503**	1,068,360,618	0	**1,068,360,618**

1.4 Donor Disbursement

The Programme for Legal Aid Delivery in Kenya (PLEAD), which is fully funded by the EU has been allocated **Ksh.48.81 million** in the current fiscal year. As at the end of the first quarter FY 2023/24, no disbursement had been made in respect of this project.

1.5 Expenditure

1.5.1 Expenditure by Programme

Table 4 shows the State Law Office recurrent budget allocation (**Ksh.6.3 billion**) in relation to absorption (**Ksh.1.2 billion**) by programmes and sub-programmes for the period under review:

Table 4: Cumulative Recurrent Budget Quarterly Allocation vs Absorption by Programmes and Sub-programmes FY 2023/24

Recurrent by Programme and Sub-Programme	Approved Annual Estimates	Quarter One Estimates	Cumulative Expenditure Quarter One	Variance Quarter One
	A	B	C	D (B-C)
1.0 Legal Services	**3,002,428,456.00**	**750,607,114**	**597,340,595.00**	**153,266,519**
1.1 Civil litigation and promotion of legal ethical services	1,495,691,296.00	373,922,824	299,133,640.00	74,789,184
1.2 Legislations, treaties and advisory services	361,045,036.00	90,261,259	58,940,567.00	31,320,692
1.3 Public trusts and estates management	389,799,120.00	97,449,780	83,143,553.00	14,306,227
1.4 Registration services	755,893,004.00	188,973,251	156,122,835.00	32,850,416
2.0 Governance, Legal Training and Constitutional Reforms	**1,993,989,356.00**	**498,497,339**	**430,463,863.00**	**68,033,476**
2.1 Governance reforms	355,909,356.00	88,977,339	56,433,224.00	32,544,115
2.2 Constitutional and legal reforms	738,940,000.00	184,735,000	187,624,820.00	(2,889,820)
2.3 Legal Education Training and Policy	899,140,000.00	224,785,000	186,405,819.00	38,379,181
3.0 General Administration, Planning and Support Services	**1,222,882,188.00**	**305,720,547**	**166,554,044.90**	**139,166,502**
3.1 Transformation of Public Legal services	209,000,000.00	52,250,000	55,654,958.00	(3,404,9580
3.2 Administrative services	1,013,882,188.00	253,470,547	110,899,086.90	142,571,460.10
TOTAL	**6,219,300,000.00**	**1,554,825,000**	**1,194,358,502.90**	**360,466,497**

The development budget allocation is **Ksh.192.31 million** in respect of the FY 2023/24 whilst absorption levels stood at **zero** as summarized in table 5:

Table 5: Cumulative Development Budget Quarterly Allocation vs Absorption by Programmes and Sub-programmes FY 2023/24

Development by Programme and Sub-Programme	Approved Estimates	Cumulative Expenditure	Variance
	A	B	C=A-B
2.0 Governance, Legal Training and Constitutional Reforms	**48,808,250.00**	**0**	**48,808,250.00**
2.1 Governance reforms	48,808,250.00	0	48,808,250.00
3.0 General Administration, Planning and Support Services	**143,500,000.00**	**0**	**143,500,000.00**
3.2 Administrative services	143,500,000.00	0	143,500,000.00
TOTAL	**192,308,250.00**	**0**	**192,308,250.00**

1.5.2 Expenditure by Economic Classification

Table 6 shows the budget allocation in relation to absorption for the FY 2023/24 as at end of quarter one:

Table 6: Cumulative Quarterly Budget Allocation vs Absorption by Economic Classification for the FY 2023/24

Economic Classification	Annual Approved Estimates	Quarter One Estimates	Cumulative Expenditure	Variance
Recurrent	**6,219,300,000**	**1,554,825,000**	**1,303,444,100**	**251,380,900**
Compensation to Employees	1,913,380,000	478,345,000	440,064,355	38,280,645
Use of Goods and Services	1,232,545,676	308,136,419	224,839,745	83,296,674
Recurrent Transfers	2,806,470,000	701,617,500	637,128,800	64,488,700
Social Benefits	6,048,200	1,512,050	1,411,200	100,850
Acquisition Of Non-Financial Assets	260,856,124	65,214,031	0	65,214,031
Development	**192,308,250**	**48,077,062**	**0**	**48,077,062**
Acquisition of Non-Financial Assets	143,500,000	35,875,000	0	35,875,000
Development Transfer	48,808,250	12,202,062	0	12,202,062
Total Expenditure	**6,411,608,250**	**1,602,902,062**	**1,303,444,100**	**299,457,962**

Major achievements for the period ended 30th September, 2023 are captured in detail in table 9 of non-financial performance.

B. PROJECT IMPLEMENTATION STATUS

2.1 Project information

The State Law Office has two new projects namely: **Construction of Office Buildings - Field Offices** and **Automation of the State Law Office Services**. The office does not have any stalled project.

Table 8 shows the status of various ongoing projects under implementation by the Office during the FY 2023/24:

Table 7: Implementation Status of Ongoing Projects FY 2023/24

Project Name (a)	Project Start Date (b)	Project Expected Completion Date (c)	Source of Funds (GoK/ Donor/ Foreign/ Borrowings/ Commercial Borrowings) (d)	Estimated Value Of Project (Ksh. Million) (e)	Total Funding as at 30th September 2023 (Ksh. Million) (f)	Actual Expenditure as at 30th September 2023 (Ksh. Million) (g)	Percentage (%) of Completion (h=g/e)
Refurbishment of Sheria House and Company Registry Nairobi	01/07/ 2015	30/06/2025	GoK	285.00	85.66	0.00	**30%**
Refurbishment of Regional Offices - Malindi	01/07/ 2015	30/06/2025	GoK	5.00	4.50	0.00	**0%**
Programme for Legal Empowerment & Aid Delivery in Kenya (PLEAD)	01/04/ 2020	30/06/2025	Donor	290.38	87.48	0.00	**27%**
Construction of Office Buildings - Field Offices	01/07/ 2023	6/30/2027	GoK	1,000.00	0.00	0.00	**0%**
Automation of the State Law Office Services	01/07/ 2023	6/30/2026	GoK	505.00	0.00	0.00	**0%**
Total				**2,085.38**	**177.64**	**0.00**	

C. STATUS OF PENDING BILLS

3.1 Status of Pending Bills

The total pending bill for the office as at **30th June 2023** is **KSh.171,068,983.54** out of which **KSh.121,689,186.39** emanates from FY2022/23 carryovers occasioned by lack of exchequer release.

The chronology of pending bills is as summarized in table 9:

Table 8: Chronology of Pending Bills for the State Law Office

No.	Financial Years	Recurrent (KSh.)	Development (Ksh.)	Total (KSh.)
1.	FY2014/2015	3,194,915.00	0	3,194,915.00
2.	FY2015/2016	3,967,980.00	0	3,967,980.00
3.	FY2017/2018	6,335,815.51	0	6,335,815.51
4.	FY2018/2019	1,498,310.00	0	1,498,310.00

No.	Financial Years	Recurrent (KSh.)	Development (Ksh.)	Total (KSh.)
5.	FY2019/2020	13,580,608.00	0	13,580,608.00
6.	FY2020/2021	13,425,614.46	0	13,425,614.46
7.	FY2021/2022	5,877,354.18	1,499,200.00	7,376,554.18
8.	FY2022/2023	121,689,186.39	0	121,689,186.39
	Total	**169,569,783.54**	**1,499,200.00**	**171,068,983.54**

D. STATUS OF NON-FINANCIAL PERFORMANCE INDICATORS

4.1 Non-Financial Performance Matrix

The detailed matrix for non-financial performance for FY2023-24 with actual outputs achieved as at end of quarter one shown in table 9:

Table 9: Non-financial Performance during the First Quarter FY 2023/24

Programme	Delivery Unit	Key Outputs	Key Performance Indicators	Target 2023/24	Actual as at 30th September 2023	Variance	Remarks
Programme 1: Legal Services							
Outcome: Enhanced rule of law, access to justice, good governance and provision of quality legal services for all							
SP 1.1: Civil Litigation and Promotion of Legal Ethical standards	Civil Litigation Department	Civil litigation Services	No. Cases filed Against the government concluded	1,500	399	-1,101	The Department surpassed our target of 375 concluded cases
			% of Researched Legal opinions in all civil disputes given within 7 days	100	100	0	The Department surpassed our target of 25 Legal opinions rendered
			% of pleadings filed in all cases by or against the government within 14 days	100	100	0	The Department has also surpassed our quarterly target of 1300 drafted and filed pleadings
	Advocates Complaints Commission	Advocates complaints services	% of complaints against advocates investigated and finalized	100	100	0	772 complaints against advocates investigated and finalized
			% of complaints against Advocates subjected to ADR sessions and resolved	100	100	0	32 complaints subjected to ADR sessions and resolved
			No. of affidavits of charges against Advocates filed at the Disciplinary Committee.	200	99	-101	99 affidavits of charges against Advocates filed at the Disciplinary Committee.
			% of restructuring ACC into SAGA.	50	0	-50	There were no activities during the first quarter due to lack of funds/budget constraints.
	Assets Recovery Agency	Assets Recovery services	% of suspected proceeds of crime traced and identified.	100	100	0	Verified all intelligence gathered , and developed actionable intelligence reports. Investigated suspected proceeds of crime in respect to 35 cases . The approximate value of the suspected proceeds of crime investigated was Ksh 17,350,699,126.75. Cash restricted in banks was Ksh 60,450,236.00 Million. 203 Motor Vehicles and 32 Parcels of land were

Programme	Delivery Unit	Key Outputs	Key Performance Indicators	Target 2023/24	Actual as at 30th September 2023	Variance	Remarks
							restricted and investigated as suspected proceeds of crime.
			% of suspected proceeds of crime preserved	100	100	0	Preservation orders were obtained in respect to 14 motor vehicles ,7 properties and cash in Ksh 45,751,655.43 Million and Usd 368,185.77 Forfeiture proceedings were filed in respect 4 (four) motor vehicles, and Ksh 24,999,800.00 Million
			% of suspected proceeds of crime forfeited to the Government	100	100	0	Forfeiture judgement issued two (2) motor vehicles.
			% of seized, preserved and forfeited /confiscated assets managed	100	100	0	All assets seized, preserved and those forfeited to the state are being managed. Ksh 5,514,900 was collected in rent.
			% of operationalization of the Assets Recovery Advisory Board and completion of the de-linking process	80	0	-80	In FY 2021/22, the Agency proposed and initiated amendments to the Proceeds of Crime and Anti-Money Laundering Act which Section 55A established the Assets Recovery Advisory Board. There was, however, need for further amendments to enhance the mandate and independence of the Board. In the period under review, the Agency made amendments through the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Act, 2023 which was assented to by H.E the President on 8th September, 2023. The Agency projects to have the Adisory Board fully operationalzed by the end of FY 2023/2024
SP 1.2: Legislation, Treaties and Advisory Services	Legislative Drafting Department	Legislative drafting services	% of Bills to harmonize existing laws with the Constitution drafted upon request by client Ministries	100	100	0	Six (6) Bills drafted
			% of other Prioritized Bills drafted upon request by client Ministries	100	100	0	Six (6) Bills drafted
			% of routine subsidiary legislation drafted within 7 working days upon receipt of all necessary information from the client ministries.	100	100	0	Fifty five (55) pieces of subsidiary legislation drafted
			% of substantive subsidiary legislation drafted within 30 working days upon receipt of all	100	100	0	Forty one (41) pieces of substantive subsidiary legislation drafted

Programme	Delivery Unit	Key Outputs	Key Performance Indicators	Target 2023/24	Actual as at 30th September 2023	Variance	Remarks
			necessary information from the client ministries.				
	International Law Division	International legal services	% of legal advice on international Law matters issued within 6 days	100	100	0	183 advisories on bilateral, regional and international law matters issued to MDAs within 6 working days
			% of matters successfully represented in International arbitration and litigation	100	100	0	Seven (7) international arbitration and litigation matters considered and represented
			% of requests coordinated on international judicial cooperation in criminal matters within 6 working days	100	100	0	83 requests on international judicial coopreation in crminal matters coordinated within 6 working days
	Government Transactions Division	Government transactions advisory services	% of procurement contracts vetted within 20 days upon request by MDAs	100	100	0	34 procurement contracts vetted
			% of legal advice on commercial matters issued within 20 days upon request by MDAs	100	100	0	214 legal advisories issued
			% of legal advice issued on bilateral and multilateral financing agreements within 7 days upon request by MDAs	100	100	0	23 Bilateral and Multilateral Financing Agreements issued
	Legal Advisory and Research Division	Legal Advisory and Research services	%. of legal advisory opinions issued within 7 days upon request by MDAs	100	100	0	150 legal opinions and advisories issued
			No. of reports on legal research on international best practices on emerging areas of law.	9	0	-9	To be undertaken in the second quarter
			% of Legal compliance audits undertaken for state corporations	100	0	-100	Waiting for instructions from MDAs
			No. of annual SLO colloquium held	1	0	-1	To be undertaken in the second quarter
			No. of MDAs sensitized on the Attorney General's circular on the provision of Legal advisory services to the Government	2	0	-2	To be undertaken in the second quarter
SP 1.3: Public Trusts and Estates Management	Public Trustee	Trusteeship Services	No. of quality assurance audits undertaken in Public Trustee regional offices.	13	0	-13	Activity to be undertaken in 2nd quarter
			No. of Public Trustee interagency collaboration frameworks with ex-officio agents established	46	0	-46	Activity to be undertaken in 2nd quarter
			% of estates and trust files finalized upon fulfillment of all legal requirements	100	878	-778	878 files finalised
SP 1.4: Registration Services	Business Registration Service	Business Registration Services	No. of business entities registered	146,561	36,069	-110,492	Decrease due to surge of applications due inadequate personnel.
			Revenue collected from service fees (Ksh. Billions)	1	0	-1	Increase in applications
			No. of days taken to register a private company	5.5	8.2	2.7	Increase in days due to surge of applications

Programme	Delivery Unit	Key Outputs	Key Performance Indicators	Target 2023/24	Actual as at 30th September 2023	Variance	Remarks
			% of Private Companies with declared Business Ownership status	48	45	-3	Increase in BO declaration
			No. of Movable Property Security Rights notices (Loan collateral securities) registered	168,770	36,295	-132,475	Decrease has resulted dueto high cost of living which caused many applicants to be adamant to access credit.
	Registration Service	Marriage, Societies' & Coat of Arms Registration Services	No. of Marriages registered and other related applications processed under the Marriage Act.	60,500	16,000	-44,500	Target on course
			No. of Societies registered under the Societies Act.	1,100	258	-842	Target on course
			No. Arms Registered under the College of Arms Act.	20	0	-20	The process of registration has comenced pending payments by applicants.
Programme.2: Governance, Legal Training and Constitutional Affairs							
Outcome: Enhanced ethics, integrity, access to justice and constitutional order							
S.P 2.1: Governance Reforms	National Anti-Corruption Campaign Steering Committee	Anti-Corruption Awareness services	No. of social accountability forums conducted on corruption in public projects	282	0	-282	Work plans for the County Anti-Corruption Civilian Oversight Committees developed
			No. of partnerships forged with stakeholders in the anti-corruption sector	2	0	-2	Relevant partners have been identified and consulatative meetings will be undertaken in quarter 2
			No. of citizens reached with messages against corruption through Radio	10,000,000	0	-10,000,000	Terms of reference developed and a letter written to Government Advertising Agency to provide list of contracted Radio Stations, costs and their respective reach (listenership)
			No. of religious leaders participating in the delivery of scripture-referenced anti-corruption messages	500	0	-500	Held consultative meetings with the Inter Religious Council of Kenya
	Directorate of Legal Affairs	Justice & Constitutional Affairs Services	No. of Counties where civic education on the Constitution has been conducted	12	0	-12	To be conducted in the 2nd, 3rd and 4th Quarter
			% of Whistleblower Protection Framework developed.	50	5	-45	Awaiting funds to undertake stakeholder consultations
			% of National Ethics and Anti-Corruption Policy strategies implemented.	50	5	-45	NEAP Implementation Is a continious process- On course
			% of implementation of recommendations of the taskforce on review of legal and institutional framework against corruption.	50	5	-45	Taskforce Recommendation is a continious process - on course
			% of East African Community (EAC) Anti-Corruption protocol developed.	20	5	-15	Consulting with stakeholders - human resource constraints faced in implementation
			No. of reports on State compliance with international and regional anti-corruption, human rights, democracy,	5	1	-4	Country statement on asset recovery, prevention and implementation presented to the UNCAC

Programme	Delivery Unit	Key Outputs	Key Performance Indicators	Target 2023/24	Actual as at 30th September 2023	Variance	Remarks
			elections & governance treaties prepared				Implementation Review Group and UNCAC Working Group on Asset Recovery.
			% of development of National Policy on the reform & Modernization of the Legal Sector in Kenya.	100	0.25	-99.75	Target is on course.
	National Coroners Service	National Coroners Services	No. of office space Acquired and partitioned	1	0	-1	Office Space yet to be acquired.
			No. of office furniture and ICT equipment acquired	50	0	-50	Office furniture and ICT equipment yet to be acquired.
	Victim Protection Board	Victim Protection Servic.es	% of Victim Protection Act operationalized	70	0	-70	To be conducted in the 2nd, 3rd and 4th Quarter
			% of the Victim Protection Act (Trust Fund) Regulations developed	50	0	-50	To be conducted in the 2nd and 3rd Quarters
			% of the Victim Protection Act(General) Rules and Regulations developed	50	0	-50	To be conducted in the 4th Quarter
			% of the Victim Protection Act amended	50	0	-50	To be conducted in the 2nd Quarter
			No. of, opinion leaders, NGAOs and "nyumba kumi" sensitized on the Victim Protection Act,2014 and Victim Rights Charter disseminated	2,400	0	-2,400	To be conducted in the 2nd , 3rd and 4th Quarter
			No. of Baseline Survey reports prepared on Victims of crime to enhance protection of victims	1	0	-1	To be conducted in the 3rd and 4th Quarter subject to availability of funds
	National Legal Aid Service	Legal aid services	No. of indigent persons offered legal aid	130,000	6,872	-123,128	provided legal aid services to 6,872 indigent persons
			% of legal aid fund regulations and scale of fees developed	50	2.5	-47.5	To be undertaken in quarter 2
			No. of legal aid providers educated on use of ADR mechanism to promote access to justice.	1,000	120	-880	120 legal aid providers educated on use of ADR mechanism to promote access to justice.
			No. Legal Aid offices operationalized	3	0	-3	Activity to be achieved in subsequent quarters
			No. of officers recruited	26	0	-26	Activity to be achieved in subsequent quarters
SP 2.2: Constitutional and Legal reforms	Kenya Law Reform Commission	Law Review & Reform Services	% of bills drafted/reviewed to facilitate effective implementation of the Constitution and National Priorities	100	0.25	-99.75	Reviewed laws declared unconstitutional by courts-(IEBC (Amendment) Bill, 2023) Legislation to implement the Constitutional two-thirds gender principle Reviewed 6 Bills Referred from relevant Parliamentary Committees.
			No. of County governments educated on Legislative and Law reform knowledge	18	5	-13	Facilitated knowledge sharing on law reform matters during the Devolution Conference held in Uasingishu County. The conference brings together

Programme	Delivery Unit	Key Outputs	Key Performance Indicators	Target 2023/24	Actual as at 30th September 2023	Variance	Remarks
							all 47 county Governments.Further the Commission Educated Kitui County Government on Policy and legislative process, Finalized review of the Legislative Guide for dissemination to counties.
			% of Technical Assistance offered to MDAC's and Constitutional Offices with regard to the reform or amendment of a branch of the law	100	0.25	-99.75	Developed Kenya (Roadside Stations) Regulations and RIA under the Ministry of Roads & Transport, and the Roads Authorities. Developed Merchant Shipping (Marine Pollution) Regulations. Developmed Land (Public Rights of Way) Compensation Regulations, 2023..Developed Public Participation Bill, 2023, Reviewed 5 Bills referred by EAC Secretariat (EAC Metrology Bill, Competition (Mergers and Acquisitions Sharing of Notification Fees) Regulations, EAC Competition (Mergers and Acquisitions) Regulations, EAC Elimination of Non-Tariff Barriers (Amendment) Bill, 2023, EAC Common Market Protocol (Mutual Recognition of Academic and Professional Qualifications) Regulations, 2023;and EAC Assembling and Manufacturing of Products Regulations)
			No. of legal research reports, advisories, policy interventions developed relating to law reform	1	0	-1	Developed Concept Paper on Review of the Penal Code. Further activities for the development of the report have commenced and are ongoing.
	Auctioneers Licensing Board	Auctioneers Regulatory Services	No. of Licenses issued to qualified applicants.	790	0	-790	The board was still being inducted since it's a new board with 90% of members having come on board in the new financial year
			No. of Auctioneers inspected	720	0	-720	"
			% of cases filed against the Auctioneers resolved	100	0	-100	"
	National Council for Law Reporting	Legal Reporting and Publication Services	No. of Laws of Kenya volumes published	4,500	0	-4,500	To be achieved in Q4
			No. of Volumes of Kenya Law Reports published.	5	0	-5	To be achieved in Q4
			No. of publications on trending Thematic areas.	12,000	3,000	-9,000	3,000 copies of the Bench Bulletin were printed

Programme	Delivery Unit	Key Outputs	Key Performance Indicators	Target 2023/24	Actual as at 30th September 2023	Variance	Remarks
			% of completion of the ICT system on specialized publications	40	40	0	The first phase (40%) of the Kenya Legislation and Case Law Databases completed.
			The Annual supplement prepared and submitted	1	1	0	AS 2022 prepared and submitted
		Online Legal Information and Publication Services	% of public legal information published and disseminated	100	100	0	A total of 5,924 decisions from the Superior Courts of record and 126 decisions from the subordinate Courts published
			% of Laws of Kenya updated, consolidated and published	100	100	0	All 508 statutes were updated
2.3: Leal Education Training and Policy	Kenya School of Law	Legal Training & Capacity Building Services	No. of lawyers trained under the Advocates Training Programme (ATP).	1,500	0	-1,500	To be Achieved in Q3
			No. of students trained under the paralegal Training Programme (PTP).	200	195	-5	No of students admitted were 195
			No. of needy students supported through enhancement of KSL-HELB Fund.	300	0	-300	To be achieved in Q3
			No. of Continuing Professional Development (CPD) courses delivered.	27	5	-22	To be achieved in Q2,3 &4
	Council of Legal Education	ATP Examination Administration Services	No. of candidates examined on Advocates Training Programme (ATP)	4,150	0	-4,150	Target reported on at the end for the FY after the 2 Exanimation Series are completed.
			% of Qualified ATP candidates gazetted for admission to the Roll of Advocates	100	100	0	569 Student gazetted in Quarter 1.
		Quality Assurance Compliance and Licensing Services	No. of Quality assurance audits conducted to legal education providers for compliance with the Act	7	0	-7	To be undertaken in quarter 3
			No. of on-site inspections conducted on legal education providers for compliance with the Act	4	0	-4	To be undertaken in quarter 3
Programme: P.3: General Administration, Planning and Support Services							
Outcome: Efficient and effective service delivery							
S.P 3.1: Transformation of Public Legal Services	Nairobi Centre for International Arbitration (NCIA)	Commercial Arbitration Services	% of Operationalization of NCIA Arbitral Court.	80	50	-30	Target not achieved. Commencement of the recruitment process of the NCIA's Arbitral Court members is pending and will be initiated upon approval of remuneration schedules by SRC.
			% of disputes on commercial contracts processed.	100	100	0	Target achieved. Two (2) disputes lodged during the period under review and all have been processed.
			Value in (KSh. Billion) released to the economy through Arbitration and ADR services.	7.7	0	-7.7	Target not achieved. Of the two (2) disputes lodged, only one has a monetary value equivalent to 31.9 million.

Programme	Delivery Unit	Key Outputs	Key Performance Indicators	Target 2023/24	Actual as at 30th September 2023	Variance	Remarks
			No. of county awareness fora undertaken towards sensitization on uptake of ADR mechanism	5	0	-5	Target not achieved. The activity was to happen concurrently with other activities within the quarter such as the Nairobi Arbitration Week which required more resources thus affecting this activity. This shall be undertaken in quarter 2, 3 and 4.
			No. of practitioners trained on ADR	100	49	-51	Target achieved.
SP. 3.2: Administrative Services	General Administration	Administration Support Services	No. of state counsel recruited	100	0	-100	To be advertised in Quarter 3
			No. of post pupils recruited	70	0	-70	Has been advertised
			No. of pupil offered pupilage	70	0	-70	FY 2023/24 lot to be taken in quarter 3
			No. of State Counsel trained on emerging and specialized areas of the law	300	0	-300	The proposal has been taken to MHRMAC
			% of restructuring of State Law Office	30	0	-30	Draft report from Consultants obtained
			No. of service delivery processes re-engineered.	3	1	-2	Public Trustee is done
			No. of ICT equipment acquired.	100	0	-100	To be initiated in quater 2
			No. of the State Law office processes automated.	4	2	-2	Public Trustee and Coat of Arms done.
			% of Sheria House Local Area Network upgraded	20	0	-20	To be initiated in quarter 2
			No. of County offices where SLO services are decentralized.	16	0	-16	The process has been initiated
			No. of office furniture and equipment procured	750	0	-750	The process has been initiated as requisitions have been raised
			No. of Bills of quantities and designs developed for construction of Sheria house headquarters and regional office blocks	5	0	-5	The Public Works Department is the process of designing
			No. of regional office blocks constructed	2	0	-2	Design for Malindi Regional Office being done
			% of modernization of the SLO legal resource center to enhance quality of research	50	0	-50	To be initiated in quarter 3
			No. of motor vehicles purchased	2	0	-2	Authority to procure has been sort from the National Treasury. Response being awaited.
			% Partitioning of CBK pension towers.	80	0	-80	To be initiated in quarter 3
			% Partitioning and refurbishment of DOJ and ACC offices at Co-operative Bank building.	100	0	-100	To be initiated in quarter 3
			% Refurbishment of the former company registry	86	0	-86	Site handing over done. Contractor on site

Programme	Delivery Unit	Key Outputs	Key Performance Indicators	Target 2023/24	Actual as at 30th September 2023	Variance	Remarks
			No. of regional offices refurbished	11	0	-11	Awaiting BQs to be finalized
			No. of Ministerial Strategic Plan Developed.	1	1	-0	2023-2027 Strategic Plan has beed developed
			No. of M & E reports.	2	0	-2	To be undertaken in quarter 3

E. STATUS OF COURT AWARDS/CONTINGENT LIABILITIES

4.1 Court Awards/Contingent Liabilities

The case files with judgments and with ongoing proceedings is **Ksh.99, 014,374,115.38**. Out of which **Ksh.9,157,068** (*a three case*) against the Office of the Attorney General.

F. OTHER RELEVANT INFORMATION RELATING TO FY2023/24 BUDGET

6.1 Other Important Information

This information is contained in part 2 of this report.

PART 2: SUPPLEMENTARY ESTIMATES NO.1 FY2023/2024

A. A Schedule showing the Programmes or Projects Affected by the Proposed Supplementary Estimates

The following programmes will be affected by the proposed Supplementary Estimates No.1:

Table 10: Programmes and projects affected by the proposed Supplementary Estimates

Programme	Delivery Unit	Key Outputs	Key Performance Indicators	Original Target 2023/24	Revised Target 2023/24	Variance
Programme 1: Legal Services						
Outcome: Enhanced rule of law, access to justice, good governance and provision of quality legal services for all						
SP 1.1: Civil Litigation and Promotion of Legal Ethical standards	Civil Litigation Department	Civil litigation Services	No. Cases filed Against the government concluded	1,500	1,200	-300
	Advocates Complaints Commission	Advocates complaints services	% of complaints against Advocates subjected to ADR sessions and resolved	100	50	-50
			% of restructuring ACC into SAGA.	50	25	-25
SP 1.2: Legislation, Treaties and Advisory Services	Legislative Drafting Department	Legislative drafting services	% of other Prioritized Bills drafted upon request by client Ministries	100	80	-20
	Legal Advisory and Research Division	Legal Advisory and Research services	No. of reports on legal research on international best practices on emerging areas of law.	9	4	-5
			No. of annual SLO colloquium held	1	0	-1
			No. of MDAs sensitized on the Attorney General's circular on the provision of Legal advisory services to the Government	2	0	-2
SP 1.3: Public Trusts and Estates Management	Public Trustee	Trusteeship Services	% of estates and trust files finalized upon fulfillment of all legal requirements	100	80	-20
SP 1.4: Registration Services	Registration Service	Marriage, Societies' & Coat of Arms Registration Services	No. of Marriages registered and other related applications processed under the Marriage Act.	60,500	30,250	-30,250
			No. of Societies registered under the Societies Act.	1,100	550	-550
			No. of Arms Registered under the College of Arms Act.	20	10	-10
Programme.2: Governance, Legal Training and Constitutional Affairs						
Outcome: Enhanced ethics, integrity, access to justice and constitutional order						
S.P 2.1: Governance Reforms	Directorate of Legal Affairs	Justice & Constitutional Affairs Services	No. of Counties where civic education on the Constitution has been conducted	12	6	-6
			% of Whistleblower Protection Framework developed.	50	25	-25
			% of National Ethics and Anti- Corruption Policy strategies implemented.	50	25	-25
			% of implementation of recommendations of the taskforce on review of legal and institutional framework against corruption.	50	25	-25
			% of East African Community (EAC) Anti-Corruption protocol developed.	20	10	-10
			No. of reports on State compliance with international and regional anti-corruption, human rights, democracy, elections & governance treaties prepared	5	2	-3
			% of development of National Policy on the reform & Modernization of the Legal Sector in Kenya.	100	50	-50

Programme	Delivery Unit	Key Outputs	Key Performance Indicators	Original Target 2023/24	Revised Target 2023/24	Variance
	National Legal Aid Service	Legal aid services	% of legal aid fund regulations and scale of fees developed	50	25	-25
			No. of legal aid providers educated on use of ADR mechanism to promote access to justice.	1,000	500	-500
Programme: P.3: General Administration, Planning and Support Services						
Outcome: Efficient and effective service delivery						
SP. 3.2: Administrative Services	General Administration	Administration Support Services	No. of State Counsel trained on emerging and specialized areas of the law	300	50	-250
			% of restructuring of State Law Office	30	15	-15
			No. of ICT equipment acquired.	100	50	-50
			No. of County offices where SLO services are decentralized.	16	4	-12
			No. of office furniture and equipment procured	750	300	-450
			No. of motor vehicles purchased	2	0	-2

B. Where the money has been withdrawn as per Article 223 of the Constitution

The State Law Office does not have any money withdrawn as per Article 223 of the Constitution of Kenya.

C. Justification for Additional Expenditure Requests and Reallocations

During Supplementary Estimates No.1 FY2023/24, this Office requested for a total additional budget of **Ksh.1,431.5 million**, reallocation of **Ksh.15 million** and Appropriation In Aid (A-I-A) enhancement by **Ksh.17 million** as explained below:

Table 11: Additional Expenditure Requests

No.	Descriptions	Amount Requested	Amount Granted	Variance
		(Kshs.Million)		
1.	Refurbishment and modernization of the Attorney General	250	250	0
2.	Settlement of carryovers and historical pending bills	227	0	227
3.	Decentralization of the State Law Office services to the prioritized counties in the first phase	736	0	736
4.	Recruitment of staff by Council for Legal Education	42	0	42
5.	Staff car loan and mortgage scheme for Kenya Law Reform Commission	150	0	150
6.	Employer Contribution to National Housing Development	26.50	26.50	0

No.	Descriptions	Amount Requested	Amount Granted	Variance
		(Kshs.Million)		
7.	Enhancement A-I-A for Nairobi Centre for International Arbitration to bridge the Agency's shortfall of Ksh.59 million	17	17	0
	Total (Gross)	**1,448.50**	**293.50**	**1,155.00**
	Less (A-I-A)	*17*	*-17*	*0*
	Total (Net)	**1,431.50**	**276.5**	**1,155.00**

The Office made a reallocation of **Ksh.15 million** to facilitate acquisition of 2No. lifts for Sheria House and to augment resources earmarked for automation of the State Law Office Services.

D. Indicative Impact of the Supplementary Estimates on Performance Targets

The State Law Office gross budget allocation was **Ksh.6,411,608,250**. However, this has been revised down by **Ksh.198,465,564** as contained in the table below:

Table 12: Budget Items Affected by Supplementary Estimate

Item	Printed Estimates	Approved Estimates	Changes
2210200 Communication, Supplies and Services	34,611,000	17,809,581	-16,801,419
2210500 Printing , Advertising and Information Supplies and Services	15,919,136	8,496,232	-7,422,904
2210700 Training Expenses	65,802,611	36,078,246	-29,724,365
2210800 Hospitality Supplies and Services	93,252,727	52,836,328	-40,416,399
2211200 Fuel Oil and Lubricants	41,338,474	24,186,737	-17,151,737
2211320 Temporary Committees Expenses	12,154,000	7,461,000	-4,693,000
2220100 Routine Maintenance - Vehicles and Other Transport Equipment	0,973,660	15,956,830	-15,016,830
220200 Routine Maintenance - Other Assets	38,350,882	19,431,491	-18,919,391
3110700 Purchase of Vehicles and Other Transport Equipment	32,163,806	12,716,907	-19,446,899
3111000 Purchase of Office Furniture and General Equipment	53,830,239	24,957,619	-28,872,620
Total (Budget cuts)			**-198,465,564**

The Impact of the budget cut

a) Payment of FY 2022/23 Carryovers and Historical Pending Bills

During the closure of FY 2022/23 the Office did not receive exchequer amounting to **Ksh.163 million**, and this has resulted to a carryover bill of similar amount from FY 2022/23. The National Treasury has directed that the settlement of these bills be prioritized in the current fiscal period. However, this directive coupled with the budget cuts on some items, which will jeopardize the execution of our mandate as per the approved work plan. The Office is also grappling with historical pending bills of **Ksh.64 million**.

b) Office Furniture and Equipment

The office recruited 74 state counsel in the FY 2022/24. To accommodate them and other existing staff, we had to lease office at the CBK Pension Towers and purchase some office equipment. However, the suppliers were not paid due to lack of exchequer. In the proposed Supplementary Estimates No.1 FY 2023/23, allocation meant for the purchase of office furniture has been reduced from **Ksh.32.2 million** to **Ksh.15.1million** (*a reduction of Ksh.17.1 million*) whilst the allocation meant for purchase of computers, printers and other IT equipment has been reduced to **Ksh.6 million** from the initial **Ksh.14 million**. Therefore, the office will not meet the target of equipping the office space.

c) Purchase and Maintenance of Motor Vehicles and Procurement of Fuel

There is need for frequent monitoring of our programmes and activities across our regional offices and for state counsel to move from one court to another. This requires well-maintained vehicles and fuel. As we embrace decentralization, the Office will have to deploy staff in these newly established offices and facilitate them to execute their mandate. The recent spike in fuel price also means that we shall spend more for the same amount of fuel. The headquarters' fuel consumption at minimum is **Ksh.3 million** per month which is equivalent to (3x12month) **Ksh.36 million** annually. The regional offices fuel consumption at minimum is Ksh.0.5 million per station annually as they travel long distances to cover neighboring counties. The 12 regions (0.5x12 regions) **Ksh.6 million** totaling to **Ksh.42 million**. This allocation has been reduced by **Ksh.17.15 million**.

The Office has 65 vehicles that require regular maintenance to enable state counsel traverse different courts across the country. The proposed reduction of the allocation meant for the maintenance of motor vehicles from **Kshs.30.97 million** to **Kshs.15.96 million**, this will negatively affect the ability of state counsel to effectively represent the national government in local and regional civil matters.

In addition, the Solicitor General is currently using an old motor vehicle that requires regular repairs and maintenance. This is costly in the long-run. The Office has planned to purchase **two motor vehicles** to facilitate the SG. This explains the allocation of **Kshs. 32.2 million** that had been set a side for the acquisition of the same.

However, in the proposed Supplementary Estimates, the allocation earmarked for purchase of motor vehicles has been reduced by **Kshs.19.45 million** leaving only **Kshs.12.75 million**. The price of the VXL Toyota Prado has recently risen from **Kshs.12 million** to approximately **Kshs.19 million**. This effectively implies that we shall not be able to acquire the motor vehicles as initially planned.

d) Hospitality Supplies and Services

This allocation enables the government to respond to increased matters that requires legal interpretation. As such, the Attorney General has had to constitute more ad-hoc committees to provide evidence and advice to the government. Furthermore, it is this provision that facilitates meetings between the various county governments and the AG's Office when the latter is called upon to issue legal advisory services. The allocation also facilitates the provision of legal advice and interpretation of laws and legal documents to MDAs. The allocation also finances the vetting of all procurement contracts whose value exceeds Ksh.5 billion, undertaking legal due diligence on contractors at the request of MDAs and furnish a report and also to cater for workshops, conferences during stakeholder engagement on review of the Bills.

The proposed reduction of this allocation from **Ksh.93.3 million** to **Ksh.52.9 million** will therefore be detrimental to the above tasks.

e) Decentralization of OAG&DOJ Services to Counties

The Cabinet has considered the memorandum for decentralization of the Office of the Attorney General and Department of Justice to all the 47 counties. We currently have representation in 13 counties. The rolling out of our services to the remaining 34 counties will be done in two phases; phase one encompasses the roll out of our services to 16 counties namely Bungoma, Siaya, Isiolo, Busia, Kericho, Narok, Kwale, Kajiado, Kitui,, Turkana, Homabay, Murang'a, Taita Taveta, Migori, Laikipia and Trans Nzoia.

The cabinet also directed that in the interim, the decentralized offices be hosted within the County Commissioners' offices in the collaborative initiative with the State Department of Internal Security and National Administration.

In readiness for the planned decentralization in these prioritized Counties, there is need for refurbishment of the identified offices, fully equip with furniture and ICT equipment, among other forms of facilitation at an estimated cost of **Ksh.736 million**.

This implies that any reduction to our budget will negate the spirit of decentralization as envisaged by the Cabinet.

f) Communication, supplies and services

The communications item is crucial in relaying instructions pertaining to ongoing and anticipated civil matters and coordinating attendance of court cases by witnesses. Furthermore, the provision enables state counsel to inform clients 'MDAs' within 3 days of new suits filed against them and the Attorney General. It is also important to note that most services are being provided virtually. These include court attendance, meetings, trainings, conferences, registration of marriages, societies etc. As a result, there is need for reliable internet connectivity for all our offices. The communications allocation facilitates the Office of the AG in receiving and sending all correspondences relating to our mandate nationally, regionally and globally vide courier and postal Services.

The proposed reduction of this allocation from **Ksh.34.61 million** to **Ksh.17.81 million** will therefore affect negatively the execution of our mandate.

g) Printing, Advertising and Information Supplies and Services

It has been proposed that this allocation be reduced from **Ksh.15.92 million** to **Ksh.8.5 million**. Normally, this provision is intended for:

- Rolling out the registration of Muslim , Customary and Hindu marriages and training marriage officers in the Counties, printing of marriage books, Registrar's certificates, Notices and other forms by the Government Printer for distribution to regional and county offices as well as using at headquarter and other printing and publishing as required from time to time;
- Trade shows and exhibitions for the legal clinics and general AG's services to participate in trade shows; and
- Subscriptions to newspapers, magazines and periodicals. The officers are supposed to be up to date with information as they are mandated to advice the government and provide legal opinions.

h) Training Expenses

The proposed cut of the training allocation from **Ksh.65.8 million** to **Ksh.36.08 million** will have the following negative ramifications:

- The Office will be unable to build the capacity of the technical staff both at the headquarters and in regional offices to defend and offer advisory services in complex and specialized cases;
- There will be limited training of officers involved in rolling out the registration of Muslim, Customary and Hindu marriages across the country;

NLAS employs legal awareness campaigns, open days and service weeks in courts and prisons as one of the models of legal aid delivery. This can only be attained with adequate funds under the training item.

It will be important if this committee consider imploring the National Treasury to reinstate our allocations as previously contained in the Printed Estimates FY 2023/24.

E. Information on the latest budget implementation and performance for the FY2023/24 as at 31st October 2023.

The Budget implementation and performance for FY2023/24 is as presented in part 1 of this report.

F. A Copy of your Latest Strategic Plan and Status of Implementation.

The State Law Office's 4th Generation Strategic Plan lapsed on 30th June 2023. Subsequently, the office embarked on development of 5th Generation Strategic Plan 2023-27. The Plan is currently at finalization stages.

However, the major achievements under the 4th Generation Strategic Plan among them are:

- ✓ Conclusion of 4,256 cases filed against the government through well researched pleadings, prompt court attendance, and effective defending of cases in court. Further, 24 cases were defended and concluded in regional and international courts and tribunals contributing to reduced financial liability in the cases filed against the National Government.
- ✓ A total of 439 complaints against advocates were resolved through Alternative Dispute Resolution Mechanism out of which Ksh.87,094,365.80 was realized on behalf of complainants.
- ✓ International Judicial Cooperation in criminal matters was fast-tracked where 783 requests were processed and concluded. *This had a huge impact on the fight against transnational organized crimes.*
- ✓ 2,039 legal advisory and opinions were issued to MDAs upon request hence reducing exposure of MDAs to financial risk.
- ✓ Public Trustee Administered 15,567 Estates and Trusts, transmitting estates and trusts to the rightful beneficiaries
- ✓ 58,946 marriage registration applications were processed generating revenue of Kshs. 159,446,250
- ✓ 667 procurement contracts and 614 financing agreements were vetted and reviewed hence reducing exposure of MDAs to financial risks
- ✓ 47 bills were drafted to harmonize the existing laws with the Constitution, 256 Bills and subsidiary legislations drafted to give effect to the realization of the "Big Four" initiatives and 1,646 legislations were reviewed to address emerging issues.
- ✓ Access to justice was enhanced where 105,791 indigents, marginalized and vulnerable citizens were offered Legal Aid services
- ✓ The following Anti-Corruption laws and policies were developed; The National Ethics and Anti-Corruption Policy, 2020; Conflict of Interest Bill; Whistle-blower Protection Bill; Anti-Corruption Amendment Bill and the Bribery Act (Regulations and guidelines).

- ✓ This had an impact of strengthening Legal, Policy and Institutional Framework on Anti - corruption, Ethics and Integrity
- ✓ The recommendations of the Taskforce on Legal Sector reforms were implemented where the Advocates Amendment Bill, 2022; Legal Education Amendment Bill 2022; and Kenya School of Law Amendment Bill, 2022 were drafted, subjected to stakeholder review and forwarded to parliament for adoption.
- ✓ These are aimed at strengthening legal and institutional framework for legal education in Kenya and thereby enhancing high professional standards in the legal profession.

G. Status of Pending Bills

The status of pending bills is as presented in part 1 of this report.

H. Any other Relevant Information Regarding FY2023/24 Supplementary Estimates 1 you may wish to bring to the Attention of the Committee.

For the first time in 28 years, the office of the Attorney General (Kenya Law) has been able to prepare the 24th Annual Supplement in accordance with section 7 of the Revision of the Laws Act (Cap. 1). The 24th Annual Supplement contains:

i) The Constitution of Kenya, which has been featured for the first time since its promulgation in 2010;

ii) Two hundred and fifty-nine (259) statutes that have been enacted or come into force together with subsidiary legislation since the year 1995 have been included in the Annual Supplement;

iii) One hundred and twenty-six (126) revised editions of statutes, which have been substantially amended since the year 1995;

iv) A new revised edition of the accumulative index, which provides an alphabetical tabulation of all Acts of the Laws of Kenya;

v) A table of contents which features a list of East African Community Legislation; and

vi) The Supplement to the Chronological Table (the tabulation of statutes that have been enacted since the last supplement that is from the year 1995 to 31st December, 2022 and results in the listing of statutes that were repealed pre-1995).

The release of the twenty fourth Annual Supplement is a significant milestone in the Republic of Kenya for the following reasons:

i) The Annual Supplement aligns the laws of Kenya to the Bottom Up Economic Transformative Agenda (BETA) 2022-2027 by ensuring access to information, which is

a constitutional right under Article 35 of the Constitution of Kenya 2010. The 24th Annual Supplement will serve as a key enabler for the Government priority areas in BETA by making law accessible to all. Specifically, it will enable the laws to reach a large audience and achieve the Government's agenda on digitization, which presents an opportunity to attract investors, both local and international to the Republic of Kenya.

ii) The finalization of Annual Supplement is a significant contribution to the one government policy as the systems used to support the generation of the Annual Supplement have the framework and capability to support the Attorney General's Legislative Drafting and Treaties Departments, the Office of the Prime Cabinet Secretary in its Legislative Agenda, County Assemblies and Parliament in accessing and processing critical legal information.

iii) Access to public legal information in Kenya goes hand in hand with the concept of universal accessibility, which are both limited by, among other factors, the language, and formats in which the information is presented online. Taking note of the availability of the previous supplements in print version only, the availability of the 24th Annual Supplement in digital format will enable persons with visual impairment to access the laws as user-friendly features have been incorporated into the laws.

The outcome of the release of the 24th Annual Supplement will be to empower the Governments at both the National and County levels as well as the citizenry of Kenya and other critical international stakeholders to have unhindered access to the updated laws of Kenya, which will greatly improve access to justice and facilitate the ease of doing of business in the Kenya.

The launch event will be presided over by H.E the President. In order to finalize the Publication and prepare for the Launch of the 24th Annual Supplement, Kenya Law requires an additional **Ksh.27,832,500** for the following activities:

i) Sensitization / awareness creation on the Annual Supplement - **Ksh.8,650,000**
ii) Printing of the 24th Annual Supplement - **Ksh.4,550,000**
iii) Release and Launch of the 24th Annual Supplement - **Ksh.14,632,500**

Thank You



PRESENTATION BY

THE KENYA LAW REFORM COMMISSION

TO THE

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

DURING

2022/23 & 2023/24 FINANCIAL YEARS BUDGET IMPLEMENTATION MONITORING

AND FAMILIARIZATION RETREAT

MOMBASA

NOVEMBER, 2023

INTRODUCTION

The Honourable George Murugara, Chairperson of the Justice and Legal Affairs Committee,

Honourable Members of the Committee, Ladies and Gentlemen,

First of all, I wish to thank this esteemed Committee for inviting us to this 2022/23 and 2023/24 financial years budget implementation monitoring and familiarization retreat.

I. MANDATE OF KENYA LAW REFORM COMMISSION

The Kenya Law Reform Commission (KLRC) is a statutory agency whose primary function is law reform. Although KLRC is statutorily established under the Kenya Law Reform Commission Act No. 19 of 2013, its mandate is spread across a number of instruments including the Sixth Schedule to the Constitution, section 5 of the County Governments Act, 2012, section 6 of the KLRC Act, 2013 and the Statutory Instruments Act, 2013. The Commission is established as a SAGA which is functionally independent and administratively under the Office of the Attorney General and Department of Justice.

Section 6 of the Kenya Law Reform Commission Act, 2013 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 reviews or proposed reviews of any laws; and

(vi) keep an updated data of all laws passed and reviewed by Parliament;

(b) work with the Attorney-General and the Commission for the Implementation of the Constitution 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 programs, 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.

METHODOLOGIES OF DISCHARGING THE MANDATE

The Commission discharges its mandate through the following programmes, avenues, and activities:

(a) Role of KLRC in Priority Government Development Agenda

Like other statutory national institutions, KLRC aligns its programs and activities to give effect to the social, economic, and political policies for the time being in force.

The socio-economic and political policies of the Government of Kenya are currently contained in, among other sources, the National Government Bottom Up Economic Transformation Plan (BETA) (2022-2027). The plan is anchored on five key pillars: Agriculture, MSME Economy, Housing and Settlement, Healthcare, as well as Digital and Creative Economy. The priority interventions proposed in the Plan are expected to contribute towards six broad objectives including lowering the cost of living, eradicating hunger, managing unemployment, improving fiscal performance, stabilizing foreign exchange, and ensuring inclusive economic growth.

The legal frameworks to support the Plan will be contained in the National Government Legislative Agenda. This is a program of proposed legislation to support policies and programs of government. The role of coordinating the national government legislative agenda has been assigned to the Office of the Prime Cabinet Secretary (OPCS). The legislative agenda is coordinated through a Steering Committee established by the Cabinet. The OPCS, KLRC, OAG, KIPPRA and the National Treasury have established a joint Committee to facilitate the work of the Steering Committee. This will involve development and implementation of the government legislative agenda through collaboration with line Ministries and State Departments in the development of their policies and legislation.

(b) Role of KLRC in setting the National Law Reform Agenda

Pursuant to its mandate, the Commission is developing a comprehensive five-year Strategic Plan and National Law Reform Program with the following components:

I. National Government Legislative Agenda.
II. County Government Support-Program to collaborate with devolved government institutions including the CoG, IGRTC, and the county governments in providing technical assistance in the development and review of legislation.
III. Implementation of Statutory Instruments Act, 2013- Collaboration with MDAs in the development and review of the obsolete subsidiary legislation.
IV. Public Education-Collaboration with other agencies including the NCLR to disseminate legal and law reform information to the public.

V. Research and Development- Partnership with universities and other relevant institutions including the NCLR to emerging identify law reform issues.

VI. Bench Watch- Identification of all provisions of the law declared by courts to be unconstitutional and proposing law reform measures to address the issues.

(c) Role of KLRC in providing Technical Assistance to MDAs in Preparing Legislation to Implement Broad government agenda

The Commission in partnership with the MCDAs (Ministries, Counties, Departments, and Agencies) has developed legislation required to support the national government's priority goals in virtually all sectors including Judicial Reforms, Electoral Reforms, and Commercial and Agricultural laws, Land Reforms, Police Reforms and Educational Reforms, among others.

(d) Review of Existing Laws

The Commission has continuously reviewed all the law of Kenya to ensure its conformity to the Constitution, it is simple just, and accessible to the people. This component of the mandate is implemented at two levels:

i. On the basis of requests from MCDAs and implementing agencies to review specific legislation; and
ii. On KLRC's own initiative.

(e) Collaboration with Parliamentary Committees

There is a working understanding between the Commission and the Speakers of the two Houses where all legislative proposals referred to the National Assembly Departmental Committee on Justice and Legal Affairs and its counterpart in the Senate, are subjected to a Pre-publication scrutiny during which they are referred to the Commission for comments and input. This has been happening seamlessly including with the current 13th Parliament.

(f) Participation in the East African Community Legislative processes

KLRC participates in:

i. Sub-Committee/Task Force on Approximation/Harmonisation of National Laws in the EAC Context.
ii. Legal and Judicial Affairs Sectoral Council meeting to make input to Bills for tabling before EALA;
iii. Legislative Draftspersons and experts' meetings in the drafting of EALA Bills;
iv. Stakeholders' consultative meetings on various EALA Bills.

II. CHALLENGES FACING KLRC

(a) Absence of a streamlined approach to align the national law reform programme with the national government's priority goals

The effective implementation of the government agenda has over the years been delayed by the absence of a streamlined approach to align law reform programmes to the national government priority agenda. Respective MDAs, without the benefit of necessary expertise (in legislative development), are left with the burden of championing the national government legislative agenda with little involvement of KLRC.

KLRC notes that there's a need to establish a more proactive and consultative approach to the identification and prioritization of the government's legislative requirements.

(b) Level of funding from the exchequer

Over the last five years, the level of funding from the exchequer to the Commission has been declining to a level where at the moment, the Commission is only able to pay salaries, pay rent, fuel cars, purchase stationery, and barely do anything else. This has compromised the Commission's ability to discharge its mandate effectively. Presently, most MDAs have separate budgets for legislative development yet they do not have requisite technical capacity. Funding of legislative development and related activities in silos leaves KLRC without any budget to support the government's priority projects and negatively impacts the national government's legislative agenda.

The table below tabulates the declining funding levels to the Commission over the last 7 years. The impact of this scenario is directly proportional to the number and quality of Bills presented to Parliament during the same time.

7-YEAR BUDGET BREAKDOWN	
FINANCIAL YEAR	**APPROVED BUDGET ESTIMATES**
2017/2018	330,700, 000
2018/2019	305, 460,000
2019/2020	298,400,000
2020/2021	272,100,000
2021/2022	266,660,000
2022/2023	266,660,000
2023/2024	306,850,000

(c) Inadequate human resource capacity especially at the technical level (core mandate)

Whereas the Commission is charged with a national responsibility touching on both the national and county governments, the total number of its legal officers including the Chairperson and commissioners is barely over twenty. This is despite an authorized establishment of nearly ninety legal officers for both the headquarters and regional offices to serve the counties.

Formulation of legislation is a highly skilled and technical exercise that requires continuous training of staff and retention of those already trained. While KLRC has some highly trained legislative drafters, the numbers are not enough and there is a need to set up a continuous staff development programme. There is also a need to increase the number of legal officers and provide research and public education funds to enable the Commission to discharge it mandate fully.

(d) Office space, Resource Centre, motor vehicles and equipment

The Commission's offices are rented and the office space is not only inadequate for the current members of staff but cannot accommodate additional personnel. The Library, which is the Commission's resource center lacks the basic facilities required in an institution whose mandate includes research. Likewise, much as the nature of the Commission's work involves constant traveling the fleet of cars has grown old and is barely serviceable. The Commission also requires adequate equipment to enable it to undertake public consultations online instead of traveling long distances.

(e) Staff motivational facilities

Public officers in many public offices enjoy the Staff and Car Loan and Mortgage scheme which not only motivates staff but also secures the retention of their services. KLRC staff do not however enjoy this facility which amounts to discrimination and negatively affects staff motivation and retention.

(f) Public education and visibility

Participation of the people and inclusivity during the law-making process are some of the principles of governance and national values outlined in the Constitution. KLRC has the unique mandate of conducting public education in matters of law reform. KLRC notes that it is possible to administratively require that key legislative proposals be subjected to public input through the Commission. With moderate funding, the Commission can ensure that all legislation is subjected to the views of those affected before its enactment into law.

III. REQUESTS

In order to discharge its mandate effectively the Commission requests the Departmental committee on Justice and Legal Affairs to facilitate the following:

1. **Administrative measures**

(a) Develop a protocol between the Parliament and the Kenya Law Reform Commission setting out how the government and the Commission should work together on law reform for purposes synergy and economic use of resources.

(b) Establish formal linkages between the Kenya Law Reform Commission, Office of the Attorney-General and Parliament for purposes streamlining Kenya's legislative process;

(c) Issuance of a circular requesting all MDAs formulating legislative proposals to do so under the umbrella of Commission for purposes of:

i. Aligning the proposals to the letter and spirit of the Constitution;
ii. Avoiding duplication;
iii. Facilitating inclusivity and participation of the people;
iv. Benefiting from legal research and comparative studies; and
v. Saving on resources.

