




JUDICIAL SERVICE COMMISSION

SUB SECTOR REPORT

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FY 2023/24 – 2025/26

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## **EXECUTIVE SUMMARY**

The Judicial Service Commission (JSC) is a constitutional body established under Article 171(1) of the Constitution of Kenya. The mandate of the Commission as provided for 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.

The Commission executes its mandate and implements its budget under **General Administration, Planning and Support Services Programme**. The Programme has two sub programmes namely: Administration and Judicial Services; and Judicial Training.

In the execution of its mandate, the Commission works closely with diverse range of key stakeholders such as The Judiciary; The Executive through Ministries, State Departments and Agencies; The Legislature through Parliament and Parliamentary Committees; Independent Offices and Other Constitutional Commissions; County Governments; Development Partners; Media; and Civil Society Organizations among others.

During the MTEF review period FY2019/2020 – FY2021/2022 the Commission recommended for appointment the current Chief Justice Hon. Justice Martha Koome upon the retirement of the Hon. Justice David Maraga. In addition, the Commission recommended 42 Judges which included one Supreme Court Judge, 11 Court of Appeal Judges, 20 Environment and Labour Judges and 10 Employment and Labour Relations Court Judges to improve access to Justice. Further 101 judicial officers and 1,006 judicial staff were recruited to fill the gaps in the Tribunals, operationalize the Small Claims Courts and new court stations.

The Commission also trained 172 Judges, 597 Judicial Officers and 522 Judicial Staff in the review period. This was aimed at building capacity for Judges, Judicial Officers and staff to appraise them on emerging issues as well as improve on service delivery to the citizens.

The Commission developed and reviewed 14 policies aimed at improving efficiency and effectiveness in the administration of Justice. In addition, it heard and determined 254 petitions

against Judges, 80 complaints against Judicial Officers and 199 disciplinary matters against Judicial staff. This was in fulfilment of its constitutional mandate to receive and process petitions against Judges and exercise disciplinary control over Judicial Officers and Judicial staff.

In the MTEF period 2023/2024 – 2025/2026, the Commission has prioritized review of the Judicial Service Act to align to the Commission’s mandate and address emerging issues. The Commission launched its strategic plan (2022-2027) in FY2021/2022 which highlights development of Institutional performance management system, development of policies and guidelines including Discipline Manual, complaints manual, Access to Justice inclusion policy, Anti-Corruption prevention Policy, Alternative Dispute Resolution Policy, and Career Progression guidelines.

Further the Commission will develop a five (5) year Human Resource plan and implement it by recruiting judges, judicial officers and judicial staff to enhance access to justice and expeditious delivery of justice as well as address staffing gaps. To build capacity and develop local jurisprudence the Commission will enhance capacity building for judges, judicial officers and judicial staff.

In the FY 2021/22 the Commission was allocated 55 acres of land in Ngong by the National Government for construction of a Judicial Academy. This will boost capacity development of Judges, Judicial Officers and staff to ensure that they are apprised with the current judicial practices thus enhancing expeditious delivery of justice to the Kenyan citizen. Hence the Commission will require funding to commence construction of a world class Kenya Judiciary Academy.

To further entrench its independence the Commission requires funding for implementation of employee’s costs currently covered by The Judiciary. This includes the medical cover, Personal Accident Cover Policy and Life Insurance Policy mortgage and car loan schemes and pension fund management.

The Commission plans to undertake public outreaches and education to enlighten the public on its mandate including complaints management process, and receive feedback to inform development of strategies to improve the efficiency of administration of justice.

To implement the above-mentioned priorities, the Commission will require **Ksh. 1,619 million** in the FY2023/24.

This report is organized in six Chapters. Chapter one gives the background, the Commission's vision, mission, strategic objective and its mandate. It further highlights the role of various stakeholders in implementation of the Commission's mandate. Chapter two evaluates and appraises on the Commission's performance over the last three years. Chapter three presents the Commission's medium-term priorities and financial plan for the MTEF period 2023/24 – 2025/26 which are guided by the strategic priorities outlined in the medium-term development plan of the Vision 2030, Commission's Strategic Plan and the framework on Social Transformation through Access to Justice. While Chapter four identifies the Commission's linkages with other sectors, emerging issues and challenges encountered in the course of implementing its programs. Finally, chapter five and six summarizes the key findings in the report and the proposed recommendations.