(d) A request to the Treasury:

i. Expanding capacity of KLRC in terms of technical personnel;
ii. Channeling of all legislative formulation budgets for MDAs through the Commission;
iii. Authorizing purchase of required ICT apparatus, motor vehicles and other equipment; and
iv. Increasing annual allocation to KLRC to match its streamlined mandate.

(e) Develop a clear procedure of handling Bills from the Commission to avoid stalling of projects (after development of the proposals, conduct of public participation and validation).

2. Requests with direct budgetary implications

(a) Leverage Law reform initiatives on ICT including:

i. Installing e-library services in the Commissions resource centre/library;
ii. Installing a digital platform to facilitate online/virtual public participation and public education/video conferencing facilities;
iii. provide public participation digital platform;

iv. maintaining an interactive website.

(b) Position KLRC as a repository for important national law reform data for posterity and record including availing Hansard reports from the Constitution of Kenya Review Commission (CKRC) and the Committee of Experts on Constitutional Review (CoE).

(c) Position the Commission into a truly vibrant law reform agency with national visibility and command.

(d) Reinvent public education on existing legislation.

(e) Strategic partnerships with other agencies.

BUDGET ESTIMATES FOR THE FINANCIAL YEAR 2022/2023 BUDGET

SUBMITTED TO THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON 18TH JULY 2023

PRESENTED BY: Dr. Bernard Mogesa PhD, CPM.
CHIEF EXECUTIVE OFFICER

KENYA NATIONAL COMMISSION ON HUMAN RIGHTS
1ST FLOOR, CVS PLAZA, KASUKU RD
P.O. Box 74359 – 00200

Contents

A Background 3

B Financial Performance by Vote and Program 4

C Non – Financial Performance 5

D Pending Bills 8

E Conclusion 8

A Background

The Kenya National Commission on Human Rights (KNCHR or The National Commission) is a Constitutional Commission established under Article 59 (1) and Chapter 15 of the Constitution of Kenya (CoK) and subsequently operationalized through an Act of Parliament, the Kenya National Commission on Human Rights Act No. 14 of 2011, (Revised 2012).

The National Commission 2018-2023 Strategic Plan articulates the National Commission's strategic direction for the next five years towards its mandate on the promotion, fulfilment and protection of human rights and fundamental freedoms. As the fifth strategic document, this plan builds on the successful implementation of the previous four strategic plans.

National Commission pursues four (4) strategic objectives that it believes will be crucial in realizing increased enjoyment of human rights and fundamental freedoms by all. These Strategic Objectives are as follows:

Strategic Objective 1:	To promote and deepen a culture of human rights and Fundamental Freedoms among the public;
Strategic Objective 2:	To entrench and secure observance of human rights principles and standards by all public and private institutions;
Strategic Objective 3:	To secure appropriate redress, accountability for human rights violations and respect for the rule of law; and,
Strategic Objective 4:	To enhance efficiency, effectiveness and sustainability of the National Commission.

To deliver on the key strategic objectives, KNCHR employed various strategies including public education and training, advocacy for reforms through submission of advisories to Parliament, enhancing strategic partnerships with different stakeholders through referral partners forum, redress mechanisms through Alternative Dispute Resolution (ADR) and seeking judicial interventions as petitioners, co-petitioners, interested party or as an amicus curiae (friend of the court) to guarant.ee human rights and freedoms are enjoyed by all in Kenya.

Vision:	A society that enjoys Human Rights and fundamental freedoms
Mission:	To protect and promote Human Rights and fundamental freedoms through policy, law and practice
Goal:	Increased Enjoyment of human rights & fundamental freedoms

B Financial Performance by Vote and Program

1. Actual Revenue Receipts

Source of Funds	Quarter 1 KShs. Millions	Quarter 2 KShs. Millions	Quarter 3 KShs. Millions	Quarter 4 KShs. Millions
Exechequer Issues	114.26	79.73	83.82	173.48
Donor Receipts	46.17	21.49	44.99	50.07
Total	**160.43**	**101.22**	**128.81**	**223.55**

2. Actual Expenditure

Economic Classification	Quarter 1 KShs. Millions	Quarter 2 KShs. Millions	Quarter 3 KShs. Millions	Quarter 4 KShs. Millions
Compensation to Employees	62.85	68.99	68.52	69.33
Social Contributions (Pension)	6.53	6.53	6.53	6.62
Social Security Benefits (Gratuity)	4.62		11.28	
Use of Goods and Services	29.41	4.66	54.17	27.51
Acquisition of Fixed Capital Assets		13.26	7.53	1.20
Total GOK Expenditure	**103.41**	**93.44**	**148.03**	**104.66**
Donor Expenditure	44.15	36.57	26.22	55.57
Grand Total	**147.56**	**130.01**	**174.25**	**160.23**

The Kenya National Commission on Human Rights was allocated KShs. 464.40 million in Financial Year 2022/2023. This was however reduced by KShs. 23.03 million in Supplementary Estimates No. 1. This had serious implications on the operations of the Institution and resulted in Pending Bills which have been carried forward to Financial Year 2023/2024.

C Non – Financial Performance

Quarterly Programme Performance Report for the Period ending June 2023 Programme: Protection and Promotion of Human Rights

Programme	Sub-Programme	Delivery Unit	Key Output	Key Performance Indicator	Quarter 1			Quarter 2			Quarter 3			Quarter 4			Remarks
					Target	Achievement	Variance	Target	Achievement	Variance	Target	Achievement	Variance	Target	Achievement	Variance	
Protection and Promotion of Human Rights	Complaints, Investigations and Redress	Complaints, Investigations and Redress	Public complaints alleging human rights violations resolved.	No. of cases received, processed and filed in court	925	370	-555	925	667	-258	925	801	-124	925	708	-217	Less complaints in lodged by members of the public is due to lack of outreach activities.
				No. of investigations conducted	40	13	-27	40	15	-25	40	33	-7	40	25	-15	Less investigations were conducted compared to planned investigations. This is due to less complaints that were reported to the commission which required investigations.
			Enhanced awareness on human rights among officers in public institutions	No. of public officers trained on targeted Human Rights issues e.g. HRBA	250	131	-119	250	222	-28	250	570	320	250	550	300	More training activities as a result of partner support
			Enhanced capacity of citizens to claim their rights	No. of citizens sensitized on the Bill of Rights	2775	1100	-1675	2775	1300	-1475	2775	3432	657	2775	1800	-975	Less sensitization activities due to inadequate funds
			Policy and Legislative Advisories that infuse human rights principles	No. and quality of advisories submitted to relevant policymakers	5	6	3	5	5	3	5	5	3	5	7	3	There was more policy and legislative work that required KNCHR's input towards infusing Human rights principles. Most of the bills are reviewed internally with no big financial implication.
			Thematic /Occasional reports on human rights	No. of Thematic reports on Human rights	1	1	0	1	1	0	1	1	0	1	1	0	This was achieved as planned.
			Audit reports on institutional reforms for greater compliance with human rights standards and rule of law.	No. of institutions audited for compliance with Human rights Standards	6	14	8	6	8	2	6	0	-6	6	0	-6	No institutions were audited due to lack of funding

			Increased redress on human rights cases through PIL, Amicus Briefs, and direct litigation.	No. of cases addressed through formal court system	5	6	1	5	4	-1	5	4	5	5	5	5	Public Interest Litigation due to rise in specific human rights violations. Only one case was filed
			Enhanced resolution of human rights petitions through human rights mediation (ADR)	No. of eligible cases successfully mediated	5	3	-2	5	3	-2	5	6	1	5	5	0	The uptake of ADR as a way of resolving human rights violations is picking. The Commission will continue to enhance the utilization of ADR through Capacity building mechanisms targeting key actors.
			Enhanced skills of state and non-state agencies on programming and implementing Economic and Social Rights.	No. of state and non-state actors trained on Economic and Social rights.	200	150	-50	200	170	-30	200	115	-85	200	150	-50	The negative variance is due to reduced specialized training activities as a result of budget cuts.
			Establish Partnership with devolved units and outreach mission and physical offices (Huduma Centres & County Governments) to extend commission's services to wananchi (legal aid, complaints processing and awareness)	No. of operational offices, report desks and other extension services to the public	5	0	-5	5	0	-5	5	0	-5	5	0	-5	The report desks and the physical offices which were meant to enhance accessibility of commission's services to the public have not been established due to lack of funds
			Improved human resources to implement new staffing structure and the commission' s expanded mandate	No. of newly staff recruited	35	0	-35	35	0	-35	35	0	-35	35	0	-35	The current staff establishment is 115 against 349 (recommended staff establishment by DPSM). The commission had set to at least recruit 70 staff per year for 5 years but that has not been possible because of lack of funds.
			Improved visibility of the commission towards promotion human rights and fundamental freedoms	Visibility Campaigns to promote human rights and fundamental freedoms conducted	10	6	-4	10	2	-4	10	0	-4	10	0	-4	Visibility campaigns are supposed to keep the public informed on services offered by the commission. A few campaigns have been done with the help of commission's strategic partners.

Initials

			Technological solutions mainstreamed in the protection and promotion of human rights and fundamental freedoms.	No. of assorted equipment and licences (computers, UPS, printers, projectors etc.)	25	0	-25	25	0	-25	25	0	-25	25	0	-25	The commission has not been able to integrate, more technological solutions to improve promotion and protection of human rights because of lack of funds. Some of the planned solution include petitioners data protection systems , Human rights monitoring soft wares , Data collection devices etc.
				No of Integrated ICT system solutions in monitoring human rights and fundamental freedoms	3	0	-3	3	0	-3	3	0	-3	3	0	-3	

D Pending Bills

The Kenya National Commission on Human Rights closed the Financial Year 2022/2023 with Pending Bills totalling to KShs. 28.4 million. These bills will form the first charge in the Financial Year 2023/2024. ***(See the attached Annex 1 for more details).***

E Conclusion

The Kenya National Commission on Human Rights does not have Appropriations-In-Aid, Development Vote and Projects. The Financial Year 2022/2023 was very difficult for the Institution because of the Supplementary No. 1 budget cut of KShs. 23.03 Million and insufficient budget allocation. The total budget requirement from the Government of Kenya was KShs. 896.74 million and we were allocated KShs. 464.40 million in the Financial Year 2022/2023 Budget. The Institution is still faced with the challenges of limited staff and geographical spread in the Counties. We need to devolve our services to the Counties so that Human Rights issues can be addressed at the grassroots level. The Commission continues to be staff constrained with filled positions standing at 25% of the approved establishment. There is need to address staff capacity gap and build adequate infrastructure in order to improve on the implementation of programme activities and facilitate the realization of the Institution's Mandate. The National Commission should be adequately funded by the Government of Kenya so that we can minimize over reliance on the Donor funds for programme work and also to devolve our services to the Counties.

ANNEX 1

Annex 1				
Kenya National Commission On Human Rights				
Vote: 2011				
Table: 3: Detailed Schedule of Pending Bills				
Supplier/Contractor	**Invoice No.**	**Nature of Goods/Services**	**Amount (Kshs.)**	**COMMENTS**
Wajir Office		Fuel for Q3 and Repair of vehicle	36,000.00	Insufficient funds
Kisumu Office		Repair of vehicle for Q3	6,000.00	Insufficient funds
Total Energies Kenya PLC	FA22/221900	Fuel for July 2022	431,138.00	Insufficient funds
ICPAK	INV344538/INV342482/INV358875/INV345409/INV356995	Subscription fees for FY2023	66,000.00	Insufficient funds
Digicert	98326	SSL Certificates	300,000.00	Insufficient funds
Total Energies Kenya PLC	FA22/233768	Fuel for May 2023	539,362.50	Insufficient funds
Total Energies Kenya PLC	FA22/232949	Fuel for April 2023	438,961.20	Insufficient funds
Total Energies Kenya PLC	FA22/232421	Fuel for March 2023	523,007.30	Insufficient funds
Total Energies Kenya PLC	FA22/230656	Fuel for February 2023	499,510.10	Insufficient funds
Total Energies Kenya PLC	FA22/229476	Fuel for January 2023	459,408.40	Insufficient funds
Total Energies Kenya PLC	FA22/225310	Fuel for October 2022	447,718.60	Insufficient funds
Total Energies Kenya PLC	FA22/224288	Fuel for September 2022	403,487.90	Insufficient funds
Universal Marketing	160113	Medical Insurance FY 22-23	3,226,426.00	Insufficient funds
Total Energies Kenya PLC	FA23/236079	Fuel for June 2023	543,556.90	Insufficient funds
Falhat Filling station	911	supply of fuel for office vehicle Q3	18,251.00	Insufficient funds
Kulmis Office solution	145	purchase of toner,stationaries & other office supplies Q3	20,930.00	Insufficient funds
Wajia Matt Ltd	9	purchase of cleaning agents i.e dettol handwash,toilet papers etc Q3	3,950.00	Insufficient funds
Alhamda Hardware	0	Repair of office fan & switch Q4	4,700.00	Insufficient funds
Kenya power lighting & company limited & Maalim Mohamed	248	oustanding staff house electricity bills Q1 & Q2	247,962.00	Insufficient funds
Dasheq cleaners limited	20	Cleaning services Q4	90,000.00	Insufficient funds
Dasheq cleaners limited	22	Cleaning services Q4	90,000.00	Insufficient funds
G4S	000345	Security guards-manning the office Q4	276,492.00	Insufficient funds
Payment to Rentokil Initial Ltd	50630115, 50636391, 50643322	Washroom Services - Jan,Feb,March 2023	3,763.00	Insufficient funds
Rentokil Initial ltd	50647808	Washroom services - April 2023	1,343.29	Insufficient funds
Rentokil Initial ltd	50647820	Washroom services -May 2023	1,343.29	Insufficient funds
Rentokil Initial ltd	50647825	Washroom services - June 2023	1,343.29	Insufficient funds
Skitex Cleaning services Co. Ltd	881	Cleaning services - March 2023	24,600.00	Insufficient funds
Skitex Cleaning services Co. Ltd	886	Cleaning services - April 2023	24,600.00	Insufficient funds
Skitex Cleaning services Co. Ltd	892	Cleaning services - May 2023	24,600.00	Insufficient funds
Skitex Cleaning services Co. Ltd	893	Cleaning services - June 2023	24,600.00	Insufficient funds
Institute of Internal Auditors	22940	Membership fee	5,000.00	Insufficient funds
Institute of Certified Public Accountants of Kenya	INV341401	Membership fee	11,200.00	Insufficient funds
Jane Karanja	Shortlisting panel	Sitting allowance	10,000.00	Insufficient funds
Timothy Munyole	Interview panel	Sitting allowance	10,000.00	Insufficient funds
Audit & Risk Committee members	25th Meeting	Sitting allowance & Transport Reinbursement	25,000.00	Insufficient funds
Audit & Risk Committee members	26th Meeting	Sitting allowance & Transport Reinbursement	35,000.00	Insufficient funds
Four Points by Sheraton	44404	Provision of full day Conferencepackage	84,000.00	Insufficient funds
Seta Plumbers Enterprie		Plumbing work	1,750.00	Insufficient funds
Katherine Mwikali	3910	Renewal of Practicing Certificate with IHRM	7,000.00	Insufficient funds
Memory Software	Jan-80	Annual Subscription	40,600.00	Insufficient funds
Postal Corporation	PCK076735	December invoice Courier	42,275.01	Insufficient funds
Postal Corporation	pck079192	March Invoice Courier	21,385.00	Insufficient funds
Postal Corporation	PCK-081195	May Invoice Courier	38,030.00	Insufficient funds
Postal Corporation	PCK-081426	April Invoice Courier	68,108.00	Insufficient funds
Postal Corporation	PCK-081971	June Invoice Courier	29,345.00	Insufficient funds

Skitex Cleaning Services Ltd	832	Cleaning services - December 2022	24,600.00	Insufficient funds
Skitex Cleaning Services Ltd	847	Cleaning services - January 2023	24,600.00	Insufficient funds
Skitex Cleaning Services Ltd	916	Cleaning services - February 2023	24,600.00	Insufficient funds
Skitex Cleaning Services Ltd	917	Cleaning services - March 2023	24,600.00	Insufficient funds
Skitex Cleaning Services Ltd	918	Cleaning services - April 2023	24,600.00	Insufficient funds
Skitex Cleaning Services Ltd	919	Cleaning services - May 2023	24,600.00	Insufficient funds
Skitex Cleaning Services Ltd	920	Cleaning services - June 2023	24,600.00	Insufficient funds
Kenya Power and Lighting	202208DC0016764622	Electricity Bill - August 2022	4,246.00	Lack of Electricity meter for KNCHR
Kenya Power and Lighting	202210DC0019077591	Electricity Bill - September 2022	9,522.00	Lack of Electricity meter for KNCHR
Kenya Power and Lighting	202211DC0021012907	Electricity Bill - October 2022	5,400.00	Lack of Electricity meter for KNCHR
Kenya Power and Lighting	202211DC0022927300	Electricity Bill - November 2022	5,164.00	Lack of Electricity meter for KNCHR
Kenya Power and Lighting	202301DC0000015650	Electricity Bill - December 2022	5,542.00	Lack of Electricity meter for KNCHR
Kenya Power and Lighting	202302DC0002097118	Electricity Bill - January 2023	8,500.00	Lack of Electricity meter for KNCHR
Kenya Power and Lighting	230210003897379	Electricity Bill - February 2023	4,366.00	Lack of Electricity meter for KNCHR
Kenya Power and Lighting	230310006047460	Electricity Bill - March 2023	5,172.00	Lack of Electricity meter for KNCHR
Kenya Power and Lighting	230510008191434	Electricity Bill - April 2023	7,636.00	Lack of Electricity meter for KNCHR
Kenya Power and Lighting	230510009986001	Electricity Bill -May 2023	6,932.00	Lack of Electricity meter for KNCHR
Kenya Power and Lighting	230610012113526	Electricity Bill - June 2023	8,692.00	Lack of Electricity meter for KNCHR
Universal Marketing	160107	Insurance Premium	76,551.00	Insufficient funds
Universal Marketing	160108	Insurance Premium	12,974.00	Insufficient funds
Universal Marketing	160109	Insurance Premium	41,363.00	Insufficient funds
Universal Marketing	160110	Insurance Premium	98,808.00	Insufficient funds
Universal Marketing	160115	Travel Insurance cover (Mutugi Marion Wanjiku)	3,402.00	Insufficient funds
Universal Marketing	160116	Insurance Premium	31,913.00	Insufficient funds
Universal Marketing	160118	Travel Insurance to Germany (Commissioner Roseline Odede)	5,589.00	Insufficient funds
Universal Marketing	160120	Insurance Premium	23,909.00	Insufficient funds
Universal Marketing	160124	Insurance Premium	107,046.00	Insufficient funds
Universal Marketing	160123	Insurance Premium	41,175.00	Insufficient funds
Universal Marketing	160125	Travel Insurance	42,650.00	Insufficient funds
Universal Marketing	160127	Insurance Premium	380,798.00	Insufficient funds
Universal Marketing	160128	Insurance Premium	240,469.00	Insufficient funds
Universal Marketing	160132	Insurance Premium	167,320.00	Insufficient funds
Alpine Coolers Ltd	INV205955	Supply of Drinking water	34,057.60	Insufficient funds
Alpine Coolers Ltd	INV207611	Supply of Drinking water	34,057.60	Insufficient funds
Alpine Coolers Ltd	INV208892	Supply of Drinking water	34,057.60	Insufficient funds
Alpine Coolers Ltd	INV210370	Supply of Drinking water	34,057.60	Insufficient funds
Alpine Coolers Ltd	INV211802	Supply of Drinking water	34,057.60	Insufficient funds
Ontech Comm.Ltd	954	Provision of maintenance & Telecommunication equipment	118,059.00	Insufficient funds
Ontech Comm.Ltd	967	Provision of maintenance & Telecommunication equipment	118,059.00	Insufficient funds
Ontech Comm.Ltd	969	Provision of maintenance & Telecommunication equipment	118,059.00	Insufficient funds
Telkom Kenya	AUT/0230501/0005201	Provision of Telecommunication services	20,880.00	Insufficient funds
Telkom Kenya	AUT/0230601/0005024	Provision of Telecommunication services	20,880.00	Insufficient funds
Law Society of Kenya	P/23/53224	Application for Practicing Certificate for the year 2023	20,360.00	Insufficient funds
MTN Business	KF/FC/2023040557 and KF/FC/MI/2023030442C	Provision of Internet services for HQ and three regional offices(Mombasa, Kisumu and Kitale) -Q4	378,432.00	Insufficient funds

Safaricom PLC	B1-20081412656 and B1-20081428375	Provision of Internet Services for Laikipia and Wajir Regional offices - January 2022	96,045.00	Unco-operativeness from the service provider.
Safaricom PLC	B1-20082576769 and B1-20082561926	Provision of Internet Services for Laikipia and Wajir Regional offices - February 2022	96,045.00	Unco-operativeness from the service provider.
Safaricom PLC	B1-20083743215 and B1-20083727533	Provision of Internet Services for Laikipia and Wajir Regional offices - March 2022	96,045.00	Unco-operativeness from the service provider.
Safaricom PLC	B1-20090935308 and B1-20090920255	Provision of Internet Services for Laikipia and Wajir Regional offices - Sept 2022	96,045.00	Unco-operativeness from the service provider.
Safaricom PLC	B1-20093496650 and B1-20093480058	Provision of Internet Services for Laikipia and Wajir Regional offices - November 2022	96,045.00	Unco-operativeness from the service provider.
Safaricom PLC	B1-20096086815 and B1-20094773855	Provision of Internet Services for Laikipia and Wajir Regional offices - January 2023	96,045.00	Insufficient funds
Safaricom PLC	B1-20097390019 and B1-20097375731	Provision of Internet Services for Laikipia and Wajir Regional offices - February 2023	96,045.00	Insufficient funds
Safaricom PLC	B1-20098704045 and B1-20098689440	Provision of Internet Services for Laikipia and Wajir Regional offices - March 2023	96,045.00	Insufficient funds
Safaricom PLC	B1-20100032918 and B1-20100019711	Provision of Internet Services for Laikipia and Wajir Regional offices - April 2023	96,045.00	Insufficient funds
Safaricom PLC	B1-20101366306 and B1-20101353349	Provision of Internet Services for Laikipia and Wajir Regional offices - May 2023	96,045.00	Insufficient funds
Safaricom PLC	B1-20102691308 and B1-20102704356	Provision of Internet Services for Laikipia and Wajir Regional offices -June 2023	96,045.00	Insufficient funds
Mary Akoth		Cleaning services Q3	5,000.00	Insufficient funds
Mary Akoth		Cleaning services Q4	35,500.00	Insufficient funds
Safaricom PLC		Postpaid services Q4	30,000.00	Insufficient funds
Safaricom PLC		Postpaid services Q4	30,000.00	Insufficient funds
Tymstar Motors Ltd	102602	Repairs to GK B821G	51,040.00	Insufficient Budgetary allocation
Tymstar Motors Ltd	102604	Repairs to GK B821G	54,520.00	Insufficient Budgetary allocation
Tymstar Motors Ltd	102620	Service/repairs to GK B819G	48,140.00	Insufficient Budgetary allocation
Tymstar Motors Ltd	102626	Repairs to GK B820G	52,780.00	Insufficient Budgetary allocation
Tymstar Motors Ltd	102630	Service/repairs to GK B977K	60,900.00	Insufficient Budgetary allocation
Tymstar Motors Ltd	102682	Service/repairs to GK A491K	97,440.00	Insufficient Budgetary allocation
Tymstar Motors Ltd	102703	Service/repairs to GK B977K	91,640.00	Insufficient Budgetary allocation
Tymstar Motors Ltd	102702	Service/repairs to GK B831G	54,172.00	Insufficient Budgetary allocation
Tymstar Motors Ltd	102711	Service/repairs to GK A551H	82,128.00	Insufficient Budgetary allocation
Tymstar Motors Ltd	102718	Repairs to GK B820G	42,920.00	Insufficient Budgetary allocation
Tymstar Motors Ltd	102709	Repairs to GK B819G	82,360.00	Insufficient Budgetary allocation
Tymstar Motors Ltd	102725	Service to GK B821G	68,440.00	Insufficient Budgetary allocation
Tymstar Motors Ltd	102729	Service/repairs to GK B904S	133,980.00	Insufficient Budgetary allocation
Tymstar Motors Ltd	102752	Repairs to GK B977K	624,640.20	Insufficient Budgetary allocation
Westfield Motors Ltd	027337	Repairs to GK B155F	9,483.00	Insufficient Budgetary allocation
Westfield Motors Ltd	027360	Service to GK B155F	40,252.00	Insufficient Budgetary allocation
Westfield Motors Ltd	027395	Repairs to GK B155F	78,446.00	Insufficient Budgetary allocation
Westfield Motors Ltd	027415	Service to GK B155F	13,886.00	Insufficient Budgetary allocation
Westfield Motors Ltd	027457	Service to GK B155F	31,112.00	Insufficient Budgetary allocation
Westfield Motors Ltd	027494	Service to GK B155F	31,634.00	Insufficient Budgetary allocation
Westfield Motors Ltd	027496	Repairs to GK B155F	29,000.00	Insufficient Budgetary allocation
Westfield Motors Ltd	027529	Service/repairs to GK B155F	71,397.00	Insufficient Budgetary allocation
RAS & Others	00028	Rent for 1st floor CVS Plaza Jan-Mar 2023	5,458,215.85	Insufficient Budgetary allocation
RAS & Others	00054	Rent for 1st floor CVS Plaza Apr-Jun 2023	7,858,215.85	Insufficient Budgetary allocation
Occidental Insurance Company Ltd		Electronic equipment cover	60,000.00	Payment process incomplete
Flight Centre Travel	5517	Airticket	93,800.00	Insufficient Budgetary allocation
Ediface Enterprises Ltd	1902	Letter heads and branded envelopes	100,000.00	Insufficient Budgetary allocation
Flight Centre Travel	4450	Airticket	73,874.00	Insufficient Budgetary allocation
World Trade Limited	64078	Water and sewerage - April 2023	1,740.00	Insufficient Budgetary allocation

World Trade Limited	64398	Water and sewerage - May 2023	1,392.00	Insufficient Budgetary allocation
World Trade Limited	64718	Water and sewerage - June 2023	2,088.00	Insufficient Budgetary allocation
Kestrel Management Limited	KML/3147	Electricity - April 2023	16,935.40	Insufficient Budgetary allocation
Kestrel Management Limited	KML/3177	Electricity - May 2023	20,560.48	Insufficient Budgetary allocation
Safaricom PLC	B1-20097603889	Communication - February 2023	100.01	Insufficient Budgetary allocation
Safaricom PLC	B1-20097685949	Communication - February 2023	646.39	Insufficient Budgetary allocation
Safaricom PLC	B1-20098921097	Communication - March 2023	408.24	Insufficient Budgetary allocation
Safaricom PLC	B1-20099009090	Communication - March 2023	1,543.00	Insufficient Budgetary allocation
Safaricom PLC	B1-20100257505	Communication -April 2023	168.81	Insufficient Budgetary allocation
Safaricom PLC	B1-20100343845	Communication - April 2023	1,023.72	Insufficient Budgetary allocation
Safaricom PLC	B1-20101591475	Communication - May 2023	114.29	Insufficient Budgetary allocation
Safaricom PLC	B1-20101675969	Communication - May 2023	2,042.00	Insufficient Budgetary allocation
Safaricom PLC	B1-20102926673	Communication - June 2023	134.94	Insufficient Budgetary allocation
Safaricom PLC	B1-20103015498	Communication - June 2023	1,127.22	Insufficient Budgetary allocation
TOTAL			**28,391,539.18**	

REPUBLIC OF KENYA

OFFICE OF THE REGISTRAR OF POLITICAL PARTIES
ORPP
Strengthening Political Parties

Telephone: +254(0)204022000
Mobile: 0772281357
Email: info@orpp.or.ke
Website: www.orpp.or.ke
When replying please quote

Lion Place, 1st & 4th Floor
Off Waiyaki Way
P.O. Box 1131-00606
Sarit Centre, Nairobi.

Ref: RPP/ORG./38 VOL.V (20)

Date: 14th July, 2023

CPA. Dr. Margaret Nyakang'o, CBS
Controller of Budget,
Office of the Controller of Budget,
BIMA House, 12th Floor.
P.O. Box 35616-00100,
NAIROBI.

Dear Dr Margaret,

RE: SUBMISSION OF FINANCIAL AND NON-FINANCIAL PERFORMANCE REPORTS FOR THE FINANCIAL YEAR 2022/23

Reference is made to Circular OCOB/CIRCULAR No. 6/2023, Ref. No. OCOB/DBI/016/VOL.2 (63) dated 3rd July 2023 on the above subject matter.

Attached herewith find a copy of the Financial and Non-Financial performance reports for the Financial Year 2022/23 from the Office of the Registrar of Political Parties.

Yours Sincerely

Ann N. Nderitu, CBS
Registrar of Political Parties/CEO

Encl. (8)

C.C: Principal Secretary
The National Treasury
P.O. Box 30007 – 00100
NAIROBI.

'H'

MDA: OFFICE OF THE REGISTRAR OF POLITICAL PARTIES

Pending Bill Status as at 30th June 2023

VOTE	Budget Allocation for the Contract	Financial Year when the pending bill was incurred	Cumulative payment as at 30th June 2023	Outstanding amount as at 30th June 2023	Remarks
a) Recurrent					
Panari Resort	154,800.00	2022/2023	0	154,800.00	lack of exchequer
Comfort Hotels&Lodging Ltd	129,500.00	2022/2023	0	129,500.00	lack of exchequer
Lanmerc Enterprise	159,600.00	2022/2023	0	159,600.00	lack of exchequer
Infobip Kenya Ltd	383,097.00	2022/2023	0	383,097.00	lack of exchequer
Rentokil Intial	49,752.00	2022/2023	0	49,752.00	lack of exchequer
Sarova Imperial	227,500.00	2022/2023	0	227,500.00	lack of exchequer
Maghonyi Guest Hotel Ltd	106,720.00	2022/2023	0	106,720.00	lack of exchequer
Zuri Hotel	122,500.00	2022/2023	0	122,500.00	lack of exchequer
Aberdare Safari Hotel	128,000.00	2019/2020	0	128,000.00	lack of exchequer
Sub-Total	**1,461,469.00**			**1,461,469.00**	
b) Development					
NA	NA	NA	NA	NA	
Sub-Total					
Grand Total (a+b)				**1,461,469.00**	

Prepared by: [illegible] Signed: [illegible]

Approved by: [illegible] Signed: [illegible]

Date: 14/07/2023

STATEMENT OF ACCOUNT
CENTRAL BANK OF KENYA
BANKI KUU YA KENYA,
P.O.BOX 60000-0200,
NAIROBI.

Rundate : 18 OCT 2023
Runtime : 12:59:58
Customer number : 120358
Account number : 1000181206
Account name : REC-REGISTRAR OF POLITICAL PARTIES-KES

Txn. Date	Value Date	Reference No.	Transaction Details	Dr. Amount
18-Oct-23	18-Oct-23	FT232915N3SX	Outward RTGS Payment MT 102 1024419 REGISTRAR OF POLITICAL PARTIES:CBK RENTOKIL INITIAL /REC/0001024419 INV50639963/3	48,894.20
18-Oct-23	18-Oct-23	FT23291FDVLF	Outward RTGS Payment MT 102 1024422 REGISTRAR OF POLITICAL PARTIES:CBK Zuri Bien Hotel Limited /REC/0001024422 INV74	120,387.95
18-Oct-23	18-Oct-23	FT232918K1KR	Outward RTGS Payment MT 102 1024414 REGISTRAR OF POLITICAL PARTIES:CBK Comfort Hotels And Lodges Limited /REC/0001024414 INV290	127,267.25
18-Oct-23	18-Oct-23	FT2329127YQP	Outward RTGS Payment MT 102 1024420 REGISTRAR OF POLITICAL PARTIES:CBK THE PANARI HOTEL /REC/0001024420 INV29897	152,131.05

18-Oct-23	18-Oct-23	FT23291ZCVXG	Outward RTGS Payment MT 102 1024433 REGISTRAR OF POLITICAL PARTIES:CBK MAGHONYI GUEST HOTEL LTD /REC/0001024433 INV1005/2	104,880.00
18-Oct-23	18-Oct-23	FT23291D6G8Q	Outward RTGS Payment MT 102 1024415 REGISTRAR OF POLITICAL PARTIES:CBK MAYFAIR HOLDINGS LIMITED-IMPERIAL H /REC/0001024415 INV9049	223,577.60

REPUBLIC OF KENYA

THE JUDICIARY

OFFICE OF THE CHIEF REGISTRAR OF THE JUDICIARY

Ref: JUD/FIN/5 **Date: 26th July, 2023**

The Clerk
The National Assembly
P.O. Box 30007 – 00100,
NAIROBI

SUBJECT: REQUEST FOR INFORMATION BY THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON BUDGET FY 2022/23 IMPLEMENTATION MONITORING

Reference is made to the above subject and your letter Ref: NA/DDC/JLAC/2023/077 dated 10th July 2023.

Attached please find the budget implementation reports highlighting both financial and non-financial information as requested for your reference.

Your continued support is highly appreciated.

ANNE A. AMADI, CBS
CHIEF REGISTRAR OF THE JUDICIARY

Encl.

fin/ikm

Supreme Court Building | Ground Floor, Chamber 6 | P.O. Box 30041-00100 | Nairobi
Tel. +254 0730 181600/700/800 | chiefregistrar@court.go.ke | www.judiciary.go.ke

DDF
24/7/23

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: NA/DDC/JLAC/2023/077

10th July, 2023

Ms. Anne Atieno Amadi
Chief Registrar of the Judiciary / Secretary
Judicial Service Commission
Supreme Court Building
NAIROBI

CHIEF REGISTRAR OF THE JUDICIARY
14 JUL 2023
RECEIVED
Sign: @ 2.30

Dear Ms. Amadi,

RE: REQUEST FOR INFORMATION BY THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON BUDGET FY 2022/23 IMPLEMENTATION MONITORING

The Departmental Committee on Justice and Legal Affairs is established pursuant to National Assembly Standing Order 216 which mandates it to *inter-alia*, **"on a quarterly basis monitor and report on the implementation of the national budget in respect of its mandate".** Further, Standing Order 245(2)(c) provides that each Departmental Committee shall as per S.O 216(5) (ba) **"(c) examine and report on the expenditures and non-financial performance of the budget of the national government".**

In view of the foregoing, the Departmental Committee on Justice and Legal Affairs has requested for submissions from the Ministries, Departments and Agencies (MDAs) under its purview on the budget Implementation Monitoring.

In their submissions to the Committee, all the MDAs are requested to comprehensively provide financial and non-financial information related to the budget implementation for each quarter of the 2022/2023 Financial year. The information should contain: -

1. **Financial performance by Vote and program** indicating in the preceding quarter:
   a. Actual revenue receipts: exchequer issues, donor, and appropriations in aid (AIA).

   b. Actual expenditure by Vote and program classified under recurrent and development and may be detailed as applicable to include economic classification:

compensation to employees, use of goods and services, capital expenditure, current and capital transfers to other government agencies (and international organizations), interest payments, social contributions, and subsidies.

2. **Non-financial performance** showing actual outputs achieved relative to the set targets in the 2023/24 program-based budget.

3. **Quarterly project information**: amount of project funding received including exchequer issues, actual expenditure, and completion status.

4. Where applicable, information on re-allocations, pending payments with an age of over ninety days, and any liabilities incurred.

The information may be presented in tabular form with explanatory notes and justification for purposes of assisting the Committee to report on the oversight of 2022/23 budget implementation Monitoring.

All the MDAs are requested to submit an electronic copy and twenty (20) hard copies of th submissions to the Committee not later than **Friday 28th July, 2023** at **5.00 pm**.

The liaison officers for this activity are **Mr. Douglas Katho** who may be contacted on tel. no. **0722333145** or email: douglas.katho@parliament.go.ke or **Ms. Jael Ayiego Kilaka** on tel. no. **0725385945** or email: jael.kilaka@parliament.go.ke or **Mr. Abdikafar Abdi** on tel. **0715456503** or email: abdikafar.sheikh@parliament.go.ke

Yours Sincerely,

PETER K. CHEMWENO
FOR: CLERK OF THE NATIONAL ASSEMBLY

THE JUDICIARY
VOTE 1261
Financial performance by Vote and program indicating actual revenue receipts: exchequer issues, FY 2022/23

THE JUDICIARY					
VOTE 1261			0		
PTOGRAMME: DISPENSATION OF JUSTICE					
Details	**Printed Estimates**	**Approved Allocation**	**Total Expenditure**	**Exchequer Receipts**	**Percentage Absorption**
RECURRENT	**16,397,400,000**	**19,232,400,000**	**18,925,193,180**	**18,925,193,180**	**98%**
PE	10,844,504,535	12,437,822,593	12,356,946,114	12,356,946,114	**99%**
O&M	5,552,895,465	6,794,577,407	6,568,247,066	6,568,247,066	**97%**
DEVELOPMENT	**1,900,000,000**	**1,900,000,000**	**1,309,763,104**	**1,310,000,000**	**69%**
TOTAL VOTE 1261	**18,297,400,000**	**21,132,400,000**	**20,234,956,284**	**20,235,193,180**	**96%**

QUARTERLY EXCHEQUER RECEIPTS FY 2022/23 (KSHS)		
	RECURRENT	**DEVELOPMENT**
Quarter 1	3,990,611,354	572,500,000
Quarter 2	3,954,852,220	-
Quarter 3	3,034,315,871	295,000,000
Quarter 4	7,945,413,735	442,500,000
	18,925,193,180	**1,310,000,000**

EXPLANATORY NOTES;

Budget absorption under Development vote was moderate at 69%. This is attributed to challenges encountered during budget implementation including

1 Poor performance by contractors
2 Delay in release of exchequer
3 Low exchequer issues

THE JUDICIARY

VOTE 1261

Non-financial performance showing actual outputs achieved relative to the set targets in the 2023/24 program-based budget.

Output	Key Performance Indicator	FY 2022/ 23 Target	FY 2022/ 23 Achieved	Target 2023/24	Remarks
Programme : Dispensation of Justice					
Sub-Programme 1 : Access to Justice					
Judicial Services	Case clearance rate - %	103	103	103	
	Reduction of case backlog aged 3 years and above - %	15	12.5	16	
	Maximum No. of Days taken to resolve election cases	180	603	180	
	No. of COA stations holding Circuits	4	6	4	
	No. of High Courts with Circuits	12	19	6	
	No. of ELC stations with Circuits	1	10	1	
	No. of ELRC stations with Circuits	4	15	4	
	No. of Tribunals with circuits	5	24	5	
	No. of mobile courts held	60	60	60	
	No. of Supreme Court sub registries established	2	2	0	Mombasa and Kisumu
	No. of mediation registries established	15	13	15	
	Mediation settlement rate - %	65	52	65	
	No. of new mediators accredited	200	0	200	Board paper to recruit 100 mediators developed and submitted to JSC for approval
	No. of mediators trained	1056	87	1100	
	No. of new COA stations established & operationalised	2	2		Eldoret and Nakuru
	No. of new High Courts Stations established & operationalised	4	1	2	Establishment and operationalization of Kapsabet High Court Station, vide Gazette Notice No. 656, 27/1/23
	No. of new ELRC stations established & operationalised	2	1	3	Kakamega elevated to a fully fledge Court station. Judge moved from ELRC Bungoma to Kakamega.
	No. of ELC stations established & operationalised	2	1	3	Voi ELC
	No. of new Magistrates' courts established & operationalised	12	6	3	Kenol, Rumuruti, Ol Kalou, Tinderet, Kabiyet, and Madiany Law Courts have been operationalized.

Output	Key Performance Indicator	FY 2022/ 23 Target	Achieved	Target 2023/24	Remarks
Judicial Services	No. of specialised courts established & operationalised	0	12	0	Shanzu, Siaya, Kisumu, Kibera, Makadara, Meru, Nakuru, Kiambu, Machakos, Kisii, Kitale, Kakamega
	No. of new Kadhis' courts stations established & operationalised	1	0	1	
	No. of Mobile Courts established	3	0	3	
	No. of new HC sub-registries established	2	2	2	Thika High Court Gazettement of Iten High Court – Gazette Notice No. 657, 27/1/23
	No. of new ELRC sub-registries established	1	2	3	Nyamira and Kisii
	No. of ELC sub-registries established	2	2	2	Lamu and Kabarnet
	No. of tribunals sub-registries established	4	7	4	PPDT - Kakamega, Kisumu, Meru, Nairobi, Nyeri, Eldoret and Mombasa
	No. of new small claims courts established	8	13	20	Milimami, Kajiado, Thika, Eldoret, Nyeri,Machakos/Makueni, Naivasha, Nakuru, Kakamega, Mombasa, Kisumu & Meru
	No. of HC Judges and PJs Hand books, and practice directions developed	1	1	-	
	No. of EDR Practice Directions developed	1	0	1	
	No. of Small Claims Court Practice Directions developed	0	0	1	
	No. of EDR Bench book, guidelines, balancing of scales & compendium	2	0	2	
Simplified Court Processes	No. of *pro-se* litigants' manuals for courts developed	0	0	5	
	Reviewed HC registry manual	1	0	1	
	No. of HC guidelines on handling children cases	0	0	1	
	Reviewed ELC Registry manual	1	0	1	
	ELRC procedure rules reviewed	1	0	1	
	Reviewed ELRC Registry manual	1	0	1	
	Mobile courts policy developed	1	1	-	
	Small Claims court Registry Manual developed	1	0	1	
	No. New Supreme Court Building initiated/ ongoing	-	-	1	
	No. New COA ongoing Building	1	0	1	Initiated tendering for construction of Court of Appeal building in Nairobi

Output	Key Performance Indicator	FY 2022/ 23 Target	Achieved	Target 2023/24	Remarks
Court Facilities	No. of ongoing High Courts buildings completed (GOK)	5	2	2	Bomet Prefab completed and Pending Bill for Embu paid. Target- Muranga and Marsabit
	No. of ongoing Magistrates' courts buildings completed (GOK)	2	1	1	Port Victoria completed. Target Mavoko
	No. New HC Buildings initiated	-	-	2	Kericho and Lamu
	No. of residential units for judges construction initiated.	1	1	1	1 (Marsabit Judge's residence ongoing)
	No. of Courts of Appeal buildings rehabilitated/ Refurbished	1	1	2	Nyeri
	No. of High courts buildings rehabilitated/ Refurbished	9	5	4	1 (Milimani Law Courts), Kericho, Makueni, Kajiado, Migori
	No. of Magistrates' courts buildings rehabilitated	20	10	20	Kilungu, Mutomo, Kehancha, Nkubu, Tigania, Kyuso, Kibera, Kilifi, Kakuma , Ndhiwa
	No. of Tribunals buildings rehabilitated/ Refurbished	1	1	4	Refurbishment of Tribunal Secretariat Offices at Kenya Re Plaza
	No. of houses for CJ constructed (Nairobi, Kisumu and Mombasa)	-	-	2	Kisumu and Mombasa
	No. Stations with Solar System / Generators	10	5	6	Solar system installed in Garsen, Shanzu, Maseno, Winam and Tononoka Children's Court and Works ongoing at Tawa, Mwingi, Kyuso, Kilgoris and Sirisia Law Courts.
Sub- Programme 2 : General Administration, Planning and Support Services					
Administration Services	Number of vehicles procured	71	21	50	
	Number of publicity products disseminated	30	30	30	
	Performance Measurements Report Published	1	1	1	Performance Report for FY 2021/22 launched on 30th June 2023
	Status of the Judiciary Report Published	1	1	1	
	Number of procedures manuals reviewed (Finance, Audit & Procurement	2	10	1	Hight Court; Magistrates &Kadhi's; Supply Chain Management; Audit; Hiv& AIDS; Coop; CAM and Heads of Stations Manual; Registry Operations Manual for Tribunals; Judiciary Brand Manual
	No. of Annual Caseload Statistics Reports Produced	1	1	1	
ICT Services	No. Court stations with e-filing	40	33	40	
	Courts with digitized records - %	40	24	80	
	No. of courtrooms with transcription solution	43	37	60	14 targeted for FY 2023/24
	No. of court stations with Video conferencing kit	36	55	50	2000 licenses for virtual courts

Output	Key Performance	FY 2022/ 23		Target	
	Indicator	Target	Achieved	2023/24	Remarks

THE JUDICIARY

VOTE 1261

Quarterly project information: amount of project funding received including exchequer issues, actual expenditure, and completion status.

Quarter 1-4 June 2023

	Project Title	Start Date	End date	Estimated Value of the Project (Kshs.)	FY 2022/23 (Kshs.)			Completion Status	Printed Estimates	Remarks/Challenges faced in implementing Projects
					Approved Budget	Actual Expenditure	Exchequer Receipts		FY 2023/24	
1	Purchase of ICT Networking & Comm.Equipments - Judiciary Digital Strategy			6,385,700,000	400,000,000	300,905,452	300,905,452	75%	650,000,000	Non delivery of equipment by suppliers
2	Proposed refurbishment of Nyeri COA (Re-roofing Works)	17/4/2014	17/5/2022	18,500,000	-	-	-	100%	-	Pending Bill paid
3	Proposed Completion of Embu Law Courts - Phase II	1/15/2015	31/8/2022	221,001,349	22,300,000	20,901,786	20,901,786	100%	-	
4	Refurbishment of Forodha house	4/25/2019	6/30/2022	157,200,000	39,500,000	25,906,461	25,906,461	95%	-	
5	Proposed Construction of Kisumu Law Courts			44,000,000	-	-	-	0%	10,000,000	Completed. Provision for pending Bill
6	Construction of Malindi High Court			18,450,000	10,000,000	9,915,466	9,915,466	100%	10,000,000	
7	Refurbishment of Mombasa Court of Appeal				3,000,000	183,954	183,954	100%	-	Completed.
8	Construction of Port Victoria Courts	4/7/2022	6/30/2023	13,986,320	8,218,147	8,089,608	8,089,608	100%	-	Project Completed in FY 2022/23
9	Construction of a Boundary Wall at Marsabit Judge's Residence	3/9/2022	2/5/2023	8,409,804	8,900,000	5,795,418	5,795,418	90%	-	
10	Construction of Narok Law Courts-Phase II	10/25/2015	6/30/2024	12,400,360	7,400,000	5,417,700	5,417,700	73%	-	Ongoing
11	Completion of Mandera Law Courts	5/19/2015	6/30/2025	128,604,993	-	-	-	8%	10,000,000	Ongoing
12	Construction of Eldama Ravine Courts	15/12/2022	6/30/2024	35,535,685	8,000,000	591,535	591,535	10%	40,000,000	Ongoing
13	Construction of Bomet Prefab Courts	1/15/2013	6/30/2023	84,000,000	5,000,000	4,203,500	4,203,500	84%	-	Completed. Staff Ablution done
14	Construction of Wang'uru Prefab Courts - Phase II	22/12/2022	6/30/2024	29,985,650	8,000,000	4,357,505	4,357,505	10%	20,000,000	Ongoing
15	Construction of Kabarnet Law Courts	3/17/2017	6/30/2025	366,798,388	10,000,000	5,648,368	5,648,368	45%	20,000,000	Ongoing
16	Construction of Habaswein Courts	9/28/2017	6/30/2025	77,998,210	-	-	-	5%	30,000,000	Ongoing
17	Refurbishment of Milimani Law Courts	5/24/2019	6/30/2025	17,073,772	30,000,000	-	-	12%	10,000,000	Ongoing
18	Construction of Meru Law Courts	7/1/2020	6/30/2026	637,517,045	30,000,000	42,498,040	42,498,040	18%	65,000,000	Ongoing
19	Construction of Eldoret Law Courts	7/1/2020	6/30/2026	560,831,076	80,000,000	77,317,605	77,317,605	27%	65,000,000	Ongoing
20	Construction of Mavoko Law Courts	7/1/2022	6/30/2025	59,783,540	17,000,000	11,176,795	11,176,795	15%	10,000,000	Ongoing
21	Construction of Butali Law Courts	3/9/2015	6/30/2024	73,600,000	-	-	-		5,000,000	Ongoing
22	Completion of JPIP Projects - Final Accounts	7/1/2022	6/30/2026	250,000,000	40,000,000	11,233,708	11,233,708	28%	85,000,000	Ongoing
23	Construction of Kandara Law Courts	22/12/2022	6/30/2025	190,753,222	7,000,000	6,055,433	6,055,433	10%	30,000,000	Project to be completed in FY 2024/25
24	Construction of -Homabay Law Courts	3/13/2017	6/30/2026	367,308,473	-	-	-	32%	30,000,000	Projects to be completed in FY 2025/26
25	Construction of Kisii Law Courts	7/1/2022	6/30/2026	1,100,000,000	-	-	-	0%	1,000,000	
26	Construction of Githongo Law Courts	5/4/2017	6/30/2025	130,895,657	-	-	-	67%	25,000,000	Projects to be restarted in FY 2023/24
27	Construction of Marimanti Prefab Courts	1/15/2013	6/30/2024	81,000,000	-	-	-	Stalled	45,000,000	
28	Refurbishment of Kiambu Law Courts	7/1/2022	6/30/2026	12,900,000	1,000,000	-	-	0%	10,000,000	Projects to be re-advertised in FY 2023/24
29	Construction of Takaba Courts	7/1/2022	6/30/2026	30,000,000	-	-	-	0%	1,000,000	
30	Refurbishment of Murang'a Law Courts	5/19/2015	6/30/2024	62,086,413	5,000,000	-	-	Stalled	20,000,000	
31	Construction of Marsabit Judges Residence - Phase II	5/2/2017	6/30/2024	10,888,254	-	-	-	Stalled	10,000,000	
33	Construction of Mbita Law Courts	3/15/2017	6/30/2025	148,325,073	-	-	-	Stalled	25,000,000	
34	Construction of Marsabit Law Courts	3/17/2017	6/30/2025	370,222,600	-	-	-	Stalled	20,000,000	
35	Construction of Amagoro Law Courts	3/13/2017	6/30/2025	137,988,040	-	-	-	Stalled	25,000,000	
36	Construction of Bomet High Courts	1/15/2013	6/30/2024	688,800,000	-	-	-	Stalled	20,000,000	To be repackaged & advertised in FY 2023/24
32	Prefabrication of Othaya Law Courts - Phase II	1/15/2013	6/30/2025	81,000,000	5,000,000	-	-	50%	15,000,000	Project to be advertised in FY 2023/24
37	Project Monitoring and pre-feasibility studies			65,000,000	65,000,000	33,248,828	33,248,828	51%	-	
38	Supply of Generators Solar power and batteries			8,500,000	109,600,000	23,231,408	23,231,408	0%	45,000,000	Additional courts to be funded for power back up solutions
39	Renovations of the Supreme Court Building & Stations Maintenance Works (AIEs)			80,000,000	157,181,853	84,534	321,430	0%	154,000,000	The exchequer was received at the end of FY so that procurement of works could not commence
40	Construction of Court of Appeal Complex	7/1/2020	6/30/2027	2,300,000,000	2,000,000	-	-	0%	40,000,000	Procurement process ongoing for designs
41	Construction of Judiciary Training Academy	7/1/2022	6/30/2030	3,000,000,000	2,000,000	-	-	0%	-	Project moved to JSC vote

	Quarterly project information: amount of project funding received including exchequer issues, actual expenditure, and completion status.									
	Quarter 1-4 June 2023									
	Project Title	Start Date	End date	Estimated Value of the Project (Kshs.)	FY 2022/23 (Kshs.)			Completion Status	Printed Estimates	Remarks/Challenges faced in implementing Projects
					Approved Budget	Actual Expenditure	Exchequer Receipts		FY 2023/24	
42	Court Awards - Milimani, Lodwar, Legal Dues/fees, Arbitration and Compensation Payments			1,200,000,000	818,900,000	713,000,000	713,000,000	87%	50,000,000	To be completed within the MTEF period
43	Construction of a New Supreme Court	7/1/2024		3,000,000,000	-	-	-	New	50,000,000	N/A
44	Construction of Kericho High Court	7/1/2024		1,000,000,000	-	-	-	New	1,000,000	
45	Refurbishment of 2 Chief Justice Residences (Kisumu and Mombasa)	7/1/2023		450,000,000	-	-	-	New	70,000,000	
46	Construction of Lodwar High Court	9/19/2017	6/30/2026	838,000,000	-	-	-	New	5,000,000	
47	Construction of Perimeter fence at Mpeketoni			-	-	-	-	New	5,000,000	
48	Construction of Lamu Staff Residence			-	-	-	-	New	5,000,000	
49	Construction of Lamu High Court			900,000,000	-	-	-	New	13,000,000	
50	Completion of 4No. Small claims courts in Nairobi			50,000,000	-	-	-	New	50,000,000	
51	Supply of Fire fighting Equipment						-	New	30,000,000	
52	Refurbishmnet fo Childrens court (Hurlingham)			15,000,000			-	New	15,000,000	
53	Renovations and Removal of Asbestos						-	New	10,000,000	
	Grand Total GOK				**1,900,000,000**	**1,309,763,104**	**1,310,000,000**		**1,850,000,000**	The exchequer was received at the end of FY so that procurement of some works could not commence

THE JUDICIARY

VOTE 1261

Information on re-allocations pending payments with an age of over ninety days, and any liabilities incurred.

	TITLE AND DETAILS	Printed Estimate	Supplementary Estimates	Approved Estimates (Net)	Remarks
1	Refurbishment of Murang'a Law Courts	10,000,000	(5,000,000)	5,000,000	To remove funds from stalled projects which were unlikely to utilize allocations to the faster progressing/ projects and arbitration awards.
2	Construction of Kiambu Law Courts	10,000,000	(9,000,000)	1,000,000	
3	Construction of Port Victoria Law Courts	15,000,000	(7,600,000)	8,218,147	
4	Construction of Wanguru Law Courts	10,000,000	(2,000,000)	8,000,000	
5	Construction of Eldama Ravine Law Courts	15,000,000	(7,000,000)	8,000,000	
6	Construction of Kandara Law Courts	20,000,000	(13,000,000)	7,000,000	
7	Construction of Kabarnet Law Courts	30,000,000	(20,000,000)	10,000,000	
8	Construction of Residential - Marsabit	10,000,000	(1,100,000)	8,900,000	
9	Construction of Eldoret COA	200,000,000	(120,000,000)	80,000,000	
10	Court of Appeal Complex - Milimani Law Courts	100,000,000	(98,000,000)	2,000,000	
11	High Court/Court of Appeal - Meru	180,000,000	(150,000,000)	30,000,000	
12	Construction of Mavoko law Courts	60,000,000	(43,000,000)	17,000,000	
13	Construction of Judiciary Training Academy	40,000,000	(38,000,000)	2,000,000	
14	[redacted]nstruction of Bomet Law Courts	15,000,000	(15,000,000)	0	
15	[redacted]nstruction of Mandera Law Courts	20,000,000	(20,000,000)	0	
16	Construction of Marimanti Law Courts	30,000,000	(30,000,000)	0	
17	Construction of Habaswein Law Courts	10,000,000	(10,000,000)	0	
18	Construction of Githongo Law Courts	17,000,000	(17,000,000)	0	
19	Construction of Mbita Law Courts	40,000,000	(40,000,000)	0	
20	Construction of Amagoro Law Courts	20,000,000	(20,000,000)	0	
21	Construction of Homa Bay Law Courts	30,000,000	(30,000,000)	0	
22	Construction of Marsabit Law Courts	30,000,000	(30,000,000)	0	
23	High Court/Court of Appeal-Kisii	50,000,000	(50,000,000)	0	
24	Construction of Takaba Kadhi's Court Mandera West	30,000,000	(30,000,000)	0	
25	Construction of Othaya Law Courts	3,000,000	2,000,000	5,000,000	
26	Completion of JPIP Projects	20,000,000	20,000,000	40,000,000	
27	Refurbishment of Supreme Court Headquarters	55,000,000	143,000,000	197,181,853	
28	Legal Dues/fees, Arbitration and Compensation Payments	350,000,000	468,900,000	818,900,000	
29	Purchase of Generators	5,000,000	99,600,000	104,600,000	
30	[redacted]furbishment of Forodha House	0	39,500,000	39,500,000	
31	Refurbishment of Mombasa Court of Appeal	0	3,000,000	3,000,000	
32	Construction of Embu Law Courts	0	22,300,000	22,300,000	
33	Construction Narok Law Courts	0	7,400,000	7,400,000	

Pending payments and liabilities	Amount (Kshs)	Remarks
N.K. Brothers	103,489,491	Final Amount
Land Mark Holdings	125,323,401	Exclusive of interest
TOTAL	**228,812,892**	

JUDICIAL SERVICE COMMISSION

REPORT ON EXPENDITURE AND NON-FINANCIAL PERFORMANCE OF JUDICIAL SERVICE COMMISSION-VOTE 2051 FOR FY 2022/2023 FINANCIAL YEAR

SUBMITTED TO;

NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

JULY 2023

1.0 INTRODUCTION

The Judicial Service Commission (JSC) is a Constitutional body established under Article 171(1) of the Constitution of Kenya. The mandate of the Commission under Article 172 (1) of the Constitution is to promote and facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice. Additionally, Article 172 (1) and Article 168 of the Constitution details functions of the Judicial Service Commission as follows:

a) To recommend to the president persons for appointment as judges
b) To review and make recommendations on the conditions of service of judges and judicial officers, other than their remuneration, and the staff of the Judiciary.
c) To receive complaints against, investigate and remove from office or otherwise discipline registrars, magistrates, other judicial officers and staff of the Judiciary.
d) To prepare and implement programmes for the continuing education and training of judges and judicial officers
e) To advise the national government on improving the efficiency of administration of justice.
f) Receive and consider petitions for the removal from office of judges under Article 168 of the Constitution.

Vision

A commission of Excellence in promoting an independent, transparent and accountable Judiciary.

Mission

To facilitate an independent and accountable Judiciary that is competent, efficient, effective and transparent in the administration of justice through capacity development and strategic partnerships.

2.0 FINANCIAL PERFORMANCE BY VOTE AND PROGRAMME

The Commission implements **General Administration, Planning and Support Programme** with the expected outcome of **Promotion of an accountable and independent Judiciary and the efficient, effective, and transparent administration of justice.** The Programme has two sub programmes namely:

1. Administration and Judicial Services
2. Judicial Training.

During the Financial Year 2022/23, the commission was allocated **Kshs. 887 million** out of which the Commission expended **Kshs. 843.6** million translating to **95%** absorption rate. The detailed analysis of the financial performance of the Commission is a shown in Table 1 and 2 below:

Table 1: Programme performance per Subprogramme

Vote No	**2051**				
Programme Name	**General Administration Planning and support services**				
Vote Description	**Recurrent**				
Item	**Title**	**Approved Budget**	**Cumulative Expenditure**	**Balance**	**Absorption Rate**
Sub Program 1	General Administration	649,550,000	618,075,165	31,474,835	95%
Sub Program 2	Judicial Training	237,450,000	225,602,894	11,847,106	95%
	Total	**887,000,000**	**843,678,059**	**45,321,941**	**95%**
Vote Description	**Development**	0	0	0	
	Grand Total	**887,000,000**	**843,678,059**	**43,321,941**	**95%**

Table 2:Programme Performance per Economic Classification

Summary by economic classification				
Items	**Approved Budget**	**Approved Expenditure**	**Balance**	**Absorption Rate**
Compensation to Employees	204,623,005	203,260,110	1,362,895	99%
Use of Goods and Services	551,496,995	530,214,605	21,282,390	96%
Social Benefits	23,800,000	22,572,891	1,227,109	95%
Non-Financial Assets	107,080,000	87,630,453	19,449,547	82%
Total	**887,000,000**	**843,678,059**	**43,321,941**	**95%**

The lower absorption in the non-financial assets at 82 per cent resulted from the delay in the approval of Supplementary 1, where the Commission received additional funds in March 2023 to implement a number of programmes. One of the programme was to undertake the partitioning works of the Commission's offices at CBK Pension Towers. Due to the delay, the procurement process was completed in June 2023 thus leading to non-absorption.

2.1 Exchequer Issues for the 2022/2023 Financial Year

The Commission was issued with exchequer totaling to Kshs 841,846,532.90 in the Financial Year 2022/2023.

3.0 NON-FINANCIAL INFORMATION

The Judicial Service Commission in cognizance of its Constitutional mandate and inline with the Public Finance Management Act developed its Strategic Plan for the period 2022-2027.The Plan focus on five thematic areas as follows:

i. Efficient, Accountable, Transparent, and Transformative Administration of Justice
ii. Motivated, Professional, Dynamic, Responsive Judges, Magistrates, Registrars, Judicial Officers, and Judicial Staff.
iii. Financially Independent and Sustainable Judiciary and Judicial Service Commission
iv. Increased Public Confidence and Trust in the JSC
v. Strengthened Institutional Capacity of the JSC

The implementation Plan commenced in the 2022-23 Financial Year and the Key achievements during the period are presented in the Table 3 below;

Table 3 Programme/Sub-programme, Outcome, Output and KPIs

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2022/ 2023	Actual Achievements 2022/ 2023	Remarks
SP 1:Administration and Judicial Services	JSC and the Secretariat	Strategy and policy advisory services	No of policies Reviewed/Developed	8	2	Development of 6 policies are ongoing at over 80% completion level.
		Human Resource Services	No of Judges recommended for Appointment	30	27	7 Court of Appeal Judges and 20 High Court judges were recruited.
			No of Judicial Officers Recruited	150	20	20 Memebers of various tribunals was undertaken. The process for recruitment of Resident Magistrates, Kadhis and Registrars was initiated in 2022/23 FY to be

Programme	Deliver y unit	Key outputs	Key performance Indicator	Target 2022/ 2023	Actual Achievements 2022/ 2023	Remarks
						completed in 2023/24 FY
			No of Judiciary Staff Recruited	270	475	Judiciary staff were recruited in various areas including Court assistants, ICT officers, Legal Researchers , drivers among other to facilitate the newly recruited judges and newly established courts.
			No of Judicial Officers/staff promoted	250	145	The target was based on the eligible Judicial Officers.

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2022/ 2023	Actual Achievements 2022/ 2023	Remarks
		Judicial Accountability Services	% of complaints heard and concluded	(122)100%	(75)61%	The target affected by budgetary allocation
			% of disciplinary cases concluded	100%	100%	Achieved
			% of appeals heard and determined	100%	100%	Achieved
			% of investigations conducted	(18)100%	(18)100%	Achieved
			Production of Annual Report	1	1	Annual Report for 2021/22 FY was prepared and submitted to the National Assembly

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2022/ 2023	Actual Achievements 2022/ 2023	Remarks
		Stakeholders' relations Services.	No of stakeholder forums held	4	4	The Commission engaged various stakeholders including JLAC, LSK, Courts, Media and Kenya Magistrates and Judges Association
			No of IEC materials developed and disseminated	4	2	The Commission published and disseminated its Annual report and the Strategic Plan
SP 2: Judicial Training	Judiciary Training Institute	Judicial Training Services	Percentage of Judges trained	100%	97%	The Judges were trained on various programmes of emerging judicial areas
			Percentage of Magistrates trained	100%	95%	The Magistrates were trained in various skills to improve their performance.

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2022/ 2023	Actual Achievements 2022/ 2023	Remarks
			No. of staff trained	30	39	All Commission staff were trained

4.0 PENDING BILLS

The Commission did not have pending bills over ninety days old as at 30th June 2023.

THE COMMISSION ON
ADMINISTRATIVE JUSTICE



"Haki mnyonge ana haki"

A PRESENTATION ON BUDGET IMPLEMENTATION MONITORING FOR THE 2022/23FY & QUARTER ONE OF 2023/24FY TO THE JUSTICE AND LEGAL AFFAIRS COMMITTEE OF THE NATIONAL ASSEMBLY

BY

THE COMMISSION ON ADMINISTRATIVE JUSTICE

23RD OCTOBER, 2023

THE COMMISSION ON ADMINISTRATIVE JUSTICE

"Hata mnyonge ana haki"

1.1 INTRODUCTION

The Commission on Administrative Justice (CAJ) also referred to as "Office of the Ombudsman", is a Constitutional Commission anchored under Article 59(4) of the Constitution. It is mandated to promote and enforce administrative justice and the right to information, as per the Commission on Administrative Justice Act, 2011 and the Access to Information Act, 2016. The Commission provides an alternative avenue for dispute resolution which is affordable, and resonates with the Government's **Bottom-up approach**. Further, the Commission is mandated to implement the Fair Administrative Action Act, 2015, as envisaged under Article 47 of the Constitution.

1.2 BUDGET PERFORMANCE FOR THE 2022/23 FINANCIAL YEAR

In the financial year under review, the Commission was allocated a total budget of **Ksh. 577,807, 223** out of which **Ksh. 568,771,627** was expended to facilitate the planned activities. This represents **98%** absorption rate. A detailed expenditure report based on the itemized budget is shown provide in ***Annex I.***

1.3 NON-FINANCIAL PERFORMANCE FOR THE 2022/23 FINANCIAL YEAR

During the 2022/23 financial year, the Commission achieved notable milestones as follows:-

1. The Commission has handled a total of 6,957 complaints, out of which 4,458 were resolved.

2. Decentralized the Ombudsman services through establishment of branch office in Garissa County.

3. Built capacity of twenty-eight Counties' Grievance Redress Mechanism (GRM), under the auspices of the World Bank's Financing Locally-Led Climate Action (FLLoCA) Programme.



Commission Chairperson Hon. Florence Kajuju with county representatives during a FLLoCA GRM training at Kenya School of Government – Embu

4. Championed the rights of the Ogiek Community through the establishment of a Multi-Agency forum, to fast-track the implementation of the ruling by the African Court of Human Rights and justice, in favour of the indigenous community, with regard to their land rights in the Mau forest.



Commission Chairperson Hon. Florence Kajuju with leaders from the Ogiek Community during a stakeholder engagement forum.

5. Promoted adoption of the access to information model law for the Counties, through training of County Attorneys and other County Officers from various Counties namely; Nakuru, Kericho, Narok, Nyandarua, Makueni, Kitui, Kiambu, Kajiado, Nairobi, Machakos, Taita-Taveta, Embu, Tharaka-Nithi, Isiolo, Murang'a and Nyeri.



Commissioner in-charge of Access to Information, Commissioner Lucy Ndungu with County Attorneys and other County Officers during an ATI training in Nakuru.

N/B. A summary of the programme non-financial performance report for the 2022/23 financial year is as indicated in ***Annex II.***

1.4 PLANNED ACTIVITIES FOR THE 2023/24 FISCAL YEAR

Honourable Members, in the 2023/24 fiscal year, the Commission has embarked on the implementation of its work-plan under one programme – **Promotion of administrative justice**. The programme has three sub-programmes namely:

(i) General Administration and Support Services
(ii) Administrative Justice Services
(iii) Access to Information Services

The priority activities to be undertaken under the programme are: -

i. Resolution of public complaints on maladministration;
ii. Determination of appeals on requests for information, promotion of open government initiative and information-sharing including development of the inaugural annual State of Openness Report as envisaged in the Bottom Up Economic Transformation Agenda (BETA);
iii. Automation and digitization of CAJ services;
iv. Reporting to Parliament on the status of implementation of Access to Information Act and resolution of complaints.
v. Public education and awareness creation on access to information and administrative justice;
vi. Decentralization of Ombudsman services;
vii. Provision of technical support to Government Ministries, Departments, Agencies (MDAs) and County governments to strengthen their complaint handling systems, through training, monitoring and evaluation and
viii. Research and investigations.

A summary of the non-financial performance report for the first quarter of the 2023/24 financial year is as indicated in ***Annex III.***

1.5 BUDGET PERFORMANCE FOR THE 2023/24 FINANCIAL YEAR

During the current financial year, the Commission was allocated a total budget of **Ksh. 767.51 Million**, out of which **Ksh. 439.14 Million (57%)** is for Personnel Emoluments. By the end of the first quarter, the Commission had utilized **Ksh. 162.57 Million** for the settlement of pending bills carried forward from the 2022/23 FY and implementation of planned activities for the current fiscal year. A detailed expenditure report based on the itemized budget is shown as ***Annex IV.***

1.6 PENDING BILLS STATUS

The Commission carried forward pending bills amounting to **KES 6,694,879**, from the 2022/23 financial year. So far, the Commission has settled some of the bills amounting to **Kshs. 3,969,017**. However, processing of some of the remaining bills has been inhibited by de-activation of IFMIS platform, to pave way for supplementary I budget process. The Commission is committed to settling the pending bills once the platform is re-activated. The detailed status report on pending bills is shown as ***Annex V.***

MERCY K. WAMBUA, OGW
COMMISSION SECRETARY/CEO

23rd October, 2023

ANNEX. I

VOTE R2131 THE COMMISSION ON ADMINISTRATIVE JUSTICE
RECURRENT EXPENDITURE STATUS REPORT - FOR THE PERIOD FROM JUL-22 TO JUN-23

ITEM	TITLE AND DETAILS	Printed Annual Estimates	Supplementary Budget	Approved Annual Budget	Cumulative Expenditure	Balance as at 30TH JUN 2023	Absorption Rate
		Kes	Kes	Kes	Kes	Kes	Percentage
2110101	Basic Salaries - Civil Service	271,523,878	(26,502,091)	245,021,787	244,450,998	570,789	100%
2110201	Contractual Employees	12,000,000	(3,165,713)	8,834,287	8,158,395	675,892	92%
2110301	House Allowance	41,850,000	(3,003,467)	38,846,533	38,846,532	1	100%
2110307	Hardship Allowance	816,000	(199,750)	616,250	616,249	1	100%
2110310	Top-up Allowance	8,658,000	(2,778,000)	5,880,000	5,879,999	1	100%
2110313	Entertainment Allowance	1,000,000	-	1,000,000	1,000,000	-	100%
2110314	Transport Allowance	19,366,968	(1,113,497)	18,253,471	18,253,470	1	100%
2110315	Extreneous Allowance	2,216,000	(884,000)	1,332,000	1,332,000	-	100%
2110320	Leave Allowance	3,000,000	(1,420,000)	1,580,000	1,580,000	-	100%
2120101	Employer Contributions to NSSF	1,425,600	(105,840)	1,319,760	1,291,680	28,080	98%
2120103	Employer Contributions to Staff Pension	46,753,554	(3,034,512)	43,719,042	42,146,871	1,572,171	96%
	Sub-total Personnel Emoluments	**408,610,000**	**(42,206,870)**	**366,403,130**	**363,556,194**	**2,846,936**	**99%**
2210101	Electricity	3,000,000	(900,000)	2,100,000	2,094,005	5,995	100%
2210102	Water and Sewarage Charges	7,000	(7,000)	-	-	-	-
2210201	Telephone, Telex, Facsimile and Mobile Phone Services	6,450,000	-	6,450,000	5,982,156	467,844	93%
2210202	Internet Connections	3,500,000	(1,000,000)	2,500,000	1,909,939	590,061	76%
2210203	Courier & Postal Services	3,850,000	-	3,850,000	3,840,281	9,719	100%
2210204	Leased Communication Lines	1,315,000	(990,000)	325,000	301,309	23,691	93%
2210301	Travel Costs (airlines, bus, railway, mileage allowances	7,000,000	(3,500,000)	3,500,000	2,902,071	597,929	83%
2210302	Accommodation - Domestic Travel	17,000,000	(6,500,000)	10,500,000	10,337,960	162,040	98%
2210303	Daily Subsistance Allowance	17,000,000	(5,000,000)	12,000,000	11,951,636	48,364	100%
2210401	Travel Costs (airlines, bus, railway, etc.)	4,800,000	(2,500,000)	2,300,000	1,923,392	376,608	84%
2210402	Accommodation	4,900,000	(1,000,000)	3,900,000	3,897,201	2,799	100%
2210403	Daily Subsistence Allowance	3,800,000	-	3,800,000	3,795,623	4,377	100%
2210404	Sundry Items (e.g. airport tax, taxis, etc?)	809,400	(200,000)	609,400	583,726	25,674	96%
2210502	Publishing & Printing Services	2,280,000	(1,200,000)	1,080,000	1,049,924	30,076	97%
2210503	Subscriptions to Newspapers, Magazines	786,600	(250,000)	536,600	519,350	17,250	97%
2210505	Trade Shows and Exhibitions	855,000	(500,000)	355,000	335,020	19,980	94%
2210603	Rents and Rates - Non-Residential	50,000,000	(4,000,000)	46,000,000	45,929,256	70,744	100%
2210604	Hire of Transport, Equipment	3,500,000	(500,000)	3,000,000	2,869,630	130,370	96%
2210701	Travel Allowance	2,200,000	(1,700,000)	500,000	444,513	55,487	89%
2210703	Production and Printing of Training Materials	2,450,000	(1,900,000)	550,000	364,899	185,101	66%
2210704	Hire of Training Facilities and Equipment	2,900,000	(2,500,000)	400,000	369,138	30,862	92%
2210710	Accommodation Allowance	3,200,000	(2,600,000)	600,000	580,000	20,000	97%
2210711	Tuition Fees Allowance	3,880,000	(2,809,000)	1,071,000	1,070,999	1	100%

ITEM	TITLE AND DETAILS	Printed Annual Estimates	Supplementary Budget	Approved Annual Budget	Cumulative Expenditure	Balance as at 30TH JUN 2023	Absorption Rate
2210801	Catering Services (receptions), Accommodation, Gifts, Food and	6,200,000	(2,200,000)	4,000,000	3,866,634	133,366	97%
2210802	Boards, Committees, Conferences and Seminars	10,800,000	(4,800,000)	6,000,000	5,723,313	276,687	95%
2210901	Group Personal Insurance	2,600,000	1,234,000	3,834,000	3,834,000	-	100%
2210903	Plant, Equipment and Machinery Insurance	600,000	-	600,000	600,000	-	100%
2210904	Motor Vehicle Insurance	2,300,000	-	2,300,000	2,300,000	-	100%
2210910	Medical Insurance	19,000,000	2,481,000	21,481,000	21,294,459	186,541	99%
2211009	Education and Library Supplies	860,000	(700,000)	160,000	160,000	-	100%
2211016	Purchase of Uniforms and Clothing - Staff	700,000	(500,000)	200,000	184,326	15,674	92%
2211101	General Office Supplies (papers, pencils, forms)	5,150,000	(2,500,000)	2,650,000	2,216,174	433,826	84%
2211102	Supplies and Accessories for Computers and Printers	5,100,000	(300,000)	4,800,000	4,398,782	401,218	92%
2211103	Sanitary and Cleaning Materials, Supplies and Services	590,000	(200,000)	390,000	352,766	37,234	90%
2211201	Refined Fuels and Lubricants for Transport	6,000,000	(2,500,000)	3,500,000	3,410,757	89,243	97%
2211301	Bank Service Commission and Charges	9,000	(7,000)	2,000	1,133	867	57%
2211305	Contracted Guards and Cleaning Services	4,100,000	(1,400,000)	2,700,000	2,696,735	3,265	100%
2211306	Membership Fees, Dues and Subscriptions to Professional and Trade Bodies	3,185,000	(2,000,000)	1,185,000	1,171,814	13,186	99%
2211308	Legal Dues/fees, Arbitration and Compensation Payments	4,000,000	(4,000,000)	-	-	-	-
2211310	Contracted Professional Services	5,000,000	(4,000,000)	1,000,000	929,837	70,163	93%
2211318	Witness Expenses	800,000	(300,000)	500,000	204,640	295,360	41%
2211321	Parking charges	350,000	(200,000)	150,000	54,977	95,023	37%
2211322	Bindingof Records	300,000	(50,000)	250,000	213,310	36,690	85%
2220101	Maintenance Expenses - Motor Vehicles	7,000,000	(2,300,000)	4,700,000	4,294,560	405,440	91%
2220201	Maintenance of Plant, Machinery and Equipment	222,000	(100,000)	122,000	122,000	-	100%
2220202	Maintenance of Office Furniture and Equipment	606,000	(300,000)	306,000	305,333	667	100%
2220205	Maintenance of Buildings and Stations -- Non-Residential	1,375,000	(972,907)	402,093	383,889	18,204	95%
2220210	Maintenance of Computers, Software, and Networks	2,500,000	-	2,500,000	2,499,401	599	100%
2710102	Gratuity - Civil Servants	14,230,000	(4,215,000)	10,015,000	10,014,307	693	100%
3110302	Refurbishment of Non-Residential Buildings	8,000,000	(6,000,000)	2,000,000	2,000,000	-	100%
3110701	Purchase of Motor Vehicles	12,100,000	(170,000)	11,930,000	11,930,000	-	100%
3111001	Purchase of Office Furniture and Fittings	5,000,000	(3,500,000)	1,500,000	1,400,500	99,500	93%
3111009	Purchase of other Office Equipment	2,050,000	(1,500,000)	550,000	196,328	353,672	36%
3111111	Purchase of ICT Equipment	10,000,000	(7,000,000)	3,000,000	2,974,790	25,210	99%
3111112	Purchase of Software	5,000,000	(4,500,000)	500,000	178,640	321,360	36%
4110403	Housing loans to public servants	20,000,000	(10,000,000)	10,000,000	10,000,000	-	100%
4110405	Car loans to Public Servants	4,500,000	(2,250,000)	2,250,000	2,250,000	-	100%
	Sub-total Operations & Maintenance	**315,710,000**	**(104,305,907)**	**211,404,093**	**205,215,433**	**6,188,660**	**97%**
	GRAND TOTAL	**724,320,000**	**(146,512,777)**	**577,807,223**	**568,771,627**	**9,035,596**	**98%**

ANNEX. II

COMMISSION ON ADMINISTRATIVE JUSTICE

Annual Programme Performance Report for the Period Ending 30th June 2023

Programme: Promotion of Administrative Justice						
Programme Objective: ***To enforce administrative justice and access to information for efficient and effective service delivery.***						
Sub-Programme	**Key Output (KO)**	**Key Performance Indicator (KPI)**	**Annual Target**	**Achieved Target**	**Variance Between Target and Achieved Target**	**Remarks**
1) General administration and support services	Statutory reports published	Number of statutory reports	3	3	0	The Commission produced and published Biannual reports and annual report for the period.
	Ombudsman office network decentralized	Number of additional regional offices and Ombudsman Huduma Centre service delivery points	2	1	-1	• One regional office was opened in Garissa during the second quarter. • A reduction of the Commission's budgetary allocation in the First Supplementary Estimates inhibited establishment of the second target.
	Sensitized and educated public on administrative justice and access to information.	Number of persons sensitized (millions)	0.5	1,779,959	1,774,959	The over achievement is attributed to the integrated approach approach employed by the Commission, to create public awareness, which included Electronic, print and social media where a documentary on 10 years of service was aired on TV stations and awareness creation fora in

Programme: Promotion of Administrative Justice						
Programme Objective: ***To enforce administrative justice and access to information for efficient and effective service delivery.***						
						Makueni, Embu, Garissa and Nakuru Counties conducted under the auspices of the World Bank's FLLoCA Initiative.
2) Administrative Justice Services	Resolved public complaints on maladministration	Percentage of complaints resolved	100%	64.4%	-35.6%	A total of 6,917 complaints were handled during the FY 2022/23 out of which 4,458 complaints were resolved, representing to 64.4% resolution rate. Resolution of complaints was affected by unresponsiveness and delays by some public institutions in responding to inquiries from the Commission, failure by some complainants to provide requisite information to facilitate processing by the Commission.
	Certified MDACs on resolution of public complaints indicator, (Performance Contracting)	Number of compliant MDACs	300	367	67	367 public institutions comprising of 23 Government Ministries, 227 State Corporations, 116 Tertiary Institutions and 1 County Government submitted their FY 2022/23 quarter 3 reports for evaluation and were issued with feedback reports. The overachievement is

Programme: Promotion of Administrative Justice						
Programme Objective: ***To enforce administrative justice and access to information for efficient and effective service delivery.***						
						attributed to additional reporting by new institutions joining the performance contracting system and enhanced technical support offered to MDACs by the Commission.
	Advisory opinions on administrative justice & access to information matters	Number of advisory opinions issued	3	4	1	The Commission issued the following advisories: i. National Cohesion and Integration Commission dated 2nd August 2022 ii. The Independent Electoral & Boundaries Commission on Reference to ADR Mechanisms dated 28th August 2022. iii. Public service delivery at County Governments dated 29th September 2022. v. Establishment of County Government Complaint Management Systems on 22nd February 2023

Programme: Promotion of Administrative Justice						
Programme Objective: ***To enforce administrative justice and access to information for efficient and effective service delivery.***						
3) Access to Information Services	Guidelines on Access to Information Act, 2016	Number of guidelines developed	3	2	-1	Financial constraints attributed to the budgetary cuts instituted by the Government curtailed activities that required stakeholder's engagements at the Counties hence the Commission was only able to develop two policy documents, out of the 3 targeted. The following two guidelines were developed: • The Access to Information (General) Regulations were published on Kenya Gazette Supplement No. 58 on 3rd May 2023. • Reporting Guidelines for Public Entities and Private Entities which give effect to section 23(7) of the ATI Act, 2016. The third National Policy on ATI is under-development through a multi-sectoral approach. Achievement affected by budgetary constraints.

Programme: Promotion of Administrative Justice						
Programme Objective: ***To enforce administrative justice and access to information for efficient and effective service delivery.***						
	Determined appeals on request for information	Percentage of appeals determined	100%	100%	0%	The Commission handled a total of 225 appeals on access to information, all of which were resolved. Public entities and relevant private bodies disclosed information and/or provided justifiable reasons to limit disclosure upon the Commissions' intervention.

Prepared by: ..... Signed: .....

Approved by: ..... Signed: .....

Date:...../...../2023

ANNEX. III

THE COMMISSION ON ADMINISTRATIVE JUSTICE

Quarterly Programme Performance Report for the Period Ending 30th September 2023

Programme: Promotion of Administrative Justice						
Programme Objective: To enforce administrative justice and access to information for efficient and effective service delivery						
Sub-Programme	**Key Output**	**Key Performance Indicator (KPI)**	**Target**	**Actual As of 30th September 2023**	**Variance between target and achievement**	**Remarks**
1) General administration and support services	Statutory reports published	Number of statutory reports	3	1	0	Produced and published a bi-annual report for the second half of FY 2022-23.
	Ombudsman office network decentralized	Number of additional regional offices and Ombudsman Huduma Centre service delivery points	2	0	-2	The Commission has tendered for acquisition of two office spaces in Makueni and Meru.
	Sensitized and educated public on administrative justice and access to information.	Number of persons sensitized	20,000	5,648	14,352	The Commission leveraged on high impact activities including the Devolution Conference 2023, county visits and strategic partnerships to reach the citizens and create awareness on the Commission's mandate and workings.
2) Administrative	Resolved public complaints on maladministration	Percentage of complaints resolved	100%	41.5%	-58.5%	A total of 924 new complaints were received out of which

Justice Services						384 were resolved during quarter one. Unresponsiveness/ delay by public institutions in resolution of complaints referred to them, and, failure by the complainants to provide required information to facilitate resolution of complaints affected 100% resolution of the complaints.
	Certified MDACs on resolution of public complaints indicator, (Performance Contracting)	Number of MDACs issued with quarterly feedback report	345	406	61	This was due to new institutions joining Performance Contacting.
		Number of MDACs issued with Annual Compliance Certificate	300	386	86	The overachievement in certification of institutions during the FY: 2022-23 is attributed to enhanced technical support offered by the Commission to the MDACs.
3) Access to Information Services	Guidelines on Access to Information Act, 2016	Number of guidelines developed	3	1	-2	The Commission through the support of GIZ developed the Access to Information Reviews Manual, which provides a comprehensive framework to guide the Commission in implementing its review jurisdiction under the

						Access to Information Act, 2016. Development of the National Policy on Access to Information is ongoing.
	Determined appeals on request for information	Percentage of appeals determined	100%	100%	0%	A total of 72 appeals on access to information were received during the reporting period. All the 72 appeals were determined/ resolved. Public entities and relevant private bodies disclosed information and/or gave justifiable reasons to limit disclosure upon the Commissions' intervention.

Prepared by: ..... Signed: ..... Date:...../...../2023

Approved by: ..... Signed: ..... Date:...../...../2023

ANNEX. IV

VOTE R2131 THE COMMISSION ON ADMINISTRATIVE JUSTICE
RECURRENT EXPENDITURE STATUS REPORT - FOR THE PERIOD FROM JUL-23 TO SEP-23

ITEM	TITLE AND DETAILS	Printed Annual Estimates	Cumulative Expenditure (QTR 1)	Outstanding Commitments (QTR 1)	Total Payment Commitments	Balance as at 30TH SEP 2023	Absorption Rate
		Kes	Kes	Kes	Kes	Kes	Percentage
2110101	Basic Salaries - Civil Service	298,323,523	67,538,155	-	67,538,155	230,785,368	23%
2110201	Contractual Employees	10,273,040	1,884,794	-	1,884,794	8,388,246	18%
2110301	House Allowance	46,050,000	11,197,820	-	11,197,820	34,852,180	24%
2110307	Hardship Allowance	698,567	173,900	-	173,900	524,667	25%
2110310	Top-up Allowance	6,411,998	1,507,789	-	1,507,789	4,904,209	24%
2110313	Entertainment Allowance	856,088	214,000	-	214,000	642,088	25%
2110314	Transport Allowance	14,419,802	3,604,000	-	3,604,000	10,815,802	25%
2110315	Extreneous Allowance	1,897,088	474,000	-	474,000	1,423,088	25%
2110320	Leave Allowance	2,568,260	-	-	0	2,568,260	0%
2120101	Employer Contributions to NSSF	1,371,638	342,120	-	342,120	1,029,518	25%
2120103	Employer Contributions to Staff Pension	56,269,996	11,404,197	-	11,404,197	44,865,799	20%
	Sub-total Personnel Emoluments	**439,140,000**	**98,340,775**	**-**	**98,340,775**	**340,799,225**	**22%**
2210101	Electricity	3,100,000	580,134	25,000	605,134	2,494,866	20%
2210102	Water and Sewarage Charges	8,000	-	-	-	8,000	0%
2210201	Telephone, Telex, Facsimile and Mobile Phone Services	6,500,000	1,249,000	236,138	1,485,138	5,014,862	23%
2210202	Internet Connections	3,600,000	-	309,326	309,326	3,290,674	9%
2210203	Courier & Postal Services	3,870,000	-	915,660	915,660	2,954,340	24%
2210204	Leased Communication Lines	1,320,000	-	-	-	1,320,000	0%
2210301	Travel Costs (airlines, bus, railway, mileage allowances	6,000,000	903,310	587,776	1,491,086	4,508,914	25%
2210302	Accommodation - Domestic Travel	11,900,000	2,597,290	376,140	2,973,430	8,926,570	25%
2210303	Daily Subsistance Allowance	13,200,000	2,362,780	918,800	3,281,580	9,918,420	25%
2210401	Travel Costs (airlines, bus, railway, etc.)	10,400,000	3,865,819	129,790	3,995,609	6,404,391	38%
2210402	Accommodation	7,600,000	1,786,456	-	1,786,456	5,813,544	24%
2210403	Daily Subsistence Allowance	8,800,000	2,199,547	-	2,199,547	6,600,453	25%
2210404	Sundry Items (e.g. airport tax, taxis, etc?)	1,707,000	189,730	-	189,730	1,517,270	11%
2210502	Publishing & Printing Services	2,300,000	9,970	487,500	497,470	1,802,530	22%
2210503	Subscriptions to Newspapers, Magazines	790,000	2,520	192,500	195,020	594,980	25%
2210505	Trade Shows and Exhibitions	860,000	14,600	200,400	215,000	645,000	25%
2210603	Rents and Rates - Non-Residential	61,000,000	12,418,850	1,500,925	13,919,775	47,080,225	23%
2210604	Hire of Transport, Equipment	3,600,000	-	442,678	442,678	3,157,322	12%
2210701	Travel Allowance	2,240,000	44,100	72,440	116,540	2,123,460	5%
2210703	Production and Printing of Training Materials	2,500,000	-	120,000	120,000	2,380,000	5%
2210704	Hire of Training Facilities and Equipment	4,000,000	-	425,000	425,000	3,575,000	11%
2210710	Accommodation Allowance	3,300,000	-	562,574	562,574	2,737,426	17%
2210711	Tuition Fees Allowance	4,400,000	963,664	-	963,664	3,436,336	22%

ITEM	TITLE AND DETAILS	Printed Annual Estimates	Cumulative Expenditure (QTR 1)	Outstanding Commitments (QTR 1)	Total Payment Commitments	Balance as at 30TH SEP 2023	Absorption Rate
2210801	Catering Services (receptions), Accommodation, Gifts, Food and	6,250,000	234,790	531,591	766,381	5,483,619	12%
2210802	Boards, Committees, Conferences and Seminars	13,000,000	431,974	2,817,989	3,249,963	9,750,037	25%
2210901	Group Personal Insurance	3,200,000	-	-	-	3,200,000	0%
2210903	Plant, Equipment and Machinery Insurance	1,200,000	-	-	-	1,200,000	0%
2210904	Motor Vehicle Insurance	3,500,000	-	-	-	3,500,000	0%
2210910	Medical Insurance	24,000,000	-	-	-	24,000,000	0%
2211009	Education and Library Supplies	370,000	-	-	-	370,000	0%
2211016	Purchase of Uniforms and Clothing - Staff	720,000	-	-	-	720,000	0%
2211101	General Office Supplies (papers, pencils, forms)	5,000,000	18,745	868,165	886,910	4,113,090	18%
2211102	Supplies and Accessories for Computers and Printers	4,200,000	-	716,476	716,476	3,483,524	17%
2211103	Sanitary and Cleaning Materials, Supplies and Services	600,000	9,378	-	9,378	590,622	2%
2211201	Refined Fuels and Lubricants for Transport	7,000,000	1,091,989	30	1,092,019	5,907,981	16%
2211301	Bank Service Commission and Charges	10,000	276	-	276	9,724	3%
2211305	Contracted Guards and Cleaning Services	4,200,000	584,432	200,000	784,432	3,415,568	19%
2211306	Membership Fees, Dues and Subscriptions to Professional and Trade Bodies	3,300,000	(20,885)	2,400	(18,485)	3,318,485	-1%
2211308	Legal Dues/fees, Arbitration and Compensation Payments	1,000,000	-	-	-	1,000,000	0%
2211310	Contracted Professional Services	6,500,000	-	117,900	117,900	6,382,100	2%
2211318	Witness Expenses	820,000	-	-	-	820,000	0%
2211321	Parking charges	380,000	12,000	20,000	32,000	348,000	8%
2211322	Bindingof Records	325,000	-	-	-	325,000	0%
2220101	Maintenance Expenses - Motor Vehicles	6,150,000	48,810	514,987	563,797	5,586,203	9%
2220201	Maintenance of Plant, Machinery and Equipment	240,000	800	-	800	239,200	0%
2220202	Maintenance of Office Furniture and Equipment	610,000	-	147,700	147,700	462,300	24%
2220205	Maintenance of Buildings and Stations -- Non-Residential	1,000,000	-	-	-	1,000,000	0%
2220210	Maintenance of Computers, Software, and Networks	2,600,000	-	94,269	94,269	2,505,731	4%
2710102	Gratuity - Civil Servants	13,000,000	2,433,994	-	2,433,994	10,566,006	19%
3110302	Refurbishment of Non-Residential Buildings	9,000,000	-	-	-	9,000,000	0%
3110701	Purchase of Motor Vehicles	13,000,000	-	13,000,000	13,000,000	-	100%
3111001	Purchase of Office Furniture and Fittings	5,000,000	-	85,000	85,000	4,915,000	2%
3111009	Purchase of other Office Equipment	1,200,000	-	150,000	150,000	1,050,000	13%
3111111	Purchase of ICT Equipment	15,500,000	-	3,425,000	3,425,000	12,075,000	22%
3111112	Purchase of Software	2,500,000	-	-	-	2,500,000	0%
4110403	Housing loans to public servants	5,000,000	-	-	-	5,000,000	0%
4110405	Car loans to Public Servants	5,000,000	-	-	-	5,000,000	0%
	Sub-total Operations & Maintenance	**328,370,000**	**34,034,073**	**30,194,154**	**64,228,227**	**264,141,773**	**20%**
	GRAND TOTAL	**767,510,000**	**132,374,848**	**30,194,154**	**162,569,002**	**604,940,998**	**21%**

ANNEX. V

COMMISSION ON ADMINISTRATIVE JUSTICE - VOTE 2131

PENDING BILLS STATUS REPORT AS AT 23RD OCTOBER, 2023

No	Supplier/ Contractor	Date	Invoice No.	Nature of goods/ services	Amount (KShs.)	Amount Paid(KShs.)	Outstanding Amount (KShs.)
1	Postal Corporation	8/3/2023	78190	Postage services	583,484	-	583,484
2	Wamera Auto Works	30/6/2023	892	Motor vehicle repairs	45,572	-	45,572
3	KSG - Kabete	25/6/2021	7	Conference services	1,012,564	-	1,012,564
4	Young works youth group	19/9/2022	2496	Conference services	104,380	-	104,380
5	College of Insurance	28/10/2022	1256	Conference services	73,500	-	73,500
6	NITA	28/10/2022	1256	Conference services	45,000	-	45,000
7	Sarova Panafric	29/9/2022	312635	Conference services	368,300	-	368,300
8	Juska General Supplies	31/3/2023	284	Supply of newspapers	204,500	-	204,500
9	Safetec Solutions Ltd	29/06/2023	391	Consultancy services	52,900	-	52,900
10	Andavids Supplies Ltd	17/5/2023	20	Supply of water	78,242	78,242	-
11	Posh IT Ltd	23/06/2023	125	Supply of accessories	48,316	-	48,316
12	Destiny World Travel	19/10/2022	4898	Airtickets	501,995	501,995	-
13	Tripstart	28/4/2023	148	Airtickets	62,181	-	62,181
14	longrock Tours & Travel	12/9/2022	22090149	Airtickets	56,410	-	56,410
15	Angani Tours & Travel	17/5/2023	181113	Airtickets	108,015	108,015	-
16	Premier Safaris	16/5/2023	204833	Airtickets	71,660	71,660	-
17	ATS Travel	31/5/2023	12305706	Airtickets	210,125	141,370	68,755
18	Fly Beyond Africa Ltd	5/10/2022	2119	Airtickets	32,000	32,000	-
19	Johnbow Tours & Travel	1/9/2022	2223620	Airtickets	199,040	199,040	-
20	Bigman Travel & Holiday	31/10/2022	7061	Airtickets	641,500	641,500	-
21	Angani Tours & Travel	28/10/2022	180637	Airtickets	477,925	477,925	-
22	Fly Beyond Africa Ltd	12/6/2023	2268	Airtickets	455,580	455,580	-
23	Longrock Tours & Travel	27/9/2022	22090445	Airtickets	1,261,690	1,261,690	-
				Total	**6,694,879**	**3,969,017**	**2,725,862**

WITNESS PROTECTION AGENCY (WPA)

BUDGET IMPLEMENTATION STATUS FOR THE FINANCIAL YEAR 2022/23 & 2023/2024

VOTE R1321

TO

THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS (JLAC)

PRESENTED BY

THE DIRECTOR/CHIEF EXECUTIVE

31ST OCTOBER 2023

TABLE OF CONTENTS

1. INTRODUCTION 3
2. FUNCTIONS OF THE AGENCY 3
3. OUR VISION 4
4. OUR MISSION 4
5. OUR MOTTO 4
6. ROLE OF THE AGENCY IN NATIONAL DEVELOPMENT AND THE MTP IV 4
7. BOTTOM-UP ECONOMIC TRANSFORMATION AGENDA (BETA) 5
8. THE STRATEGIC PLAN (2023 – 2028) 5
9. WITNESS PROTECTION AS A HUMAN RIGHT AND FUNDAMENTAL FREEDOM . 8
10. THE WITNESS PROTECTION PROGRAMME (WPP) 9
11. BUDGET IMPLEMENTATION STATUS AS AT 30 JUNE 2023 24
12. BUDGET IMPLEMENTATION STATUS AS AT 30 SEPTEMBER 2023 24
13. STATUS OF PENDING BILLS 24
14. STATUS OF NON-FINANCIAL PERFORMANCE INDICATORS 24
15. CONCLUSION 29

ANNEXURES:

Annex I: Expenditure Return as at 30 June 2023

Annex II: Expenditure Return as at 30 September 2023

1. INTRODUCTION

The Witness Protection Agency (herein after referred to as the Agency) is an independent and autonomous State Agency established under the **Witness Protection Act, No. 16 of 2006** Laws of Kenya which came into operation on 1st September 2008 vide **Legal Notice No. 110/2008** dated 19th August, 2008 and as amended by the **Witness Protection (Amendment) Act, No. 2 of 2010, Witness Protection (Amendment) Act No. 45 of 2016, Statute Law (Miscellaneous Amendments) Act No. 18 of 2018 and Statute Law (Miscellaneous Amendments) Act No. 20 of 2020.**

The Agency is also guided by **Regulations** to facilitate the efficient and effective implementation of the Act promulgated **vide legal Notice No. 99 of 2011** which came into force on **5th August 2011.**

The Agency also has **Rules** that apply to proceedings with respect to the protected witnesses which came into force on **23rd November 2015 vide Legal Notice No. 225 of 2015.**

The **object** and **purpose** of the Agency is to provide the framework and procedures for giving 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.

2. FUNCTIONS OF THE AGENCY

The functions of the Agency which are stipulated in **Section 3C** of the Witness Protection Act are to:-

a. Establish and maintain a **witness protection programme**;
b. Determine the **criteria for admission** to and removal from the witness protection programme;
c. Determine the type of **protection measures** to be applied;
d. **Advise a government** ministry, department, agency or any other person on adoption of strategies and measures on witness protection; and
e. Perform **such functions as may be necessary** for the better carrying out of the purpose of this act.

3. OUR VISION

"A world class witness protection service".

4. OUR MISSION

"To provide Special Protection to threatened and intimidated witnesses through the Witness Protection Programme".

5. OUR MOTTO

"Ushahid Bila Hofu"

6. ROLE OF THE AGENCY IN NATIONAL DEVELOPMENT AND THE MTP IV

The Kenya Vision 2030 articulates the national development agenda for the country. The Vision is motivated by a collective aspiration for a better society by the year 2030 in order to create a globally competitive and prosperous nation with a high quality of life. The aim of the Vision is to transform Kenya into a newly industrialised, middle-income country providing a high quality of life to all its citizens by 2030 in a clean and secure environment. The Vision is anchored on three (3) key pillars: Economic, Social and Political. The Vision is implemented through five-year Medium-Term Plans. The first Medium Term plan (MTP I) was for the period 2008-2012, MTP II for the period 2012-2018 and MTP III 2018-2022.

The role of WPA MTP II and III was to ensure that its mandate was clear and that formal collaboration mechanism existed amongst the relevant institutions. This was by facilitating the implementation of the Strengthening the Criminal Justice System Flagship Programme. The role of the Agency in MTPIV 2023-2027 is to implement the Bottom-Up Economic Transformational Agenda.

The Fourth Medium Term Plan (MTP IV) for 2022-2027 of Kenya Vision 2030 will succeed the Third MTP 2018-2022 that is ending in June 2023. The Fourth MTP (MTP IV) will implement the fourth and second-last phase of Kenya Vision 2030 and will set the momentum for transition to the next long-term development agenda for the country.

The MTP IV policies, programmes and projects aim at achieving aspirations of the five(5) Sectors that form the Core Pillars of the Government Manifesto; Sustainable Development Goals, Africa's Agenda 2063 and other regional and international economic development frameworks. The Plan will also prioritize implementation of economic recovery strategies to re-position the economy on a steady and sustainable growth trajectory.

7. BOTTOM-UP ECONOMIC TRANSFORMATION AGENDA (BETA)

The Government will implement policies and structural reforms and promote investment in five (5) pillars that are expected to have the highest impact at the bottom of the economy. These are:

1. Agricultural Transformation and Inclusive Growth;
2. Transforming the Micro, Small and Medium Enterprise (MSMEs) Economy;
3. Housing and Settlement;
4. Healthcare; and
5. Digital Superhighway and Creative Economy.

The Agency will prioritise pillars 3, 4 and 5 during its service delivery for both the protected witnesses and staff; security with a special focus on surveillance systems, housing and settlement, health care, ICT and creative economy, education, gender equity with a special focus on sexual and gender-based violence, governance and administration to ensure that the public interest is safeguarded.

8. THE STRATEGIC PLAN (2023 – 2028)

This is the fourth Strategic Plan that will run from 2023 to 2028. It comes at a time when the wider public-sector planning is being aligned to dedicate time and resources to the five (5) key Bottom-Up Economic Transformation Agenda (BETA) pillars of the current administration and MTP IV of the Vision 2030. The MTP IV policies, programmes and projects focus on achieving aspirations of the five sectors that form the Core Pillars of the Government Manifesto, Sustainable Development Goals, Africa's Agenda 2063 and other regional and international economic development frameworks. The MTP IV prioritizes the implementation of the economic recovery strategies to re-position the economy on a steady and sustainable growth trajectory.

Over the next five years, this Strategic Plan will help the Agency position itself strategically in the administration of justice environment by aligning itself effectively to the changes and emerging issues. This will enable the Agency to effectively discharge its mandate, enhance its performance, meet the expectations of the diverse stakeholder segments, and align its programme and activities to the overall national development agenda towards the promotion of the rule of law.

This Strategic Plan 2023-2028 has been developed in line with the 2023 Bottom-Up Economic Transformation Agenda (BETA), 2023-2027 Medium Term Plan (MTP) IV, Kenya Vision 2030, Africa's Agenda 2063 and the Agenda 2030 - Sustainable Development Goals (SDGs). Over the next five (5) years, the Strategic Plan will strategically position the Agency to effectively respond to the dynamics in the internal and external environment especially in relation to transnational organize crimes that threaten national development, peace and national security.

The WPA Strategic Plan 2023-2028 focuses on three Key Results Areas, namely:

a) Witness Protection Services;
b) Security Services; and
c) Institutional Capacity and Sustainability.

To achieve **Key Result Area 1**- Witness Protection Services; the Agency will provide quality and timely witness protection services, build on the corporate image, strengthen regional collaboration, and provide responsive legal, advisory and psychosocial services.

To achieve **Key Result Area 2-** Security Services; the Agency will enhance physical security, intelligence and information security.

To achieve **Key Result Area 3**- Institutional Capacity and Sustainability; the Agency will attract, motivate, build and retain high caliber human capital, enhance staff experience, broaden the financial and non-financial base, expand infrastructure and equipment, and safeguard digital information.

The Strategic Plan 2023-28 has the following **Strategic Objectives**:

i. **To provide quality witness protection services;**

The Agency shall provide standard pre-admission assessment, implement responsive witness management best practices, implement responsive witness discharge, resettlement and re-integration mechanisms and implement Internal Quality Management Systems (QMS).

ii. To provide responsive, quality legal and advisory services;

The Agency shall strengthen legal and regulatory framework and advisory services on witness protection.

iii. To develop and implement appropriate and quality psychotherapy and social services;

The Agency shall develop and adopt best practices in witness psychological and social support services and implement best practices in staff psychotherapy support.

iv. To strengthen regional & international cooperation and collaboration;

The Agency shall Champion creation of a Regional Witness Protection Association, collaborate with regional and International witness protection units, offer advice and expertise in establishment of Witness Protection Programmes.

v. To build and enhance corporate image;

The Agency shall rebranding, refurbish and operationalize Liaison and Satellite Offices, improve customer experience and deepen stakeholder engagement and collaboration.

vi. To enhance responsive security services;

The Agency shall strengthen physical security for staff, witnesses and premises, strengthen information security and security intelligence.

vii. To attract motivate, build retain and enhance high caliber human capital and staff experience;

The Agency shall develop and implement staff welfare programmes, inculcate and entrench an organizational culture and knowledge management, enhance staff training

and development, implement the Witness Protection Curriculum and improve work environment.

viii. **To broaden and sustain financial and non-financial base;**

The Agency shall Create awareness on the mandate of the Agency to parliament, National Treasury and Non State Actors, advocate for enhanced budget support from State and Non state Actors, enhance sources of Appropriation-In-Aid (A-I-A) and strengthen corporate governance.

ix. **To enhance infrastructure and equipment; and**

The Agency shall Engage State and Non-State Actors for support, operationalize the Project Management Committee and implement best practices on asset and resource management.

x. **To secure and expand digital information and infrastructure**

The Agency shall accelerate digitalization process, implement best practices to enhance ICT capacity and infrastructure and engage State and Non state Actors.

9. WITNESS PROTECTION AS A HUMAN RIGHT AND FUNDAMENTAL FREEDOM

Witness protection is a fundamental Constitutional right that is available to a witness who is at risk, or has been threatened and/or intimidated for cooperating with the prosecution or other law enforcement agencies. The Constitution of Kenya has adequately covered the issues of witnesses under **Chapter Four on the Bill of Rights**. The following Articles in the Constitution provide the right to protection: -

i. **Article 28**, provides for the right to have the **dignity** of a person respected and protected.
ii. **Article 29**, provides for **freedom and security** of person, which right is not to be subjected to any form of physical or psychological harm.
iii. **Article 48** guarantees the right to **access to justice.**
iv. **Article 50(7)** the right to a **fair hearing**. The court allows an **intermediary** to assist the complainant or an accused person to communicate with the court.
v. **Article 50(8)** provides for the right to **protection of witnesses** or vulnerable persons. The government is obligated to protect witnesses in Kenya, it is subject to established criteria and procedures.

vi. **Article 50(9)** has provided for the need to have legislation to provide for **protection, rights and welfare of victims of offences.**

vii. **Article 53** provides for the **special protection of children** while promoting their **best interests.**

These provisions are supplemented by **Article 2(5)** of the Constitution, which provides that the general rules of international law forms part of the Laws of Kenya. Further, **Article 2(6)** provides that any treaty or convention ratified by Kenya shall form part of the Laws of Kenya. Consequently, the Rome Statute ratified by Kenya in **2005** is applicable to Kenya in respect of witness protection. In addition, the **International Crimes Act**, No. 16 of 2008 has domesticated the Rome Statute.

Under the Witness Protection Act, there is an application procedure, and the **decision to admit or excluded** from the Witness Protection Programme is made by the Director/Chief Executive of the Witness Protection Agency.

10. THE WITNESS PROTECTION PROGRAMME (WPP)

Under **Section 4(a)** of the Witness Protection Act, the Agency is mandated to set up a Witness Protection Programme whose objective is to **protect threatened, vulnerable and intimidated witnesses and family members** from harm because **of co-operating with the prosecution and other law enforcement agencies.**

The **purpose** of the Witness Protection Programme is to afford all persons who can give evidence or information in regard to a crime or offence, the opportunity to participate in **bringing to justice the perpetrators** by testifying and delivering their evidence to the law enforcement officers, in court or before a competent authority without fear, intimidation or harm to themselves or to members of their family or dependants.

This is attained by providing **basic, procedural** or **judicial protection,** or **special protection** measures that ensure both psychological and physical protection. The protection of witnesses in criminal matters is ensured by a three-tiered approach with the most complex system being a mixture of all three disciplines. The protection of witnesses thus starts with the following: -

i. **Basic police protection and good operational practices** (non-procedural measures) that create a sound basis for the protection of witnesses, victims and related people.
ii. **Procedural or judicial protection orders and methods.**
iii. **Special protection measures** as inter alia offered by the Witness Protection Programme.

The Witness Protection Programme is the **last resort** in a range of measures to ensure the protection of witnesses and related people. The Agency is mandated to employ the following protection measures under **Section 4** of WP Act depending on the circumstances of each case, the danger, risk and threat involved, among other related considerations:

a) Physical and armed protection,
b) Relocation and reintegration,
c) Change of identity and documentation,
d) *In Camera* hearings in collaboration with the Judiciary ,
e) Use of pseudo-names,
f) Redaction of identifying information,
g) Video Link,
h) Voice distortion, and
i) Obscuring the identity of the witness.

The Witness Protection Agency provides the Witness Protection Programme with the practical law enforcement and legal environment where **the testimony and evidence of witnesses in court, inquiry or commission** is facilitated without fear of intimidation or reprisal. It is a **hands on programme** that supports good governance, the administration of justice, access to justice, the rule of law, an enabling and safe economic environment.

8.1 The Status of the Witness Protection Programme (WPP) Implementation and Performance

The Programme has continued on a growth trajectory, providing protection to threatened, vulnerable and intimidated witnesses and their family members from harm because of co-operating with the law enforcement agencies.

The summary is as follows as at 30th June 2023:

1. Carryover from 2021/2022 **77**

2. Witnesses in safe houses as at 30TH June 2023	**66**
3. Witnesses on in-court protection as at 30th June 2023	**12**
4. Total Witnesses in the Children Home	**12**
5. Total witnesses as at 30th June 2023	**92**
6. Total dependents currently under the WPP	**155**

Table 1: Growth of Witness Protection Programme as at 30th June 2023

		2009-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022/2023	Total
Applications		60	72	130	207	217	210	227	271	192	118	179	188	2071
Admissions	Safe-house	11	20	45	63	46	41	39	51	33	25	32	55	465
	In-court	0	0	12	30	58	54	48	47	38	20	6	0	313
	Children's homes	0	0	0	5	2	8	6	7	9	2	6	11	54
	Total	**11**	**20**	**57**	**98**	**106**	**103**	**93**	**105**	**80**	**47**	**46**	66	832
Dependents admitted		44	76	242	198	266	360	187	325	170	161	108	155	2289
Applications closed - interventions made and advice accordingly		50	54	75	110	112	108	127	166	111	71	132	**122**	**1239**
Witnesses discharged	Safe house	5	7	30	27	40	42	37	48	38	18	7	**30**	**329**
	In-court	0	1	0	7	23	43	35	87	28	27	20	**4**	**275**

WPA BUDGET IMPLEMENTATION STATUS FY2022/23 & FY2023/24 QTR1

	Children's homes	0	0	0	1	1	7	9	7	2	10	6	**3**	**46**
	Total	**5**	**8**	**30**	**35**	**64**	**92**	**81**	**142**	**68**	**55**	**33**	**37**	**650**
Witnesses terminated/declined/dropped/ fallen out	Terminated	0	0	1	1	4	2	5	4	5	5	4	**5**	**36**
	Declined	0	0	1	4	3	3	0	11	7	4	10	**2**	**45**
	Dropped	0	0	0	0	0	0	0	0	0	0	4	**0**	**4**
	Fall out	0	0	0	0	0	3	0	0	0	0	0	**0**	**3**
	Total	**0**	**0**	**2**	**5**	**7**	**8**	**5**	**15**	**15**	**9**	**18**	**8**	**92**
Witnesses who have testified since inception	Safe house	3	13	20	30	29	39	37	41	16	18	15	**29**	**291**
	In-court	0	0	1	15	28	34	45	57	22	18	15	**7**	**241**
	Children's home	0	0	0	2	5	6	7	2	5	7	4	**5**	**43**
	Total	**3**	**13**	**21**	**47**	**62**	**79**	**89**	**100**	**43**	**43**	**34**	**41**	**578**
Witnesses/dependants who have died due to natural cause while in WPP		0	0	1	1	1	0	0	1	0	1	2	**1**	**8**

Table 2: REGIONAL STATISTICS

	CENTRAL	WESTERN	COASTAL	TOTAL
Total WPP in the Programme	30	48	14	**92**
WPP In Safe Houses	20	35	13	**68**

	CENTRAL	WESTERN	COASTAL	TOTAL
WPP under in court Protection	8	4	0	**12**
Minors in Children's homes	2	9	1	**12**
Declined to sign MOU			0	**0**

Table 3: WPA witness Status as at 30th June 2023

Category	Adults			Youths			Minors			Total	Grand Total
	M	F		M	F		M	F			
Carry over										**77**	
Witnesses in safe houses	14	24		12	3		3	12		66	68
Minors in children homes					7		3	2		12	12
Witnesses under in court protection	7	0		1	4					12	12
Total witnesses	**21**	**24**		**13**	**14**		**6**	**14**		92	**92**
Adult dependants	6	11		**0**	**6**					23	**23**
Children dependants							**71**	**61**		132	**132**
Total dependants under WPP	**6**	**11**		**0**	**6**		**71**	**61**			**155**
Total number of witnesses and dependants under WPP											**247**

Table 4: Pending discharge

	Central	Western	Coastal	Total
	3	12 (five Children's home)	2	17

Table 5: Current Minor's

	Male	Female	Total
Accompanied	2	16	18
Un accompanied	2	10	12

Table 6: Special Interest /Vulnerable

	Male	Female	Total
Accompanied minors	2	16	18
Un accompanied minors	2	10	12
Minors in the programme on account of their parents	71	61	132
Witnesses above 60 years	3	0	3
Persons living with disability	0	1	1
Intersex	0	0	1
Expectant Mothers	0		0

Table 7: The nature of offences and number of cases since inception

No.	Nature of cases	Number of cases	Number of witnesses
1	Murder	201	319
2	Defilement	71	89
3	Kidnap /Robbery with Violence	50	90
4	Terrorism	36	81
5	Corruption	20	43
6	Rape/Gang rape	16	18
7	Attempt Murder	9	12
8	Human trafficking	10	24
9	Land related offence	4	6
10	Man Slaughter	2	3
11	Incest	2	4
12	Inquest	2	11
13	Attempt Rape	1	2
14	Early forced marriage	1	1

No.	Nature of cases	Number of cases	Number of witnesses
15	Other offences (Abduction ,Arson, Assault ,Banking fraud, Death threats, Careless driving ,Drug trafficking ,Giving false information ,ICC, Election offences, Incitement to violence, Trespass, obtaining by false pretense, Grievous harm, Lead poisoning etc)	**89**	**119**
16	Indecent act	1	4
17	Constitution petition	1	6
	Total	**516**	**832**

Table 8: Nature of cases by Region

S/NO.		Offence	Central	Coastal	Western	Total cases
1.		Murder	8	4	15	27
2.		Attempted murder	2	0	2	4
3.		Robbery with violence	1	1	1	3
4.		Arson/malicious damage	0	0	5	5
5.		Defilement	30 (9)witnesses	2	9	14
6.		Gang rape	0	0	1	1
7.		Rape	0	0	1	1
8.		Incest	1	0	4	5
9.		Corruption	1(5) witnesses)	0	1	2
10.		Land fraud	0	0	0	0
11.		threats	2	0	1	3
12.		Assault	0	0	0	0
13.		Public inquest			1	0
14.		Abduction	0	1	0	1
15.		Grievous harm	0	0	1	1
16.		Death threat	0	0	0	0
17.		Smuggling of persons	1	1	0	0
18.		Murder/inquest	0	0	0	0
19.		Indecent act	0	0	0	0
20.		Constitution petition	0	0	6	6
21.		Pending under investigations	0	1	0	1
22.		Torture subjecting a person to cruelty	0	0	4	4
23.		Total	19	10	52	78

Table 9: NHIF

	Registered	In the process	Pending
Western	6		25
Central	4	1	
			6 (one minor, 4 pending discharge,
Coastal	5		5

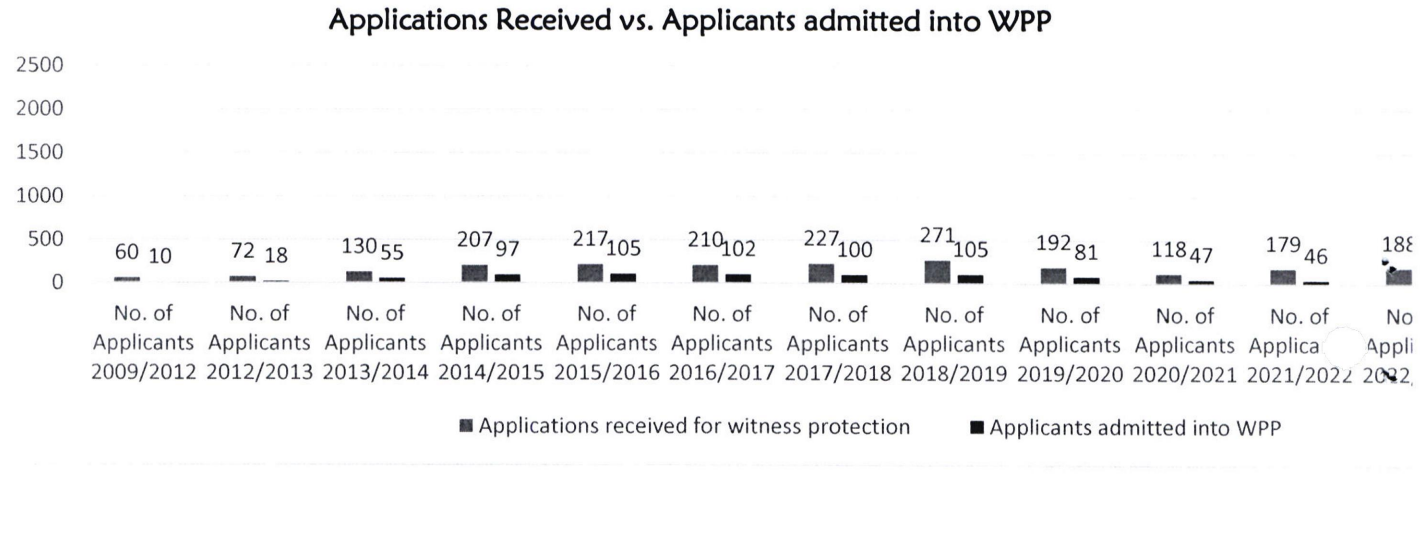
Table 10: Concluded cases handled by the Agency with convictions

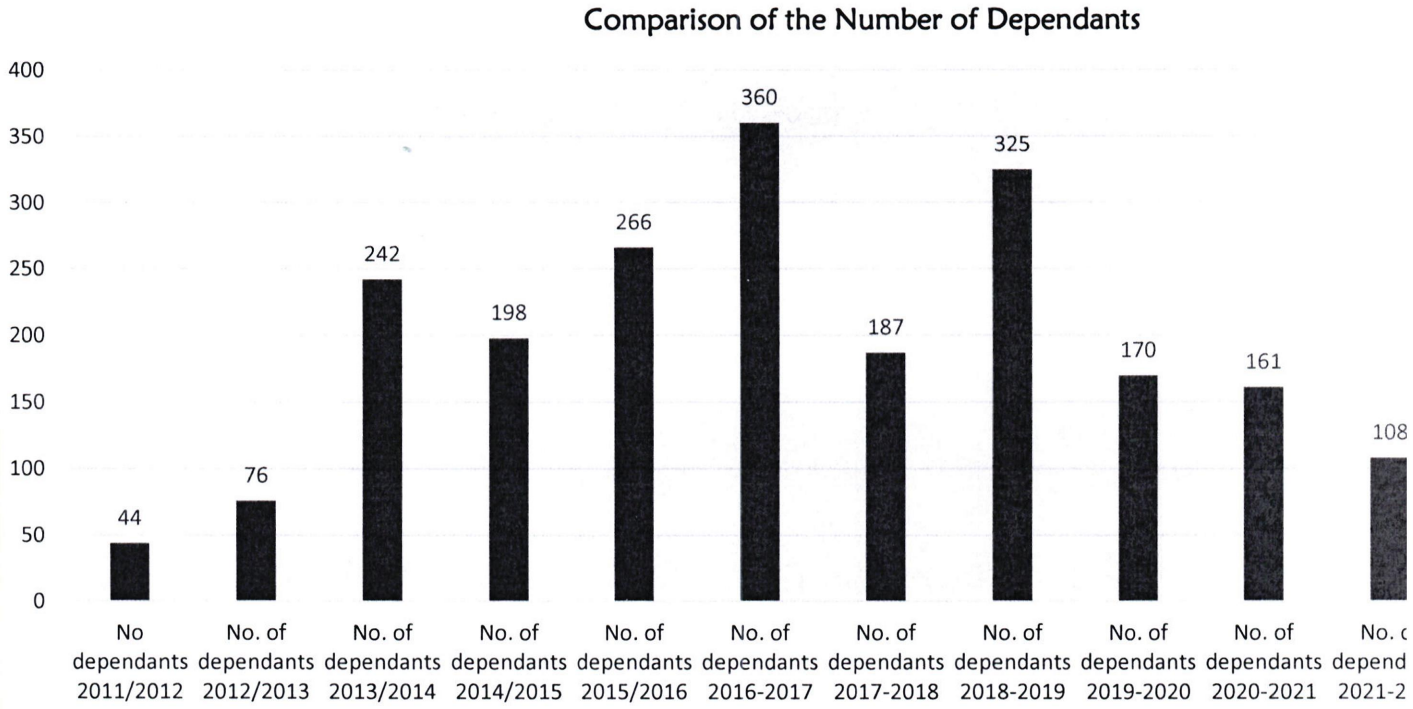
S/No	Offences	Court File Numbers	Results of Cases
1.	Murder (26 cases)	HCCR. 88/15	Accused sentenced to death
		CR. 341/392/12	Accused sentenced to death
		CF. 614/14	Accused sentenced to Death
		CF. 20/15	Accused sentenced to death
		CF. 31/15	Accused sentenced to life imprisonment
		CR/131/227/15	Accused sentenced to 5 years imprisonment
		HCCR. 414/54/12	Accused sentenced to 30 years imprisonment
		CF. 68/14	Accused sentenced to 2 years imprisonment
		CF. 430/14	Accused sentenced to 20 years imprisonment
		CF 78/14	Accused sentenced to 15 years imprisonment
		CF.08/16	Accused sentenced to 4 Years imprisonment
		CR.121/3/13	Accused sentenced to 12 Years imprisonment
		CF.17/19	Accused sentenced to 3 years imprisonment
		CF.9/17	Accused sentenced to 20 Years Imprisonment
		CF.22/18	Accused sentenced to 3 years imprisonment

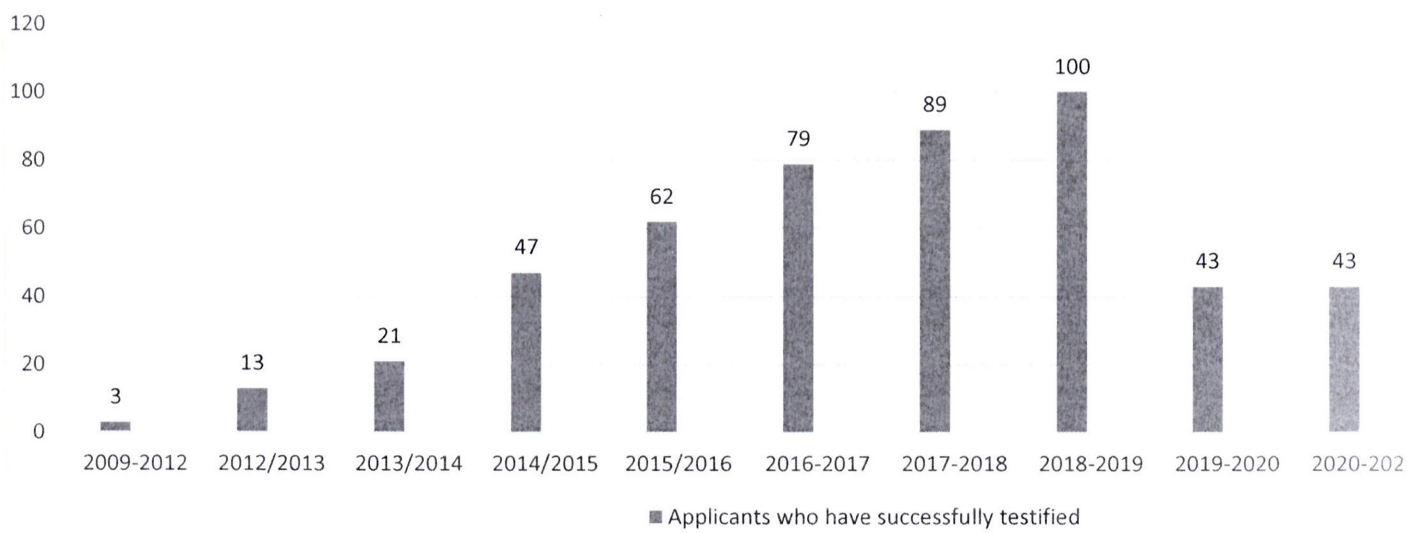
S/No	Offences	Court File Numbers	Results of Cases
		CF.11/16	Accused sentenced to 30 years imprisonment
		CR.34/14	Accused sentenced to Life imprisonment
		CR. 366/76/12 CF.19/12	One accused sentenced to death sentence One accused acquitted
		CR. 31A/68/2016 CF. 11/2016	Accused sentenced to 30 years imprisonment
		CF. 84/2015	Accused sentenced to death
		HCCR. 89/92/95/2016	Accused sentenced to 30 years imprisonment
		HCCR 16/2019	Convicted but awaiting sentence
		HCC 10/2019	Accused sentenced to 5 years imprisonment
		HCCR 019/2021	Accused sentenced to 30 years
		CF 57/2016	Accused sentenced to life imprisonment, 30years, 25years and 20 years
2.	**Defilement (15 cases)**	CR. 40/34/15	Accused sentenced to life imprisonment
		CR. 241/126/15	Accused sentenced to 10 Years imprisonment
		CR.273/77/14	Accused sentenced to 20 Years imprisonment
		CF.05/16	Accused sentenced to 15 Years imprisonment
		CF.1924/13	Accused sentenced to 15 years imprisonment
		CF.320/16	Accused sentenced to Life imprisonment
		CF. 6/17	Accused sentenced in absentia to serve 40 years imprisonment
		SO. 16/17	Accused sentenced to life imprisonment
		CF.24/16	Accused sentenced to 20 years imprisonment
		SO. 8/17	2 Accused convicted for 5 years
		CF. 322/83/19 SO 80/19	Accused sentenced to 5 years imprisonment

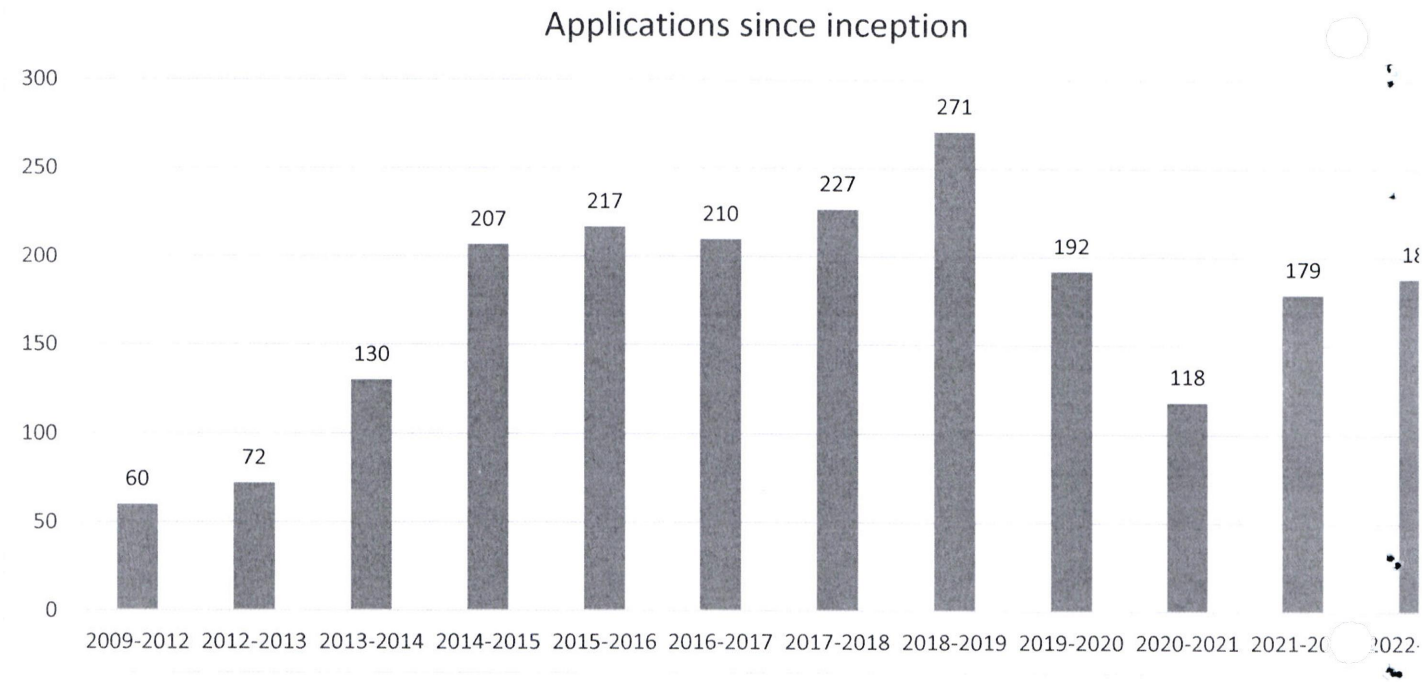
S/No	Offences	Court File Numbers	Results of Cases
3.	Robbery with Violence (8 cases)	CF.212/13	Accused sentenced to Life imprisonment
		CR.619/13	Accused sentenced to Life imprisonment
		CR. 343/111/14 CF 614/14	Accused sentenced to Life imprisonment
		CF. 17/15	Accused sentenced to Life imprisonment
		CR.284/45/16	Accused sentenced to 20 Years imprisonment
		CR.755/183/15	Accused sentenced to Life imprisonment
		CR. 31/198/17 CF 801/17	One accused sentenced to 8 years Four accused acquitted under sec 210 of CPC
4.	Terrorism (4 cases)	CF.901/2011	Accused sentenced to Death sentence
		CR.366/76/12	One accused sentenced to death
		CF.1427/14	Accused sentenced to Death sentence
		CF. 1750/2013	One accused sentenced to 18 years Second accused sentenced to 30 years
5.	Assault		Accused sentenced for 3 months
6.	Forgery and allied offences	CF. 736/13	Accused sentenced to 9 years in prison
7.	Possession of Ammunitions	CF 1781/12	Accused convicted for 15 years
8.	Careless driving	IAR(F) 75/2018	Accused convicted for 3 years and 3months
9.	Grievous harm (2 cases)	CF.770/15	Accused sentenced to 4 years imprisonment
		CF.E.1343/23	3 Accused persons sentences to 40 years, 10 years and 5 years respectively
10.	Threatening	CF. 1/2016	Accused sentenced to I year in jail
11.	Sexual assault	CR. 343/470/19 SO 108/19	Accused sentenced to 10 years imprisonment
12.	Lead poisoning	Civil petition Owino Uhuru slum dwellers	Petitioners to be paid Kes 1.3 billion and Center for Justice and

S/No	Offences	Court File Numbers	Results of Cases
			Environmental Action (CJEA) to be paid Kes. 700m
13.	Land dispute	ELC 160/18 1048/18	Two accused sentenced to one year or fine of Kes 70,000/= One accused sentenced to one year or fine of Kes 100,000/=
14.	Early forced marriage	CR. 757/7/15	Accused committed to serve the community for 2 months
15.	Operating an illegal facility	CR.124/80/16	Accused sentenced to 3 years imprisonment




Comparison of the Number of Dependants
400
350
300
250
200
150
100
50
0
44
76
242
198
266
360
187
325
170
161
108
No dependants 2011/2012
No. of dependants 2012/2013
No. of dependants 2013/2014
No. of dependants 2014/2015
No. of dependants 2015/2016
No. of dependants 2016-2017
No. of dependants 2017-2018
No. of dependants 2018-2019
No. of dependants 2019-2020
No. of dependants 2020-2021
No. of depend 2021-2


120
100
80
60
40
20
0
3
13
21
47
62
79
89
100
43
43
2009-2012
2012/2013
2013/2014
2014/2015
2015/2016
2016-2017
2017-2018
2018-2019
2019-2020
2020-202
Applicants who have successfully testified


Applications since inception
300
250
200
150
100
50
0
60
72
130
207
217
210
227
271
192
118
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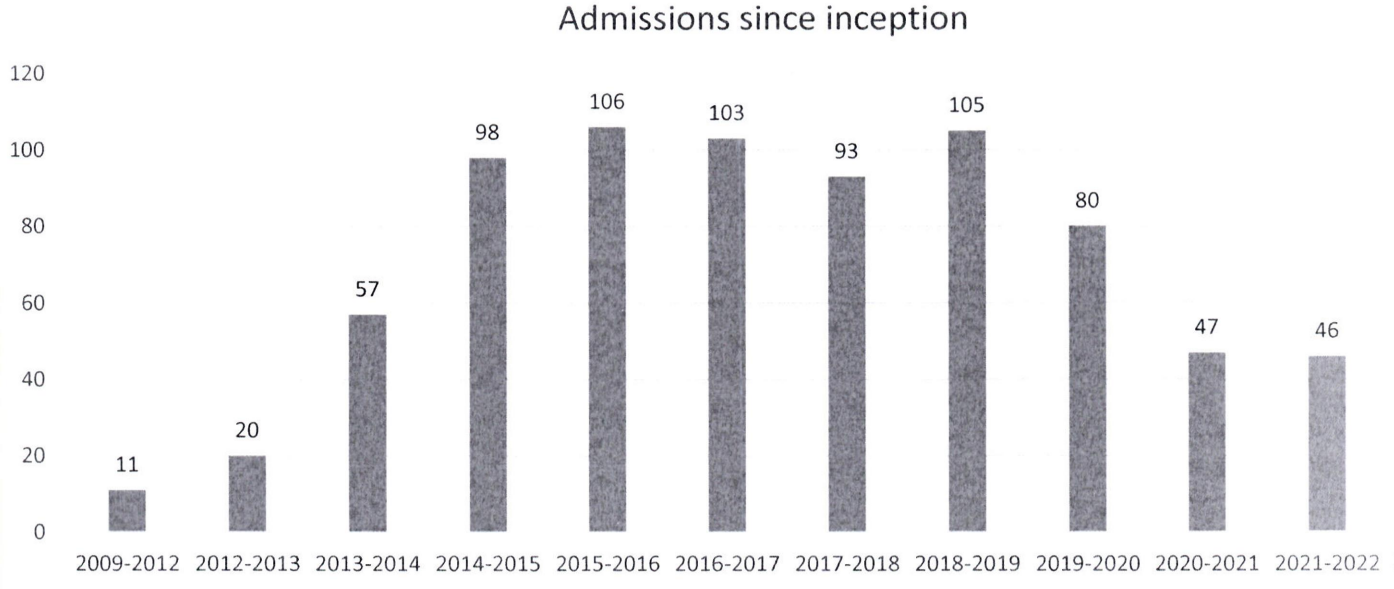
2009-2012
2012-2013
2013-2014
2014-2015
2015-2016
2016-2017
2017-2018
2018-2019
2019-2020
2020-2021


Admissions since inception
120
100
80
60
40
20
0
11
20
57
98
106
103
93
105
80
47
46
2009-2012
2012-2013
2013-2014
2014-2015
2015-2016
2016-2017
2017-2018
2018-2019
2019-2020
2020-2021
2021-2022

11. BUDGET IMPLEMENTATION STATUS AS AT 30 JUNE 2023

The expenditure return as at 30th June 2023 is as attached in **Annex I.** The overall absorption rate was **100.27%** due to a pending bill of Kes2,416,383 relating to Personnel Emoluments emanating from declaration and surrender of excess Personnel Emoluments (PE) during Supplementary Estimates II.

12. BUDGET IMPLEMENTATION STATUS AS AT 30 SEPTEMBER 2023

The expenditure return as at 30th September 2023 is as attached in **Annex II.** The overall budget absorption rate is **23% out of an expected 17%** due to budget reservations to facilitate the procurement process of goods and services. The absorption rate for witness related expenses is 17%. This rate will grow as more and more witnesses are discharged and re-integrated to the community and new ones admitted into the Programme.

13. STATUS OF PENDING BILLS

The Agency had as at 30th June 2023 a pending bill of **Kes2,416,383** relating to Personnel Emoluments emanating from declaration and surrender of excess Personnel Emoluments (PE) during Supplementary Estimates II. The pending bill formed the 1st charge in the FY2023/24 has since been cleared being contributions to Staff Retirement Benefits Scheme.

14. STATUS OF NON-FINANCIAL PERFORMANCE INDICATORS

a) For the FY2022/23 As at 30th June 2023

UOM	Key Performance Indicators	Target	Actual	Variance	Remarks
Days	Number of days taken to acknowledge receipt of applications to WPP	1	1.535	-0.535	The target was not met with a marginal variance due to acknowledgement being done at headquarters.

UOM	Key Performance Indicators	Target	Actual	Variance	Remarks
Days	Number of days taken to interview and record statements from the applicants to Witness Protection Programme.	7	5.947	1.053	This is within target with a favorable variance of one day as resources to undertake the activity and witnesses were availed on time.
Days	Number of days taken to carry out detailed threat/risk assessments from time of interview and recording statements.	5	6.139	-1.139	This target was not achieved during the quarter with unfavorable variance of one day due to referral authorities delays in providing documents and applicants
Days	Number of days taken to carry out psychosocial assessments on the witnesses and related persons from time of signing MOU.	104	213	-28	This was above target with a favorable variance of twenty eight witnesses for the year due to decentralization of psycho social Unit to the region
Days	Provide response to the applicants /referral authorities	1	2.43	-1.43	The target was not met with a variance of one day due to referral authorities delays in providing documents and applicants.
Days	Number of days taken to procure safe houses for the witnesses and related persons after admission into the program.	6	7.057	-1.057	Target not met as due to logistical challenges related to procurement process.
Days	Number of days taken to relocate witnesses and related persons to safe houses/place of	3	3.11	-0.11	This is within target with un favorable marginal variance of due to logistical issues.

UOM	Key Performance Indicators	Target	Actual	Variance	Remarks
	safety after admissions.				
No.	Number of witnesses successfully managed.	65	143	-78	This is within target with a favorable variance of seventy eight witnesses due surge in applications.
%	Percentage witness Satisfaction levels in the programme.	N/A	N/A	N/A	The administration of questionnaire for first, second, third and fourth quarters was done, data entry, analysis and report writing completed and the satisfaction index is
%	Time taken for armed witness rescue from time of reporting.	4	2.91	1.09	This is within target with a favorable variance of one day due to quick response from officers and availability of resources.
%	Percentage of witnesses offered armed escort to and from pre-trial and in-court-protection	100	100	0	Within target due to effectiveness and efficiency of the officers in their duties and the risk involved.
Days	Number of days taken to undertake post-trial risk assessment.	6	6.74	-0.74	This is not on target with unfavorable marginal variance due to diverse witnesses needs including medical requirements before discharge.
Days	Number of days taken to resettle and re-integrate witnesses.	10	6.37	3.63	This is within target with a favorable variance of three days due to prompt availability of necessary resources.

b) For the FY2023/24As at 30th September 2023

UOM	Key Performance Indicators	Target	Actual	Variance	Remarks
Days	Number of days taken to acknowledge receipt of applications to WPP	1.54	1.04	0.5	The target was met with as the responses are done at headquarters.
Days	Number of days taken to interview and record statements from the applicants to Witness Protection Programme.	5.9	5.83	0.07	This is within target with a favourable variance as resources to undertake the activity and witnesses were availed on time.
Days	Number of days taken to carry out detailed threat/risk assessments from time of interview and recording statements.	6.14	3.63	2.51	This target was achieved during the quarter with unfavourable variance due to referal authorities delays in providing documents and applicants
Days	Number of days taken to carry out psychosocial assessments on the witnesses and related persons from time of signing MOU.	213	55	158	This was favourable due to decentralization of psycho social Unit to the region
Days	Provide response to the applicants /referral authorities	2	1.5	0.5	The target was met with with a marginal variance.
Days	Number of days taken to procure safe houses for the witnesses and related persons after admission into the program.	7.06	6.3	0.76	Within target as resources were availed on time.

UOM	Key Performance Indicators	Target	Actual	Variance	Remarks
Days	Number of days taken to relocate witnesses and related persons to safe houses/place of safety after admissions.	3.11	2.6	0.51	This is within target with as witnesses are moved to standby safe houses before relocation.
No.	Number of witnesses successfully managed.	36	113	-77	This is within target with a favourable variance of forty three witnesses due surge in applications.
%	Percentage witness Satisfaction levels in the programme.	N/A	N/A	N/A	The administration of questionnaire for first quarters was done, data entry, analysis and report writing will be completed in the fourth quarter where the satisfaction index will be obtained.
%	Time taken for armed witness rescue from time of reporting.	4.55	3	1.55	This is within target with a favourable variance of one day due to quick response from officers and availabilty of resources.
%	Percentage of witnesses offered armed escort to and from pre-trial and in-court-protection	100	100	0	Within target due to effectiveness and efficiency of the officers in their duties and the risk involved.
Days	Number of days taken to undertake post-trial risk assessment.	6.74	2.91	3.83	This is within target.
Days	Number of days taken to resettle and re-integrate witnesses.	6.37	7.76	-1.39	This is not within target for the quarter.

15. CONCLUSION

The Agency has over the years maintained an ***absorption rate of over 95%*** the variance been due to unrealised supplies and savings due to favourable prices during procurement. The only challenge in the implementation of the budget has been delayed receipt of exchequer. However, we wish to express our since appreciation to the National Treasury that despite the delay, all exchequer were disbursed in the FY2022/24 and the projected exchequer as at 30th September 2023 were fully disbursed to date.

We most sincerely thank the Honorable Chair Person and all the Honorable Members for your time, consideration and recognition of the critical role the Witness Protection Agency plays in the security sector, the administration of justice and rule of law in our Country. We believe that you will consider further budget enhancement to the Agency based on the absorption realized.

Jedidah W. Waruhiu
DIRECTOR/CHIEF EXECUTIVE

ETHICS AND ANTI-CORRUPTION COMMISSION

REPORT ON BUDGET IMPLEMENTATION MONITORING FOR THE FINANCIAL YEAR 2022/2023, SUBMITTED TO THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS OF THE NATIONAL ASSEMBLY

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Friday,
28th July 2023

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REPORT ON BUDGET IMPLEMENTATION MONITORING FOR THE FINANCIAL YEAR 2022/2023, SUBMITTED TO THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS OF THE NATIONAL ASSEMBLY

Introduction

- The Ethics and Anti-Corruption Commission (EACC) is a statutory body established under the Ethics and Anti-Corruption Commission Act of 2011. The Act was enacted pursuant to the requirement of **Article 79** of the *Constitution of Kenya, 2010*.

- The mandate of the Commission is to combat corruption and economic crime in Kenya through law enforcement, prevention, public education and promotion of standards and practices of integrity, ethics and anti-corruption.

- The Commission also derives its statutory mandate from a number of other statutes namely, *the Anti-Corruption and Economic Crimes Act of 2003, the Leadership and Integrity Act, 2012, the Public Officer Ethics Act, 2003 and the Bribery Act, 2016* among others.

- The Commission was requested vide a letter **Ref. No. NA/DDC/JLAC/2023/067** dated **10th July 2023** by the Departmental Committee on Justice and Legal Affairs of the National Assembly to provide information on Budget Implementation Monitoring for the Financial Year (FY) 2022/2023.

Terms of Reference

The Commission submits information covering the following areas;

1. Financial Performance by Vote and program
   a. Actual Revenue receipts: Exchequer issues, donor and appropriation in aid (AIA).
   b. Actual Expenditure by Vote and program
      Classified under Recurrent and Development
      Detailed on economic classification
2. Non-Financial Performance
3. Quarterly Project Information
4. Challenges; Exchequer issues, actual expenditure and completion status; and
5. Information on Pending Payments.

1.0 Financial Performance by Vote and program

a.) Actual Revenue Receipts: Exchequer issues, donor and Appropriation in Aid (AIA)

i. FY 2022/2023 Recurrent Exchequer

- The Commission received Recurrent Exchequer Disbursements of **Kshs. 3,313,467,385.00** for the FY 2022/2023 as of 30th June 2023 against a total revised Recurrent Budget of **Kshs. 3,520,530,000.00** representing a collection level of **94%**, as shown in Table 1.

Table 1: FY 2022/2023 Recurrent Exchequer Receipts Analysis

DATE	DETAILS	AMOUNT (KSHS.)
01.08.2022	TREASURY EXCHEQUER	193,389,023
18.08.2022	TREASURY EXCHEQUER	50,000,000
01.09.2022	TREASURY EXCHEQUER	190,689,568
27.09.2022	TREASURY EXCHEQUER	191,619,795
05.10.2022	TREASURY EXCHEQUER	50,000,000
28.10.2022	TREASURY EXCHEQUER	246,121,558
14.11.2022	TREASURY EXCHEQUER	54,555,290
26.11.2022	TREASURY EXCHEQUER	226,133,685
15.12.2022	TREASURY EXCHEQUER	217,959,735
28.12.2022	TREASURY EXCHEQUER	193,026,178
11.01.2023	TREASURY EXCHEQUER	100,000,000
27.01.2023	TREASURY EXCHEQUER	194,606,197
20.02.2023	TREASURY EXCHEQUER	51,934,783
02.03.2023	TREASURY EXCHEQUER	192,371,380
04.04.2023	TREASURY EXCHEQUER	191,980,818
12.04.2023	TREASURY EXCHEQUER	100,000,000
03.05.2023	TREASURY EXCHEQUER	192,542,254
24.05.2023	TREASURY EXCHEQUER	100,000,000
08.06.2023	TREASURY EXCHEQUER	191,072,070
21.06.2023	TREASURY EXCHEQUER	194,440,571
07.06.2023	TREASURY EXCHEQUER	191,024,480
	TOTALEXCHEQUER COLLECTED	**3,313,467,385.00**
	TOTAL REVISED BUDGET	**3,520,530,000.00**
	BALANCE	207,062,615.00

Source: EACC Finance

- The Commission had requested for full exchequer funding by The National Treasury. However, the requests amounting to **Kshs. 207,062,615.00** were not disbursed. The amounts relate to operational activities resulting to pending bills.

ii. FY 2022/2023 Development Exchequer

- The Commission received exchequer funding of **Kshs. 46,565,743.00** for the development projects. The development exchequer funding was used to settle the Refurbishment works at the Integrity Centre amounting to **Kshs. 21,182,827.00** and final balance payable to the National Land Commission on acquisition of Integrity Centre being **Kshs 25,382,916.00**

- The Commission did not receive funds into its accounts from donor and Appropriation in Aid (AIA).

b.) Actual Expenditure by Vote and Program

- The Commission overall budget absorption was **Kshs 3,461,865,860.00** which represents **97%** against the total revised Budget of **Kshs 3,567,095,743.00** as at **30th June 2023**. The Financial Performance is provided in **Table 2** below:

Table 2: Financial Performance for FY 2022/23 by Economic Classification

Description	Revised Budget (Kshs)	Actual Expenditure	Balance	Absorption (%)
Recurrent Budget				
Personnel Emoluments	2,322,077,887	2,321,743,698	334,189	100%
Operations and Other Maintenance	1,198,452,113	1,093,556,418	104,895,695	91%
Sub Total	**3,520,530,000**	**3,415,300,117**	**105,229,883**	**97%**
Development Budget				
Development	46,565,743	46,565,743	-	100%
Total Budget	**3,567,095,743**	**3,461,865,860**	**105,229,883**	**97%**

- The Recurrent Budget absorption was **Kshs 3,415,300,117** which represents **97%** absorption against the revised Recurrent Budget of **Kshs 3,520,530,000**.

- The Recurrent Budget increased by **Kshs 100,000,000.00** from the initial recurrent budget of **Kshs 3,420,530,000.00** during the 2nd Supplementary Budget Estimates.

- The Development Budget absorption was **Kshs 46,565,743.00** which represents **100%** absorption against the revised budget of **Kshs 46,565,743.00**

- The Development Budget decreased by **Kshs 111,434,257.00** from the initial approved budget of **Kshs 158,000,000.00** through supplementary budgets.

2.0 Non-Financial Performance

- The Commission achieved the following targets as detailed in ***Annexure I***, which highlights the key non-financial performance for the period under review **FY 2022/2023**;

i. Assets *(cash, moveable and immovable)* worth approximately **Kshs 0.54 Billion** has been recovered and surrendered back for public benefit.

ii. Averted loss of approx. **Kshs. 7 Billion** through **proactive investigation** and **disruption** of corruption networks.

iii. The Commission **concluded 329** investigations on corruption economic crimes and unethical conduct.

iv. There were **94** files on corruption, economic crimes and unethical conduct which were forwarded to the Office of the Director of Public Prosecutions (ODPP) with recommendations.

v. Investigated **240** cases on ethical breaches.

vi. Continuous **15 systems review** were conducted targeting Ministries, Departments and Agencies (MDAs) and County Governments.

vii. **1,819 members** of Corruption Prevention Committees (CPCs) and **383** Integrity Assurance Officers were trained.

viii. Over **1,135 advisories** were issued to MDAs on corruption prevention under the performance Contracting framework.

ix. Approved **8 Leadership and Integrity Codes** for public entities.

x. Issued **284 advisories, notices and cautions** on ethical compliance.

xi. Finalized **7,908 Integrity Suitability Verification** for candidates on public appointments.

3.0 Quarterly Project Information

In the period under review, the Commission had **three projects** financed by the Government of Kenya as follows;

i. **Refurbishment and Extension of the EACC Headquarters**

- It is estimated to cost **Kshs 828,190,000** while the actual cost of the project as of 30th June 2023 **Kshs 51,449,942**. The remaining project cost to completion is thus **Kshs 776,740,058** which the Commission will pursue to get funding in order to complete the project. The initial allocation in approved budget for FY 2022/2023 was **Kshs 158,000,000** that was reduced by Kshs 136,817,173 to Kshs 21,182,827 during Supplementary Budgets.

ii. **Automation of the EACC Business Processes**

- This is projected at a cost of **Kshs 1,599,000,000.00** and the actual cost of the project as of 30th June 2023 **Kshs 19,317,090.00**. The remaining project cost to completion is **Kshs 1,579,682,910.00.** However, there was no budget allocation in the FY 2022/2023.

iii. Acquisition of Integrity Centre

- An acquisition cost of **Kshs 1,543,382,619.00** and so far has been funded with the final amounts of **Kshs 25,382,916.00** allocated in Supplementary Budget No. II of FY 2022/2023.

Table 3: Status of the Projects

Project Title	Source of funds	Estimated value of the project	Revised Budget FY 2022/23	Actual Cumulative Expenditure	Percent of completion	Remarks/ Challenges
Refurbishment of EACC Headquarters	GOK	828,190,000.00	21,182,827	51,449,942	6%	Delayed exchequer. Budget Review.
Automation of business processes	GOK	1,599,000,000.00	-	19,317,090	1%	No budget FY 2022/23
Acquisition of Integrity Centre	GOK	1,543,382,619	25,382,916	1,543,382,619	100%	Project completed
Gross Expenditure		**3,970,572,619**	**46,565,743**	**1,614,149,651**		
Less: AIA				-		
Net Expenditure				**1,614,149,651**		

- The **challenge** in regard to the Refurbishment of the EACC Headquarter is delays in remittance from The National Treasury leading to the contractor reduced activities on site.
- During the Supplementary II, the budget was reviewed downwards by **Kshs. 36,817,173.00** leading to pending bills of **Kshs. 26,329,982.00** whose certificates of works done were provided in the first week of June 2023 by the contractor through the Ministry of Transport, Infrastructure, Public Works, and Housing and Urban Development.

. **N/B:** Despite the challenges, the project is ongoing.

4.0 Pending bills

- The Commission had a total pending bills of **Kshs. 121,617,230.00** due to non-funded exchequer requests from the National Treasury by closure of FY 2022/2023, whose details are as follows;

i. **Recurrent Expenses** totaling to **Kshs 95,287,247.00** were not paid out due to pending exchequer. The revised recurrent budget was **Kshs 3,520,530,000.00** which includes the increase of **Kshs. 100,000,000.00** during Supplementary Budget No. II. The Commission had lodged full recurrent exchequer requests but the National Treasury did not disburse **Kshs. 207,062,615.00**

ii. **Development Expenses** totalling to **Kshs 26,329,982** were not paid out due to unfunded exchequer.

Table 4: Pending Bills Report

Project Title	Budget FY 2022/23	Exchequer Received	Exchequer Pending/ Budget Cut	Pending Bills	Remarks
Recurrent Expenses	3,520,530,000	3,313,467,385	207,062,615	95,287,247	Non-Funding
Development Expenses	83,382,916	46,565,743	36,817,173	26,329,982	No budget FY 2022/23
Total Pending Bills				**121,617,230**	

5.0 Conclusion

- The Commission acknowledges the continued support it receives from the National Government and in particular the Justice, Legal Affairs Committee of National Assembly.

- Further, the Commission submits the following requests to the Committee due to the exchequer funding and budgetary shortfalls for consideration:

i. The National Treasury to release the exchequer funding that was not received during the FY 2022/2023 amounting to **Kshs 207,062,615.00** in the next FY 2023/2024. This is because, it has great financial implication that will affect the operations.

ii. In the FY 2023/2024, funding of Recurrent Budget of **Kshs. 690 Million** and Development budget of **Kshs 77 Million** as per **table 4** below.

Table 4: Budgetary Shortfall FY 2023/2024

Programmes/Activities	**Shortfall FY 2023/24 Kshs Million**
National Integrity Anti-Corruption Academy	100
Trace, preserve and recover assets from unexplained and corruptly acquired assets	200
Public, education, training and awareness	150
Prevention of corruption and unethical practices	60
Staff Recruitment/Promotion	180
Recurrent Additional Budgetary Requirement	**690**
Refurbishment of EACC Headquarters	**77**
Total Additional Budgetary Requirement	**767**

Dated this **Friday, 28th** day of **July 2023**

Twalib Mbarak, CBS
Secretary/Chief Executive Officer
Ethics and Anti-Corruption Commission

'Annexure I

ETHICS AND ANTI-CORRUPTION COMMISSION

Period: For FY 2022/23 as at 30th June, 2023
Programme: Ethics and Anti – Corruption Commission
Programme Objective: To promote integrity and combat corruption through law enforcement, prevention and education

Programme	Delivery Units	Key Outputs	Key Performance Indicators	Target (s) 2022/23	Actual	Variance	Remarks
Ethics and Anti-Corruption Commission	Investigations Directorate	Corruption investigation services	Number of corruption and economic crime cases investigated	480	329	-151	Complex nature of investigation
			Number of files reviewed & forwarded to ODPP	190	94	-96	Sophisticated investigations & evidence collection.
			Number of ethical breaches investigated	143	240	97	Increased number of whistleblowing.
			Number of disruptions executed	14	39	25	On track.
			Value (Kshs Billion) of loss averted	6	7	1	Quality Intelligence information.
	Legal Services Directorate	Assets tracing and recovery services	Number of corruptly acquired asset traced and recovered	51	26	-25	Prosecutions ongoing.
			Value in Kshs Billion of corruptly acquired assets recovered	3.55	0.54	-3	High value recoveries
	Preventive Services Directorate	Public education and awareness	Number in millions of persons reached	30	35	5	Target achieved through media and community outreach.
		Systems reviews services	Number of systems reviews reports	15	15	-	On track
			Number of advisories	850	1,135	285	Surpassed by issuing all system advisories.

		Anti-corruption training services	Number of integrity assurance officers trained	1,000	383	-617	Variance caused by austerity measures.
			Number of Corruption Prevention Committees (CPC) trained	450	1,819	1,369	Variance caused by austerity measures.
		Ethics compliance services	Number of codes approved	15	8	-7	Decreased demand.
			Number of Advisories, Notices, and Cautions	900	284	-616	Delay response by institutions & decreased requests.
			Number of integrity verifications finalized	8,000	7,908	-92	Increase during County & National Gov't Recruitments.

MINISTRY OF INTERIOR & NATIONAL ADMINISTRATION

STATE DEPARTMENT FOR CORRECTIONAL SERVICES

REPORT ON BUDGET IMPLEMENTATION MONITORING FOR 2022/23 AND 2023/24 FINANCIAL YEARS

Presented to

The Departmental Committee on Justice and Legal Affairs

By

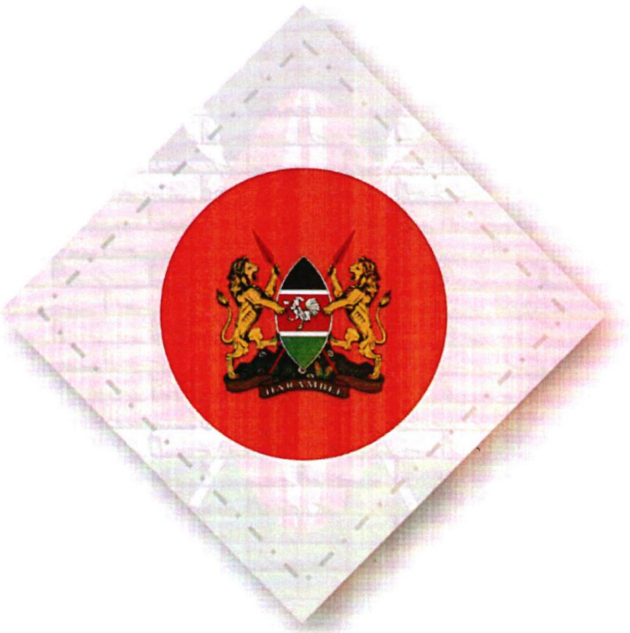
Salome M. Beacco

Principal Secretary

October, 2023

1. OUTLINE

1. Introduction
2. Financial Performance by Vote and Programme FY 2022/23
3. Actual Revenue Receipts: Exchequer Issues, Donors and AIA FY 2022/23
4. Actual Expenditure by Vote and Programme FY 2022/23
5. Non-Financial Performance for FY 2022/23
6. Project Information FY 2022/23
7. Other Information on Reallocation, Pending Payments and Liabilities
8. Budget Implementation Status FY 2023/24
9. Project Implementation Status FY 2023/24
10. Status of Pending Bills and Court Awards
11. Non-Financial Performance for FY 2022/23
12. Other Information on FY 2023/24 budget Implementation
13. Summary of Allocation Vs Proposed Supplementary Estimates No. 1 FY 2023/24
14. Funds withdrawn per Article 223 of the Constitution
15. Justification for additional expenditure requests and reallocations
16. Indicative impact of Supplementary Estimates on performance targets
17. Strategic Plan implementation status



2. INTRODUCTION

Vision

To be an excellent organization in correctional services

Mission

To promote a just and secure society through efficient and effective management of offenders and administration of justice

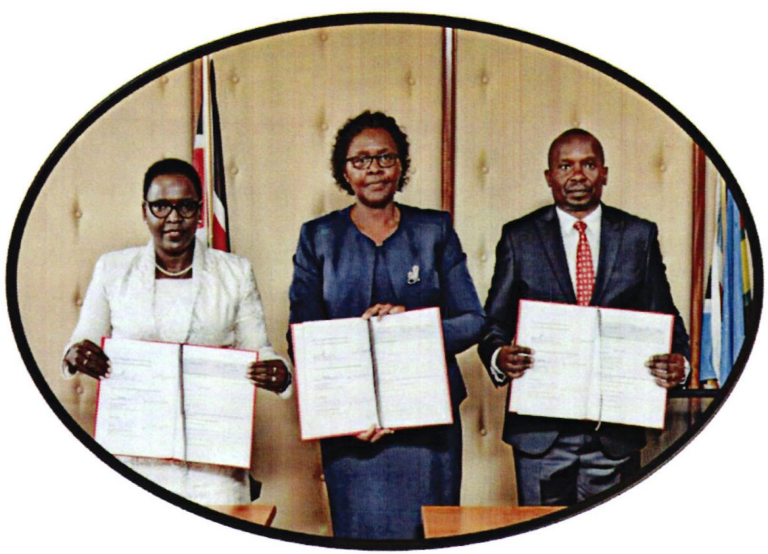


Mandate

The Mandate of the State Department for Correctional Services is derived from the Executive Order No. 1 of January, 2023 which assigns the Department the following functions: Correctional Services;

- Policy for reform of penal justice system;
- Prison enterprise,
- Development of administrative policies for Borstal institutions & facilities for incarcerated minors; and
- Probation Services
- Further mandate is derived from; Prison Act Cap 90, Borstal Institutions Act Cap 92, Probation of Offenders Act Cap 64 and Community Service Orders Cap 93





FY 2022/23 Budget Programmes and Sub Programmes

During the FY 2022/23 the State Department for Correctional Services implemented the Budget through following Programmes and sub-programmes;

1. Prison Services

   i. **Offender Services**

   ii. **Capacity Development**

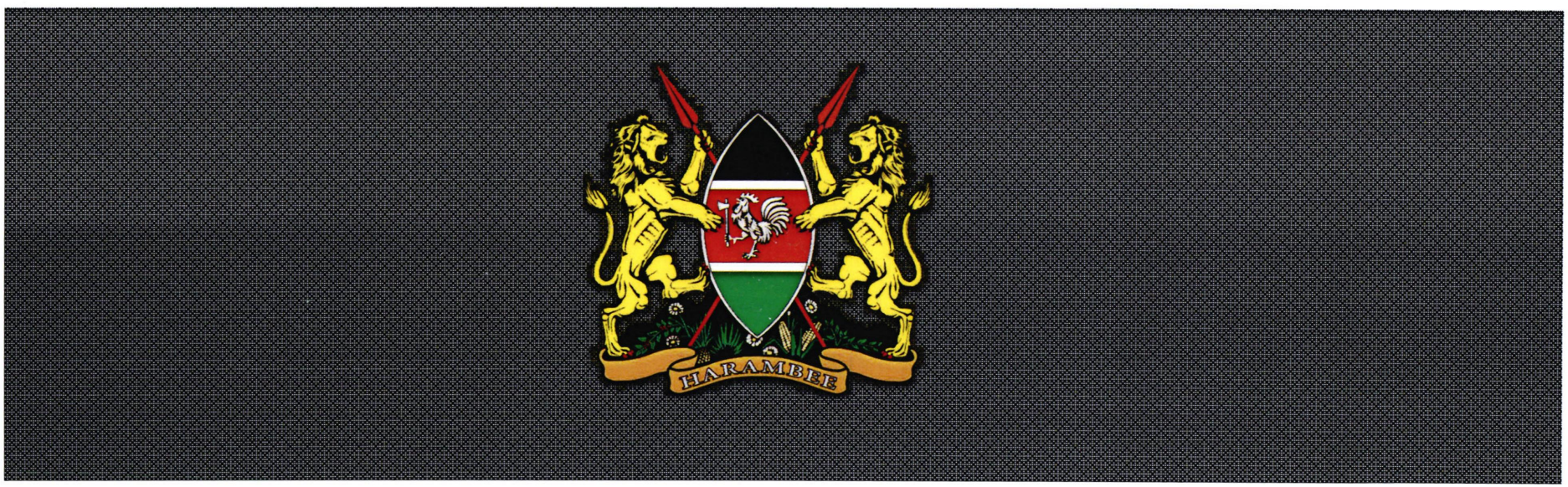
2. Probation and after care Services

   i. Probation Services
   ii. Aftercare Services

3. General Administration, planning and support Services

   i. Planning, Policy Coordination and support Services

3. FINANCIAL PERFORMANCE BY VOTE AND PROGRAMME FY 2022/23



A. Actual Revenue Receipts

1. Recurrent

Approved Recurrent Budget was	**Kshs. 31, 566,343,797** of which;
• Approved Appropriations in Aid (A-I-A).	**KShs. 3,500,000**
• AIA Collection	**Kshs. 5,077,200**
• Over collection in AIA	**Kshs. 1,577,200.**
Recurrent exchequer receipts amounted to	**Kshs. 31,172,484,167.45**

2. Development

The Approved Development Budget was	**Kshs. 505,171,870** of which
• **GoK**	**Kshs. 435,171,870**
• Donor funding	**Kshs. 70,000,000.**
Development exchequer receipts amounted to	**Kshs. 282,815,356.**

Table 1: Analysis of Actual Receipts

	Source Of Funds	Approved Budget	Cumulative Actual Receipts	Cumulative Actual Receipts	Cumulative Actual Receipts	Cumulative Actual Receipts
		Kshs.	Kshs.	Kshs.	Kshs.	Kshs.
			Q1	Q2	Q3	Q4
1	Recurrent Vote					
	Exchequer issues	31,562,843,797	5,348,156,460	11,973,668,306.55	19,194,805,967.95	31,172,484,167.45
	Other receipts- AIA collected	3,500,000	970,500	2,649,500	3,742,700	5,077,200
	Gross Receipts Recurrent	31,566,343,797	5,349,126,960	11,976,317,807	19,198,548,668	31,177,561,367
2	Development Vote					
	Exchequer issues	435,171,870	-	-	52,791,544	282,815,356
	AIA-Grants	70,000,000	-	-	-	-
	Gross Receipts Development	505,171,870	-	-	52,791,544	282,815,356
	Total Receipts	32,071,515,667	5,349,126,960	11,976,317,807	19,251,340,212	31,460,376,723

B. Actual Expenditure by Vote and Programme under Recurrent and Development.

In FY 2022/23 the State Department had a total Approved Budget of **KShs. 32,071,515,667**

- Recurrent **KShs. 31,566,343,797**
- Development **KShs. 505,171,870**

The cumulative total expenditure as at 30th June, 2023 amounted to **KShs. 31,692,566,059**

- Recurrent **KShs. 31,269,494,414**
- Development **KShs. 423,071,645**

Table 2: Analysis of Actual Expenditure by Vote

	Vote	Approved	Expenditure	Absorption Rate (%)
1.	Recurrent	31,566,343,797	31,269,494,414	99.06
2.	Development	505,171,870	423,071,645	83.75
	Total	32,071,515,667	31,692,566,059	98.82

C. Analysis of Actual Expenditure by Vote and Economic Classification.

Table 3: Analysis of Actual Expenditure by Vote and Economic Classification

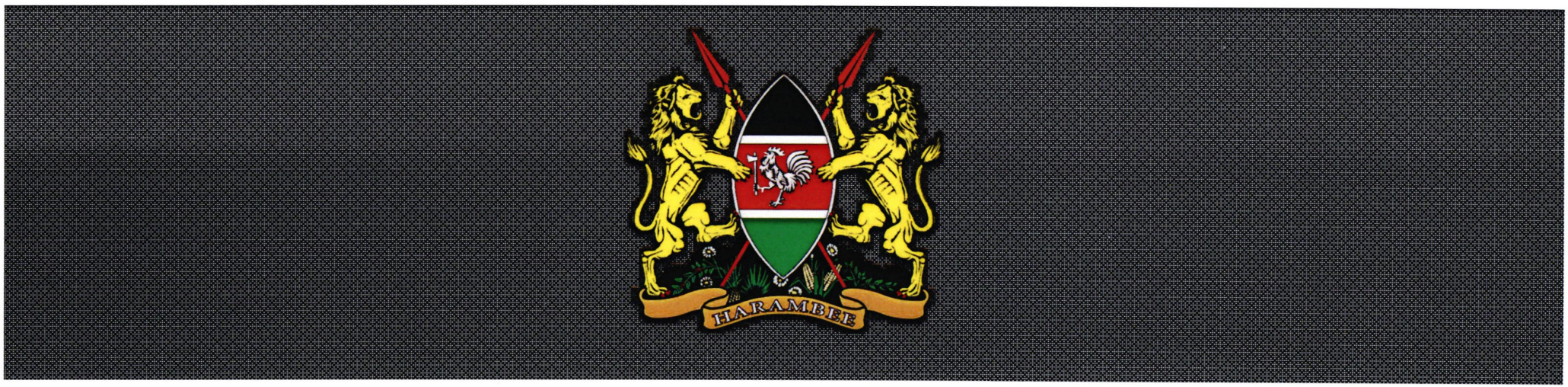
Economic Classification	Approved Estimates KShs.	Actual Expenditure KShs.	Absorption rate as a Percentage (%)
Current Expenditure	31,566,343,797	31,269,494,414	99.06
Compensation to Employees	22,710,496,780	22,489,101,990	99.03
Use of Goods and Services	8,739,268,937	8,666,844,627	99.17
Current Transfers to Govt. Agencies	9,250,000	7,959,658	86.05
Other Recurrent	107,328,080	105,588,139	98.38
Capital Expenditure	505,171,870	423,071,645	83.75
Acquisition of Non-Financial Assets	435,171,870	423,071,645	97.22
Other Development	70,000,000	-	
Total Expenditure	32,071,515,667	31,692,566,059	98.82

D. Analysis of Expenditure by Programmes and Sub-Programmes

Table 4: Analysis of the Recurrent and Development Expenditure per Programme and sub –Programme

Name of the Programme & Sub-Programme	Revised Printed/Gross Estimates (Kshs.)			Gross Expenditure (Kshs.)			Absorption rate as Percentage %
	Recurrent	Development	Gross	Recurrent	Development	Gross	
1.Programme Prison Services							
(a)Sub-Programme: Offender Services	28,048,129,023	306,496,443	28,354,625,466	28,046,184,548	299,659,029	28,345,843,577	99.97
(b)Sub-Programme: Capacity Development	1,382,965,568	0	1,382,965,568	1,375,927,076	0	1,375,927,076	99.49
Subtotal for Programme 1	29,431,094,591	306,496,443	29,737,591,034	29,422,111,624	299,659,029	29,721,770,653	99.95
2.Programme Probation and Aftercare Services							
(a)Sub-Programme: Probation Services	1,692,130,380	162,005,376	1,854,135,756	1,489,908,877	87,363,386	1,577,272,263	85.07
(b)Sub-Programme: Aftercare Services	87,612,823	36,670,051	124,282,874	78,145,789	36,049,230	114,195,019	91.88
Subtotal for Programme 2	1,779,743,203	198,675,427	1,978,418,630	1,568,054,666	123,412,616	1,691,467,282	85.5
3.Programme General Administration, Planning and Support Services							
(a)Sub-Programme: Planning, Policy Coordination and Support Service	355,506,003	-	355,506,003	279,328,124	-	279,328,124	78.57
Sub-Total	355,506,003	-	355,506,003	279,328,124	-	279,328,124	78.57
Grand Total -Gross	31,566,343,797	505,171,870	32,071,515,667	31,269,494,414	423,071,645	31,692,566,059	98.82

4. NON-FINANCIAL PERFORMANCE FOR FY 2022/23



NON-FINANCIAL PERFORMANCE FOR FY 2022/23

Sub-Programme	Department / Delivery Unit	Key Outputs	Performance Indicator	Target (s) FY 2022/23	Cumulative Targets Achieved	Variance	Remarks
627010 SP. 2.1 Offender Services	1023000500 Borstals/YCTC Institution	Youthful offenders rehabilitation treatment services	No. of borstal Girls and Boys rehabilitated	950	542	(408)	This is the number of boys and girls admitted in borstal facilities
	1023001900 Headquarters Administrative Services - Prison	Prison Services	No of staff provided with medical insurance cover	32,528	32,528	-	Target achieved.
			No of prison officers kitted	10,000	7,500	(2,500)	Part of the allocated funds were used to clear pending bills for FY 2021/22
	1023001900 Headquarters Administrative Services - Prison	Prison Services	% of offenders offered spiritual and psychological counselling	100	100	-	Target Achieved
			No. of offenders offered vocational training	8,100	5,668	(2,432)	All qualified offenders who expressed interest were considered.

NON-FINANCIAL PERFORMANCE FOR FY 2022/23 cont...

Sub-Programme	Department / Delivery Unit	Key Outputs	Performance Indicator	Target (s) FY 2022/23	Cumulative Targets Achieved	Variance	Remarks
627010 SP. 2.1 Offender Services	1023001900 Headquarters Administrative Services - Prison	Prison Services	No. of offenders offered vocational training	8,100	5,668	(2,432)	All qualified offenders who expressed interest were considered.
			No of inmates registered for KCPE	750	798	48	Target over achieved.
			No of inmates registered for KCSE	100	109	9	Target over achieved.
			No. of inmates provided with uniforms and clothing	12,000	14,800	2,800	Target over achieved.
			No. of inmates provided with medical services	56,000	59,359	3,359	Target over achieved since those were the inmates in prison in need of medical attention
			No. of inmates provided with feeding pans	13,000	25,280	12,280	Target over achieved
			No. of inmates provided with beddings	15,000	8,120	(6880)	Target not achieved. Part of the budget settled pending bills

NON-FINANCIAL PERFORMANCE FOR FY 2022/23 cont...

Sub-Programme	Department / Delivery Unit	Key Outputs	Performance Indicator	Target (s) FY 2022/23	Cumulative Targets Achieved	Variance	Remarks
627010 SP. 2.1 Offender Services	1023002400 Maximum & High Risk Prisons	Prison Services	Average daily no. of high risk inmates daily contained in humane and safe custody	26,000	21,828	(4,172)	These were all inmates daily contained in humane and safe custody
			No. of production orders and warrants for medium risk inmates/remandees received and effected	149,000	285,781	136,781	All inmates were produced in courts as required
	1023002500 Medium & Other Districts Prisons	Prison Services	Average daily No. medium risk inmates contained daily in humane and safe custody	24,638	38,713	14,075	These were the inmates contained.
			No. of medium risk inmates and remandees produced in Courts	350,000	393,221	43,221	All inmates and remandees were produced in court when due.
	1023002600 Medium & Other Districts Prisons - Continued	Prison Services	Average daily No. of Medium risk inmates remandees contained in safe custody	2,000	2,232	232	These were all inmates contained in safe custody

NON-FINANCIAL PERFORMANCE FOR FY 2022/23 cont...

Sub-Programme	Department / Delivery Unit	Key Outputs	Performance Indicator	Target (s) FY 2022/23	Cumulative Targets Achieved	Variance	Remarks
0627020 Capacity Development	1023000300 Prisons Staff Training College	Staff capacity development services	No. of officers recruited and trained	4,000	4,022	22	Target achieved.
0628010 SP 3.1: Probation Services	1023001000 County Probation Services	Facilitate Administration of criminal justice services	% Reports presented to High courts and Courts of appeal	100	100	-	The target was achieved. 4,645 reports for from High courts were prepared and submitted
			No of reports prepared and submitted to power of mercy advisory committee (POMAC)	225	100	(125)	The target was under achieved since these were the reports requested by POMAC
		Facilitate Administration of criminal justice services	No. of reports generated and submitted to courts and penal institutions	41,250	63,602	22,352	The target was over achieved due to increased utilization of departmental services by other justice agencies
	1023001100 Sub County Probation Services	Non-custodial offender supervision services	No. of offenders under Probation orders supervised	37,500	24,958	(12,542)	Target was under achieved since these were the only offenders placed under probation sentences.
	1023001200 Community Service Orders	Non-custodial offender supervision services	No. of offenders serving community services order supervised	30,000	28,428	(1,572)	Target under achieved due to low orders from courts

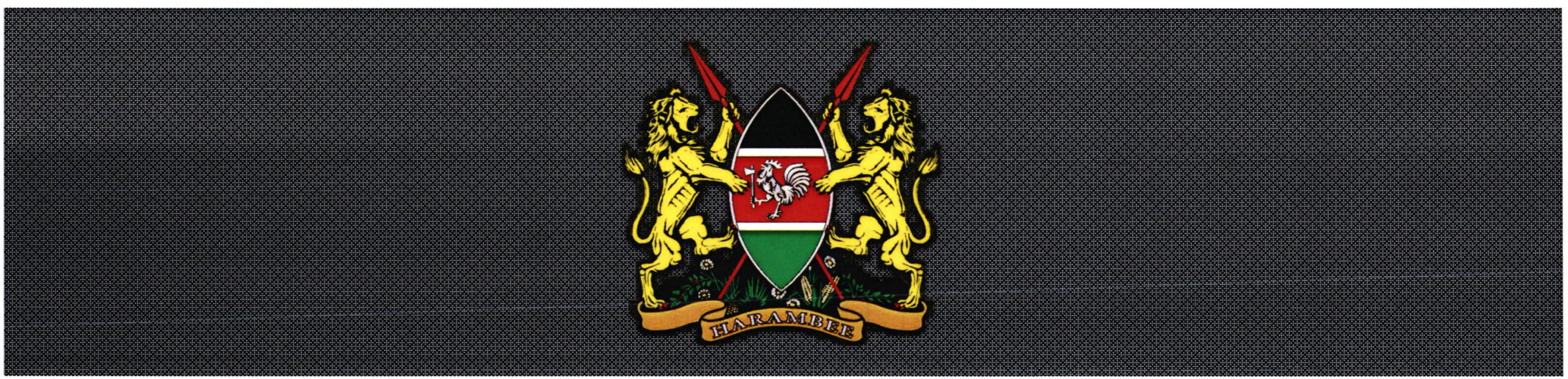
NON-FINANCIAL PERFORMANCE FOR FY 2022/23 cont...

Sub-Programme	Department / Delivery Unit	Key Outputs	Performance Indicator	Target (s) FY 2022/23	Cumulative Targets Achieved	Variance	Remarks
0628010 SP 3.1: Probation Services	1023001100 Sub County Probation Services	Non- custodial offender rehabilitation services	No. of non-custodial offenders rehabilitated	22,000	33,739	11,739	The target was over achieved. Due to offenders increased demand for rehabilitation services
	1023000800 Probation Services	Coordination of probation services	No. of computers and accessories procured	50	83	33	The target over achieved as a result of support from development partners.
	10232001400 Community Service Orders Secretariat	Community Service Orders co-ordination services	% level of implementation of the programme	100	100	-	The target was achieved
	10232002200 Regional probation services	Regional supervision of probation services	No. of counties with probation services supervised	47	47	-	Target was achieved.
	1023102100 Construction of Probation office blocks	Office accommodation Services	No. of office blocks constructed	3	1	(2)	Busia and Kandara probation offices' projects were completed
1023103900 Strengthening the Prisons and probation Services Phase II in Kenya	Strengthen the Prisons and probation Services	No. of training programmes conducted		3	12	9	Target was over achieved due to Stakeholders support

NON-FINANCIAL PERFORMANCE FOR FY 2022/23 cont...

Sub-Programme	Department / Delivery Unit	Key Outputs	Performance Indicator	Target (s) FY 2022/23	Cumulative Targets Achieved	Variance	Remarks
0628020 SP 3.2: Aftercare Services	1023000900 Probation Hostels	Probation Hostel services	No. of probationers provided with reintegration services	240	346	106	The target was over achieved because of high no of borstal cases released
			No. of probationers provided with temporarily accommodation	335	287	(48)	Target slightly under achieved for these were the only needy offenders who qualified for Probation hostels admission
			No of ex-offenders provided with vocational training	200	812	612	Target over achieved due to support from various stakeholders.
0623010 Planning, Policy Coordination and Support Service			No. of cross cutting government policies Implemented	9	4	(5)	Four crosscutting Policies were successfully implemented.
0623010 Planning, Policy Coordination and Support Service	1023001800 Integrated Correctional services Correctional Services Reform	Penal Institutions lands documentation	No of title deeds acquired	8	2	(6)	Acquisition of the remaining title deeds in process

4. PROJECT INFORMATION



Project Details

Project title	Project commence date	Expected duration of the project	Source of funds	Estimated value of project (Kshs)	Approved Estimates FY 2022/23	Actual Expenditure FY 2022/23(Khs)	Status of the project/percentage of completion
1023100108 Construction of perimeter wall Hindi	Jun 6, 2017	Jun 30, 2022	GOK	28,000,000	17,759,111	17,759,111	63
1023100109 Construction of perimeter wall Wajir	Aug 1, 2018	Jun 30, 2022	GOK	23,500,000	13,654,828	13,654,828	58
1023100113 Completion of Perimeter Wall at Eldoret Women Prison	Jul 1, 2009	Jun 30, 2023	GOK	20,500,000	5,000,000	5,000,000	24
1023100118 Completion of phase 1 Perimeter Wall at Kilifi Prison	Jul 1, 2015	Jun 30, 2022	GOK	20,120,000	9,956,350	9,956,350	49
1023100125 Construction of Perimeter wall Shimo Medium Prison	Jan 6, 2016	Jun 30, 2023	GOK	16,000,000	8,510,000	8,509,893	53
1023100129 Construction of phase 1 perimeter Wall Busia Prison	Apr 2, 2016	Jun 30, 2022	GOK	26,410,500	5,703,087	5,703,087	22
1023100135 Construction of perimeter walls Marsabit Prison	Jul 1, 2015	Jun 30, 2022	GOK	15,800,000	6,109,651	6,109,651	60

Project Details cont...

Project title	Project commence date	Expected duration of the project	Source of funds	Estimated value of project (Kshs)	Approved Estimates FY 2022/23	Actual Expenditure FY 2022/23(Khs)	Status of the project/percentage of completion
1023100146 Construction of Perimeter Wall at Kiambu Prison	Nov 11, 2018	Jun 30, 2023	GOK	13,252,000	5,474,052	5,474,052	68
1023100170 Construction of security wall Muranga women prison	Jun 13, 2018	Jun 30, 2022	GOK	15,867,424	2,000,334	2,000,334	50
1023100174 Construction of Perimeter wall at Ruiru prison	Jan 2, 2011	Jun 30, 2022	GOK	17,058,110	6,284,998	6,284,998	40
1023100218 Drilling Of Boreholes Moyale	Jul 1, 2015	Jun 30, 2022	GOK	11,000,000	5,999,900	6,000,000	50
1023100262 Refurbishment of Magereza House	Jul 1, 2023	Jun 30, 2024	GOK	96,000,000	6,998,848	6,998,848	20
1023100557 Construction of residential houses Wundanyi	2/25/08	Jun 30, 2022	GOK	14,823,715	1,999,921	1,999,921	30
1023100579 Construction of 2 staff houses at wundanyi Women	Feb 26, 2018	Jun 30, 2023	GOK	14,883,755	2,405,344	2,405,344	35
1023100583 Construction of 2 staff houses at Busia Women	Mar 5, 2018	Jun 30, 2023	GOK	6,000,858	3,153,478	3,153,478	60
1023101101 Completion of mixed block at kericho medium prison	July,1 2012	Jun 30, 2022	GOK	7,680,000	5,316,226	4,000,000	50

Project Details cont...

Project title	Project commence date	Expected duration of the project	Source of funds	Estimated value of project (Kshs)	Approved Estimates FY 2022/23	Actual Expenditure FY 2022/23(Khs)	Status of the project/percentage of completion
1023101218 Construction of Septic tank at Migori main prison	Oct 11, 2023	Jun 30, 2024	GOK	10,000,000	8,000,000	7,988,820	80
1023101312 Completion of prisoners' ward at Nyamira prison	Oct 1, 2007	May 30, 2023	GOK	50,000,000	4,318,680	4,318,680	33
1023101625 Construction of Staff Houses at Vihiga Prison	Mar 16, 2018	Jun 30, 2024	GOK	150,000,000	6,272,506	5,000,000	97
1023101633 Construction of 30 2 bedroom units @ Eldoret Main & 20 units @ Nakuru	Jul 1, 2011	Jun 30, 2023	GOK	228,159,360	17,000,000	16,226,163	85
1023101801 Prisons ICT applications and infrastructure set up	July 1,2018	June 30,2027	GOK	1,000,000,000	121,277,799	119,976,741	12
1023102803 Drilling of borehole Marsarbit Prison	Jul 1, 2023	Jun 30, 2024	GOK	12,000,000	4,000,000	4,000,000	45
1023102821 Overhaul of Sewarage System at Kibos GK Prison	Jul 1, 2023	Jun 30, 2024	GOK	50,000,000	11,500,000	11,500,000	28
1023102929 Construction of dining Eldoret main prison	Jul 3, 2015	Jun 30, 2023	GOK	6,400,000	2,000,000	2,000,000	34
1023102930 Construction of security perimeter wall Naivasha medium	May 7, 2015	Jun 30, 2022	GOK	13,213,400	6,710,000	4,547,400	34
1023102932 Construction of perimeter wall at Shimo women	Apr 5, 2016	Jun 30, 2022	GOK	13,935,965	6,591,330	6,591,330	25

Project Details cont...

Project title	Project commence date	Expected duration of the project	Source of funds	Estimated value of project (Kshs)	Approved Estimates FY 2022/23	Actual Expenditure FY 2022/23(Khs)	Status of the project/percentage of completion
1023103307 Construction Of Perimeter Fence Isiolo Prison	Jul 1, 2021	Jun 30, 2024	GOK	245,257,414	6,500,000	6,500,000	30
1023103414 Construction Of Prisoners Ward At Maralal Prison	Jul 1, 2022	Jun 30, 2024	GOK	55,791,600	2,000,000	2,000,000	40
1023103510 Construction Of Septic Tank Kapenguria Prison	1st July 2020	30/06/2024	GOK	7,000,000	2,000,000	2,000,000	10
1023103609 Construction Of Septic Tank Lodwar Prison	Aug 16, 2023	Jun 30, 2024	GOK	7,000,000	2,000,000	2,000,000	15
1023102101 Completion of Office Construction at Muranga East	Jul 30, 2013	Jun 30, 2024	GOK	32,750,000	13,683,741	12,648,634	95
1023102110 Construction of office block for the Probation offices at Kakamega	Jul 1, 2018	Jun 30, 2023	GOK	49,828,264	7,778,563	7,778,563	60
1023102104 Construction of Probation office Block Kandara Sub County	Jul 1, 2018	Jun 30, 2024	GOK	14,950,000	1,740,000	1,740,000	74
1023102111 Construction of office block and Equipping- Vihiga	Jul 1, 2018	Jun 30, 2024	GOK	34,743,000	13,169,230	13,169,230	47

Project Details cont...

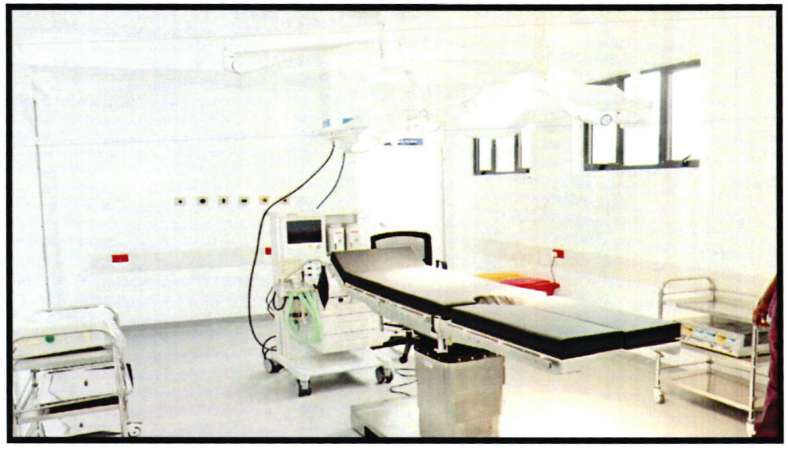
Project title	Project commence date	Expected duration of the project	Source of funds	Estimated value of project (Kshs)	Approved Estimates FY 2022/23	Actual Expenditure FY 2022/23(Khs)	Status of the project/percentage of completion
1023102001 Completion Of Hostel Construction at Siaya Girls Probation Hostel	Jan 7, 2011	Jun 30, 2023	GOK	166,582,960	13,683,741	13,683,741	74
1023102003 Construction of workshops & kitchen at Nairobi Boys probation Hostel	Jul 3, 2017	Jun 30, 2023	GOK	30,000,000	7,136,440	7,136,440	30
1023102004 Comple. of constr. of Girls ward, Kitchen & facility at NKR Hostel	Oct 30, 2016	Jun 30, 2022	GOK	30,886,561	7,000,000	6,379,179	20
1023102005 Refurbishment of facilities at Shanzu boys Probation hostel	Jul 1, 2018	Jun 30, 2023	GOK	39,000,000	8,849,870	8,849,870	80
10233900Strengthening the Prison and Probation Services, Phase II in Kenya		Dec,2022	Foreign	240,000,000	70,000,000	-	100
1023100914 Probation services Business Re-engineering	Jan 1,2022	June 30,2024	GOK	200,000,000	53,026,867	52,026,959	26.1
TOTAL FOR VOTE					505,171,870	423,071,645	

Completed Projects Gallery

Wanini Kireri Magereza Hospital









Completed Projects Gallery cont...



Perimeter wall at Ruiru prison



Perimeter Wall at Eldoret Women Prison

Mixed block at Kericho Medium Prison

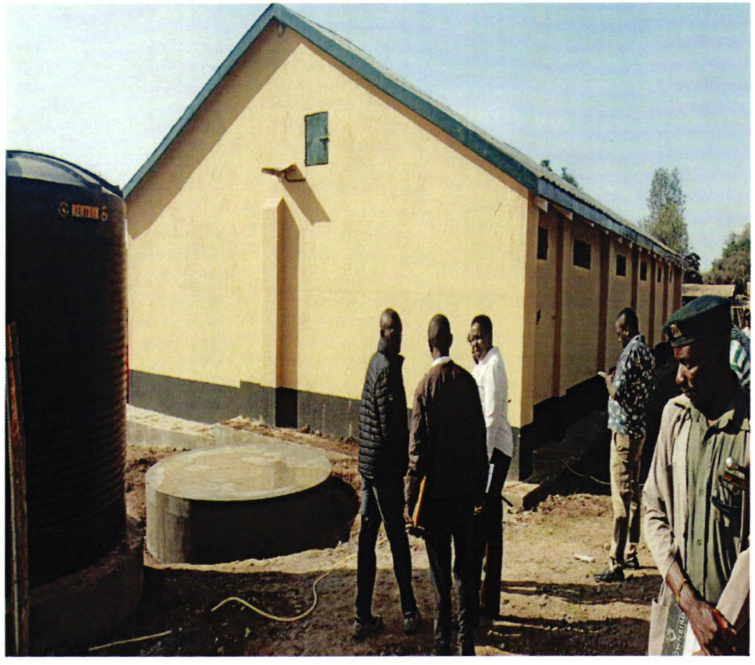






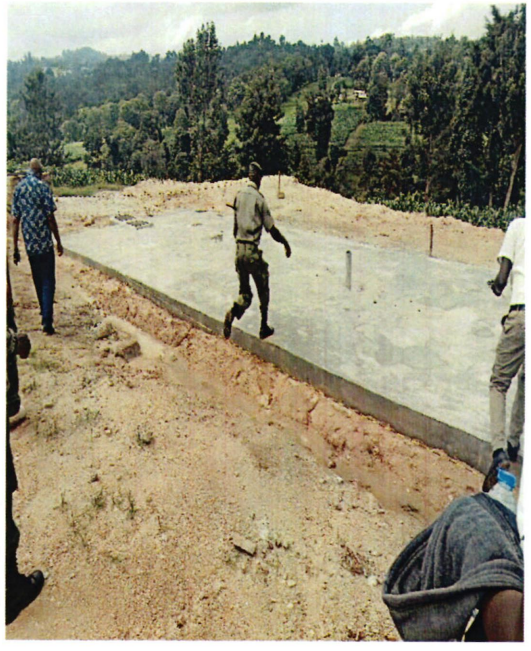
Completed Projects Gallery cont...

Prisoners Ward At Maralal Prison



Septic Tank Kapenguria Prison





1. Office Complex Opened in Murang'a Probation Station





COMPLETED CONFERENCE FACILITY AT SHANZU PROBATION TRAINING CENTRE









COMPLETED OFFICE BLOCK AT VIHIGA PROBATION OFFICE BLOCK





COMPLETED OFFICE BLOCK AT KANDARA PROBATION OFFICE





5. OTHER INFORMATION ON REALLOCATION, PENDING PAYMENTS AND LIABILITIES



Reallocations

The State Department had a reallocation in recurrent and development within the various vote heads. In Development expenditure the reallocation was to cater for previous year's pending bills. While under recurrent was to clear negatives incurred after Supplementary I Estimates deductions this is as summarized below;

Table 5: Reallocations

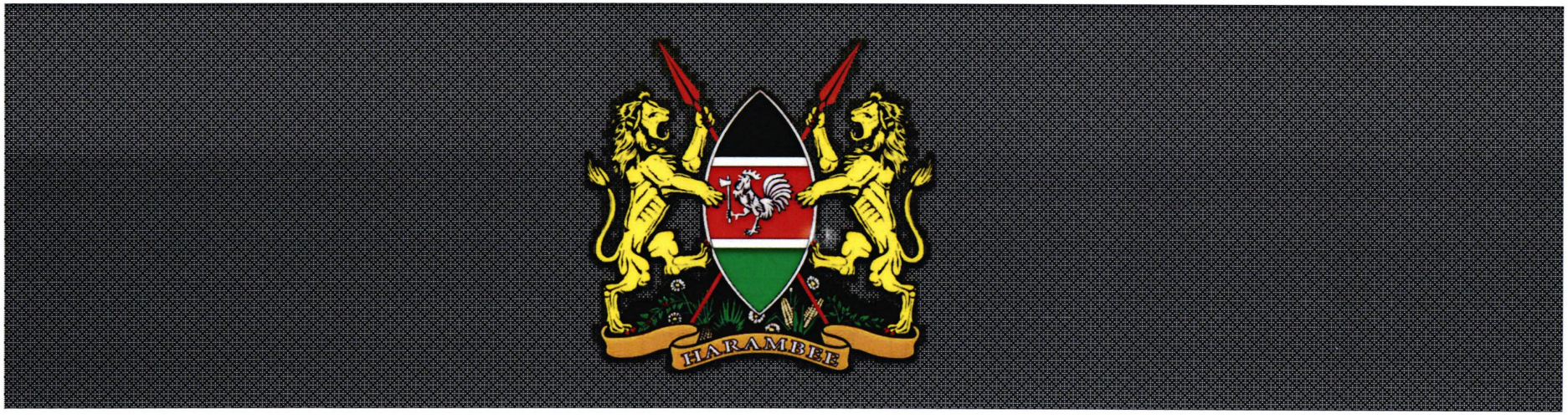
Vote	Heads	Amount in Kshs.	Remarks
Recurrent	Various	61,679,191	To cater for Recurrent Pending bills
Recurrent	Various	34,253,470	To correct negative balances
Development	Various	110,561,275	To cater for Development Pending bills

Pending Payments/Bills

- The State Department cleared its total pending bills relating to FY2021/22. The total pending bills for FY 2022/23 amounted to Kshs. 1.034 billion comprising of 175.7 million recurrent and **Kshs. 858.6 million** Development. Out of the development pending bills the largest component of **Kshs. 667.8 million** relates to Wanini Kireri Magereza Hospital.

Pending Bills	FY 2022/23 (KShs.)		Prior years (KShs.)		Total (KShs.)
Category	Recurrent	Development	Recurrent	Development	
Bills Verified and Payable	-	667,777,882	420,171,283		1,087,949,165
Bills Under Verification	175,676,873	190,854,147	5,175,009,853	131,868,236	5,673,409,109
Contested/Courts Award	-		70,673,472		70,673,472
Total	175,676,873	858,632,029	5,665,854,608	131,868,236	6,832,031,746

6. BUDGET IMPLEMENTATION STATUS 2023/24 FINANCIAL YEAR



a) Summary of Allocation Vs Absorption as at 30th October 2023

The State Department for Correctional Services allocation for FY2023/24 is;

Gross Allocation	**Kshs. 35,837,200,000**
Recurrent	shs. 34,672,200,000
Development	Kshs. 1,165,000,000

The State Department has incurred an expenditure amounting to

Total Expenditure	**Kshs. 10,946,250,015**
Recurrent	Kshs. 10,567,695,474
Development	Kshs. 378,554,541

This translates to **31 %** absorption rate.

Table 1: Summary of Budget allocation Vs Expenditure as at 30th October, 2023 (Amount in Kshs.)

VOTE :1023	Approved Estimates FY 2023/24	Actual Expenditure as at 30th October, 2023	Absorption Rate
Recurrent	34,677,200,000	10,567,695,474	30%
Development	1,095,000,000	378,554,541	35%
TOTAL	35,772,200,000	10,946,250,015	31%

Table 1: Recurrent implementation Status as at 30th October, 2023 by Economic Classification. (Amount in Kshs.)

Economic Classification	Approved Estimates FY 2023/24	Expenditure KShs.	Absorption rate
Compensation to Employees	25,463,210,000	8,135,136,219	32%
Operations and Maintenance	9,193,830,000	2,432,215,255	26%
Current Transfers to Govt. Agencies (Scholarships and other Educational Benefits)	15,160,000	344,000	2%
Total Expenditure	**34,672,200,000**	**10,567,695,474**	**30%**

Table 3: FY 2023/24 budgetary allocation vs expenditure as at 30th October, 2023 (Amount in Kshs.)

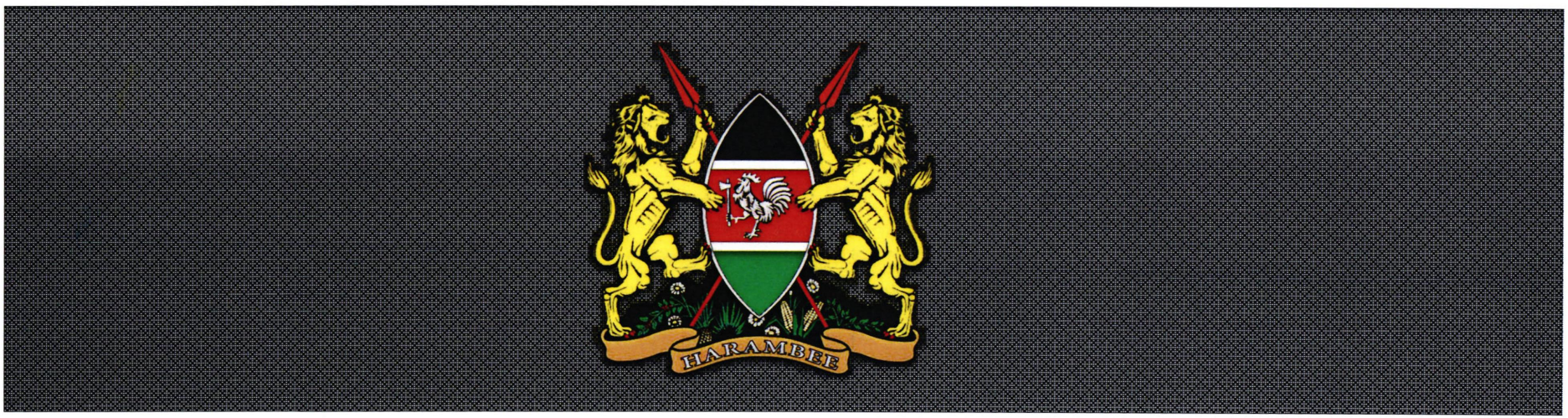
- Table 3 below summarises budgetary allocation per Programme and Sub Programme compared to the actual expenditure for the first quarters for 2023/2024 financial year

Programme/ Sub Programme	Printed Estimates FY 2023/24	Actual Expenditure as at 30th Sep. 2023	Absorption Rate
Programme 1: Prison Services	**32,820,677,583**	**10,122,180,762**	**30%**
Sub Prog. 1: Offender Services	32,107,452,934	9,905,802,026	31%
Sub Prog. 2: Capacity Development	713,224,649	216,378,736	30%
Programme :2 Probation and Aftercare Services	**2,382,768,218**	**645,564,266**	**27%**
Sub Prog. 1: Probation Services	2,122,371,006	614,003,197	29%
Sub Prog 2: Aftercare Services	260,397,212	31,561,069	12%
Programme 3: General Administration, planning and Support Services	**558,754,199**	**178,504,987**	**32%**
Sub Prog. 1 Planning, Policy coordination and Support services	558,754,199	178,504,987	32%
TOTAL	**35,837,200,000**	**10,946,250,015**	**31%**

c) Exchequer requisition vs Exchequer Receipts

VOTE :1023	Exchequer Requisition	Exchequer Receipts	Outstandings
Recurrent	7,848,496,478	6,380,370,970	1,468,125,508
Development	313,062,743	0	313,062,743
TOTAL	8,161,559,221	6,380,370,970	1,781,188,251

7. PROJECT IMPLEMENTATION STATUS FY 2023/24



PROJECT IMPLEMENTATION STATUS

Project Name (a)	Project Start Date(b)	Expected date of Completion of the project	Estimated Value of the Project	Total Funding as of 30th September 2023	Actual Expenditure as at Sep 30th September, 2023	Project completion status as at Sept 11th, 2023
0623010 Planning, Policy Coordination and Support Service						
1023101001 Acquisition of ICT applications and infrastructure set up	06/06/2015	30/6/2025	269,631,043	12,000,000	-	14.49%
0627010 Offender Services						
1023100105 Construction of perimeter wall Malindi	14/04/2018	30/06/2025	46,000,000	13,204,134	-	33%
1023100108 Construction of perimeter wall Hindi	06/06/2017	30/06/2025	28,000,000	6,900,000	-	63%
1023100109 Construction of perimeter wall Wajir	01/08/2013	30/06/2025	23,500,000	2,345,171	-	58%
1023100113 Completion of Perimeter Wall at Eldoret Women Prison	07/01/2009	30/06/2026	20,500,000	13,999,935	13,997,573.00	100%
1023100114 Completion of Gate Lodge at Garissa Medium Prison	01/01/2013	30/06/2024	15,500,000	8,600,799	-	12.26%
1023100116 Completion Gate Lodge (Duty Office, Documentation) at Kehancha Prison	05/03/2015	30/06/2024	6,000,000	4,100,000	-	31.67%
1023100117 Completion of Main Gate at Kerugoya Prison	07/01/2013	30/06/2025	21,400,000	5,049,723	-	6.5%
1023100118 Completion of phase 1 Perimeter Wall at Kilifi Prison	07/01/2015	30/6/2025	22,228,819	4,702,068	-	49%

PROJECT IMPLEMENTATION STATUS CONT...

Project Name (a)	Project Start Date(b)	Expected date of Completion of the project	Estimated Value of the Project	Total Funding as of 30th September 2023	Actual Expenditure as at Sep 30th September, 2023	Project completion status as at Sept 11th, 2023
1023100122 Completion of Gate Lodge, Armoury &Duty Office at Nyeri Medium Prison	07/01/2013	30/06/2024	6,000,000	1,925,000	-	35%
1023100125 Construction of Perimeter wall Shimo Medium Prison	01/06/2016	30/06/2022	18,030,000	3,210,107	-	53%
1023100128 Construction of Watch towers and main gate at Bomet Prison	07/01/2017	30/06/2024	2,000,000	980,000	-	-
1023100135 Construction of perimeter walls Marsabit Prison	02/05/2020	30/06/2024	17,810,000	2,436,873	-	60%
1023100147 Construction of horse stables at Kamiti Medium	07/01/2022	30/06/2024	4,000,000	4,000,000	-	-
1023100170 Construction of security wall Muranga women prison	13/06/2018	30/6/2025	17,870,000	7,363,437	-	50%
1023100185 Construction of storeyed wards & admin offices Meru main prison	22/10/2010	30/06/2024	17,900,000	6,000,000	-	56%
1023100188 Construction of mixed block at Rachuonyo prison	06/07/2014	30/06/2024	9,000,000	4,000,000	-	56%
1023100196 Construction of reception block and armory at Nyandarua prison	2009/10	30/06/2024	5,000,000	2,500,000	-	50%
1023100214 Completion of Borehole Nyahururu	19/11/2018	30/06/2024	12,060,845	1,693,695	-	74%
1023100218 Drilling of Boreholes Moyale	07/02/2015	30/06/2025	12,200,000	2,038,529	-	50%
1023100226 Construction of new prison Loitoktok	30/11/2013	30/06/2026	55,500,000	12,500,000	-	74%
1023100229 Construction of Dining hall Embu	04/06/2016	30/06/2024	4,930,140	2,430,140	-	40%
1023100233 Construction of Dining hall Kisumu	07/01/2011	30/06/2024	5,000,000	1,250,000	-	50%
1023100241 Construction of Dining hall Narok	30/8/2013	30/06/2024	3,200,000	1,500,000	-	50%
1023100246 Construction of Dining hall Thika	03/01/2013	30/06/2024	10,800,000	8,300,000	-	75%

PROJECT IMPLEMENTATION STATUS CONT...

Project Name (a)	Project Start Date(b)	Expected date of Completion of the project	Estimated Value of the Project	Total Funding as of 30th September 2023	Actual Expenditure as at Sep 30th September, 2023	Project completion status as at Sept 11th, 2023
1023100246 Construction of Dining hall Thika	03/01/2013	30/06/2024	10,800,000	8,300,000	-	68
1023100261 Construct of phase1 Hall, Offices & Ablution Block @ Regional Cmdr RV	03/10/2018	30/06/2024	6,620,462	760,000	-	23.1
1023100262 Refurbishment of Magereza House	30/06/2020	30/06/2025	131,000,000	42,995,391	-	28%
1023100264 Construction of New Prison at Thika Women	11/01/2011	30/6/2026	25,050,000	16,111,093	-	27%
1023100265 Completion of Prioners Ward at Tambach Prison	11/01/2011	30/06/2024	31,800,000	11,900,000	-	15%
1023100267 Refurbishment of Hostels at Shimo Bi	05/02/2006	30/06/2024	3,000,000	-	-	67%
1023100268 Completion Women Block at Makueni Prison	01/02/2013	30/06/2024	8,113,080	4,043,080	-	
1023100329 Construction of Prison Industry Embu Women Prison	23/11/2012	30/06/2025	12,500,000	9,000,000	-	50%
1023100587 Construction of 2 staff houses at Shimo B. I	07/01/2016	30/06/2024	5,000,000	600,000	-	-
1023100593 Construction of a Storeyed Staff Houses Meru Main Prison	08/05/2011	30/06/2024	17,900,000	6,000,000	-	16%
1023100703 Construction of Classrooms Shimo Medium	05/04/2016	30/06/2024	2,000,000	1,000,000	-	-
1023100704 Construction of Classrooms Kangeta	05/04/2016	30/06/2024	2,000,000	1,000,000	-	-
1023101101 Completion of mixed block at kericho medium prison	16/7/2016	30/6/2025	16,374,000	8,090,000	-	50%

PROJECT IMPLEMENTATION STATUS CONT...

Project Name (a)	Project Start Date(b)	Expected date of Completion of the project	Estimated Value of the Project	Total Funding as of 30th September 2023	Actual Expenditure as at Sep 30th September, 2023	Project completion status as at Sept 11th, 2023
1023101207 Completion of phase I Perimeter Wall at Kwale Prison	07/02/2015	30/06/2024	41,943,030	13,000,000	-	12%
1023101208 Construction of Perimeter walls at Mandera Prison	08/01/2014	30/06/2024	30,383,590	27,883,590	27,804,597.00	100%
1023101221 Construction of gate lodge at Kabarnet	08/01/2024	30/06/2026	26,000,000	4,000,000	-	-
1023101222 Completion of administration block at Murang'a main prison	06/06/2013	30/06/2024	4,634,069	3,134,069	-	32%
1023101230 Completion of administration block at Nyandarua main prison	2015/16	30/06/2024	5,000,000	2,000,000	-	-
1023101312 Completion of prisoners' ward at Nyamira prison	30/11/2013	30/06/2024	54,320,000	14,400,000	-	36%
1023101313 Completion of prisoners' ward at Vihiga	25/5/2016	30/06/2024	5,540,000	4,040,000	-	33%
1023101328 Construction of a Septic Tank at Kaloleni Prison	22/11/2018	30/06/2025	12,000,000	8,000,000	-	-
1023101329 Construction of a Septic Tank at Makueni Women Prison	22/11/2019	30/06/2024	6,500,000	6,500,000	-	-
1023101339 Construction of a Health Facility at Athi River(Kitengela)Prisons	01/07/2014	30/06/2024	20,000,000	5,214,473	-	-
1023101347 Completion of a Ration Store at Kakamega prisons	13/01/2014	30/06/2024	9,206,160	4,255,832	-	20
1023101351 Complete Borehole @ Kitui Prison,O'haul of NAIROBI WEST PRISON BOREHO	07/01/2022	30/06/2024	8,020,000	2,530,000	-	32
1023101352 Construction/Renova'n of Duty office,main store, Remand block-Kerugoya	2012/2013	30/06/2024	3,500,000	2,500,000	-	36
1023101403 Tea buying center at uruku prison	01/06/2015	30/06/2024	3,500,000	2,000,000	-	28

PROJECT IMPLEMENTATION STATUS CONT...

Project Name (a)	Project Start Date(b)	Expected date of Completion of the project	Estimated Value of the Project	Total Funding as of 30th September 2023	Actual Expenditure as at Sep 30th September, 2023	Project completion status as at Sept 11th, 2023
1023101505 Construction of Prison Industry Workshop at Busia Prison	02/12/2016	30/06/2024	10,000,000	5,300,000	-	47%
1023101509 Construction of Prison Industry Work Shop at Kabarnet Prison	01/05/2016	30/06/2024	10,000,000	8,000,000	-	20%
1023101510 Construction of Prison Industry Work Shop at Rachuonyo Prison	15/06/2016	30/06/2024	9,500,000	9,300,000	-	5.0%
1023101516 Construction of a Showroom at Nyeri Main	01/06/2016	30/06/2024	6,074,336	5,774,336	-	5.0%
1023101625 Construction of Staff Houses at Vihiga Prison	16/03/2018	30/06/2025	150,000,000	8,900,000	-	97%
1023101631 Construction of 4 self contained staff housing units at Jamhuri ss	20/01/2014	30/06/2024	4,500,000	2,500,000	-	-
1023101633 Construction of 30 2-bedroom units @ Eldoret Main & 20 units @ Nakuru	07/01/2006	30/06/2025	244,480,000	17,000,000	-	85%
1023101801 Prisons ICT applications and infrastructure set up	06/06/2015	30/06/2027	2,800,000,000	85,410,107	74,530,401.00	12%
1023102802 Completion of documentation and property store at Kangeta prison	01/01/2013	30/06/2024	10,000,000	7,500,000	-	-
1023102803 Drilling of borehole Marsarbit Prison	30/6/2021	30/06/2024	14,950,277	14,950,277	-	45
1023102804 Completion of Ablution Block at Sotik Prisom	05/01/2013	30/06/2024	1,308,000	1,008,000	-	-
1023102808 Proposed Multipurpose Hall at Manyani GK Prison	09/10/2014	30/06/2024	7,801,750	5,001,750	-	22.9%
1023102810 Completion of Kitchen Embu Main Prison	14/05/2017	30/06/2024	4,141,590	2,141,590	-	36%

PROJECT IMPLEMENTATION STATUS CONT...

Project Name (a)	Project Start Date(b)	Expected date of Completion of the project	Estimated Value of the Project	Total Funding as of 30th September 2023	Actual Expenditure as at Sep 30th September, 2023	Project completion status as at Sept 11th, 2023
1023102814 Construction of prisoner's multipurpose hall at Kibos maximum prison	30/11/2011	30/06/2024	6,100,000	3,600,000	-	41%
1023102816 Construction of two Classrooms at Kamae	05/05/2020	31/06/2024	9,000,000	3,000,000	-	63%
1023102818 Sports Residential Camp regional commander central Facility (Nyeri)	30/06/2012	30/06/2024	4,814,250	400,000	-	80%
1023102821 Overhaul of Sewarage System at Kibos GK Prison(repetition)	07/01/2020	30/06/2025	58,960,000	39,529,400	-	75%
1023102901 Construction of six one bedroomed staff houses Manyani GK Prison	07/01/2011	30/06/2024	12,900,000	4,700,000	-	-
1023102902 Construction of Armoury, Security Office & Guard Room Block Voi GK Pr	22/2/2018	30/06/2024	6,149,238	4,249,238	-	64%
1023102907 Construction of a perimter fence Maranjau Prison	04/05/2016	30/06/2024	18,200,000	10,000,000	-	31%
1023102908 Construction of two (2) staff houses Maranjau Prison	03/07/2014	30/06/2024	4,735,700	-	-	16%
1023102910 Construction of water tank Shikusa BI	2012/2013	30/06/2024	7,000,000	-	-	76%
1023102913 Construction of a Septic Tank Kwale Prison	04/08/2016	30/06/2024	1,200,000	-	-	46%
1023102918 Construction of a Dinning, Kitchen Area & Cold Room Shimo Borstal	07/01/2009	30/06/2024	16,000,000	4,500,000	-	76%
1023102919 Construction of a Perimeter Wall at Taveta GK Prison	12/02/2010	30/06/2024	4,800,000	2,800,000	-	46%
1023102922 Construction of Dining hall Kitale main Prison	11/12/2015	30/06/2024	7,500,000	2,750,000	-	42%
1023102929 Construction of dining Eldoret main prison	03/07/2015	30/06/2025	11,400,000	6,007,727	-	72%
1023102930 Construction of security perimeter wall Naivasha medium	05/07/2015	30/06/2025	18,990,478	2,200,000	-	41%
1023102932 Construction of perimeter wall at Shimo women	04/05/2016	30/06/2025	17,460,000	5,311,780	-	-

PROJECT IMPLEMENTATION STATUS CONT...

Project Name (a)	Project Start Date(b)	Expected date of Completion of the project	Estimated Value of the Project	Total Funding as of 30th September 2023	Actual Expenditure as at Sep 30th September, 2023	Project completion status as at Sept 11th, 2023
1023103307 Construction Of Perimeter Fence Isiolo Prison	10/11/2023	30/06/2025	27,468,014	27,468,014	-	30
1023103414 Construction Of Prisoners Ward At Maralal Prison	30/06/2012	30/06/2025	18,210,000	6,928,504	5,542,805.00	40
1023103501 Construction of Administration Block At Regional Commander Nyanza	01/07/2020	30/06/2026	26,300,000	13,225,526	-	-
1023103609 Construction Of Septic Tank Lodwar Prison	07/01/2020	30/06/2025	6,970,695	6,970,695	-	15
1023103710 Construction Of Ratio Store At Kisumu Medium Prison	02/05/2020	30/06/2025	9,000,000	3,340,950	-	-
1023104001 Construction of Magereza Level 4 Referral Hospital	29/10/2021	30/06/2025	1,200,000,000	216,709,738	216,709,738.00	100.00
0628010 Probation Services						
1023100914 Automation of probation services	07/01/2017	30/06/2024	200,000,000	56,001,100	31,989,840.00	57.12
1023100922 Construction of Probation office block for County director at Busia	07/03/2017	30/06/2024	9,000,000	3,696,730	-	59%
1023102101 Completion of office Construction at Murang﷼a East	30/7/2013	30/06/2026	36,660,000	3,913,959	-	95

PROJECT IMPLEMENTATION STATUS CONT...

Project Name (a)	Project Start Date(b)	Expected date of Completion of the project	Estimated Value of the Project	Total Funding as of 30th September 2023	Actual Expenditure as at Sep 30th September, 2023	Project completion status as at Sept 11th, 2023
1023102104 Construction of Probation office block at Kandara (Sub County)	07/01/2018	30/06/2024	14,948,340	3,866,118	-	100
1023102110 Construction of office block for the Probation offices at Kakamega	07/01/2018	30/06/2025	50,110,000	16,776,487	-	60
1023102111 Construction of office block and equipping at Vihiga	07/01/2018	30/06/2024	34,005,333	5,195,475	-	100
1023102113 Refurbishment and equipping of the HQs offices at Probation HQs	07/01/2018	30/06/2024	47,982,110	15,000,000	-	-
1023102114 Renovations of leaking roof and refurbishment works at Molo	07/01/2018	30/06/2024	4,500,000	3,000,000	-	80
1023102118 Extension of office space for county and equipping at Nyamira	07/01/2013	30/06/2025	30,318,990	8,864,292	-	-
0628020 After Care Services						
1023102001 Completion of Hostel Construction at Siaya Girls Probation Hostel	01/07/2011	30/06/2026	166,680,000	34,269,109	-	-
1023102003 Construction of workshops & kitchen at Nairobi Boys probation Hostel	07/03/2017	30/06/2024	48,865,179	23,988,501	2,282,281.00	9.51
1023102004 Comple. of constr. of Girls ward, Kitchen & facility at NKR Hostel	30/10/2016	30/06/2024	71,490,000	27,818,098	-	20
1023102005 Refurbishment of facilities at Shanzu boys Probation hostel	07/01/2018	30/06/2026	39,000,000	18,110,130	-	80
TOTAL FOR VOTE D1023 State Department for Correctional Services			**8,136,079,662**	**1,095,000,000.00**	**372,857,235.00**	

Photo Gallery

1. Ground Breaking Chandaria Meru Prison work Shop

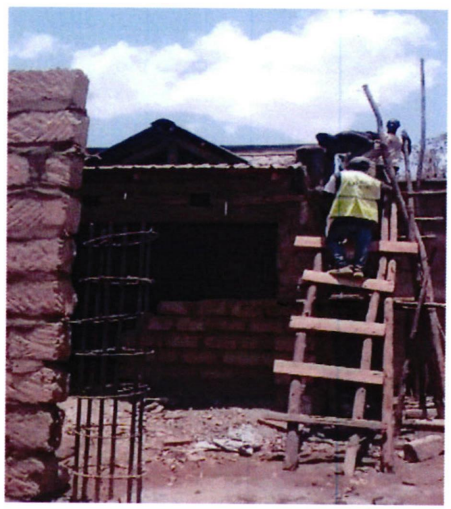


Ongoing Construction of Perimeter wall Hindi





Isiolo Perimeter wall



Isiolo Gate lodge



Isiolo Prisoners' ward

Photo Gallery

Ground Breaking of Hobbies and Handcraft workshop in Nanyuki Prison





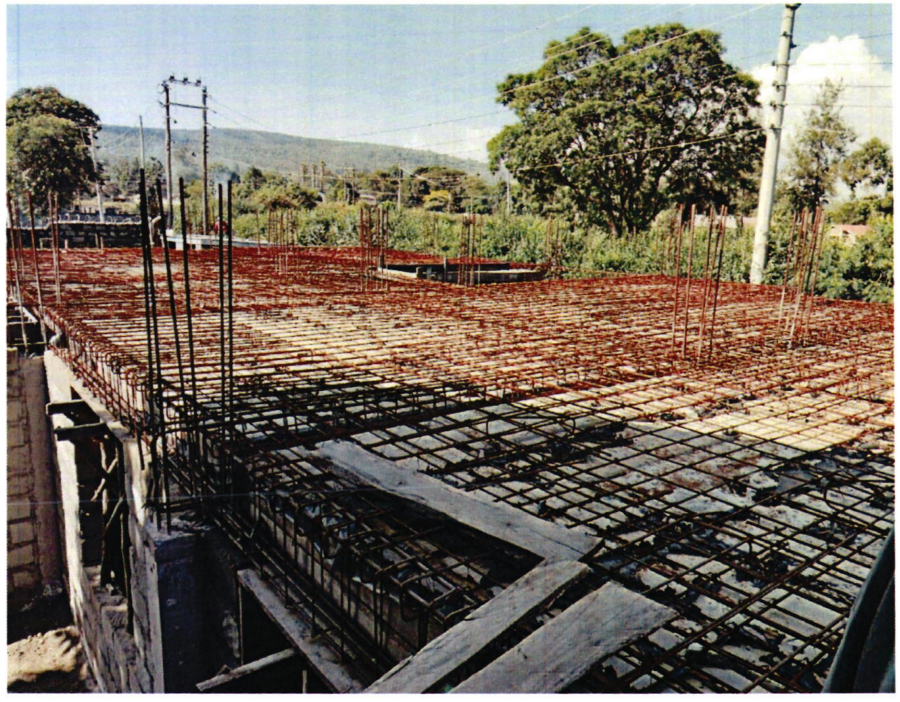
ONGOING PROJECT AT KAKAMENGA PROBATION OFFICE





ONGOING PROJECT AT NAKURU GIRLS PROBATION HOSTEL





8. PENDING BILLS AND COURT AWARDS



PENDING BILLS AND COURT AWARD STATUS

- The State Department's Pending bills relating to FY 2022/23 amounts to **Kshs. 366,531,019.85** of which **Kshs. 175,676,873.00** related to recurrent expenditures while **Kshs. 190,854,147.00** is development. Approval to reallocate funds under Development budget has been granted by the National to cater for the pending awaiting regularization in the Supplementary Estimates 1 of FY 2023/24. FY 2022/23 pending bills have been verified and payment is in process.
- Under development prior years pending bills **Kshs. 677,777,882** relates to Wanini Kireri Magereza Hosiptal out of which **Kshs. 216,709,738** has been processed for payment awaiting for exchequer release. The State Department has requested for additional funding to cater for the outstanding amount.
- A historical pending bills committee has been established to verify the bills.

9. NON- FINANCIAL PERFORMANCE FY 2023/24



NON-FINANCIAL PERFORMANCE FOR FY 2023/24

	Delivery unit	Key outputs	Key Performance Indicators	Target 2023/2024	Actual Q1	Variance	Remarks
Programme 1: Prison Services							
Outcome: Supervised, rehabilitated and re-integrated non-custodial offenders and expeditious administration of justice							
0627010SP 1.1 Offender services	1023001900 Headquarters Administrative Services -Prisons	Containment services	No. of penal facilities supervised	137	134	(3)	These were the only gazetted prisons
			No. of inmates provided with uniforms and clothing	57,000	-	(57,000)	To be reported in subsequent quarters
			No. of inmates provided with medical services	57,000	62,539	5,539	To be reported in subsequent quarters
			No. energy saving jikos acquired	150	-	(150)	To be reported in subsequent quarters
			No. of inmates provided with feeding pans	15,000	-	(15,000)	To be reported in subsequent quarters
			No. of inmates provided with beddings	56,000	-	(56,000)	To be reported in subsequent quarters

NON-FINANCIAL PERFORMANCE FOR FY 2023/24 CONT.

	Delivery unit	Key outputs	Key Performance Indicators	Target 2023/2024	Actual Q1	Variance	Remarks
0627010SP 1.1 Offender services	1023001900 Headquarters Administrative Services -Prisons	Staff welfare services	No of assorted security equipment acquired	5,000	-	(5,000)	To be reported in subsquent quarters
			No of staff provided with medical insurance cover	32,202	32,202	-	All staff covered
		Custodial offender rehabilitation services	No. of prison officers kitted	10,000	-	(10,000)	To be reported in subsquent quarters
			% of offenders offered spiritual service	100	100	-	Target achieved
			No. of offenders offered psychological counselling service	34,000	10,000	(24,000)	ongoing
			No. of offenders offered vocational training	8,500	5,913	(2,587)	ongoing
			No of inmates offered formal education	6,200	3,659	(2,541)	ongoing
			No. of inmates registered for KCPE	760	880	120	target over achieved
			No. of inmates registered for KCSE	120	104	(16)	All qualified candidates registered

NON-FINANCIAL PERFORMANCE FOR FY 2023/24 CONT.

	Delivery unit	Key outputs	Key Performance Indicators	Target 2023/2024	Actual Q1	Variance	Remarks
0627010SP 1.1 Offender services	1023002400 Maximum & High-Risk Prisons	Offender containment services	Average daily no of high-risk inmates contained in humane and safe custody	26,000	25,043	(957)	All inmates committed to prisons
	1023002500 Medium & Other Districts Prisons		Average daily no. of medium risk inmates contained in humane and safe custody	30,000	37,496	7,496	Target over achieved
	1023002300 Regional Commands	Regional command coordination services	No. of counties supervised by Regional Commanders	47	47	-	Target achieved
	1023002400 Maximum & High-Risk Prisons	Administration of criminal justice services	No. of production orders and warrants for high-risk inmates/remandees received and effected	150,000	50,184	(99,816)	All court production orders executed
	1023002500 Medium & Other Districts Prisons		No. of production orders and warrants for medium risk inmates/remandees received and effected	355,000	100,074	(254,926)	These were the only court production orders
	1023000500 Borstals/YCTC Institutions	Borstal services	No. of Borstal boys and girls undertaken treatment programme	870	417	(453)	These were the boys and girls committed in BI

NON-FINANCIAL PERFORMANCE FOR FY 2023/24 CONT.

	Delivery unit	Key outputs	Key Performance Indicators	Target 2023/2024	Actual Q1	Variance	Remarks
0627010SP 1.1 Offender services		YCTC services	No. of YCTC boys undertaken treatment programme	130	33	(97)	These were the boys and girls committed YCTC
	1023100100 Security in Penal Facilities	Penal facilities services	No. of perimeter /security walls constructed	31	-	(31)	To be implemented in the subsequent quarters
			No. of main Gate /gate lodges and armouries constructed	14	-	(14)	To be implemented in the subsequent quarters
	1023100200 Security in Penal Facilities		No. of stations supplied with assorted security equipment's	5	-	(5)	To be implemented in the subsequent quarters
	1023101300 constructions of penal facilities		No. of health facilities constructed	8	-	(8)	To be implemented in the subsequent quarters
			No. of Administration blocks constructed	5	-	(5)	To be implemented in the subsequent quarters
			No of Prisoner ward /mixed blocks/hostels constructed	15	-	(15)	To be implemented in the subsequent quarters
	1023100600 Staff houses		Number of staff houses constructed	15	-	(15)	To be implemented in the subsequent quarters

NON-FINANCIAL PERFORMANCE FOR FY 2023/24 CONT.

	Delivery unit	Key outputs	Key Performance Indicators	Target 2023/2024	Actual Q1	Variance	Remarks
0627010SP 1.1 Offender services			No. of Kitchen and Dining halls constructed	15	-	(15)	To be implemented in the subsequent quarters
			No. of stations provided with water and sanitation facilities	18	-	(18)	To be implemented in the subsequent quarters
	1023101300 construction of penal facilities		No. of Prison ward/mixed blocks/hostels constructed	20		(20)	To be implemented in the subsequent quarters
			No. of prison farms provided with modern equipment and tools	22	-	(22)	To be implemented in the subsequent quarters
			No of stations provided with pedigree breeding livestock	5			To be implemented in the subsequent quarters
		Prison farm stores and industries services	No. of prison industries workshop and showrooms constructed	19	-	(19)	To be implemented in the subsequent quarters

NON-FINANCIAL PERFORMANCE FOR FY 2023/24 CONT.

	Delivery unit	Key outputs	Key Performance Indicators	Target 2023/2024	Actual Q1	Variance	Remarks
0627010SP 1.1 Offender services			No. of prison industries provided with modern equipment and tools	5	-	(5)	To be implemented in the subsequent quarters
		Staff capacity development	No. of prisons officers trained	-	2,000	2,000	ongoing
0628010 SP 2.1: Probation Services	**Programme 2: Probation and Aftercare Services**						
	Outcome: Supervised, rehabilitated and re-integrated non-custodial offenders and expeditious administration of justice						
	1023001000 County Probation Services	Facilitate Administration of criminal justice services	% Reports presented to High courts and Courts of appeal	100	100	-	The target was achieved. 1979 cases were presented to high court and court of appeal
			No. of reports prepared and submitted to power of mercy advisory committee	120	30	(90)	The quarter target was achieved

NON-FINANCIAL PERFORMANCE FOR FY 2023/24 CONT.

	Delivery unit	Key outputs	Key Performance Indicators	Target 2023/2024	Actual Q1	Variance	Remarks
0628010 SP 2.1: Probation Services			No of power of mercy pardonees supervised	110	26	(84)	The quarter target was achieved
	1023001100 Sub County Probation Services	Facilitate Administration of criminal justice services	No. of reports generated and submitted to courts and penal institutions	58000	17022	(40,978)	The target for the quarter was achieved.
		Non- custodial offender supervision services	No. of offenders under Probation orders supervised	40000	25228	(14,772)	The target for the quarter was over achieved due to increased application of non – custodial sentencing options by courts
	1023001200 Community Service Orders	Non- custodial offender supervision services	No. of offenders serving community services order supervised	40000	24124	(15,124)	The target for the quarter was over achieved due to increased application of non – custodial sentencing options by courts
	1023001100 Sub County Probation Services	Non- custodial offender rehabilitation services	No. of non-custodial offenders rehabilitated	20000	49352	29,352	The target was over-achieved

NON-FINANCIAL PERFORMANCE FOR FY 2023/24 CONT.

	Delivery unit	Key outputs	Key Performance Indicators	Target 2023/2024	Actual Q1	Variance	Remarks
0628010 SP 2.1: Probation Services	1023001200 Community Service Orders	Non- custodial offender supervision services	No. of offenders serving community services order supervised	40000	24124	(15,124)	The target for the quarter was achieved due to increased utilization of CSO programmes by courts
	1023001100 Sub County Probation Services	Non- custodial offender rehabilitation services	No. of non-custodial offenders rehabilitated	20000	49352	29,352	The quarter target was over-achieved since more offenders required rehabilitation services
			No. of Probation officers trained	400	34	(364)	The target was not achieved due to inadequate funds. To be prioritized in the next quarter.
			No. of evidence-based offender rehabilitation and treatment programmes procured	4	-	(4)	The target will be achieved in the next subsequent quarters.
			No. of computers and accessories procured	600	-	(600)	The target will be achieved in the next subsequent quarters
			No of sets of furniture procured for newly recruited probation officers	600	-	(600)	The target will be achieved in the next subsequent quarters
	10232001400 Community Service Orders Secretariat	Community Service Orders co-ordination services	No. of workshops/ consultative meetings held with stakeholders	12	3	(9)	The quarter target was achieved

NON-FINANCIAL PERFORMANCE FOR FY 2023/24 CONT.

	Delivery unit	Key outputs	Key Performance Indicators	Target 2023/2024	Actual Q1	Variance	Remarks
0628010 SP 2.1: Probation Services	10232002200 Regional probation services	Regional supervision of probation services	No. of counties with probation services supervised	47	47	NIL	The target was achieved.
	1023102100 Construction of Probation office blocks	Office accommodation Services	No. of office blocks constructed	8	1	(7)	One project was completed (Muranga Probation Office)
0628020 SP 2.2: Aftercare Services	1023000900 Probation Hostels	Probation Hostel services	No. of probationers provided with temporarily accommodation	450	157	(293)	The target for the quarter was achieved
			No of ex-offenders provided with vocational training	800	227	(573)	The target for the quarter was achieved
			No. of hostels infrastructure constructed	4	-	-	The target will be achieved in the next subsequent quarters.
			No. of probationers from probation hostels reintegrated	250	48	(202)	The target will be achieved in the next subsequent quarters
			No. of ex-offenders provided with tools and other equipment	150	-	-	The target will be achieved in the next subsequent quarters

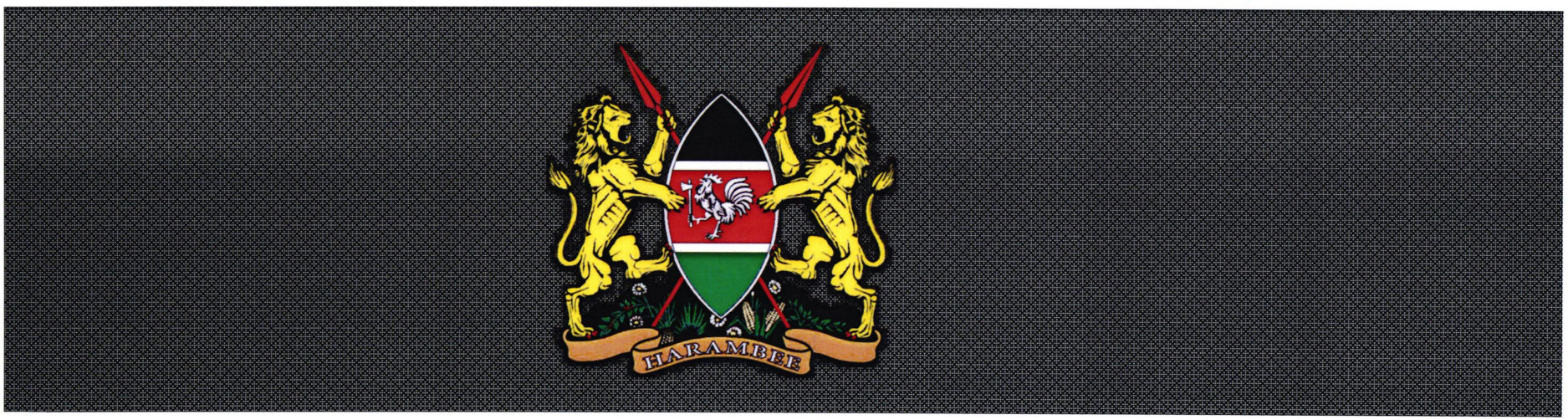
NON-FINANCIAL PERFORMANCE FOR FY 2023/24 CONT.

	Delivery unit	Key outputs	Key Performance Indicators	Target 2023/2024	Actual Q1	Variance	Remarks
0628020 SP 2.2: Aftercare Services	10232002200 Regional probation services		No. of School going ex – offenders supported with formal educational	450	382	(68)	The target was over-achieved since there was adequate budgetary provisions
	1023102100 Construction of Probation office blocks	Community focused care model implemented	% level of implementation of the developed care model	100	100	100	The target was achieved
SP 3.1 0623010 Planning Policy Coordination and Support Services	102300160 General Administrative services- Coordination	Policy coordination and Administration services	No. of policies formulated and submitted to cabinet	1	0	(1)	To be reported in subsequent quarters
			No. of cross cutting government policies Implemented	9	0	(9)	To be reported in subsequent quarters
		Planning services	No. of monitoring and evaluation reports	4	1	(3)	Target for the quarter achieved
	1023001700 Development Planning Services- Coordination		No. of Performance contract reports	4	1	(3)	Target for the quarter achieved

NON-FINANCIAL PERFORMANCE FOR FY 2023/24 CONT.

	Delivery unit	Key outputs	Key Performance Indicators	Target 2023/2024	Actual Q1	Variance	Remarks
0628020 SP 2.2: Aftercare Services	1023001800 Integrated Correctional services Reform	Land Reform services	No. of title deeds acquired	10	3	(7)	To be reported in subsequent quarters
			No. of parcels documented	24	14	(10)	To be reported in subsequent quarters
SP 3.1 0623010 Planning Policy Coordination and Support Services			Number of parcels surveyed	15	8	(7)	To be reported in subsequent quarters
			No. of Part Development Plan (PDPs) prepared	60	32	(28)	To be reported in subsequent quarters
			No. of grabbed parcels of land repossessed	74	30	(44)	Court Cases ongoing

10.SUPPLEMENTARY ESTIMATES NO. 1 FY 2023/24



Summary of Allocation Vs Proposed Supplementary Estimates No. 1 FY 2023/24

- The State Department for Correctional Services allocation for FY2023/24 has a approved Gross Allocation of **Kshs. 35,837,200,000** while the proposed Supplementary Estimates No 1 of FY 2023/24 is **Kshs 35,545,709,043** giving a net amendment of **(Kshs. 291,490,957).**
- The total approved recurrent allocation is **Kshs. 34,672,200,000** while under the proposed **FY 2023/24 supplementary No1** the recurrent Budget is **Kshs. 34,850,709,043** giving a net change of Kshs 178,509,043 which is attributed to an increase in Personnel Emoluments Amounting to **Kshs. 222,800,000** however, under Operations and Maintenance (O&M) there is a decrease amounting to **Kshs. 44,290,957.**
- The Development approved Estimates for FY 2023/24 amounts to **Kshs. 1,165,000,000** while proposed Supplementary Estimates No1 of FY 2023/24 is **Kshs 695,000,000** giving a net Change of **(Kshs. 400,000,000)**

Programmes/ Projects Affected by the Proposed Supplementary Estimates 1 FY 2023/24

a. Programmes

The Table below shows a summary of programmes affected by supplementary Estimates No. 1 in

Programme/ Sub Programme	Approved Estimates FY 2023/24	Proposed Supplementary Estimates No. 1 FY 2023/24	Net Change
Programme 1: Prison Services	**32,820,677,583**	**32,663,851,338**	**(156,826,245)**
Sub Prog. 1: Offender Services	32,107,452,934	31,953,426,849	(154,026,085)
Sub Prog. 2: Capacity Development	713,224,649	710,424,489	(2,800,160)
Programme :2 Probation and Aftercare Services	**2,456,268,218**	**2,316,707,933**	**(139,560,285)**
Sub Prog. 1: Probation Services	2,192,371,006	2,094,991,530	(97,379,476)
Sub Prog 2: Aftercare Services	263,897,212	221,716,403	(42,180,809)
Programme 3: General Administration, planning and Support Services	**560,254,199**	**565,149,772**	**4,895,573**
Sub Prog. 1 Planning, Policy coordination and Support services	560,254,199	565,149,772	4,895,573
TOTAL	35,837,200,000	35,545,709,043	(291,490,957

Economic Classification

The Table below shows a summary Supplementary Estimates No. 1 by economic classification in comparison to the Approved Estimates FY 2023/24

Economic Classification	Approved Estimates FY 2023/24	Proposed Supplementary Estimates No. 1 FY 2023/24	Net Change
Current Expenditure	**34,672,200,000**	**34,850,709,043**	**178,509,043**
Compensation to Employees	25,463,210,000	25,686,010,000	222,800,000
Use of Goods and Services	9,041,778,775	9,013,626,608	(28,152,167)
Current Transfers to Govt. Agencies	15,160,000	15,160,000	0
Other Recurrent	152,051,225	135,912,435	(16,138,790)
Capital Expenditure	**1,165,000,000**	**695,000,000**	**(470,000,000)**
Acquisition of Non-Financial Assets	1,095,000,000	695,000,000	(400,000,000)
Other Development	70,000,000	0	(70,000,000)
Total Expenditure	**35,837,200,000**	**35,545,709,043**	**(291,490,957)**

2. Programmes/Projects Affected by the Proposed Supplementary Estimates 1 FY 2023/24 cont...

b. Projects

The Table below shows a summary supplementary Estimates No. 1 by project comparison to the Approved Estimates FY 2023/24

Project Name	Approved Estimates FY 2023/24	Proposed Supplementary Estimates No. 1 FY 2023/24	Net Change
1023100100 Security in Penal Facilities	105,124,904	35,207,521	(69,917,383)
1023100200 Construction of Penal Facilities - 1	117,255,177	50,575,153	(66,680,024)
1023100300 Irrigation and Modernization of Prison Farms	10,500,000	0	(10,500,000)
1023100500 Prison Staff Housing	49,838,374	0	(49,838,374)
1023100700 Modernization of Penal Training Facilities	8,049,500	0	(8,049,500)
1023100900 Probation Office accommodation	59,697,830	50,267,244	(9,430,586)
1023101000 Acquisition of ICT applications and infrastructure set up	12,000,000	0	(12,000,000)
1023101100 Construction of Penal Facilities - II	0	8,090,000	8,090,000
1023101200 Security in Penal Institutions	61,598,458	27,883,590	(33,714,868)

b. Projects cont. ...

Project Name	Approved Estimates FY 2023/24	Proposed Supplementary Estimates No. 1 FY 2023/24	Net Change
1023101300 Construction of penal facilities	78,142,336	16,600,000	(61,542,336)
1023101400 Revitalization of Prison Farms	7,633,535	0	(7,633,535)
1023101500 Modernization of Prisons Industries-BETA	28,374,336	2,600,000	(25,774,336)
1023101600 Complete Construction of Staff Houses	19,034,940	13,900,000	(5,134,940)
1023101800 Acquisition of Prisons ICT & Telecommunication infrastructure	70,100,000	74,530,401	4,430,401
1023102000 Probation Hostels	104,185,838	59,271,879	(44,913,959)
1023102100 Construction of Probation Office Blocks	56,616,331	35,227,020	(21,389,311)
1023102800 Security In Penal Institutions - Continued	28,804,000	44,359,383	15,555,383
1023102900 Completion Stalled Projects	48,034,703	12,985,332	(35,049,371)
1023103300 Perimeter Wall, Watch Towers & Gate Lodge	0	27,468,0140	27,468,014

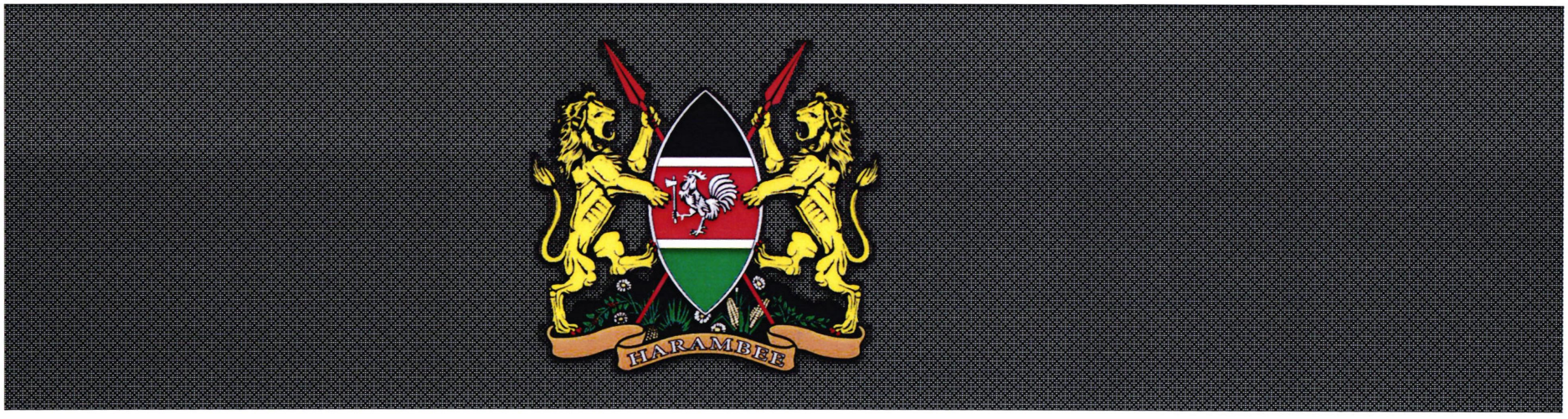
b. Projects cont. ...

Project Name	Approved Estimates FY 2023/24	Proposed Supplementary Estimates No. 1 FY 2023/24	Net Change
1023103400 Prisoners Wards	0	6,928,504	6,928,504
1023103500 Administration Blocks	6,300,000	5,425,526	(874,474)
1023103600 Borehole/Water Supply System/ Sewerage	0	6,970,695	6,970,695
1023103700 Kitchens	7,000,000	0	(7,000,000)
1023103900 Strengthening the Prison and Probation Services, Phase II in Kenya.	70,000,000	0	(70,000,000)
1023104000 Construction of Magereza Level 4 Referral Hospital BETA	216,709,738	216,709,738	0
TOTAL FOR VOTE D1023 State Department for Correctional Services	**1,165,000,000**	**695,000,000**	**(470,000,000)**

12. Funds withdrawn per Article 223 of the Constitution

- The State Department did not have any money withdrawn under the Article 223 of the constitution

13. JUSTIFICATION FOR ADDITIONAL EXPENDITURE REQUESTS AND REALLOCATIONS



1. RECURRENT JUSTIFICATION ON ADDITIONAL FUNDING REQUESTS

S/No	Budget Item/ Activity	TOTAL REQUIREMENT (Ksh. Million)	Allocation Fy 2023/24 (Ksh. Million)	Total Funding Gap (Ksh. Million)	Remarks On Additional Funding Requirements
	RECURRENT				
1.	Medical Insurance Arrears owed to NHIF	375.00	-	**(375.00)**	Arrears carried forward from the FY 2019/20
2.	National Correctional Services Taskforce expenses	13.40	-	**(13.40)**	The Taskforce is Inter-ministerial
3.	Food and Rations	6,214.93	3,059.48	**(3,155.45)**	The State Department currently holds a daily average of 61,000 inmates 61,000 inmates @ 272 per day * 365 days and 800 children @ 544 per day. Average daily price for food & ration per day has risen from Ksh.185 per inmate (Ksh.370 for children) to Ksh, 272 per inmate (Ksh.544 for children)
4.	Medical expenses and medical drugs for inmates	1,220.00	174.94	**(1,045.06)**	20% 0f 61000 of inmates population are sick and on medication . Suffering from ill health, cancer HIV,TB ,high blood pleasure mental cases, diabetes ,ulcers among others (0.2*61000*25000)
5.	Other Fuels (Wood Fuel)	601.16	295.59	**(305.57)**	Average daily price of wood fuel has risen from Ksh.25 per inmate to Ksh, 27 per inmate. The State Department currently holds a daily average of 61,000 inmates (61, 000@27 per day *365days)

RECURRENT JUSTIFICATION ON ADDITIONAL FUNDING REQUESTS cont....

S/No	Budget Item/ Activity	TOTAL Requirement (Ksh. Million)	Allocation Fy 2023/24 (Ksh. Million)	Total Funding Gap (Ksh. Million)	Remarks On Additional Funding Requirements
6	Fuel Oil and Lubricants	537.42	265.29	**(272.13)**	Daily usage of 40 Litres of fuel @Ksh 179 per day for 300 vehicles for Prison field stations and HQs vehicles. The prices of fuel has escalated from the budgeted price of Kshs. 117 to Kshs. 211.
7	Domestic Travel and Subsistence, and Other Transportation Costs	1,987.50	367.01	**(1,620.49)**	To facilitate decongestion of Prisons.
					To facilitate produce inmates to courts, ferry them to and from hospital and transfer them from one prison to another due to security reasons. Average Provision of Ksh 2,500/- per Officer for 3,000 Prisons officers and Probation Officers for 265 days in 269 Stations
					Facilitate generation of social inquiry probation reports
					To facilitate Inmates with fare upon release to their homes.
8	Boards & Committees to facilitate Prisoner rehabilitation and re-intergration	151.20	4.50	**(146.70)**	Admission and Discharge Boards are provided for under Cap 90 laws of Kenya.Discharge Boards are supposed to be held once every three (3) months for offenders who are within three months of their discharge while reception Boards are held weekly. To cater for weekly Inmate Reception and Discharge Board meetings in 135 prison and 134 probation stations (56*20000*130); Statutory Probation Case Committee meetings twice a year for counties and sub counties (Kshs. 25000*2*47)+ (KShs.25,000*140)
9	Hospitality Supplies for Prison and Probation Stations	60.84	5.60	**(55.24)**	Kshs. 120,000 p.a per station for 135 Prisons and 347 Probation stations

RECURRENT JUSTIFICATION ON ADDITIONAL FUNDING REQUESTS cont...

S/No	Budget Item/ Activity	TOTAL Requirement (Ksh. Million)	Allocation Fy 2023/24 (Ksh. Million)	Total Funding Gap (Ksh. Million)	Remarks On Additional Funding Requirements
10	Maintenance of Buildings and Stations	358.50	-	**(358.50)**	Prisons facilities do not have a budget for maintenance which is in dire need. The expected Elnino rains are expected to make the situation worse. Need to facilitate maintenance of all Prison facilities **@ KShs.1.5million** per Prison and Probation Hostels, Kshs..0.5million per subcounty Probation station.
11	2211016 Purchase of Uniforms and Clothing - Staff	2,049.79	208.37	**(1,841.42)**	Kenya Prison Service Staff as per the Standing Orders are entitled to two (2) pairs of uniform per year. The uniform consist of a beret, lanyard, shirt, trousers, belt, a pair of shoes and pair of socks at a combined cost of Ksh 25,400 per set. Over the previous three financial years, the State Department procured and issued 15,381 pairs of uniform against 32,028 uniformed officers. The shortage has resulted in officers wearing worn out uniforms which taint the image of the Government.
12	2211017 Purchase of Uniforms and Clothing - Inmates	514.60	172.46	**(342.14)**	Each inmate requires two sets of uniform consisting of a shirt, pair of trousers, shoes and a sweater for a combined cost **of Ksh. 8,300** per set. Some inmates now wear torn clothes which contravenes the United Nations Minimum Standard Rules that requires inmates to be contained in safe and humane conditions.

RECURRENT JUSTIFICATION ON ADDITIONAL FUNDING REQUESTS cont. ...

S/No	Budget Item/ Activity	Total Requirements (Kshs. Million)	Allocation Fy 2023/24 (Ksh. Million)	TOTAL FUNDING GAP (Ksh. Million)	Remarks On Additional Funding Requirements
13	2211021 Purchase of Bedding and Linen	1,220.00	59.23	**(1,160.77)**	The State Department has an acute shortage of Inmates bedding and linen. In the last three (3) financial years, it procured and issued to a total of 22,423 inmates which is less than half the total population. Inmates require bedding and linen consisting of 10,000 beds, a mattress and two pairs of blankets at a cost of Kshs. 10, 000, Ksh 3,500 and Kshs. 550 each respectively for the 61,000 inmates.
14	2220100 Routine Maintenance - Vehicles and Other	215.20	142.30	**(72.90)**	The current fleet used to facilitate transport of inmates to courts/hospitals and generation of social inquiry reports is very old with an average age of 18 years. Thus wear and tear is very high as the vehicles are highly engaged as facilitation of justice as ordered by Courts which is non-discretionary. This is urgently needed for prompt maintenance of motor vehicles in 269 Prison and Probation stations.
15	Operationalization of Magereza Level IV Hospital	168.76	-	**(168.76)**	Hospital completed and awaiting handing over. Medical staff recruited
16	Purchase of Security Equipment	1,780.00	20.00	**(1,760.00)**	The Kenya Prisons Service last bought weapons over a decade ago. There is need to modernize the security equipment. Total cost implication over KShs.7.5billion
	RECURRENT SUB-TOTAL	**17,079.90**	**4,774.77**	**(12,693.53)**	

2. DEVELOPMENT JUSTIFICATION ON ADDITIONAL FUNDING REQUESTS

S/No	Budget Item/ Activity	TOTAL Requirement (Ksh. Million)	Allocation Fy 2023/24 (Ksh. Million)	Total Funding Gap (Ksh. Million)	Remarks On Additional Funding Requirements
1	Magereza Level IV Hospital Pending Bills	667.8	216.7	**(451.1)**	There is need to settle pending bills for the construction including supply of Hospital Equipment. Clearing the bills necessary to facilitate handing over of the project
2	Acquisition of the official residence for the commissioner general and his two deputies	440.00	-	**(440.00)**	There is need to acquire permanent residences for the Commissioner General of Prisons and his two deputies in a secure and strategic location to enhance the smooth coordination of security operations and service delivery within the penal facilities.
3	Trasition to LPG & Bio gas	1,608.00	-	**(1,608.00)**	
4.	Setting up of specialised mental treatment wings at 9 maximum penal facilities	214.68	-	**(214.68)**	Based on recommendation from Departmental Committee on Health of the National Assembly in order to serve mental cases for mentally ill remandees and prisoners @ KShs.23,853,200 per unit
	DEVELOPMENT SUB TOTAL	**2,930.48**	**216.70**	**(2,713.78)**	
TOTAL VOTE 1023		**20,010.37**	**4,991.47**	**(15,407.31)**	

13. INDICATIVE IMPACT OF SUPPLEMENTARY ESTIMATES ON PERFORMANCE TARGETS



Performance targets Affected by the Proposed Supplementary

Delivery unit	Key Output	Key Performance indicator (KPIs)	Targets 2023/24	Revised 2023/24 Targets
1023101000 Acquisition of ICT applications and infrastructure set up	ICT services	No of ICT systems developed	2	-
1023001900 Headquarters Administrative Services - Prisons	Administrative services	No. of inmates provided withbeddings	9,000	8,000
		No. of prison officers kitted	10,000	8,000
	Custodial offender rehabilitation Services	No. of offenders offered vocational training	8,500	7,000
		No of inmates offered formal education	6,200	6,000
1023100100 Security in PenalFacilities	Penal facilities	No. of perimeter /security walls	23	8
		No. of main Gate /gate lodgesand armouries	10	4

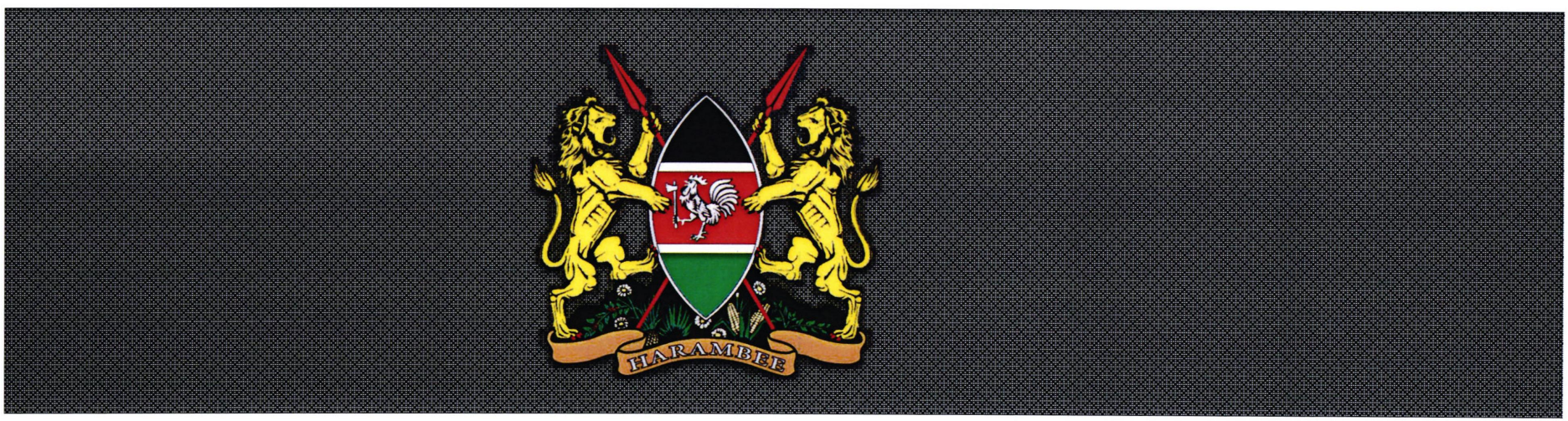
Performance targets Affected by the Proposed Supplementary cont. ...

Delivery unit	Key Output	Key Performance indicator (KPIs)	Targets 2023/24	Revised 2023/24 Targets
1023100200 Construction of Penal Facilities - I	Penal facilities	No. of stations supplied with assorted security equipment	4	2
1023100300 Irrigation and Modernization of Prison Farms	Prison farms	No. of prison farms provided with modern equipment and tools	1	-
1023100500 Prison Staff Housing	Penal facilities	Number of staff houses constructed	19	-
1023100700 Modernization of Penal Training Facilities	Penal facilities	No. of classrooms constructed	3	-
1023101100 Construction of Penal Facilities - II	Penal facilities	% completion	-	100
1023101200 Security in Penal Institutions	Penal facilities	No. of shelters for security animals	7	3
		No. of screening machines acquired	5	2
1023101300 Construction of Penal Facilities	Penal facilities	No. of Prisoners ward Constructed	3	1
1023101500 Modernization of Prisons Industries-BETA	Prison industries	No. of prison workshops constructed	3	-

Performance targets Affected by the Proposed Supplementary cont. ...

Delivery unit	Key Output	Key Performance indicator (KPIs)	Targets 2023/24	Revised 2023/24 Targets
1023101600 Complete Construction of Staff Houses	Penal facilities	No. of staff houses constructed	3	2
1023102900 Completion Stalled Projects	Penal facilities	No. of stalled projects completed	17	7
1023103300 Perimeter Wall, Watch Towers & Gate	Penal facilities	% completion	-	100
1023103400 Prisoners Wards	Penal facilities	% completion	-	100
1023103600 Borehole/Water Supply System/ Sewerage	Penal facilities	% completion	-	100
1023103700 Kitchens	Penal facilities	No. of ratio stores	1	-
1023102100 Construction of Probation Office Blocks	Probation services	No. of office blocks constructed	8	5
1023102000 Probation Hostels	Probation houses	No. of hostels infrastructure constructed	4	3

14. STRATEGIC PLAN IMPLEMENTATION STATUS



Implementation of State Department Strategic Plan 2018/19-2022/23

The State Department Strategic Plan sought to achieve the following Strategic Objectives

- To ensure responsive effective and efficient services to the public;
- To contain inmate in secure and humane conditions;
- To efficiently facilitate access to justice;
- To supervise, rehabilitate reintegrate and resettle offenders;
- To enhance staff capacity; and
- To revitalize prison farms and industries.

Implementation of State Department Strategic Plan 2018/19-2022/23 Cont...

The key achievements are outlined below;

- Contained 250,000 inmates in safe custody
- Offered vocational training to 30,568 inmates
- Offered formal education to 23,393 inmates
- Offered psychological counseling to 170,000 inmates
- Recruited 11,760 Prison officers
- Constructed and completed the Magereza referral hospital
- Eleven (11) female Prison facilities gazetted and operationalized
- Two hundred and fifty thousand inmates provided with basic necessities
- Recruited 1,000 Probation officers
- supervised 198,701 non custodial offenders within the community
- Developed and implemented four evidence based rehabilitation programmes

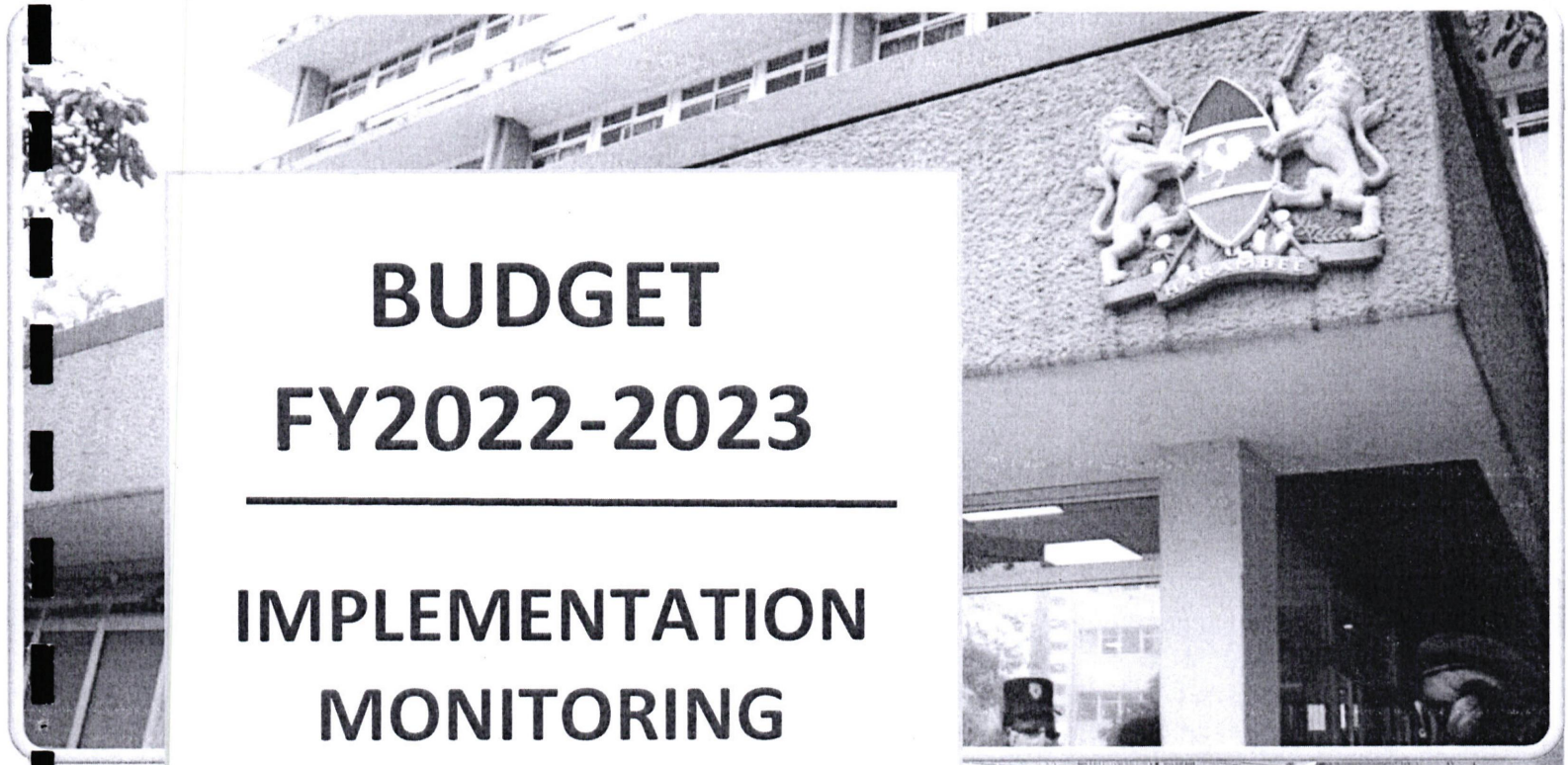
Implementation of State Department Strategic Plan 2018/19-2022/23 Cont...

- Developed child care policy
- Initiated review of Prison Act, Cap 90
- Acquired ICT equipment and accessories to support service delivery
- Implemented afforestation programme where 1,802,700 trees were Planted natured 2,700,000 tree seedlings in various penal institutions across the country
- Acquired assorted security equipment
- Provided comprehensive medical insurance to 32,528 member of staff and their families annually.
- Reviewed implementation of the SDCs Strategic Plan for the Period 2018 – 2022 and developed Strategies for MTP IV.

Implementation of State Department Strategic plan 2018/19-2022/23 Cont...

- Installed a maize miller at Naivasha Maximum Security Prison.
- Constructed silos at Naivasha maximum and Mwea Prison
- Installed rice miller at Mwea Prison
- Acquired and distributed to field stations (18) eighteen tractors with accessories and (2) two trucks.
- Implemented water supply & sanitation programme (drilled & completed four boreholes in Kehancha, Naivasha maximum, kaloleni and kilgoris)
- Constructed & completed perimeter walls in Shimo medium, kamae borstal, Garissa & Mandera prisons
- On mobility programme acquired 114 assorted motor vehicles


Thank You



BUDGET FY2022-2023

IMPLEMENTATION MONITORING





28TH JULY 2023

THE STATE LAW OFFICE

BUDGET FY2022-23 IMPLEMENTATION MONITORING REPORT TO THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON

Prepared in line with the requirement of the National Assembly Office of the clerk letter Ref. NA/DDC/JLAC/2023/066 dated 10th July,2023

Table of Contents

.....1

A. VISION, MISSION, MANDATE AND FUNCTION 3

I. Vision 3

II. Mission 3

III. Mandate 3

IV. Function 3

B. EXECUTIVE SUMMARY 4

1. FINANCIAL PERFORMANCE BY VOTE AND PROGRAMME 5

1.1 Revenue Receipts 5

1.2 Appropriation In Aid (A-I-A) 5

1.3 Exchequer Issues 6

1.4 Donor Disbursement 6

1.5 Expenditure 6

2. NON-FINANCIAL PERFORMANCE 9

2.1 Non-Financial Performance Matrix 9

3. PROJECT INFORMATION 18

3.1 New Projects 18

3.2 On-going Projects 18

3.3 Stalled Projects 19

4. OTHER INFORMATIONS 20

4.1 Re-allocations 20

4.2 Pending Bills/Payments 20

ANNEXES 21

Annex 1: 21

A. VISION, MISSION, MANDATE AND FUNCTION

I. Vision

To be the best institution in the region in the provision of public legal services and promotion of a just, democratic and corruption-free nation.

II. Mission

To facilitate the realization of good governance and respect for the rule of law through the provision of public legal services, protection and promotion of human rights and upholding of ethics and integrity.

III. Mandate

Article 156 of the **Constitution of Kenya 2010** and the **Office of the Attorney General Act, 2012** establishes the Office of the Attorney General. **Executive Order No 1 of 2023** refers to the Office of Attorney General and Department of Justice as **State Law Office**.

Role of the Attorney General;-

- The Government's principal legal advisor, responsible for representing the national Government in court or any other legal proceedings to which the national Government is a party (other than criminal proceedings) and for performing any other functions conferred to the Office by an Act of Parliament or by the President;
- Discharges the functions of a Cabinet Secretary in relation to the Department of Justice and therefore, is responsible for the promotion of human rights and implementation of the Constitution, access to justice including through the promotion of legal aid, good governance, anti-corruption strategies, ethics and integrity, legal education and law reform, among others;
- Provides policy, coordination, and oversight with regard to various legal sector institutions and therefore has a broader cross-cutting mandate to support the strengthening of legal sector institutions;
- The Attorney General is also the promoter of the rule of law and defender of the public interest.

IV. Function

- Represent the national Government in court or in any other legal proceedings to which the national Government is a party undertaking civil litigation, arbitration, and alternative dispute resolution on behalf of the Government;
- Review and oversee legal matters pertaining to Public Trustee and administration of estates and trusts;
- Negotiate, draft and vet local and international instruments, treaties and agreements involving the Government and its Institutions;
- Adjudicate complaints made against practicing advocates, firms of Advocates, a member or employee thereof and where necessary ensuring that disciplinary action is taken;
- Draft bills, subsidiary legislation, notices of appointment to state corporations, constitutional and public offices, and review of laws.
- Review and oversee legal matters pertaining to the registration of companies, business names, societies, adoptions, and marriages.

B. EXECUTIVE SUMMARY

The State Law Office, which falls under the ambit of Governance, Justice, Law and Order Sector (GJLOS), is composed of 9 technical departments and 8 Semi-Autonomous Government Agencies. The office implements its strategic objectives and policies through three main programmes namely:

(i) *Legal Services.*

(ii) *Governance, Legal Training and Constitutional Affairs; and*

(iii) *General Administration, Planning and Support Services.*

The gross budget allocation for the FY2022-23 was **KSh.5,814.89 million**; being **KSh.5,718.34 million** and **KSh.96.55 million** under the recurrent and development votes respectively. The actual A-I-A collection during the fiscal period was **KSh.533.82 million** whilst the actual exchequer receipt was **KSh.4,631.97 million**. This translates to a financing rate of 89% (**KSh.5,165.79 million**) of the allocated Budget. The unfunded portion during the period was 11% (**KSh.649.10 million**).

Major achievements made during the period under review include conclusion of 1,498 Cases filed against the Attorney General, lodging investigation into 916 complaints against advocates, and the issuance of 2,006 legal advisories to MDAs. The Office also obtained preservation and forfeiture orders of assets valued at **KSh.6,181,953,263**, **USD.21,591,303.93**, **Euros1,045** and 55 Motor Vehicles, drafted 50 legislative proposals in support of the national development priorities, finalized 4,286 estates and trust files upon fulfillment of all legal requirements and registered 53,135 marriages and other applications processed under the Marriage Act.

The period also witnessed the registration of 1,006 Societies and 8 Coat of Arms. Besides, civic education was undertaken in 12 counties; Nandi, Kericho, Bomet, Nakuru, Kisumu, Homabay, Kisii, Nyamira, Kwale, Taita Taveta, Mombasa, and Kilifi. The Office was also able to offer legal aid to 122,221 indigent persons directly.

Challenges faced during the implementation of FY2022-23 budget include lack of exchequer that led to a pending bill of **Kshs.109,291,852.31 million** and adoption of austerity measures on our planned development spending that negatively impacted the quest to provide office accommodation to our staff among other amenities and facilities intended to create a conducive working environment.

1. FINANCIAL PERFORMANCE BY VOTE AND PROGRAMME

1.1 Revenue Receipts

During the FY2022-23, the State Law Office collected revenue amounting to **KSh.1.38 billion** against a revenue target of **KSh.1.41 billion,** translating to revenue performance of **98%** as summarized in table 1:

Table 1: Revenue Receipts FY 2022/23

Department / Section / Unit at head quarters	Quarter One	Quarter Two	Quarter Three	Quarter Four	Total
Registration of Coat of Arms	170,000	15,000	6,067	10,000	**201,067**
Registration of Societies	6,579,250	6,781,300	8,492,750	9,741,100	**31,594,400**
Registration of Newspapers, Books and Periodicals	13,600	9,200	18,400	8,000	**49,200**
Registration of Marriages	25,213,969	38,393,182	32,395,180	24,653,450	**120,655,781**
Public Trustee Fees	12,975,418	14,177,241	13,112,788	31,618,710	**71,884,157**
Sub-Total	**44,952,237**	**59,375,923**	**54,025,185**	**76,031,260**	**224,384,605**
Business Registration Services	**Quarter One**	**Quarter Two**	**Quarter Three**	**Quarter Four**	**Total**
Company Registry	268,944,666	295,004,977	298,032,904	273,228,529	**1,135,211,076**
Hire Purchase	100,000	950,000	850,000	450,000	**2,350,000**
Official Receiver	351,500	275,000	828,068	2,123,880	**3,578,448**
Movable Property Security Rights	2,502,000	2,936,000	2,572,000	2,929,500	**10,939,500**
Other Income	35,052	35,451	35,950	35,950	**142,403**
Sub-Total	**271,933,218**	**299,201,428**	**302,318,922**	**278,767,859**	**1,152,221,427**
Total revenue	**316,885,455**	**358,577,351**	**356,344,107**	**354,799,119**	**1,376,606,032**

1.2 Appropriation In Aid (A-I-A)

The approved provision for A-I-A for FY2022-23 was **Ksh.567.68 million**. The actual collection was **KSh.533.82 million**, which translate to A-I-A performance of **94%.** This is summarized in table 2:

Table 2: Summary of A-in-A Collection FY 2022/23

Quarters	Cumulative Target	Cumulative Actual	Cumulative Variance	Percentage
Quarter One	141,395,000	116,612,854	24,782,146	82%
Quarter Two	282,790,000	213,661,272	69,128,728	76%
Quarter Three	424,185,000	431,629,324	136,050,676	76%
Quarter Four	567,680,000	533,817,165	33,862,835	94%

The following is the summary of Semi-Autonomous Government Agencies that receives A-I-A with their target and actual collection for the FY2022-23.

No.	Delivery Units	Target	Actual	Variance
		KSh.	KSh.	KSh.
1	Kenya Law Reform Commission (KLRC)	100,000	0	100,000
2	Kenya School of Law (KSL)	377,480,000	375,874,222	1,605,778
3	Council for Legal Education (CLE)	170,100,000	138,891,075	31,208,925
4	Kenya Copyright Board (KeCOBO)	3,000,000	2,778,192	221,808

5	Nairobi Center For International Arbitration (NCIA)	7,000,000	7,271,545	-271,545
6	National Council for Law Reporting (NCLR)	10,000,000	9,002,131	997,869
	TOTAL	**567,680,000**	**533,817,165**	**33,862,835**

The main reason for the under-collection of A-in-A was the decreased enrollment of students seeking Advocates Training Programme (ATP) examination.

1.3 Exchequer Issues

The cumulative exchequer request for FY2022/23 was **KSh.4,988.56 million** while the actual exchequer received was **KSh.4,631.97 million** resulting to a variance of **KSh.356.59 million** as contained in the schedule below:

Table 3: Exchequer Requests Vs Exchequer Receipts FY 2022/23

Quarters	Cumulative Exchequer Requested		Total	Cumulative Exchequer Received		Total
	Recurrent	Development		Recurrent	Development	
Quarter One	976,429,126	0	**976,429,126**	974,429,127	0	**974,429,127**
Quarter Two	2,126,637,406	28,250,000	**2,154,887,406**	2,120,832,880	0	**2,120,832,880**
Quarter Three	4,002,936,899	67,750,000	**4,070,686,899**	3,283,867,852	0	**3,283,867,852**
Quarter Four	4,920,813,428	67,750,000	**4,988,563,428**	4,564,220,317	67,750,000	**4,631,970,317**

1.4 Donor Disbursement

In the FY2022/23 Budget, the National Treasury made a provision of **KSh.67 million** for our only donor project; Programme for Legal Aid Delivery in Kenya (PLEAD). This amount was revised downward during the Supplementary Estimates No.2 to **KSh.28.80 million** as per the request made to the donor. However, the requested amount of **KSh.28.80 million** was not received by the closure of the FY 2022/23.

1.5 Expenditure

1.5.1 Expenditure by Programme

Table 4 shows the State Law Office recurrent budget allocation (**Kshs.5,814.89 million**) in relation to absorption (**Kshs.4,920.81 million**) by programmes and sub-programmes for the FY 2022/23:

Table 4: Cumulative Recurrent Budget Quarterly Allocation vs Absorption by Programmes and Sub-programmes FY 2022/23

Recurrent Expenditure	Quarter One		Quarter Two		Quarter Three		Quarter Four	
	Approved Estimates	Cumulative Expenditure	Approved Estimates	Cumulative Expenditure	Approved Estimates	Cumulative Expenditure	Approved Estimates	Cumulative Expenditure
	KSh. Million		KSh. Million		KSh. Million		KSh. Million	
1.0 Legal Services	**619.08**	**517.10**	**1,300.38**	**1,115.97**	**2,542.32**	**2,137.02**	**2,708.08**	**2,624.63**
1.1 Civil litigation and promotion of legal ethical services	279.79	192.89	621.80	461.57	1,158.47	947.94	1,242.55	1,188.61
1.2 Legislations, treaties and advisory services	68.70	62.89	137.41	129.75	279.46	213.44	311.72	310.54
1.3 Public trusts and estates management	79.67	75.60	159.35	153.05	323.98	273.95	352.46	338.17
1.4 Registration services	157.70	152.52	315.41	305.18	644.58	602.08	662.53	654.49
1.5 Copyrights protection	33.21	33.21	66.41	66.41	135.82	99.62	138.82	132.82
2.0 Governance, Legal Training and	**335.48**	**306.89**	**670.96**	**634.04**	**1,844.73**	**1,236.83**	**1,877.52**	**1,318.04**

Recurrent Expenditure	Quarter One		Quarter Two		Quarter Three		Quarter Four	
	Approved Estimates	Cumulative Expenditure	Approved Estimates	Cumulative Expenditure	Approved Estimates	Cumulative Expenditure	Approved Estimates	Cumulative Expenditure
	KSh. Million		KSh. Million		KSh. Million		KSh. Million	
Constitutional Reforms								
2.1 Governance reforms	72.99	46.28	162.15	109.72	250.09	206.94	256.88	255.08
2.2 Constitutional and legal reforms	170.27	168.39	324.37	339.87	691.18	674.01	717.18	707.08
2.3 Legal Education Training and Policy	92.22	92.22	184.44	184.44	903.46	355.88	903.46	355.88
3.0 General Administration, Planning and Support Services	**198.89**	**152.43**	**468.28**	**376.63**	**1,099.29**	**629.09**	**1,132.75**	**978.15**
3.1 Transformation of Public Legal services	42.46	42.46	84.92	84.92	168.84	127.38	175.84	161.84
3.2 Administrative services	156.43	109.97	383.36	291.71	930.45	501.71	956.91	816.31
TOTAL	**1,153.45**	**976.43**	**2,439.62**	**2,126.64**	**5,486.34**	**4,002.94**	**5,718.34**	**4,920.81**

The development budget allocation was **Ksh.96.55 million** in respect of the FY 2022/23 whilst absorption levels stood at **Ksh.67.75 million** as summarized in table 5:

Table 5: Cumulative Development Budget Quarterly Allocation vs Absorption by Programmes and Sub-programmes FY 2022/23

Development Expenditure	Quarter One		Quarter Two		Quarter Three		Quarter Four	
	Approved Estimates	Cumulative Expenditure	Approved Estimates	Cumulative Expenditure	Approved Estimates	Cumulative Expenditure	Approved Estimates	Cumulative Expenditure
	KSh. Million		KSh. Million		KSh. Million		KSh. Million	
2.0 Governance, Legal Training and Constitutional	**33.38**	**0.00**	**66.75**	**0.00**	**123.50**	**56.50**	**85.30**	**56.50**
2.1 Governance reforms	19.25	-	38.50	-	67.00	-	28.80	-
2.3 Legal Education Training and Policy	14.13	-	28.25	-	56.50	56.50	56.50	56.50
3.0 General Administration, Planning and Support Services	**22.50**	**0.00**	**45.00**	**0.00**	**37.25**	**11.25**	**11.25**	**11.25**
3.2 Administrative services	22.50	-	45.00	-	37.25	11.25	11.25	11.25
TOTAL	**55.88**	**0.00**	**111.75**	**0.00**	**160.75**	**67.75**	**96.55**	**67.75**

1.5.2 Expenditure by Economic Classification

Table 6 shows the budget allocation in relation to absorption for the FY 2022/23 on a cumulative quarterly basis by economic classification:

Table 6: Cumulative Quarterly Budget Allocation vs Absorption by Economic Classification for the FY 2022/23

Economic Classification	Quarter One		Quarter Two		Quarter Three		Quarter Four	
	Approved Estimates	Cumulative Expenditure	Approved Estimates	Cumulative Expenditure	Approved Estimates	Cumulative Expenditure	Approved Estimates	Cumulative Expenditure
Recurrent	**1,153,447,498**	**976,429,126**	**2,454,314,018**	**2,126,637,406**	**4,918,663,350**	**4,002,936,899**	**5,150,657,064**	**4,920,813,428**
Compensation to Employees	374,867,501	373,333,611	869,871,717	782,842,040	1,545,470,000	1,215,075,499	1,671,463,714	1,654,652,888
Use of Goods and Services	226,358,095	92,484,875	479,998,497	301,595,824	1,014,455,430	708,485,542	1,057,094,362	942,020,102
Recurrent Transfers	534,797,500	510,610,640	1,069,595,000	1,037,666,254	2,085,080,000	2,056,647,682	2,111,080,000	2,110,638,197

Economic Classification	Quarter One		Quarter Two		Quarter Three		Quarter Four	
	Approved Estimates	Cumulative Expenditure	Approved Estimates	Cumulative Expenditure	Approved Estimates	Cumulative Expenditure	Approved Estimates	Cumulative Expenditure
Social Benefits	10,077,839	-	20,155,679	4,533,288	40,311,357	20,568,080	27,672,425	26,059,531
Acquisition Of Non-Financial Assets	7,346,563	-	14,693,126	-	233,346,563	2,160,096	283,346,563	187,442,710
Development	**55,875,000**	**-**	**111,750,000**	**28,250,000**	**160,750,000**	**67,750,000**	**96,550,000**	**67,750,000**
Acquisition of Non-Financial Assets	21,875,000	-	43,750,000	-	34,750,000	8,750,000	8,750,000	8,750,000
Acquisition of Land and Intangible Assets	625,000	-	1,250,000	-	2,500,000	2,500,000	2,500,000	2,500,000
Development Transfer	33,375,000	-	66,750,000	28,250,000	123,500,000	56,500,000	85,300,000	56,500,000
Total Expenditure	**1,209,322,498**	**976,429,126**	**2,566,064,018**	**2,154,887,406**	**5,079,413,350**	**4,070,686,899**	**5,247,207,064**	**4,988,563,428**

2. NON-FINANCIAL PERFORMANCE

2.1 Non-Financial Performance Matrix

The detailed matrix for non-financial performance for FY2022-23 with actual outputs achieved relative to the set targets in the FY2023-24 Programme Based Budget is as shown in table 7 below. However, the quarterly achievement is annexed to this report:

Table 7: Non-financial Performance during the FY 2022/23

Programme and Sub-Programme	Delivery Unit	Key Outputs	Key Performance Indicator	Target FY2022/23	Actual FY2022/23	Target FY2023/24	Remarks for FY2022/23
Programme 1: Legal Services **Programme Outcome: Enhanced rule of law, access to justice, good governance and provision of quality legal services for all**							
SP 1.1: Civil Litigation and Promotion of Legal Ethical Standards	Civil Litigation Department	Civil litigation Services	No. Cases filed Against the Attorney General concluded	1,200	1,498	1,300	1498 Cases filed Against the Attorney General concluded
			% of Researched Legal opinions in all civil disputes given within 7 days	100%	100%	100%	Issued 546 researched Legal opinions in all civil disputes
	Advocates Complaints Commission	Advocates complaints services	No. of complaints against advocates investigated	2,000	916	2,500	Investigations into 916 complaints lodged against advocates.
			No. of complaints against Advocates subjected to ADR sessions in Counties.	200	338	250	338 complaints against Advocates subjected to ADR sessions in Counties.
			No. of affidavits of charges against Advocates filed at the Disciplinary Committee.	50	114	100	Target achieved in Q1 and Q2 as 114 affidavits of charges against Advocates filed at the Disciplinary Committee.
			% of Complaint process automated	50%	0%	100%	System developer from our ICT department has been transferred to another Ministry hence target not achieved.
			% of restructuring ACC into SAGA.	50%	0%	60%	DPSM Consultants meeting to assess and develop organisational structure and HR instruments for ACC yet to take place as the said Consultants sought time before the meeting is set up. Further, the term of office of the previous Commisioners expired and there was a delay in the appointment of new commissioners, hence impeding the process. However, regular meetings are still underway.
	Assets Recovery Agency	Assets Recovery services	% of suspected proceeds of crime traced and identified.	100%	100%	100%	100% of gathered intelligence was verified and reports developed and actioned 77 cases were under investigations with an Approximated value of KSh. 16,376,571,014.65 Billion. Cash restricted in banks approximated value of Ksh.3,570,096,674 billion, 117 Motor vehicles 35 Motor

Programme and Sub-Programme	Delivery Unit	Key Outputs	Key Performance Indicator	Target FY2022/23	Actual FY2022/23	Target FY2023/24	Remarks for FY2022/23
							Cycles and 56 Land Properties have been investigated as suspected proceeds of crime.
			% of suspected proceeds of crime preserved	100%	100%	100%	Preservation and forfeiture orders were obtained and filed in respect to approximated value of KSh. 6.181,953,263 Billon, USD 21,591,303.93 , Euros 1045 and 55 Motor Vehicles
			% of suspected proceeds of crime forfeited to the Government	100%	100%	100%	Assets Forfeited to state approximated at KSh. 13,251,351 and USD 1,915,042 Twelve (12) motor vehicle and Two(2)Property (Plots) forfeited to state.
			% of seized, preserved and forfeited /confiscated assets managed	100%	100%	100%	100% of seized, preserved/confiscated and , forfeited assets are being managed. Valuation and re-valuation of the assets to determine value have been conducted. Ksh.18,145,650.00 was collected in rent during the Finacial Year.
			% of institutional capacity strengthened through operationalizing the Assets Recovery Advisory Board and completion of the de-linking process	30%	30%	80%	The Assets Recovery Advisory Board has been established pursuant to amendments to POCAMLA accented by the President and published in the Kenya Gazette Supplement No. 235 (Acts No. 16) dated 3rd January 2022. The Board is awaiting constitution by the Cabinet Secretary for operationalization.
SP 1.2: Legislation, Treaties and Advisory Services	Legislative Drafting Department	Legislative drafting services	% of Bills to harmonize existing laws with the Constitution drafted upon request by client Ministries	100%	100%	100%	10 bills drafted
			% of other Prioritized Bills drafted upon request by client Ministries	100%	100%	100%	14 other Prioritised Bills drafted
			% of routine subsidiary legislation drafted within 7 working days upon receipt of all necessary information from the client ministries.	100%	100%	100%	248 standard subsidiary legislation drafted

Programme and Sub-Programme	Delivery Unit	Key Outputs	Key Performance Indicator	Target FY2022/23	Actual FY2022/23	Target FY2023/24	Remarks for FY2022/23
			% of substantive subsidiary legislation drafted within 30 working days upon receipt of all necessary information from the client ministries.	100%	100%	100%	9 substantive subsidiary legislation drafted
			% of legislative drafting services in support of the National Priorities provided upon request.	100%	100%	100%	50 legislative drafting services provided in support of the National Priorities.
	International Law Division	International legal services	% of legal advice on international Law matters issued within 6 days	100%	100%	100%	708 legal advisories issued
			% of matters successfully represented in International arbitration and litigation	100%	100%	100%	5 matters successfully represented in International arbitration and litigation
			% of requests coordinated on international judicial cooperation in criminal matters within 6 working days	100%	100%	100%	199 requests coordinated on international judicial cooperation in criminal matters
	Government Transactions Division	Government transactions advisory services	% of procurement contracts vetted within 14 days upon request by MDAs	100%	100%	100%	128 procurement contracts reviewed, vetted and provided legal advice on at the request of MDAs
			% of legal advice on commercial matters issued within 10 days upon request by MDAs	100%	100%	100%	254 commercial matters reviewed and provided legal advice on at the request of MDAs
			% of legal advice issued on bilateral and multilateral financing agreements within 10 days upon request by MDAs	100%	100%	100%	151 financing, loan and grant agreements negotiated, reviewed and provided legal advice on at the request of MDAs
	Legal Advisory and Research Division	Legal Advisory and Research services	%. of legal advisory opinions issued within 7 days upon request by MDAs	100%	100%	100%	219 legal opinions were issued
			No. of Post Pupils trained to issue legal support services in regional offices	60	50	70	50 Post Pupils were recruited

Programme and Sub-Programme	Delivery Unit	Key Outputs	Key Performance Indicator	Target FY2022/23	Actual FY2022/23	Target FY2023/24	Remarks for FY2022/23
			No. of State Counsel trained on emerging and specialized areas of the law to reduce over reliance on private law practitioners	70	47	300	47 State Counsel were trained.
			No. of reports on legal research on international best practices on emerging areas of law.	1	8	1	8 legal research papers on international best practices were developed
SP 1.3: Public Trusts and Estates Management	Public Trustee	Trusteeship Services	No. of quality assurance audits undertaken in Public Trustee regional offices.	13	12	13	Activities undertaken and target achieved
			No. of public trustee interagency collaboration frameworks with ex-officio agents established	41	41	42	Activities undertaken and target achieved
			% of estates and trust files finalized upon fulfillment of all legal requirements	100%	100%	100%	4286 files have been finalised
SP 1.4: Registration Services	Business Registration Service	Business Registration Services	No. of business entities registered	127,453	144,561	132,676	The Service surpassed the target
			Revenue collected from service fees (Ksh. Billions)	1.03	1.15	1.08	The Service surpassed the target by 19.4 million
			No. of days taken to register a complete business application	1	11	1	The Service did not meet the target. The Service is doing a system upgrade to increase efficiency of registration
			% of Private Companies with declared Business Ownership status	45%	43%	5300%	The Service did not meet the target due to system change and upgrade hitch which slowed the process
			No. of Movable Property Security Rights notices (Loan collateral securities) registered	126,526	166,774	126,689	The Service surpassed the annual target by 40,248 MPSR notices
	Registration Service	Marriage, Societies' & Coat of Arms Registration Services	No. of Marriages registered and other applications processed under the Marriage Act.	47,441	53,135	60,500	53,135 Marriages registered and other applications processed under the Marriage Act .
			No. of Societies registered under the Societies Act.	735	1006	1,000	1006 Societies registered under the Societies Act
			No. Arms Registered under the College of Arms Act.	15	8	20	8 Arms Registered under the College of Arms Act.

Programme and Sub-Programme	Delivery Unit	Key Outputs	Key Performance Indicator	Target FY2022/23	Actual FY2022/23	Target FY2023/24	Remarks for FY2022/23
SP 1.5: Copyright Protection	Kenya Copyright Board	Copyright Protection services	% of cases of Copyright infringement investigated and handed over to ODPP for prosecution	100%	100%	100%	Achieved
			% of compliance on 70% ,30% Rule on Royalty distribution by Collective Management Organizations (CMOs) to the owners of Copyright Works.	20%	15%	40%	Distribution process has been pending due to pending case on CMOs collection of loyalty. CMOs licensed in April/May 2023
			% of e-commerce module incorporated in the National Registry portal (NRP)	20%	10%	40%	1 Draft funding proposal prepared. Process of incorporating NRR in the E-citezen at advanced stage
			Number of copyright works registered	4,000	4,000	4,000	4,000 Copyright works registered
			% of copyright registration service automated	60%	55%	70%	e-payment module operationalized.
Programme.2: Governance, Legal Training and Constitutional Affairs **Programme Outcome: enhanced ethics, integrity, access to justice and constitutional order**							
S.P 2.1 Governance Reforms	National Anti-Corruption Campaign Steering Committee	Anti-Corruption Awareness services	No. of social accountability forums conducted on corruption in public projects	164	44	282	Target Not Achieved because of external challenges including heightened political activities in quarter 1, delays in costitution of the County Governments who are the custodians of the projects and programmes that are targets of social audits and inability of the National Government Constituency Development Fund (NGCDF) to operate owing to a court decision on NGCF Act which affected implementation of projects that are the targets of social audits
			No. of partnerships forged with stakeholders in the anti-corruption sector	1	0	2	Draft Memorandum of Understanding was prepared and submitted to the National Gender and Equality Commission; awaiting discussions and signing
			No. of citizens reached with messages against corruption through Radio	5,600,000	1,000,000	10,000,000	Target Not Achieved due to challenges in procurement of radio stations
			No. of religious leaders participating in the delivery of scripture-	100	0	500	Target Not Achieved as the partner, Inter-Religious Council of Kenya on which NACCSC is dependent on was not responsive

Programme and Sub-Programme	Delivery Unit	Key Outputs	Key Performance Indicator	Target FY2022/23	Actual FY2022/23	Target FY2023/24	Remarks for FY2022/23
			referenced anti-corruption messages				
	Directorate of Legal Affairs	Justice & Constitutional Affairs Services	No. of Counties where civic education on the Constitution has been conducted	12	12	24	A total of 12 counties being Nandi, Kericho, Bomet, Nakuru, Kisumu, Homabay, Kisii, Nyamira, Kwale, Taita Taveta, Mombasa, and Kilifi have been undertaken
			% of Whistleblower Protection Policy developed.	10%	3%	60%	Interagency team established
			% of National Ethics and Anti-Corruption Policy strategies implemented.	40%	35%	50%	This is an ongoing activity and the Department has coordinated status progress reporting by institutions
			% of implementation of recommendations of the taskforce on review of legal and institutional framework against corruption.	20%	10%	50%	The department has coordinated a status report on the initiatives taken by stakeholders to implement the recommendations of the Taskforce report
			No. of reports on State compliance with international and regional anti-corruption, human rights, democracy, elections & governance treaties prepared	3	3	5	country Statement on Status of Implementation of UNCAC presented during inter-sessional meeting held in September 2022. Kenya completed a questionnaire on international cooperation in civil and administrative proceedings related to corruption by UNCAC member states in October 2022. Dissemination of the Concluding Observations to UNCAT 3rd state report and development of an Implementation Matrix done on 9th and 10th March 2023. Dissemination of the Concluding Observations to 12th and 13th Report on ACHPR done in June 2023. Two follow reports on the ICCPR and UNCAT submitted in June 2023 to the respective treaty bodies.
			% of development of National Policy on the reform & Modernization of the Legal Sector In Kenya.	75%	75%	100%	A draft National Policy on the reform & modernization of the legal sector in Kenya developed and forwarded to the Solicitor General in June 2023 for his comments.
			% development of Case Digest on Anti-corruption.	100%	100%	-	Case Digest has been developed

Programme and Sub-Programme	Delivery Unit	Key Outputs	Key Performance Indicator	Target FY2022/23	Actual FY2022/23	Target FY2023/24	Remarks for FY2022/23
	National Coroners Service	National Coroners Services	% of operationalization of the National Coroners Service	20%	20%	50%	Draft organizational structure, human resources policy and manual, career progression guidelines and staff establishment for the National Coroners Service have been developed and forwarded to the Solicitor General for further action
	Victim Protection Board	Victim Protection Services	% of Victim Protection Board operationalized	60%	60%	80%	Induction of the Victim Protection Board was conducted in Q2 and finalised
			No. of, opinion leaders, NGAOs and "nyumba kumi" sensitized on the Victim Protection Act,2014 and Victim Rights Charter disseminated.	2,400	2,400	2,400	A total of 2400 citizens have been sensitized, on the provisions of the Victim Protection Act,2014 and the tenets of the Victim Rights Charter disseminated to the counties of Nandi, Kericho, Bomet, Nakuru, Kisumu, Homabay, Kisii, Nyamira, Kwale, Taita Taveta, Mombasa, and Kilifi
	National Legal Aid Service	Legal aid services	No. of indigent persons offered legal aid	60,000	122,221	50,000	1222,221 legal aid offered directly and indirectly to indigent persons.
			No. of legal aid providers educated on use of ADR mechanism to promote access to justice.	500	943	130	943 legal aid providers eductated on AJS which is the umbrella of ADR mechanisms
SP 2.2: Constitutional and Legal reforms	Kenya Law Reform Commission	Law Review & Reform Services	% of bills drafted/reviewed to facilitate effective implementation of the Constitution and National Priorities	100%	100%	100%	Twenty (20) pieces of legislation developed
			No. of County governments educated on Legislative and Law reform knowledge	16	14	18	Fourteen(14)county governments educated on Legislative and Law reform knowledge
			% of Technical Assistance offered to MDAC's and Constitutional Offices with regard to the reform or amendment of a branch of the law	100%	100%	100%	Eighteen (18) pieces of legislation reviewed
	Auctioneers Licensing Board	Auctioneers Regulatory Services	% of cases filed against the Auctioneers resolved	100%	100%	100%	408 cases heard and determined in the year
			No. of Auctioneers inspected	500	653	500	423 Auctioneers were inspected in 4th Qtr.

Programme and Sub-Programme	Delivery Unit	Key Outputs	Key Performance Indicator	Target FY2022/23	Actual FY2022/23	Target FY2023/24	Remarks for FY2022/23
			No. of Licenses issued to qualified applicants.	775	800	790	800 licenses issued to qualified applicants.
	National Council for Law Reporting	Legal Reporting and Publication Services	No. of Laws of Kenya volumes published	4,000	700	4,500	Not completed
			No. of Volumes of Kenya Law Reports published.	5	.4	5	4 Kenya Law Reports (KLR 2015 V2, 2017V1, 2018V1 & 2019V1) printed because of increase in the cost of printing
			No. of publications on trending Thematic areas.	11,000	11,500	12,000	The printing cost for Constitution of Kenya booklet was lower than Budget thus printed extra 500 copies.
			No. of Copies of Annual supplement published	10	0	-	To be published. The last review of the AS was ongoing at 75% completion (261/385 statutes completed).
		Online Legal Information and Publication Services	% of public legal information published and disseminated in the Kenya Law online repository	100%	100%	100%	17,481 judicial decisions processed.
			% of Laws of Kenya updated, consolidated and published online	99%	100%	100%	All 508 statutes updated
SP. 2.3: Legal Education Training Policy	Kenya School of Law	Legal Training & Capacity Building Services	No. of lawyers trained under the Advocates Training Programme (ATP).	1,500	1,474	1,500	1474 Lawyers admitted to the ATP Programme
			No. of students trained under the paralegal Training Programme (PTP).	150	148	200	148 students admitted in the paralegal training programme in Q1
			No. of needy students supported through enhancement of KSL-HELB Fund.	250	143	300	A total of 143 students benefitted from HELB Loan where a total of 11,306,942.00 were disbursed. Variance is as a result of Budgetary constraints
			No. of Continuing Professional Development (CPD) courses delivered.	24	32	27	5 short courses on CPD conducted.
	Council of Legal Education	ATP Examination Administration Services	No. of candidates examined on Advocates Training Programme (ATP)	4,100	5,401	4,150	Achieved
			% of Qualified ATP candidates gazetted for admission to the Roll of Advocates	100%	100%	100%	1,848 Candidates gazetted during the period

Programme and Sub-Programme	Delivery Unit	Key Outputs	Key Performance Indicator	Target FY2022/23	Actual FY2022/23	Target FY2023/24	Remarks for FY2022/23
		Quality Assurance Compliance and Licensing Services	No. of Quality assurance audits conducted to legal education providers for compliance with the Act	6	13	7	Achieved
			No.of on-site inspections conducted on legal education providers for compliance with the Act	3	8	4	None scheduled to be conducted in the quarter
Programme: P.3: General Administration, Planning and Support Services **Programme Outcome: Efficient and effective service delivery**							
S.P 3.1 Transformation of Public Legal Services	Nairobi Centre for International Arbitration (NCIA)	Commercial Arbitration Services	% of disputes on commercial contracts resolved	100%	11%	100%	Target not achieved. Out of the nineteen (19) ongoing cases, only three (3) have been finalized translating to 16% of the dispute on the commercial contracts resolved.
			Value in (KSh. Billion) released to the economy through Arbitration and ADR services	10	7.6	12	Target not achieved. Out of the nineteen (19) ongoing cases only three (3) have been finalized and the cumulative case value for the total ongoing is 7.6.
			% of Operationalization of NCIA Arbitral Court	75%	50%	100%	Target not achieved. Commencement of the recruitment process of the NCIA's Arbitral Court members is pending and will be initiated upon approval of remuneration schedules by SRC.
			% Increase in cases initiated under ADR mechanism	17%	63%	20%	There are twenty four (24) new cases registered and nineteen (19) ongoing by the end of Q4, therefore representing 63% increase.
			No. of practitioners trained on ADR.	55	85	60	Target achieved and surpassed. Thirty (30) more upcoming practitioners and Counsels trained on ADR mechanism as at the end of Q4.
SP. 3.2: Administrative Services	GJLOS Sector-wide Reform Coordination Department (SRCD)	Sector-wide Reforms Coordination Services'.	% of GJLO Sector Policy reviewed	100%	100%	0%	GJLO Sector Policy was reviewed.
			GJLO Sector Policy Disseminated in 47 Counties	5	0	42	Dissemination was not done due to inadequate funds.
	General Administration	Administration Support Services	No. of service delivery processes reengineered.	3	3	4	The process of reengineering has been done for Marriages, Societies and Coat of Arms
			% of compliance with the data protection Act No. 24 of 2019.	5%	0%	50%	This FY was creating awarenes.
			No. of County offices where SLO&DOJ services are decentralized.	2	0	2	Decentralization affected by Budget cut

Programme and Sub-Programme	Delivery Unit	Key Outputs	Key Performance Indicator	Target FY2022/23	Actual FY2022/23	Target FY2023/24	Remarks for FY2022/23
			No. of Bills of quantities and designs developed for construction of Sheria house headquarters and regional office blocks.	3	1	3	BQ for Kericho office prepared.
			No. of pupil and post-pupil administered for legal internship.	180	120	120	120 pupil administered for legal internship.
			No. of Employee wellness program implementation reports	1	1	1	One (1) report prepared.
			No. of Workplace Gender Based Violence policy developed	1	1	1	Target achieved.
			% of persons with disabilities who have been facilitated with accessible and adaptive technology	100%	100%	100%	23 persons have been facilitated with accessible and adaptive technology.
			No. of Ministerial annual performance contract report.	1	1	1	Target achieved. One (1) annual PC report prepared.
			No. of SAGAs annual performance contracts negotiated and vetted.	8	8	8	Target achieved. Eight (8) SAGAs annual PC negotiated and vetted.
			No. of M & E reports.	2	2	2	2 reports prepared for donor funded projects and GoK funded project.

3. PROJECT INFORMATION

3.1 New Projects

The State Law Office did not have any new projects in FY2022/23.

3.2 On-going Projects

Table 8 shows the status of various ongoing projects under implementation by the Office during the FY 2022/23:

Table 8: Implementation Status of Ongoing Projects FY 2022/23

Projects	Estimated Project Cost and Financing		Timeline		Actual Cumulative Expenditure to June 30th, 2023	Outstanding Project Costs as at June 30th, 2023	Completion Status
	GoK	Foreign	Start Date	End Date			

Programme for Legal Empowerment & Aid Delivery in Kenya (PLEAD)	0	289,380,780	Apr 1, 2020	Jun 30, 2026	83,487,210	205,893,570	29%
Ultra-Modern Library & Moot Court-Kenya School of Law-Karen	488,704,449	0	Jul 1, 2013	Jun 30, 2023	488,704,449	0	100%
Refurbishment sheria House and company's Registry-Nairobi	285,000,000	0	Jul 1, 2015	Jun 30, 2026	85,663,406	199,336,594	30%
Refurbishment of Regional Offices - Kisii	55,500,000	0	Jul 1, 2015	Jun 30, 2024	55,500,000	0	100%
Refurbishment of Regional Offices - Malindi	5,000,000	0	Jul 1, 2015	Jun 30, 2024	4,500,000	500,000	90%
TOTAL	**834,204,449**	**289,380,780**			**717,855,065**	**405,730,164**	

3.3 Stalled Projects

The office does not have any stalled project.

4. OTHER INFORMATIONS

4.1 Re-allocations

During the Supplementary Estimates No.2 FY2022-23, re-allocation of **KSh.48,389,176** was done to cater for unforeseen critical expenditures and to eliminate the negative balances as a result of budget cuts in Supplementary Estimates No.1.

4.2 Pending Bills/Payments

The total pending bill for the office as at **30th June 2023** is **KSh.171,068,983.54** out of which **KSh.121,689,186.39** emanates from FY2022/23 carryovers occasioned by lack of exchequer release.

The chronology of pending bills is as summarized in table 9:

Table 9: Chronology of Pending Bills for the State Law Office

No.	Financial Years	Recurrent (KSh.)	Development (Ksh.)	Total (KSh.)
1.	FY2014/2015	3,194,915.00	0	3,194,915.00
2.	FY2015/2016	3,967,980.00	0	3,967,980.00
3.	FY2017/2018	6,335,815.51	0	6,335,815.51
4.	FY2018/2019	1,498,310.00	0	1,498,310.00
5.	FY2019/2020	13,580,608.00	0	13,580,608.00
6.	FY2020/2021	13,425,614.46	0	13,425,614.46
7.	FY2021/2022	5,877,354.18	1,499,200.00	7,376,554.18
8.	FY2022/2023	121,689,186.39	0	121,689,186.39
	Total	**169,569,783.54**	**1,499,200.00**	**171,068,983.54**

ANNEXES

Annex 1:

Programme and Sub-Programme	Delivery Unit	Key Outputs	Performance Indicator	Target 2022/23	Quarter I	Quarter II	Quarter III	Quarter IV	Remarks for full year
Programme 1: Legal Services **Programme Outcome: Enhanced rule of law, access to justice, good governance and provision of quality legal services for all**									
SP 1.1: Civil Litigation and Promotion of Legal Ethical standards	Civil Litigation Department	Civil litigation Services	No. Cases filed Against the Attorney General concluded	1,200	309	417	433	339	1498 Cases filed Against the Attorney General concluded
			% of Researched Legal opinions in all civil disputes given within 7 days	100%	25%	25%	25%	100%	Issued 546 researched Legal opinions in all civil disputes
	Advocates Complaints Commission	Advocates complaints services	No. of complaints against advocates investigated	2,000	200	272	210	234	Investigations into 916 complaints lodged against advocates.
			No. of complaints against Advocates subjected to ADR sessions in Counties.	200	49	57	136	96	338 complaints against Advocates subjected to ADR sessions in Counties.
			No. of affidavits of charges against Advocates filed at the Disciplinary Committee.	50	72	42	0	0	Target achieved in Q1 and Q2 as 114 affidavits of charges against Advocates filed at the Disciplinary Committee.
			% of Complaint process automated	50%	0%	0%	0%	0%	System developer from our ICT department has been transferred to another Ministry hence target not achieved.
			% of restructuring ACC into SAGA.	50%	0%	0%	0%	0%	DPSM Consultants meeting to assess and develop organisational structure and HR instruments for ACC yet to take place as the said Consultants sought time before the meeting is set up. Further, the term of office of the previous Commisioners expired and there was a delay in the appointment of new commissioners, hence impeding the process. However, regular meetings are still underway.

Programme and Sub-Programme	Delivery Unit	Key Outputs	Performance Indicator	Target 2022/23	Quarter I	Quarter II	Quarter III	Quarter IV	Remarks for full year
	Assets Recovery Agency	Assets Recovery services	% of suspected proceeds of crime traced and identified.	100%	100%	100%	100%	100%	100% of gathered intelligence was verified and reports developed and actioned 77 cases were under investigations with an Approximated value of Kshs 16,376,571,014.65 Billion. Cash restricted in banks approximated value of Ksh.3,570,096,674 billion, 117 Motor vehicles 35 Motor Cycles and 56 Land Properties have been investigated as suspected proceeds of crime.
			% of suspected proceeds of crime preserved	100%	100%	100%	100%	100%	Preservation and forfeiture orders were obtained and filed in respect to approximated value of Kshs 6.181,953,263 Billon, USD 21,591,303.93 , Euros 1045 and 55 Motor Vehicles
			% of suspected proceeds of crime forfeited to the Government	100%	100%	100%	100%	100%	Assets Forfeited to state approximated at Kshs 13,251,351 and USD 1,915,042 Twelve (12) motor vehicle and Two(2)Property (Plots) forfeited to state.
			% of seized, preserved and forfeited /confiscated assets managed	100%	100%	100%	100%	100%	100% of seized, preserved/confiscated and , forfeited assets are being managed. Valuation and re-valuation of the assets to determine value have been conducted. Ksh.18,145,650.00 was collected in rent during the Finacial Year.
			% of institutional capacity strengthened through operationalizing the Assets Recovery Advisory Board and completion of the de-linking process	30%	30%	0%	0%	30%	The Assets Recovery Advisory Board has been established pursuant to amendments to POCAMLA accented by the President and published in the Kenya Gazette

Programme and Sub-Programme	Delivery Unit	Key Outputs	Performance Indicator	Target 2022/23	Quarter I	Quarter II	Quarter III	Quarter IV	Remarks for full year
									Supplement No. 235 (Acts No. 16) dated 3rd January 2022. The Board is awaiting constitution by the Cabinet Secretary for operationalization.
SP 1.2: Legislation, Treaties and Advisory Services	Legislative Drafting Department	Legislative drafting services	% of Bills to harmonize existing laws with the Constitution drafted upon request by client Ministries	100%	100%	100%	100%	100%	10 bills drafted
			% of other Prioritized Bills drafted upon request by client Ministries	100%	100%	100%	100%	100%	14 other Prioritised Bills drafted
			% of routine subsidiary legislation drafted within 7 working days upon receipt of all necessary information from the client ministries.	100%	100%	100%	100%	100%	248 standard subsidiary legislation drafted
			% of substantive subsidiary legislation drafted within 30 working days upon receipt of all necessary information from the client ministries.	100%	100%	100%	100%	100%	9 substantive subsidiary legislation drafted
			% of legislative drafting services in support of the National Priorities provided upon request.	100%	100%	100%	100%	100%	50 legislative drafting services provided in support of the National Priorities.
	International Law Division	International legal services	% of legal advice on international Law matters issued within 6 days	100%	100%	100%	100%	100%	708 legal advisories issued
			% of matters successfully represented in International arbitration and litigation	100%	100%	100%	100%	100%	5 matters successfully represented in International arbitration and litigation
			% of requests coordinated on international judicial cooperation in criminal matters within 6 working days	100%	100%	100%	100%	100%	199 requests coordinated on international judicial cooperation in criminal matters
	Government Transactions Division	Government transactions advisory services	% of procurement contracts vetted within 14 days	100%	100%	100%	100%	100%	128 procurement contracts reviewed, vetted and provided legal

Programme and Sub-Programme	Delivery Unit	Key Outputs	Performance Indicator	Target 2022/23	Quarter I	Quarter II	Quarter III	Quarter IV	Remarks for full year
			upon request by MDAs						advice on at the request of MDAs
			% of legal advice on commercial matters issued within 10 days upon request by MDAs	100%	100%	100%	100%	100%	254 commercial matters reviewed and provided legal advice on at the request of MDAs
			% of legal advice issued on bilateral and multilateral financing agreements within 10 days upon request by MDAs	100%	100%	100%	100%	100%	151 financing, loan and grant agreements negotiated, reviewed and provided legal advice on at the request of MDAs
	Legal Advisory and Research Division	Legal Advisory and Research services	%. of legal advisory opinions issued within 7 days upon request by MDAs	100%	100%	100%	100%	100%	219 legal opinions were issued
			No. of Post Pupils trained to issue legal support services in regional offices	60	0	0	50	50	50 Post Pupils were recruited
			No. of State Counsel trained on emerging and specialized areas of the law to reduce over reliance on private law practitioners	70	9	4	30	4	47 State Counsel were trained.
			No. of reports on legal research on international best practices on emerging areas of law.	1	0	2	1	5	8 legal research papers on international best practices were developed
SP 1.3: Public Trusts and Estates Management	Public Trustee	Trusteeship Services	No. of quality assurance audits undertaken in Public Trustee regional offices.	13	0	0	0	12	Activities undertaken and target achieved
			No. of public trustee interagency collaboration frameworks with ex-officio agents established	41	0	0	0	41	Activities undertaken and target achieved
			% of estates and trust files finalized upon fulfillment of all legal requirements	100%	100%	100%	100%	100%	4,286 files have been finalized
SP 1.4: Registration Services	Business Registration Service	Business Registration Services	No. of business entities registered	127,453	35,055	37,785	37,244	34,477	The Service surpassed the target
			Revenue collected from service fees (Ksh. Billions)	1.03	0.27	0.30	0.30	0.28	The Service surpassed the target by 19.4 million

Programme and Sub-Programme	Delivery Unit	Key Outputs	Performance Indicator	Target 2022/23	Quarter I	Quarter II	Quarter III	Quarter IV	Remarks for full year
			No. of days taken to register a complete business application	1	6	7	10.3	11	The Service did not meet the target. The Service is doing a system upgrade to increase efficiency of registration
			% of Private Companies with declared Business Ownership status	45%	38%	40%	42%	43%	The Service did not meet the target due to system change and upgrade hitch which slowed the process
			No. of Movable Property Security Rights notices (Loan collateral securities) registered	126,526	34,408	42,958	45,498	43,910	The Service surpassed the annual target by 40,248 MPSR notices
	Registration Service	Marriage, Societies' & Coat of Arms Registration Services	No. of Marriages registered and other applications processed under the Marriage Act.	47,441	6,018	23,213	17,864	6,040	53,135 Marriages registered and other applications processed under the Marriage Act .
			No. of Societies registered under the Societies Act.	735	200	221	223	362	1006 Societies registered under the Societies Act
			No. Arms Registered under the College of Arms Act.	15	5	0	0	3	8 Arms Registered under the College of Arms Act.
SP 1.5: Copyright Protection	Kenya Copyright Board	Copyright Protection services	% of cases of Copyright infringement investigated and handed over to ODPP for prosecution	100%	100%	100%	100%	100%	Achieved
			% of compliance on 70% ,30% Rule on Royalty distribution by Collective Management Organizations (CMOs) to the owners of Copyright Works.	20%	1%	5%	1%	8%	Distribution process has been pending due to pending case on CMOs collection of loyalty. CMOs licensed in April/May 2023
			% of e-commerce module incorporated in the National Registry portal (NRP)	20%	1%	1%	1%	7%	1 Draft funding proposal prepared. Process of incorporating NRR in the E-citezen at advanced stage
			Number of copyright works registered	4,000	500	500	500	2,500	4,000 Copyright works registered
			% of copyright registration service automated	60%	1%	20%	20%	55%	e-payment module operationalized.
Programme.2: Governance, Legal Training and Constitutional Affairs **Programme Outcome: enhanced ethics, integrity, access to justice and constitutional order**									

Programme and Sub-Programme	Delivery Unit	Key Outputs	Performance Indicator	Target 2022/23	Quarter I	Quarter II	Quarter III	Quarter IV	Remarks for full year
S.P 2.1 Governance Reforms	National Anti-Corruption Campaign Steering Committee	Anti-Corruption Awareness services	No. of social accountability forums conducted on corruption in public projects	164	0	0	123	44	Target Not Achieved because of external challenges including heightened political activities in quarter 1, delays in costitution of the County Governments who are the custodians of the projects and programmes that are targets of social audits and inability of the National Government Constituency Development Fund (NGCDF) to operate owing to a court decision on NGCF Act which affected implementation of projects that are the targets of social audits
			No. of partnerships forged with stakeholders in the anti-corruption sector	1	0	0	0	0	Draft Memorandum of Understanding was prepared and submitted to the National Gender and Equality Commission; awaiting discussions and signing
			No. of citizens reached with messages against corruption through Radio	5,600,000	0	0	0	1,000,000	Target Not Achieved due to challenges in procurement of radio stations
			No. of religious leaders participating in the delivery of scripture-referenced anti-corruption messages	100	0	0	0	0	Target Not Achieved as the partner, Inter-Religious Council of Kenya on which NACCSC is dependent on was not responsive
	Directorate of Legal Affairs	Justice & Constitutional Affairs Services	No. of Counties where civic education on the Constitution has been conducted	12	0	8	0	4	A total of 12 counties being Nandi, Kericho, Bomet, Nakuru, Kisumu, Homabay, Kisii, Nyamira, Kwale, Taita Taveta, Mombasa, and Kilifi have been undertaken
			% of Whistleblower	10%	0%	0%	0%	3%	Interagency team established

Programme and Sub-Programme	Delivery Unit	Key Outputs	Performance Indicator	Target 2022/23	Quarter I	Quarter II	Quarter III	Quarter IV	Remarks for full year
			Protection Policy developed.						
			% of National Ethics and Anti-Corruption Policy strategies implemented.	40%	5%	25%	5%	35%	This is an ongoing activity and the Department has coordinated status progress reporting by institutions
			% of implementation of recommendations of the taskforce on review of legal and institutional framework against corruption.	20%	3%	5%	3%	10%	The department has coordinated a status report on the initiatives taken by stakeholders to implement the recommendations of the Taskforce report
			No. of reports on State compliance with international and regional anti-corruption, human rights, democracy, elections & governance treaties prepared	3	0	0	1	3	country Statement on Status of Implementation of UNCAC presented during inter-sessional meeting held in September 2022. Kenya completed a questionnaire on international cooperation in civil and administrative proceedings related to corruption by UNCAC member states in October 2022. Dissemination of the Concluding Observations to UNCAT 3rd state report and development of an Implementation Matrix done on 9th and 10th March 2023. Dissemination of the Concluding Observations to 12th and 13th Report on ACHPR done in June 2023. Two follow reports on the ICCPR and UNCAT submitted in June 2023 to the respective treaty bodies.
			% of development of National Policy on the reform & Modernization of the Legal Sector In Kenya.	75%	0%	50%	10%	75%	A draft National Policy on the reform & modernization of the legal sector in Kenya developed

Programme and Sub-Programme	Delivery Unit	Key Outputs	Performance Indicator	Target 2022/23	Quarter I	Quarter II	Quarter III	Quarter IV	Remarks for full year
									and forwarded to the Solicitor General in June 2023 for his comments.
			% development of Case Digest on Anti-corruption.	100%	5%	50%	20%	100%	Case Digest has been developed
	National Coroners Service	National Coroners Services	% of operationalization of the National Coroners Service	20%	5%	5%	5%	20%	Draft organizational structure, human resources policy and manual, career progression guidelines and staff establishment for the National Coroners Service have been developed and forwarded to the Solicitor General for further action
	Victim Protection Board	Victim Protection Services	% of Victim Protection Board operationalized	60%	0%	60%	0%	60%	Induction of the Victim Protection Board was conducted in Q2 and finalised
			No. of, opinion leaders, NGAOs and "nyumba kumi" sensitized on the Victim Protection Act,2014 and Victim Rights Charter disseminated.	2,400	0	1,600	0	2,400	A total of 2400 citizens have been sensitized, on the provisions of the Victim Protection Act,2014 and the tenets of the Victim Rights Charter disseminated to the counties of Nandi, Kericho, Bomet, Nakuru, Kisumu, Homabay, Kisii, Nyamira, Kwale, Taita Taveta, Mombasa, and Kilifi
	National Legal Aid Service	Legal aid services	No. of indigent persons offered legal aid	60,000	11,643	22,026	20,890	67,662	1222,221 legal aid offered directly and indirectly to indigent persons.
			No. of legal aid providers educated on use of ADR mechanism to promote access to justice.	500	200	320	60	363	943 legal aid providers eductated on AJS which is the umbrella of ADR mechanisms
SP 2.2: Constitutional and Legal reforms	Kenya Law Reform Commission	Law Review & Reform Services	% of bills drafted/reviewed to facilitate effective implementation of the Constitution and National Priorities	100%	100%	100%	100%	100%	Twenty (20) pieces of legislation developed

Programme and Sub-Programme	Delivery Unit	Key Outputs	Performance Indicator	Target 2022/23	Quarter I	Quarter II	Quarter III	Quarter IV	Remarks for full year
			No. of County governments educated on Legislative and Law reform knowledge	16	0	3	4	7	Fourteen(14)county governments educated on Legislative and Law reform knowledge
			% of Technical Assistance offered to MDAC's and Constitutional Offices with regard to the reform or amendment of a branch of the law	100%	100%	100%	100%	100%	Eighteen (18) pieces of legislation reviewed
	Auctioneers Licensing Board	Auctioneers Regulatory Services	% of cases filed against the Auctioneers resolved	100%	100%	100%	100%	100%	408 cases heard and determined in the year
			No. of Auctioneers inspected	500	100	130	0	423	653 Auctioneers were inspected
			No. of Licenses issued to qualified applicants.	775	130	157	513	0	800 licenses issued to qualified applicants.
	National Council for Law Reporting	Legal Reporting and Publication Services	No. of Laws of Kenya volumes published	4,000	0	0	0	700	Not completed
			No. of Volumes of Kenya Law Reports published.	5	0	0	0	4	4 Kenya Law Reports (KLR 2015 V2, 2017V1, 2018V1 & 2019V1) printed because of increase in the cost of printing
			No. of publications on trending Thematic areas.	11,000	4,500	5,000	500	1,500	The printing cost for Constitution of Kenya booklet was lower than Budget thus printed extra 500 copies.
			No. of Copies of Annual supplement published	10	0	0	0	0	To be published. The last review of the AS was ongoing at 75% completion (261/385 statutes completed).
		Online Legal Information and Publication Services	% of public legal information published and disseminated in the Kenya Law online repository	100%	100%	100%	100%	100%	17,481 judicial decisions processed.
			% of Laws of Kenya updated, consolidated and published online	99%	88%	96%	99%	100%	All 508 statutes updated
SP. 2.3: Legal Education Training Policy	Kenya School of Law	Legal Training & Capacity Building Services	No. of lawyers trained under the Advocates Training Programme (ATP).	1,500	0	0	1474	0	1,474 Lawyers admitted to the ATP Programme
			No. of students trained under the	150	148	0	0	0	148 students admitted in the

Programme and Sub-Programme	Delivery Unit	Key Outputs	Performance Indicator	Target 2022/23	Quarter I	Quarter II	Quarter III	Quarter IV	Remarks for full year
			paralegal Training Programme (PTP).						paralegal training programme in Q1
			No. of needy students supported through enhancement of KSL-HELB Fund.	250	0	0	143	0	A total of 143 students benefitted from HELB Loan where a total of 11,306,942.00 were disbursed. Variance is as a result of Budgetary constraints
			No. of Continuing Professional Development (CPD) courses delivered.	24	2	18	12	0	32 short courses on CPD conducted.
	Council of Legal Education	ATP Examination Administration Services	No. of candidates examined on Advocates Training Programme (ATP)	4,100	0	0	0	5,401	Achieved
			% of Qualified ATP candidates gazetted for admission to the Roll of Advocates	100%	100%	100%	100%	100%	1,848 Candidates gazetted during the period
		Quality Assurance Compliance and Licensing Services	No. of Quality assurance audits conducted to legal education providers for compliance with the Act	6	3	3	4	3	Achieved
			No.of on-site inspections conducted on legal education providers for compliance with the Act	3	3	4	0	1	None scheduled to be conducted in the quarter
Programme: P.3: General Administration, Planning and Support Services **Programme Outcome: Efficient and effective service delivery**									
S.P 3.1 Transformation of Public Legal Services	Nairobi Centre for International Arbitration (NCIA)	Commercial Arbitration Services	% of disputes on commercial contracts resolved	100%	0%	25%	14%	11%	Target not achieved. Out of the nineteen (19) ongoing cases, only three (3) have been finalized translating to 16% of the dispute on the commercial contracts resolved.
			Value in (Kshs. Billion) released to the economy through Arbitration and ADR services	10	-	2.50	0.00	5.10	Target not achieved. Out of the nineteen (19) ongoing cases only three (3) have been finalized and the cumulative case value for the total ongoing is 7.6.

Programme and Sub-Programme	Delivery Unit	Key Outputs	Performance Indicator	Target 2022/23	Quarter I	Quarter II	Quarter III	Quarter IV	Remarks for full year
			% of Operationalization of NCIA Arbitral Court	75%	25%	25%	0%	50%	Target not achieved. Commencement of the recruitment process of the NCIA's Arbitral Court members is pending and will be initiated upon approval of remuneration schedules by SRC.
			% Increase in cases initiated under ADR mechanism	17%	3%	6%	21%	63%	There are twenty four (24) new cases registered and nineteen (19) ongoing by the end of Q4, therefore representing 63% increase.
			No. of practitioners trained on ADR.	55	15	15	40	85	Target achieved and surpassed. Thirty (30) more upcoming practitioners and Counsels trained on ADR mechanism as at the end of Q4.
SP. 3.2: Administrative Services	GJLOS Sector-wide Reform Coordination Department (SRCD)	Sector-wide Reforms Coordination Services'.	% of GJLO Sector Policy reviewed	100%	0%	0	100	100%	GJLO Sector Policy was reviewed.
			GJLO Sector Policy Disseminated in 47 Counties	5	0	0	0	0	Dissemination was not done due to inadequate funds.
	General Administration	Administration Support Services	No. of service delivery processes reengineered.	3	0	0	2	1	The process of reengineering has been done for Marriages, Societies and Coat of Arms
			% of compliance with the data protection Act No. 24 of 2019.	5%	0%	0%	0%	0%	This FY was creating awareness.
			No. of County offices where SLO&DOJ services are decentralized.	2	0	0	0	0	Decentralization affected by Budget cut
			No. of Bills of quantities and designs developed for construction of Sheria house headquarters and regional office blocks.	3	0	1	0	0	BQ for Kericho office prepared.
			No. of pupil and post-pupil administered for legal internship.	180	44	27	0	49	120 pupil administered for legal internship.
			No. of Employee wellness program	1	1	0	0	0	One (1) report prepared.

Programme and Sub-Programme	Delivery Unit	Key Outputs	Performance Indicator	Target 2022/23	Quarter I	Quarter II	Quarter III	Quarter IV	Remarks for full year
			implementation reports						
			No. of Workplace Gender Based Violence policy developed	1	0	0	0	1	Target achieved.
			% of persons with disabilities who have been facilitated with accessible and adaptive technology	100%	20%	25%	25%	30%	23 persons have been facilitated with accessible and adaptive technology.
			No. of Ministerial annual performance contract report.	1	1	0	0	0	Target achieved. One (1) annual PC report prepared.
			No. of SAGAs annual performance contracts negotiated and vetted.	8	8	0	0	0	Target achieved. Eight (8) SAGAs annual PC negotiated and vetted.
			No. of M & E reports.	2	0	0	0	2	2 reports prepared for donor funded projects and GoK funded project.

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

Ref. IEBC/40/JLAC/(23)

28th October, 2023

The Clerk
National Assembly
Parliament Buildings
P. O. Box 41842-00100
NAIROBI

Attn. Jeremiah Ndombi, MBS

RE: BUDGET IMPLEMENTATION MONITORING FOR THE 2022/23 FINANCIAL YEAR AND FAMILIARIZATION RETREAT WITH THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

The Independent Electoral and Boundaries Commission (IEBC) acknowledges receipt of your letter Ref. No. NA/DDC/JLAC/2023/115 and another ref. No NA/DDC/JLAC/2023/135 dated 12th October, 2023 and 26th October, 2023 respectively on the above subject matter.

IEBC hereby forwards its written submission to the Departmental Committee on Justice and Legal Affairs of the National Assembly on 2023/24 Quarter 1 Financial Year Estimates of Revenue and Expenditure for your information and further course of action.

Thank you for your continued support and consideration.

Yours Sincerely,

Marjan Hussein Marjan, MBS
Commission Secretary/CEO

Encl.

address: Anniversary Towers, 6th Floor, off University Way, P.O Box 45371-00100 Nairobi, Kenya
phone: +254 (0) 2769000 fax: +254 (0) 20 2219185 email: info@iebc.or.ke website: www.iebc.or.ke

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

PRESENTATION BY

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC) VOTE 2031

TO

THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS (JLAC)

2023/24 QUARTER 1 FINANCIAL YEAR ESTIMATES OF REVENUE AND EXPENDITURE

OCTOBER, 2023

A. Introduction

1. Article 88 (1) of Constitution of Kenya establishes the Independent Electoral and Boundaries Commission (IEBC) ['the Commission"] as the body mandated to conduct and/or supervise elections and referenda in Kenya.[1] In carrying out its mandate, the Commission is responsible for:
   i. Continuous registration of citizens as voters;
   ii. Regular revision of the voters' roll;
   iii. Delimitation of constituencies and wards;
   iv. Regulation of the process by which parties nominate candidates for elections;
   v. Settlement of electoral disputes, including disputes relating to or arising from nominations but excluding election petitions and disputes subsequent to the declaration of election results;
   vi. Registration of candidates for election;
   vii. Voter education;
   viii. Facilitation of the observation, monitoring and evaluation of elections;
   ix. Regulation of the amount of money that may be spent by or on behalf of a candidate or party in respect of any election;
   x. The development of a code of conduct for candidates and parties contesting elections; and
   xi. Monitoring of compliance with the legislation required by Article 82(1)(b) relating to nomination of candidates by parties.
2. This mandate is further amplified in other Acts of Parliaments and Regulations.[2]

B. Budget Implementation Status

1. The Commission has the following budget summary on actual revenue receipts, exchequer issues and appropriations in aid (AIA).

[1]Article 88 (4) of the Constitution of Kenya, 2010.
[2] The Independent Electoral and Boundaries Commission Act, 2011;

Table 1: Revenue Receipts, Exchequer Issues and Appropriations In Aid (AIA)

Budget Performance Summary FY. 2023/24					
Source of Fund	Estimates	Cumulative Expenditure (Kshs.)	Actual Receipt	Variance	Remarks
a) Exchequer Issues	4,571,340,000	1,033,601,962	738,926,703	294,675,259	The Commission is yet to receive all Exchequer requested for services rendered
b) Other Receipts (List source):- Sale of tender					
(i)Sale of Register	-		527,500		
c) Appropriations-In-Aid:-					The Commission had no donor funds
Grants					
Loans					
Total Funds available (a+b+c)	4,571,340,000	1,033,601,962	739,454,203	294,675,259	

2. The Commission's actual expenditure by vote for quarter one is as indicated below:

Table 2: Budget Expenditure

Expenditure by Economic Classification	Gross Estimate for FY 2023/24 (Kshs)	Cumulative Expenditure (Kshs.)	Balance (Kshs.)
1) Compensation to Employees	2,618,710,000	583,185,044	2,035,524,956
Wages and Salary Contributions			
Basic Salaries - Permanent Employees	1,308,016,447	323,027,868	984,988,579
Basic Wages - Temporary Employees	72,340,500	14,106,379	58,234,121
Personal Allowances paid as part of Salary	1,022,599,229	197,585,994	825,013,235
Personal Allowances paid as Reimbursements	-	-	-
Personal Allowances provided in Kind	-	-	-
Social Contributions			-
Employer Contributions to Compulsory National Social Security Schemes	12,960,000	824,120	12,135,880
Employer Contributions to Compulsory Health Insurance Schemes			-
Employer Contributions to Social Benefit Schemes Outside Government	202,793,824	47,640,683	155,153,141
2) Use of Goods and Services			-
Utilities, Supplies and Services	43,969,284	5,840,756	38,128,528
Communication, Supplies and Services	41,036,000	10,110,000	30,926,000

Expenditure by Economic Classification	Gross Estimate for FY 2023/24 (Kshs)	Cumulative Expenditure (Kshs.)	Balance (Kshs.)
Domestic Travel and Subsistence, and Other Transportation Costs	229,806,753	44,116,046	185,690,707
Foreign Travel and Subsistence, and other transportation costs	6,844,885	1,522,016	5,322,869
Printing, Advertising and Information Supplies and Services	39,143,845	3,124,912	36,018,933
Rentals of Produced Assets	290,283,157	36,438,289	253,844,868
Training Expenses	138,683,489	10,624,414	128,059,075
Hospitality Supplies and Services	113,043,863	14,925,071	98,118,792
Insurance Costs	297,000,000	254,329,506	42,670,494
Specialized Materials and Supplies	1,400,000	-	1,400,000
Office and General Supplies and Services	48,745,174	6,908,127	41,837,047
Fuel Oil and Lubricants	49,873,010	9,994,729	39,878,281
Other Operating Expenses	124,920,994	3,104,791	121,816,203
Routine Maintenance - Vehicles	43,498,501	4,809,611	38,688,890
Routine Maintenance - Other Assets	466,780,613	44,568,650	422,211,963
3) SUBSIDIES			-
Subsidies to Public Corporations			-
Subsidies to Private Enterprises			-
4) GRANTS			-
Grants and Other Transfers			-
Grants and Other Transfers to International Organizations			-
Grants and Other Transfers to Other Government Units			-
Other Transfers and Emergency Relief			-
5) SOCIAL BENEFITS			-
Social Security Benefits	17,600,432	-	17,600,432
6) Acquisition of Financial Assets			-
7) Acquisition of Non-financial Assets			-
Gross Expenditure			-
Appropriations-in-Aid		-	-
Net Expenditure (Gross Expenditure less A-I-A)	4,571,340,000	1,033,601,962	3,537,738,038

C. Project Implementation Status

1. The Commission has development allocation for FY 2023/2024 of Kshs.77Million. The amount is earmarked to complete four projects as indicated in the table below. Expenditure for only one county has been incurred to date. The rest has not been incurred due to the delay in the issuance of certificates of works done.

Table 3: Development Expenditure

Warehouse Name	Amount in Kshs.	Spent	Balance
Regional warehouse – Isiolo	15,000,000		15,000,000
Regional warehouse – Machakos	20,000,000		20,000,000
Regional warehouse – Wajir	27,000,000	27,000,000	0
Regional warehouse – Garissa	15,000,000		15,000,000
Total	77,000,000	27,000,000	50,000,000

D. FY 2023/2024 Supplementary Estimates 1

1. The Commission's allocation for 2023/24 FY was Kshs. 4,571,340,000 for the Recurrent Vote and Kshs 77,000,000 for the Development Vote. During Supplementary 1, the recurrent budget was revised down wards to Kshs. 4,274,010,914 and no change in Development. (Annex 1)

2. The Recurrent had a net decrease of Kshs 297,329,086 affecting the following programmes:

Table 4: Supplementary Estimates

Programme	Approved Estimates	Budget Cuts	Revised Estimates
Management of Electoral Processes	4,279,494,127	(165,309,058)	4,114,185,069
Delimitation of Electoral Boundaries	291,845,873	(132,020,028)	159,825,845
Totals	4,571,340,000	(297,329,086)	4,274,010,914

3. The Commission was not allocated additional monies under Article 223 of the Constitution

4. The Commission reallocated Kshs 121.085Million (Annex 2) to partially pay court awards of which the claimant had threatened to/or commenced execution proceedings which resulted in the issuance of notice to show cause why the Commission CEO should not be committed to civil jail for non-compliance with the judgment. It is also important to note that the Commission has received additional Court Decrees and cost awards against the Commission totaling to over Kshs 400Million.

E. Impact of the Supplementary Estimates on performance Targets

1. The Commission settled some of the pending bills that were carried over due to lack of exchequer and in compliance with the Treasury circular and PFMA. This impacted on the activities of the Commission as they had to be scaled down.

2. Further, there are preliminary activities that must be conducted in regard to Boundary review and public participation forums, Continuous Voter registration and education, and legal reforms. The commission will not be able to deliver its mandate as it is dependent on the line items affected by the Supplementary budget cuts.

F. Status of Implementation of the Strategic Plan

1. The Strategic Plan 2020-2024 launched in June, 2021 provided a roadmap for the Commission to fulfil its mandate within the set five years.

2. The IEBC Strategic plan 2020-2024 has six strategic priority intervention areas geared towards attainment of free, fair and credible elections with equitable representation. Each priority intervention area has its prioritized activities and achievements as indicated below.

SNO	Key Result Area	Planned Activity	Achievement	Status
1	Strengthening Corporate Governance	Production of branded merchandise	Ensured brand visibility in all activities including conferences, by-elections, trainings, corporate launches, and workshops.	Done
		Implementation of CSR initiatives	Facilitated for the observation and monitoring of elections both domestic and international observers.	Done
			Ensured that the Commission has a cohesive and solid brand.	Done
2	Strengthening the Legal Framework	Development of legislative proposals for review and/or enactment.	Developed legal strategies to forestall avoidable disputes, controversies and litigation against the Commission or instituted by the Commission.	Process on-going (IEBC awaiting enactment of the draft Bill)
		Establishment of Inter-Agency Taskforce.	Appointed the Leadership and Integrity Vetting Committee tasked with vetting of aspirants for the General Election. Five aspirants were found non-compliant	Done
3	Effective Conduct of Elections	Develop a framework for conduct of voter education across the electoral cycle	Conducted registration of 16,106 candidates for the six elective positions.	Inadequate and untimely disbursement of funding.
		Establish interagency technical committees on elections	The Commission halved registration fees for women candidates to encourage them take up leadership positions.	
		Develop a framework for Election Result Management Framework (ERMF)	Developed an Election Result Management Framework (ERMF) that provided a comprehensive guide with respect to the process of managing election results.	Done
		Automate internal operations of the Commission	Conducted Continuous Voter Registration (CVR) in Kenya and for Kenyan citizens residing outside the country in twelve (12) United States of America (USA), United Kingdom (UK), Canada, United Arab Emirates, Qatar, Germany, South Sudan, Tanzania,	Done

SNO	Key Result Area	Planned Activity	Achievement	Status
			Uganda, Rwanda, Burundi and South Africa.	
		Develop a framework for nomination of candidates.	Developed a framework for nomination of candidates.	Done
			Commission procured KPMG to conduct an audit of the register.	Done
4	Public Outreach	Collaborate with institutions of higher learning in the conduct of student dialogue forums on youth participation in elections	Inculcated peer learning culture to benchmark on best practices in electoral management	Done
		Collaborate with grassroots organizations for effective voter education	Stakeholder forums which the Commission held with various organizations representing Women Youth, People with Disabilities and minority groups	Done
		Conduct voter education for SIGs in all electoral processes	Enhance inclusivity, the Commission organized and held targeted special outreaches and engagements for special interest groups	Done
		To reposition IEBC as a respected corporate brand in the provision of electoral services	Applied modern communication and PR techniques to inform and engage its stakeholders.	Done
		To reposition IEBC as a respected corporate brand in the provision of electoral services	The Commission disseminated its publications, timelines, plans and procedures through various mechanism	Done
		Engage partners and stakeholders for the general elections	The Commission accredited 111 organizations as voter education providers. The Commission also accredited 5,978 journalists from 266 local and international media stations,	Done
		Engage partners and stakeholders for the general elections	Accredited to undertake election observation on long and short-term for all electoral processes. The Commission accredited 120,731	Done

SNO	Key Result Area	Planned Activity	Achievement	Status
			observers/monitors for the 2022 General Election	
5	Electoral Boundaries Delimitation	Acquire GIS Lab	Acquired a new GIS Lab	Done
		Develop Boundary delimitation framework	Drafted Delimitation rules of procedure	Process on going (IEBC awaiting enactment of the draft Bill)
		Conduct Delimitation		No Commissioners to give policy direction
		Gazette Of New Electoral units		
6	Strengthening Strategic Operations	Automate internal operations of the Commission	Developed and deployed Accreditation Management System (AMS)	Done
		Automate internal operations of the Commission	Moreover, the Commission deployed the Kenya Integrated Election Management System (KIEMS)	Done
		Automate internal operations of the Commission	Adopted use of technology in the registration and identification of voters, transmission of election results.	Done
		Automate internal operations of the Commission	Adopted the use of technology in the registration of political party candidates.	Done
6	Strengthening Strategic Operations	Conduct of an Audit of the Register of Voters	Preliminary audit report with useful information, including 246,465 deceased voters, 481,711 duplicate records and 226,143 voters registered with IDs that did not validly belong to them, 164,269 registered with voter records with invalid identification documents	Done
		Review and implement human resource planning	The Commission has been implementing human resource planning on a continuous basis through recruitment, reorganization, and	Done

SNO	Key Result Area	Planned Activity	Achievement	Status
			redeployment.	
		Review the organizational structure	The commission revised its organizational structure to align it with its mandate and expanding workload and was approved as at 30th June, 2021. It will, however, be implemented as funds are made available by the National Treasury.	Done
		Review performance management framework	The review of performance Management Framework is in Progress. We have requested funds from Donors to assist us in reviewing it through a consultant.	Done
		Review staff welfare policy	The Commission established the IEBC Welfare Association, which employees are encouraged to join voluntarily.	Done
			In addition, the Commission has made mortgage and car loan options available to its employees.	Done
			We do not, however, have a staff welfare policy in place.	Done

3. As of today, the Commission has executed 85% of the Strategic plan with the main key outstanding area being equity in representation that will be realized once the boundaries delimitation process is completed. Additionally, the area of corporate governance will be fully actualized once the Commission is fully constituted. (Annex 3)

G. Status of pending bills

1. The Commission has pending bills accumulated from prior years to the 2022 General Elections as categorized below (Annex 4):

Table 6: Pending Bills

IEBC PENDING BILLS PER FINANCIAL YEAR		
S.NO	DESCRIPTION	AMOUNT(KSH)
1	PRIOR YEARS	1,148,623,250.00
2	2022/2023 FY (GOODS & SERVICES)	1,758,492,231.50
3	2022/2023 FY (LEGAL BILLS)	2,129,962,499.03
4	2021/2022 FY	48,969,505.42
5	2020/2021 FY	9,563,967.98
6	2019/2020 FY	162,936,160.00
7	2018/2019 FY	70,347,060.00
TOTAL PENDING BILLS		5,328,894,673.92

IEBC PENDING BILLS – CLASSIFICATION		
S.NO	DESCRIPTION	AMOUNT (KSH)
1.	LEGAL FEES & COSTS AWARDED	3,091,228,813.67
2.	ELECTION LOGISTIC - POSTAL CORPORATION	1,048,578,160.00
3.	GOODS & SERVICES	1,189,087,700.25
TOTAL PENDING BILLS		5,328,894,673.92

2. The Commission has a current allocation of Kshs.0.5Million for legal fees. It is, therefore, unable to pay the bulk of Pending bills which comprises legal fees of Kshs.3Billion.

3. The Commission reallocated Kshs.121Million to settle Court Awards for case E085 Scanad and HR Ganjee that had arrest warrant issued. It is further unable to reallocate additional funds due to competing needs.

4. In view of the above and the magnitude of the bills, the whole amount cannot be settled within the budget provision of financial year 2023/24.

5. The Commission has written severally to the National Treasury requesting additional funding due to lack of budgetary provision with no positive response.

H. Non-Financial Performance

1. Table 5 shows performance against the set targets.

Table 5: Non-Financial Performance

Programme and Sub Programme Performance Report -Non-financials for First Three Months, FY 2023/24 (as of 30thSeptember 2023)								
Programme	Sub-Program	Delivery Unit	Key Output	KPI	Annual Target	Actual as at 30th September 2023	Variance	Remarks
Program 1: Management of Electoral Process in Kenya								
Outcome: Free Fair and Credible Elections								
Program 1: Management of Electoral Process in Kenya	SP 1: General Administration Planning and Support Services,	Legal	Review of electoral and Boundary delimitation laws	% Election Petitions defended successfully	100	0	100	No by elections have taken place as the Commission is awaiting reconstitution of Commission members
				Number of electoral laws reviewed	12	5	7	Pending laws at parliament awaiting reconstitution of Commission members
		HRA	Construction of 4 county IEBC warehouses	Number of IEBC warehouses constructed	4	4	-	Awaiting completion certificates
			Vacancies filled	% of vacancies filled	100	95	5	The Commission is not in place to recruit and replace retired staff
			Enhance efficiency in HR function	Number of policies reviewed	5	0	5	Process is ongoing draft to be completed on second quarter
		Risk	Compliance with Data Protection	No. of policies developed	1	0	1	Process is ongoing draft to be completed on second quarter

Programme and Sub Programme Performance Report -Non-financials for First Three Months, FY 2023/24 (as of 30thSeptember 2023)								
Programme	Sub-Program	Delivery Unit	Key Output	KPI	Annual Target	Actual as at 30th September 2023	Variance	Remarks
		Research	Improved service delivery	Number of thematic studies on election process	3	0	3	Process is ongoing
		Finance & Procurement	Compliance with PFMA&PPADA	Number of financial statements prepared and submitted	10	2	8	First Quarter reports prepared and submitted within stipulated timelines
				Number of work plans prepared	56	56	-	Workplans currently being implemented
				Number of compliance reports	9	2	7	
		Internal Audit		Number of Internal Audit reports generated	10	3	7	Quarter 3
	SP 2: Voter Registration and Electoral Operations	DVREO	Elections conducted	% of vacancies filled in electoral positions	100	0	100	No by elections have taken place as the Commission is awaiting reconstitution of Commission members
				% of statutory elections conducted	100		100	
			Register of voters	Number of newly registered voters	0.3M	0	0.3M	Awaiting reconstitution of Commission members for gazettement of Registration officers and Commencement of the Registration

Programme and Sub Programme Performance Report -Non-financials for First Three Months, FY 2023/24 (as of 30thSeptember 2023)								
Programme	Sub-Program	Delivery Unit	Key Output	KPI	Annual Target	Actual as at 30th September 2023	Variance	Remarks
	SP 3: Voter Education, Partnerships & Communications	DVEP	Empowerment of citizens to exercise their civic and democratic rights	% of voter turnout in Election	65	0	65	No By elections have taken place as the Commission is Awaiting Commissioners to be put in place
				% decrease in the number of rejected ballot	95	0	95	
				Number of accredited election observers	300	0	300	
				Number of voter education materials developed	10	0	10	Process is ongoing drafts to be completed on second
				Number of voter education information disseminated	339	0	339	Awaiting reconstitution of Commission members
			Public participation on issues around the electoral cycle	Number of stakeholder forums held	200	2	198	Awaiting reconstitution of Commission members
			Enhance corporate image	Number of CSR initiative	50	2	48	Most planned activities are in quarter 2
	%SP 4: Electoral Communication Information Technology	ICT	Electronic collation, transmission and tallying of electoral data operationalized	% of voters in the electronic register	100	100	-	
				% Voters Electronically identified	100	100	-	
				% results electronically transmitted and tallied	100	0	100	No By elections have taken place as the Commission is awaiting reconstitution of Commission

Programme and Sub Programme Performance Report -Non-financials for First Three Months, FY 2023/24 (as of 30thSeptember 2023)								
Programme	Sub-Program	Delivery Unit	Key Output	KPI	Annual Target	Actual as at 30th September 2023	Variance	Remarks
								members
Program 2: Delimitation of Electoral Boundaries								
Outcome: To promote equity in representation and participation in the electoral process								
Program 2: Delimitation of Electoral Boundaries	Delimitation of Electoral Boundaries	Research, Boundaries and Development	Boundaries Delimitation	Number of administrative boundaries updated	47	0	47	Awaiting reconstitution of Commission members
				Number of constituencies Delimited	290	0	290	
				Number of CAWS Delimited	1450	0	1,450	
				Number of electoral area maps produced	1882	0	1,882	

I. Status of Court Awards/Contingent liabilities arising

1. During the period under review, the courts ruled and awarded various litigation costs amounting to Kshs. 401,379,925 awarded against the Commission. These awards were as a result of non-payment of pending bills and petition costs as indicated below:

Table 6: Awards against the Commission

S/No.	Parties	Date of Award	Amount in Kshs.	Payment to Date
1.	Nairobi Civil Suit No. Eo85 of 2020 -Scanad Kenya Limited -V- IEBC. Abdullahi Gitari & Co. Advocates	26th April, 2021	248,042,665.12	Not Paid
2.	Nairobi Cmcc No.3364 of 2006 Zeliang Yang -V -Hon. Attorney General	19th April, 2017	581,219.60	Not Paid
3.	Kericho Employment and Labour Relations Court, Cause No.35 of 2018 Stephen Kibet Ngeno -V- IEBC	1st February 2019- (Appeal Pending In Court	4,230,763	Not Paid
4.	Nairobi Employment & Labour Relations Court Cause No.617 of 2019 Ezra Chiloba V IEBC. Maurice Oduor & Advocates	27th October 2022	39,170,798.03	Not Paid
5.	Nairobi Jr No.61 Of 2015 -John Omollo T\A Ganijee & Sons -V- IEBC. Mukele Moni & Advocates	20th December 2022	46,066,528.10	Not Paid
6.	Hccc No.160 Of 2014- Kenafric Diaries Manufacturers Limited-V- IEBC. Lubulellah & Co. Advocates	18th February, 2020	17,477,732	Not Paid
7.	Nairobi Civil Suit No. 8162 Of 2017- Infrotrack Research And Consulting Ltd -V- IEBC Oliendo, Orare & Samba Advocates Llp	4th April, 2022	1,291,080	Not Paid
8.	Nairobi Cmcc No.3178 Of 2014 Next Technologies -V- IEBC. Amolo & Gacoka Advocates	2rd July, 2019	9,259,066.77	Not Paid
9.	Makueni Cmcc No.58of 2020 Jemima Kamene Kalota (Suing As The Administrators And/Or Personal Representatives Of The Estate Of Getrude Muene Kamene (Deceased) –V- IEBC Ann Kiusya & Co. Advocates	14th October, 2020	965, 865.63	Not Paid
10.	Supreme Court Petion No. 26 Of 2018- Abdirahman Ibrahim Mohamud -V- Mohamed Ahmed Kolosh, IEBC. Mukele	14th October, 2020	3,463,435	Not Paid

S/No.	Parties	Date of Award	Amount in Kshs.	Payment to Date
	Moni % Co. Advocates			
11.	Nairobi Court Of Appeal No.15 Of 2018 Abdirahman Ibrahim Mohamud -V- Mohamed Ahmed Kolosh, IEBC, Mukele Moni & Co. Advocates	10th December, 2020	1,333,965	Not Paid
12.	Nairobi High Court Petition No. 4 Of 2017 Abdirahman Ibrahim Mohamud -V- Mohamed Ahmed Kolosh, IEBC Mukele Moni & Co. Advocates	2nd March, 2018	1,500,000	Not Paid
13.	Bungoma Cmcc No.272 Of 2015 Edgar Kinyanjui Njiriri T\A Planet Hotel -V- IEBC. J.O. Juma &Co. Advocates	17th December, 2018	195,000	Not Paid
14.	Nairobi Judicial Review No.302 Of 2015 Office Technologies -V- IEBC – Lubulellah & Co. Advocates	17th December, 2018	7,243,568	Not Paid
15.	Busia Rmcc No.2 Of 2017- Silvanus Juma -V- IEBC & Another. Ngaywa And Kibet Partners Llp	20th February, 2018	200,000	Not Paid
16.	Busia Judicial Review No. E003 Of 2022- Busera George & Republic-Vs- Iebc. J. P Makokha Co. Advocates	17th May, 2023	300, 000	Not Paid
17.	Nairobi Elrc No. 1709 Of 2016- Lydia Ondiso Akumu –Vs- IEBC. Munyao Muthama & Kashindi Advocates	30th November, 2022	1,211,010	Not Paid
18.	Nairobi Elrc No. 1710 Of 2016-Tony Opicho Akumu –Vs- IEBC. Munyao Muthama & Kashindi Advocates	30th November, 2022	1,001,230	Not Paid
19.	Supreme Court Pet No. 21 Of 2018- Gideon Sitelu Konchella –Vs- Iebc & Others. Kilukumi & Co Advocates	12th March, 2020	1,623,150	Not Paid
20.	In The Court Of Appeal Pet No. 21 Of 2018- Gideon Sitelu Konchella –Vs- Iebc & Others. Nchogu, Omwanza & Nyasimi Advocates	4th December, 2020	1,820,475	Not Paid
21.	High Court Pet No. 29 Of 2019- Julius Lekakeny Ole Sunkuli –Vs- Iebc & Others. Nchogu, Omwanza & Nyasimi Advocates	21st July, 2020	2,230,475	Not Paid
22.	Nairobi Elrc No. 1744 Of 2014-Dismas Omondi –Vs- IEBC G & A Advocates Llp	21st June, 2023	11,146,773	Not Paid

S/No.	Parties	Date of Award	Amount in Kshs.	Payment to Date
23.	Nairobi Elrc No. E139 Of 202 Alividza Akatsa Georginna –Vs- IEBC. J. K. Kibicho & Co Advocates	10th August, 2018	252,932	Not Paid
	Jr Misc.Appl No. E0332 Of 2021- Republic-Vs-Iebc, Ex-Parte Next Technologies. Nyiha, Mukoma & Co. Advocates	14th July, 2021	622,594	Not Paid
24.	Marimanti Election Pet. No. 1 Of 2017. J.K Kibicho & Co. Advocates	29th July, 2021	149,600	Not Paid
	Total		401,379,925	

2. On the other hand, there were costs awarded in favour of IEBC amounting to Kshs. 32,113,401 out of which Kshs.12,973,887 has been paid.

Table 7: Costs awarded in favor of IEBC.

S/No.	Parties	Amount in Kshs.	Payment to Date	Balance to date
1.	Ndima Paul Ndunda v. IEBC& 2 Others	50,000	50,000	0
2.	David Muema Nduku v. IEBC& 2 Others	100,000	100,000	0
3.	Santamo Elizabeth –V- IEBC& 5 Others	50,000	50,000	0
4.	Party of Independent candidates Kenya vs Mutula Kilonzo & IEBC	2,225,076	2,225,076	0
5.	Hon. Clement Kungu Waibara vs IEBC	333,333	333,333	0
6.	Arthur Kibira vs IEBC&Another	300,000	300,000	0
7.	Nicholas Kiptoo Korir Salat vs IEBC	250,000	250,000	0
8.	Charles Maywa Chedotum & Another vs IEBC	250,000	250,000	0
9.	Dr.Noah Mahalanganga Wekesa vs Mr.Albert Adme, IEBC	250,000	250,000	0
10.	Asman Omari Wafula vs David Wafula Wekesa & Others	250,000	250,000	0
11.	Charles Kimeli Korir vs Ezekiel Juma,IEBC& Another	50,000	50,000	0
12.	Charles Kamuren vs Grace Jelaga Kipchoim,IEBC& Others	250,000	250,000	0
13.	Charles Kamuren vs Grace Jelagat Kipchoim,IEBC& Another	250,000	250,000	0
14.	Milton Mugambi Imanyara Vs IEBC	250,000	250,000	0
15.	Oscar Omoke Ocholla VS IEBC	195,478	195,478	0

S/No.	Parties	Amount in Kshs.	Payment to Date	Balance to date
16.	Grace Odhiambo Akumu vs IEBC& 2 others	250,000	250,000	0
17.	Hamzah Musiri Kevogo vs IEBC	250,000	250,000	0
18.	Wilson Pkerker Chekeruk vs Loporna Pyatich & 2 others	50,000	50,000	0
19.	James Apareng Kamuret vs IEBC& 2 others	50,000	50,000	0
20.	Pauline Akai Lokuruka vs Joyce Akai Emanikor & 2 others	250,000	250,000	0
21.	John Munyes Kiyonga vs Josephat Koli Nanok & 2 others	250,000	250,000	0
22.	Shadrack Kirwa Tatus vs Jackson Swadi Kedogo & Another	50,000	50,000	0
23.	Robinson Simiyu Mwanga vs IEBC& Another	250,000	250,000	0
24.	IEBCvs Pauline Akai Lokuruka & Joyce Aakai Emanikor & Another	250,000	250,000	0
25.	Cosmas Foleni Kenga v. IEBC	125,000	125,000	0
26.	Dr. George Mbogo Ochilo Ayako v. IEBC& Others	1,250,000	1,250,000	0
27.	Dr. George Mbogo Ochillo Ayacko vs IEBC	1,250,000	1,250,000	0
28.	Robert Ndemo Mokaya Vs IEBC	998,280	0	998,280
29.	Hon.Mary Emmase Otucho vs IEBC	600,000	600,000	0
30.	Omari Juma Mwakamole vs IEBC	760,345	0	760,345
31.	Saad Yusuf Saad vs IEBC& Another	721,119	0	721,119
32.	Dr. George Mbogo Ochilo Ayacko vs IEBC& Another	2,058,125	1,250,000	808,125
33.	Dr. George Mbogo Ochillo Ayacko vs IEBC	1,279,419	1,250,000	29,419
34.	Butichi Ramadhan Khamisi vs IEBC& Another	2,810,190	0	2,810,190
35.	Butichi Ramadhan Khamisi vs IEBC& Another	1,176,028	0	1,176,028
36.	Hellenah Kisiku Kitheka vs IEBC	200,000	0	200,000
37.	Mutali Sam Buyera vs IEBC	300,000	0	300,000
38.	Hon.Keronche Maranga Sammy vs IEBC & 2 OTHERS	200,000	0	200,000
39.	Joash Nyaribo Orora vs IEBC	200,000	0	200,000
40.	Irene M.Aikhoye vs IEBC	45,000	45,000	0
41.	Kalla Jackson Musyoka vs IEBC & Another	1,821,758	0	1,821,758
42.	Halima Daudi Diriye vs IEBC	100,000	0	100,000
43.	Boniface Shanga Amunyanyi vs IEBC	500,00	0	500,000
44.	Asha Abdi Soso vs IEBC	350,000	0	350,000

S/No.	Parties	Amount in Kshs.	Payment to Date	Balance to date
45.	Robert Mwangi Kariuki vs IEBC	4,134,855	0	4,134,855
46.	Sofia Galgalo vs IEBC	2,117,745	0	2,117,745
47.	Lucas Mulinge Mutua vs IEBC	33,333	0	33,333
48.	IEBCvs Lucas Mulinge Wambua & Another	33,333	0	33,333
49.	Ayiema Paul Okombo vs IEBC	150,000	0	150,000
50.	Francis Amenya Ndubi vs IEBC	200,000	0	200,000
51.	Francis Amenya Ndubi vs IEBC	100,000	0	100,000
52.	Nixon Ngikor Nicholas vs IEBC	1,250,000	250,000	1,000,000
53.	Nixon Ngikor Nicholas vs IEBC	644,983.50	250,000	394,984
	TOTAL	31,613,400.50	12,973,887	19,139,514

J. Other Relevant Areas

1. Boundaries

i. The Commission suffered a budget cut of Kshs. 132.02 Million from a budget allocation of Kshs. 292 Million during supplementary 1. The initial allocation was not adequate to conclude the boundary delimitation process and other related activities.

ii. For the Commission to successfully conduct delimitation of constituencies and wards, it will require Kshs. 8.5Billion to take care of training of staff, Voter education on boundaries, Gazettement, Delimitation forums, Boundary security arrangement program, National Engagements, County and constituency forums, wages, and other operations

iii. The Commission is yet to be reconstituted to carry on with activities relating to Boundary delimitation within the stipulated constitutional timelines.

iv. This is the subject matter for the ongoing bipartisan discussions.

2. Legal Reforms

The 2022 General Election was concluded well, and feedback given in the Post Election Evaluation report. There are some legal reforms that the Committee will be

briefed on in due course to facilitate changing the legal framework for conducting General Elections. The Laws (bills and regulations) for legal reforms include:-

- The IEBC (Amendment) Bill, 2023;
- The Elections (Amendment) Bill, 2022;
- The Referendum Bill, 2020;
- Campaign Financing Act (Amendment), 2021;
- Elections (Registration of voters) (Amendment) Regulations,2022;
- Elections (General) (Amendment) Regulations, 2022;
- Elections (Voter Education) (Amendment) Regulations, 2022;
- Elections (Party Primaries and Party Lists) (Amendment) Regulations, 2022; and
- Elections (Technology) (Amendment) Regulations, 2022.

2. Uchaguzi Centre

1. Vision 2023 envisions a Country with a democratic political system reflecting the aspirations and expectations of its people. Towards achieving this, the Commission intends to construct its own facility to enhance efficient service delivery to the people of Kenya. This will in turn contribute to the socio-economic pillar of job creation. The Commission's strategy to construct Uchaguzi Centre is to ensure improved management of elections. Consequently, the conduct of credible elections will result in a conducive environment which is a good recipe for economic growth.

2. The Commission has conducted a pre-feasibility study on the viability of the project and engaged Public Works to give an estimate on the cost of constructing Uchaguzi Centre along with architectural designs. The Commission submitted the project concept note, pre-feasibility report and tentative bill of quantities for approval and funding. The approval and funding (annex 5) have not been provided by the National Treasury.

Table 8: Estimated cost of the Project:

Project Name	Estimated Project Cost Financing		
Uchaguzi Centre	Total Cost of Project (Kshs.)	Allocation to date (Kshs.)	Allocation 2023/24 (Kshs.)
	3.5Billion	0	0

3. Lack of budgetary provision to cater for pending bills.

1. These pending bills, if not settled, will not only increase the quantum but also constrain the operations of the Commission .

2. The failure by the Commission to clear the pending bills may result in: -

   i. Court cases, especially where negotiated legal fees will be taxed upwards of the initial fees.
   ii. Suppliers of goods and services meant to support the conduct of by-elections and other functions of the Commission withdrawing services.
   iii. Affect activities of the Commission as pending bills have to be given priority on payment where payable.

K. Request to the Committee

The Commission requests JLAC to:

a. Note the Commission's submission for financial and non-financial performance for quarter one FY 2023/24.
b. Note the supplementary one budget cuts and its effect on the Commissions Budget.
c. Note the pending bills of Kshs.5.3Billion arising from lack of budgetary and exchequer provisions.
d. Appeal to the Committee to facilitate the allocation of Kshs.5.3Billion to the Commission to clear all the pending bills.
e. Note the issues affecting the Commission.

The Commission would like to thank the Committee for its continued support in enabling it to meet its constitutional Mandate.



Marjan Hussein Marjan, MBS
Commission Secretary/CEO

REPUBLIC OF KENYA

OFFICE OF THE REGISTRAR OF POLITICAL PARTIES
ORPP
Strengthening Political Parties

OFFICE OF THE REGISTRAR OF POLITICAL PARTIES SUBMISSION ON BUDGET FY 2022/23 IMPLEMENTATION MONITORING

PRESENTED

TO THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

JULY, 2023

Office of the Registrar of Political Parties –ORPP
Telephone: +254(0)204022000,0772 281357
Email: registrar@orpp.or.ke
Website: www.orpp.or.ke

@ORPPKenya
Lion Place, 1st Floor
Off Waiyaki Way
P.O. Box 1131-00606
NAIROBI

1.0 Introduction

The Republic of Kenya is a multi-party democratic state founded on the national values and principles of governance (Article 4). The people of Kenya are free to exercise their political and democratic rights through free, fair and credible electoral process. The Constitution provides that every person is equal before the law and has a right to make political choices, which include the right to belong and campaign for a political party and candidate of their choice (Article 38).

The Office of the Registrar of Political Parties (ORPP) is a State Office established under Article 260 of the Constitution of Kenya, 2010, and the Political Parties Act, 2011. The mandate of the office, among others is to regulate the formation, registration and funding of political parties in accordance with the Constitution and rule of law. The office is responsible for implementing the Political Parties Act, which is the primary legal reference for management of political parties in accordance with Article 91 and 92 of the Constitution.

Political parties are key institutions of social, economic and political governance. They play several and important roles including promoting pluralistic debates by presenting alternative policy platforms and providing a forum for selection of leadership.

1.1 Mandate of the Office of the Registrar of Political Parties

The mandate of ORPP is to register and regulate political parties as well as administer the Political Parties' Fund. Section 34 of the Political Parties Act, 2011 provides for the functions of the office, which includes:

(i) Registration, regulation, monitoring, investigation and supervision of political parties to ensure compliance with Political Parties Act, 2011;
(ii) Administration of the Political Parties Fund;
(iii) Ensuring publication of audited annual accounts of political parties;
(iv) Verification and publicly availing lists of all members of political parties;
(v) Maintenance of a register of political parties and their symbols;
(vi) Ensuring and verifying no person is a member of more than one political party;

(vii) Investigating complaints received under the Act;

(viii) Performing such other functions as may be conferred by the Act or any other written Law.

ORPP's priority is to effectively discharge its legal mandate in a manner that inspires public confidence.

1.2 Vision, Mission and Core Values

Vision

A model regulator of political parties for a credible democratic multiparty system.

Mission

To promote the realization of political rights through registration and regulation of political parties in Kenya.

Core Values

The Office of the Registrar of Political Parties is guided in all its work and operations by core values and principles as stipulated in Article 232 of the Constitution. The core values include: Professionalism, Integrity, Respect for the rule of law, Innovativeness and Impartiality.

1.3 Programme and Sub- Programmes

1.3.1 Programme: Registration, Regulation and Funding of Political Parties

The office implements one programme namely **Registration, Regulation and Funding of political parties** whose strategic objective is to promote democratic governance through institutionalized, competitive, accountable and issue based political parties.

1.3.2 Sub- programmes

The programme comprises of three sub-programs namely:

1. Registration and Regulation of political parties;
2. Funding of Political Parties, and
3. Political Parties Liaison Committee (PPLC)

i) Registration and Regulation of political parties

In line with the ORPP mandate of registration of political parties, the office scrutinizes and processes all applications for both provisional and full registration of political parties. The office keeps data on the names, symbols and particulars of registered political parties. The office maintains an accurate register of political parties' members as recruited by political parties and ensures that no person is a member of more than one political party at the same time.

The office manages the Integrated Political Parties Management System (IPPMS) that among other things host a database for political parties' particulars, which includes; political party membership, membership details, officials and their signatures, headquarters and county offices, symbols and colours, records of assets and liabilities, and bank accounts details.

Regulation of political parties entails continuous monitoring of political parties to ensure compliance with the Constitution of Kenya 2010 (COK), Political Parties Act (PPA) 2011 and their respective Constitutions in their conduct. In line with the COK, 2010, political parties are required to have a national outlook which the PPA further qualifies to have a presence in at least half of the counties. The office therefore ensures that every political party have at least 1000 members and a physical office location in at least half of the 47 counties. The office regulates the process by which political parties effect changes on their particulars including changes to party constitution, governing body officials, symbols, addresses etc. Further, the office conducts inspection of political party records and carries out investigation on complaints received.

ii) Funding of Political Parties

The office administers the Political Parties Fund (PPF), which is established under section 23 of the Political Parties Act, 2011. The fund is disbursed to qualifying political parties as per the criteria set out under section 25 of the PPA. The purpose of the PPF is to:

a) Promote the representation in Parliament and in county assemblies of women, persons with disabilities, youth, ethnic and other minorities and marginalized communities;

b) Carry out civic education in democracy and other electoral processes by political parties;
c) Cover election expenses of the political parties;
d) Bring the political parties' influence to bear on the shaping of public opinion; and
e) Cover Administrative expenses of the political parties' (should not exceed 30% of the monies allocated).

iii) Political Parties Liaison Committee

The Political Parties Act, 2011 establishes the Political Parties Liaison Committee at the national and county levels. The principle function of the committee is to provide a platform for dialogue between the Registrar, IEBC and political parties. The PPLC is crucial for the promotion of public participation, inclusiveness and respect for diversity. This has gone a long way in fostering democracy within the political establishment.

2.0 FINANCIAL PERFORMANCE BY VOTE AND PROGRAM

The Office had a printed budget allocation of Kshs. 2,126,850,000 (Two billion, one hundred and twenty-six million, eight hundred and fifty thousand shillings) during the financial year 2022/2023. The budget was reduced to Kshs. 1,551,015,169 (One billion, five hundred and fifty-one million, fifteen thousand and one hundred sixty-nine shillings) during the supplementary estimates No. 1 of financial year 2022/2023. The allocation was further reduced to Kshs. 1,530,268,247 (One billion, five hundred and thirty million, two hundred sixty-eight thousand and two hundred forty-seven shillings) during supplementary estimates No. 2. Table 1 below indicates the changes in budget during the financial year.

Table 1: Changes in budget allocation during financial year 2022/2023

Estimates	Budget Allocation
Printed Estimates	2,126,850,000
Supplementary Estimates No. I	1,551,015,169
Supplementary Estimates No. 2	1,530,268,247

2.1 Actual Revenue Receipts

During the Financial Year 2022/2023, the Office of the Registrar of Political Parties received exchequer issues amounting to one billion, four hundred and sixty million, nine hundred and sixty-seven thousand and forty-three shillings and fifty cents **(KShs. 1,460,967,043.50).**

Table 2 below indicates the exchequer amounts received during each quarter of the FY2022/2023

Table 2: Exchequer issues for each quarter of the FY2022/23.

Source of Fund	Total Receipts FY2022/2023	Receipts per Quarter			
		Quarter 1 FY2022/23	Quarter 2 FY2022/23	Quarter 3 FY2022/23	Quarter 4 FY2022/23
a) Exchequer Issues	1,460,967,043.50	140,286,575.00	825,684,240	108,716,577	386,279,651.50
b) Donor (List source)					
(i)	-	-	-	-	-
c) Appropriations-In-Aid					
Grants	-	-	-	-	-
Loans	-	-	-	-	-
Total Funds Received	**1,460,967,043.50**	**140,286,575.00**	**825,684,240**	**108,716,577**	**386,279,651.50**

2.2 Expenditure by Vote and Economic Classification (Kshs. Millions) FY2022/23

During the Financial Year 2022/2023, the Office of the Registrar of Political Parties had a cumulative expenditure of one billion, four hundred and fifty-two million, eight hundred and thirty-four thousand six hundred and fifty-four shillings **(Kshs. 1,452,834,654.00)** against an approved budget of one billion, five hundred and thirty million, two hundred and sixty-eight thousand, two hundred and forty-seven shillings **(Kshs. 1,530,268,247)** translating to a budgetary absorption level of 94.94%.

Table 3: Expenditure by Vote and Economic Classification

Expenditure Classification (VOTE R1311)	Approved Budget FY2022/23 (Million)	Cumulative Expenditure FY2022/23 (Million)	Quarter 1 FY2022/23 (Million)	Quarter 2 FY2022/23 (Million)	Quarter 3 FY2022/23 (Million)	Quarter 4 FY2022/23 (Million)
Current Expenditure	**1,530.26**	**1,452.83**	**144.49**	**815.43**	**107.13**	**385.78**
Compensation to Employees	257.60	257.16	100.87	54.26	52.43	49.60
Use of goods and services	344.22	277.36	43.62	23.67	51.69	158.38
Interest	-	-	-	-	-	-
Subsidies	-	-	-	-	-	-

Expenditure Classification (VOTE R1311)	Approved Budget FY2022/23 (Million)	Cumulative Expenditure FY2022/23 (Million)	Quarter 1 FY2022/23 (Million)	Quarter 2 FY2022/23 (Million)	Quarter 3 FY2022/23 (Million)	Quarter 4 FY2022/23 (Million)
Current Transfers to Govt. Agencies	884.35	884.35	0	737.50	0	146.85
Social Benefits	-	-	-	-	-	-
Other Expense	-	-	-	-	-	-
Non –Financial Assets	44.09	33.96	0	0	3.01	30.95
Financial Assets	-	-	-	-	-	-
Capital Expenditure	-	-	-	-	-	-
Compensation to Employees	-	-	-	-	-	-
Use of goods and services	-	-	-	-	-	-
Interest	-	-	-	-	-	-
Subsidies	-	-	-	-	-	-
Capital Transfers to Govt. Agencies	-	-	-	-	-	-
Non-Financial Assets	-	-	-	-	-	-
Financial Assets	-	-	-	-	-	-
Total Expenditure of Vote	**1,530.26**	**1,452.83**	**144.49**	**815.43**	**107.13**	**385.78**

2.3 Expenditure by Programme and Sub-Programmes

Table 4 below indicates the summary of the actual expenditure versus the approved net estimates of the three sub programmes; Registration and regulation of political parties, Funding of political parties and Political parties' liaisons committee during the FY2022/23

2.4 Table 4: **Expenditure by Programme and Sub-Programmes**

Programme: Registration, Regulation and Funding of Political Parties			
Name of the Programme & Sub-Programme	**Printed Estimates Kshs.) Recurrent**	**Approved Net Estimates (Kshs.) Recurrent**	**Expenditure (Kshs.) Recurrent**
Sub-Programme 1: Regulation of Political Parties	634,359,000	630,378,247	553,138,654
Sub-Total	**634,359,000**	**630,378,247**	**553,138,654**
Sub-Programme 2: Funding of Political Parties	1,475,000,000	884,354,000	884,354,000
Sub-Total	**1,475,000,000**	**884,354,000**	**884,354,000**
Sub-Programme 3: Political Parties Liaison Committee	17,491,000	15,536,000	15,342,000
Sub-Total	**17,491,000**	**15,536,000**	**15,342,000**
Grand Total	**2,126,850,000**	**1,530,268,247**	**1,452,834,654**

3.0 NON-FINANCIAL PERFORMANCE

SUB-PROGRAMME	Key Output	Key Performance Indicators	Quarter 1			Quarter 2			Quarter 3			Quarter 4			Remarks
			Target	Actual	Variance	Target	Actual	Variance	Target	Actual	Variance	Target	Actual	Variance	
1) Registration and Regulation of Political Parties	Political Parties Registration Services	Percentage of applications for provisional registration processed	100	100	0	100	100	0	100	100	0	100	100	0	The target was met
		Percentage of applications for full registration processed	100	100	0	100	100	0	100	100	0	100	100	0	The target was met
	Compliance with Political Parties Act, 2011	No. of Political Parties supervised to ensure compliance with the Political Parties Act, 2011	90	90	0	90	90	0	90	90	0	90	90	0	Compliance status report continuously updated for all the fully registered political parties on various parameters and non-compliant parties notified on areas of non-compliance and requested to rectify the breaches.

SUB-PROGRAMME	Key Output	Key Performance Indicators	Quarter 1			Quarter 2			Quarter 3			Quarter 4			Remarks
			Target	Actual	Variance	Target	Actual	Variance	Target	Actual	Variance	Target	Actual	Variance	
		Percentage of officials of newly registered political parties trained on general areas of compliance with the Act	-	-	-	-	-	-	-	-	-	100	100	0	The objective of the training was to enhance compliance by the parties with the law and electoral preparedness
		No. of political parties headquarter offices inspected to verify compliance with section 17 of the Act on maintenance of accurate records	-	-	-	-	-	-	-	-	-	89	89	0	The Office conducted inspection exercise of records maintained at head offices of all fully registered political parties

SUB-PROGRAMME	Key Output	Key Performance Indicators	Quarter 1			Quarter 2			Quarter 3			Quarter 4			Remarks
			Target	Actual	Variance	Target	Actual	Variance	Target	Actual	Variance	Target	Actual	Variance	
		No. of CSOs/FBOs, county political parties' officials, Women, Youth and Persons with Disabilities (PWDs) sensitized to enhance their participation in electoral and political processes	-	-	-	-	-	-	-	-	-	2000	2000	0	The Office conducted eight (8) county political education and feedback forums in Mombasa, Isiolo, Nakuru, Garissa, Kisumu, Nyeri, Nairobi/Kiambu and Eldoret.
		Monitoring of the 2022 General Election and the Minielections	1	1	0	-	-	-	-	-	-	-	-	-	The Office monitored the General Election and Minielections for eight (8) elective positions that were postponed.

SUB-PROGRAMME	Key Output	Key Performance Indicators	Quarter 1			Quarter 2			Quarter 3			Quarter 4			Remarks
			Target	Actual	Variance	Target	Actual	Variance	Target	Actual	Variance	Target	Actual	Variance	
	Political Parties Capacity Building	No. of political party national and chief agents trained in readiness for the 2022 General Election	5550	5550	0	-	-	-							The Office conducted national and chief agents training across the country
		Developed the Political Parties Finance and Procurement Manual	-	-	-	1	1	0	-	-	-	-	-	-	The manual was used to sensitize political parties on prudent utilization of funds in line with the PPA, 2011 and the Funding Regulations.
	Policies developed	No. of policy documents developed	1	0	-1	1	1	0	1	1	0	1	1	0	Three (3) policy documents were developed- Registration policy, transport policy and Field services coordination policy

SUB-PROGRAMME	Key Output	Key Performance Indicators	Quarter 1			Quarter 2			Quarter 3			Quarter 4			Remarks
			Target	Actual	Variance	Target	Actual	Variance	Target	Actual	Variance	Target	Actual	Variance	
	Public Awareness Services/ Political education	No. of ASK shows exhibitions and open days for sensitization of the public on political rights and ORPP mandate	1	0	-1	-	-	-	1	1	0	1	1	0	The Office did not attend planned Nairobi ASK show due to budgetary constraints. However, in the 3rd and 4th Quarters, the Office participated in the Eldoret and Kakamega ASK shows respectively.
		No. of IEC materials disseminated to sensitize the public on their political rights	4000	500	-3500	500	500	0	2000	2000	0	3500	3500	0	The Office disseminated the brochures during the ASK shows and sensitization forums
		Development and launch of Kenya's Political Education Source Book	1	1	0	-	-	-	-	-	-	-	-	-	The Source Book was launched and disseminated to various stakeholders

SUB-PROGRAMME	Key Output	Key Performance Indicators	Quarter 1			Quarter 2			Quarter 3			Quarter 4			Remarks
			Target	Actual	Variance	Target	Actual	Variance	Target	Actual	Variance	Target	Actual	Variance	
	Post-election evaluation with various stakeholders	No. of post-election evaluation workshops held	-	-	-	4	4	0	-	-	-	1	1	0	The Office held evaluation workshops including Nairobi women candidates exchange forum, Multi-stakeholder dialogue forum, party agents training assessment and internal staff evaluation. The post-election report is scheduled to be launched on 2nd August, 2023.
2) Funding of Political Parties	Political Parties Financial Services	Percentage of Political parties' Fund Managers sensitized on Funding Regulations and Public Finance Management Act, 2012	-	-	-	-	-	-	-	-	-	100	100	0	The Office sensitized Fund Managers from the forty-eight (48) political parties eligible for funding on Funding Regulations and PFM, Act 2012. A similar programme targeting forty-two (42) non-funded parties was also held.

SUB-PROGRAMME	Key Output	Key Performance Indicators	Quarter 1			Quarter 2			Quarter 3			Quarter 4			Remarks
			Target	Actual	Variance	Target	Actual	Variance	Target	Actual	Variance	Target	Actual	Variance	
		Amount of money disbursed to political parties (Kshs. Million)	368.75	0	-368.75	368.75	737.5	+368.75	0	0	0	146.85	146.85	0	Disbursements were made to qualifying parties in line with the distribution criteria. Fund meant for the first quarter was disbursed in the second quarter because of a court issue.
3) Political Parties Liaison Committee	Tripartite Administrative Services	No. of consultative dialogue forums held at the National Level	1	0	-1	1	1	0	1	1	0	1	1	0	The target was not met in the 1st Quarter due to budgetary constraints
		No. of consultative dialogue forums held at the County Level	4	0	-4	2	0	-2	2	0	-2	2	0	-2	The target was not met due to budgetary constraints

4.0 PROJECT INFORMATION

The Office of the Registrar of Political Parties does not have projects.

5.0 RE-ALLOCATIONS AND PENDING PAYMENTS

5.1 Re-allocations

During the FY2022/23 the Office of the Registrar of political parties had reallocations amounting to eleven million six hundred and forty-three thousand two hundred and thirty **shillings (KShs. 11,643,230).** The reallocations were to facilitate payment of pending bills incurred during the FY2021/2022 and to meet other critical office requirements. ***(Letter on re-allocations attached annex 1).***

Further, the Office through the parliamentary departmental committee on justice and legal affairs sought and received an approval to reallocate fourteen million, two hundred thousand shillings **(KShs. 14,200,000)** to facilitate ORPP purchase a vehicle***. (Submission to JLAC attached as annex 2).***

5.2 Pending Bills

The Office incurred pending bills amounting to one million, four hundred and sixty-one thousand, four hundred and sixty-nine shillings (**Kshs. 1,461,469)** during FY 2022/23. The pending bills arose because of some supplier's non responsiveness in the IFMIS ***(list of pending bills attached as Annex 3).***

54

OFFICE OF THE REGISTRAR OF POLITICAL PARTIES
RECEIVED
02 SEP 2022
P.O. Box 1131 00606, NAIROBI



REPUBLIC OF KENYA
THE NATIONAL TREASURY AND PLANNING

Telegraphic Address: 22921
FINANCE-NAIROBI
Fax No.: 330426
Telephone: 2252299
When replying please quote

THE NATIONAL TREASURY
P.O. Box 30007-00100
NAIROBI, KENYA

Ref: RES 1311/22/01/A/10

Date: 31st August, 2022

Ms. Anne Nderitu, CBS
Registrar of Political Parties,
Office of the Registrar of Political Parties,
P.O. Box 1131-00606
NAIROBI.

Dear Registrar,

RE: AUTHORITY TO RE-ALLOCATE AND ACCESS FUNDS FOR THE FY2022/23-VOTE R1311 FOR THE OFFICE OF THE REGISTRAR OF POLITICAL PARTIES.

This is in reference to your letter Ref. RPP/ORG./18 VOL IX (48) dated 18th August, 2022 on the above subject.

The National Treasury has reviewed and approved your request for authority to reallocate funds amounting to **KSh.11,643,230** within the FY 2022/23 Recurrent Budget. We note that this is to cater for settlement of carryover pending bills from the FY 2021/22 in line with Treasury Circular No.4/2022 dated 30th June 2022 on the '*Guidelines for implementation of the FY 2022/23 and the medium term budget*', and meet other critical office requirements.

Returned herewith, please find duly approved F.O.3 (Revised forms) for your necessary action. Ensure that the proposed amendment is reflected in the FY 2022/23 Supplementary Estimates No.1 of your Vote, and strict adherence to the Public Finance Management Act, 2012 and the attendant regulations.

Yours Sincerely,

JULIUS MUIA, PhD, CBS
PRINCIPAL SECRETARY/THE NATIONAL TREASURY

F.O 3 (Revised)



RECURRENT / DEVELOPMENT*
SERIAL NO.
QUOTE THE NATIONAL TREASURY
REFERENCE NO.
*Delete not Applicable.

APPLICATION FOR REALLOCATION OF PROVISION
(To be submitted in Quadruplicate)

FINANCIAL YEAR 2022/2023

TO: THE PRINCIPAL SECRETARY TO THE NATIONAL TREASURY,
P.O BOX 30007, NAIROBI

1. **I hereby apply for permission to incur excess expenditure on the Subheads(s) Items(s) shown below**

Vote, SUBHEAD(S) AND ITEMS(S) (State in full)		PROVISION IN PRINTED ESTIMATES	PREVIOUS REALLOCATION OR SUPPLEMENTARY ESTIMATES			EXCESS EXPENDITURE TO BE INCURRED
			No	Kshs Increase	Kshs Decrease	Kshs
VOTE 1311 HEAD 002						
2211009	Education and Library Supplies	500,000				290,000
2211016	Purchase of Uniforms and Clothing – Staff	240,000				1,209,750
2211306	Membership Fees, Dues and Subscriptions to Professional and Trade Bodies	3,218,000				1,000,000
2220202	Maintenance of Office Furniture and Equipment	422,000				127,000
3110302	Refurbishment of Non – Residential Buildings	16,250,000				9,016,480
TOTAL						**11,643,230**

2. **I confirm that savings sufficient to cover the total of excess expenditure applied for above will be found from the following:**

SUBHEADS(S)	ITEMS(S) (State in full	
2210702	Remuneration of Instructors and Contract Based Training Services	5,643,230
2210703	Production and Printing of Training Materials	6,000,000
TOTAL		**11,643,230**

Accounting Officer
Registrar of Political Parties

Date 18/8/2022

Reference

Date

For Treasury use only

3. TO ACCOUNTING OFFICER (two copies).

The additional provision applied for above is approved subject to the excess expenditure being covered by the savings from the Subheads(s)/items specified in para. 2

For Principal Secretary to the Treasury

4/9/22

Copy to : The Auditor General ,
NAIROBI

GPK 2216-100M-12/85-(e60)

REPUBLIC OF KENYA

OFFICE OF THE REGISTRAR OF POLITICAL PARTIES
ORPP
Strengthening Political Parties

OFFICE OF THE REGISTRAR OF POLITICAL PARTIES SUBMISSION ON 2022/2023 SUPPLEMENTARY ESTIMATES NO. I OF FY2022/23

PRESENTED

TO THE PARLIAMENTARY DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

13TH FEBRUARY, 2023

Office of the Registrar of Political Parties –ORPP
Telephone: +254(0)204022000,0772 281357
Email: registrar@orpp.or.ke
Website: www.orpp.or.ke

@ORPPKenya
Lion Place, 1st Floor
Off Waiyaki Way
P.O. Box 1131-00606
NAIROBI

1.0 Introduction

The Republic of Kenya is a multi-party democratic state founded on the national values and principles of governance (Article 4). The people of Kenya are free to exercise their political and democratic rights through free, fair and credible electoral process. The Constitution provides that every person is equal before the law and has a right to make political choices, which include the right to belong and campaign for a political party and candidate of their choice (Article 38).

The Office of the Registrar of Political Parties (ORPP) is a State Office established under Article 260 of the Constitution of Kenya, 2010, and the Political Parties Act, 2011. The mandate of the office, among others is to regulate the formation, registration and funding of political parties in accordance with the Constitution and rule of law. The office is responsible for implementing the Political Parties Act, which is the primary legal reference for management of political parties in accordance with Article 91 and 92 of the Constitution.

Political parties are key institutions of social, economic and political governance. They play several and important roles including promoting pluralistic debates by presenting alternative policy platforms and providing a forum for selection of leadership.

1.1 Mandate of the Office of the Registrar of Political Parties

The mandate of ORPP is to register and regulate political parties as well as administer the Political Parties' Fund. Section 34 of the Political Parties Act, 2011 provides for the functions of the office, which includes:

i). Register, regulate, monitor, investigate and supervise political parties to ensure compliance with this Act;
ii). Administer the Political Parties Fund;
iii). Ensure publication of audited annual accounts of political parties;
iv). Verify and make publicly available the list of all members of political parties;
v). Keep and maintain a register of political parties and the symbols of political parties;
vi). Ensure and verify that no person is a member of more than one political party and notify the Commission of his findings;
vii). Certify that an independent candidate in an election is not a member of any registered political party;
viii). Certify that the symbol intended to be used by an independent candidate in an election does not resemble the symbol of a registered political party;

CONCLUSION

Mr. Chairman, ORPP endeavour to implement its mandate and therefore request this committee to:

1. Exempt ORPP from the proposed supplementary 1 budget estimate cuts
2. Allocate ORPP an additional **Kshs. 252,939,000** during the supplementary I to facilitate implementation of the planned priority programmes and activities. The additional funds will cater for the shortfall for the activities as per the attached (***Annex 10)***
3. Approve Reallocation of **Kshs.14,200,000** to facilitate ORPP purchase a Vehicle

Thank You.

MDA: OFFICE OF THE REGISTRAR OF POLITICAL PARTIES

Pending Bill Status as at 30th June 2023

VOTE	Budget Allocation for the Contract	Financial Year when the pending bill was incurred	Cumulative payment as at 30th June 2023	Outstanding amount as at 30th June 2023
a) Recurrent				
Panari Resort	154,800.00	2022/2023	0	154,800.00
Comfort Hotels&Lodging Ltd	129,500.00	2022/2023	0	129,500.00
Lanmerc Enterprise	159,600.00	2022/2023	0	159,600.00
Infobip Kenya Ltd	383,097.00	2022/2023	0	383,097.00
Rentokil Intial	49,752.00	2022/2023	0	49,752.00
Sarova Imperial	227,500.00	2022/2023	0	227,500.00
Maghonyi Guest Hotel Ltd	106,720.00	2022/2023	0	106,720.00
Zuri Hotel	122,500.00	2022/2023	0	122,500.00
Aberdare Safari Hotel	128,000.00	2019/2020	0	128,000.00
Sub-Total	**1,461,469.00**			**1,461,469.00**
b) Development				
NA	NA	NA	NA	NA
Sub-Total				
Grand Total (a+b)				**1,461,469.00**