## CHAPTER ONE

### INTRODUCTION

#### 1.1. Background

The Judicial Service Commission (JSC) is a constitutional body established under Article 171(1) of the Constitution of Kenya. The membership of the Commission is provided for under Article 171 (2) of the Constitution is as follows: The Chief Justice who is the chairperson of the Commission; one Supreme Court judge and one Court of Appeal judge elected by other Supreme Court and Court of Appeal judges respectively; one High Court judge and one magistrate elected by members of the Kenya Magistrates and Judges Association (KMJA); the Attorney General; two advocates elected by members of the Law Society of Kenya; one person nominated by the Public Service Commission; and two members, a man and a woman who are not lawyers appointed by the President with approval of the National Assembly to represent public interest.

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) Receiving and considering petitions for the removal from office of judges under Article 168 of the Constitution.

The Commission executes its mandate and implements its budget under **General Administration, Planning and Support Services Programme**. The Programme has two sub programmes namely: Administration and Judicial Services; and Judicial Training. During the MTEF Period (2023/24 to 2025/26), the Commission shall implement the programme activities in line with its Strategic Plan 2022-2027 and the provisions of the Medium Development Plan (MTP III) of the Vision 2030.

The successful implementation of these programmes shall be largely dependent on the adequate provision of financial resources, competent staff and stability in the Global economy.

The objective of this report, therefore, is to highlight the Commission's key achievements including Financial and non-Financial Performance for the last three years (2019/20 to 2021/22), the challenges experienced in implementing the planned programmes, and the proposed costed priorities for the next MTEF Period (2023/24 to 2025/26).

## **1.2. Sector Vision and Mission**

### **Part A:**

**VISION:** A Commission of excellence in promoting an independent, transparent and accountable Judiciary

### **Part B:**

**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.

## **1.3. Strategic goals/Objective of the sector**

The strategic objective guiding the Commission in the implementation of activities and delivery of outputs is to **Promote an accountable and independent Judiciary and efficient, effective and transparent administration of Justice.**

## **1.4. Sub-sector and their Mandates**

The Judicial Service Commission's mandate is to promote and facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice This mandate is stipulated in article 172 of the constitution of Kenya.

## **1.5. Autonomous and Semi-Autonomous Government Agencies**

The Commission has no Semi-Autonomous Government Agencies to report on.

## 1.6. Role of Sector Stakeholders

The Judicial Service Commission appreciates the significant role of various stakeholders in the implementation of its mandate. The role of the stakeholders, is as detailed in Table1

**Table 1: Role of Stakeholders**

STAKEHOLDER	EXPECTATIONS OF STAKEHOLDERS AND THE JSC
<p><b>Judiciary:</b> Judges, Magistrates, Registrars, Kadhis, Tribunals, Judicial Officers, Judicial Staff, Kenya Magistrates and Judges Association (KMJA), Kenya Judicial Staff Association (KJSA). National Council the Administration of Justice (NCAJ); Ombudsperson</p>	<p><b>Stakeholder expects the JSC to:</b></p> <ul style="list-style-type: none"> <li>• Safeguard judicial independence</li> <li>• Facilitate the effective and efficient administration of justice</li> <li>• Resolve disputes and disciplinary cases transparently, impartially, and procedurally</li> <li>• Improve welfare and working conditions</li> <li>• Ensure availability of resources</li> <li>• Facilitate career growth and continuous learning</li> <li>• Timely and effective communication and feedback</li> </ul> <p><b>The JSC expects these stakeholders to:</b></p> <ul style="list-style-type: none"> <li>• Work with and uphold professional standards, ethics, dedication, and diligence</li> <li>• Deliver accountable, transparent, and expeditious justice</li> <li>• Timely, accurate, and effective communication and feedback</li> <li>• Embrace a culture of continuous development and learning</li> <li>• Participation in planned activities</li> </ul>
<p><b>National Executive:</b> The National Treasury, Office of the President, ministries, Office of the Attorney General and Solicitor General, among others</p>	<p><b>Stakeholder expects the JSC to:</b></p> <ul style="list-style-type: none"> <li>• Operate with transparency and accountability</li> <li>• Open channels of communication</li> <li>• Clear and transparent communication</li> <li>• Respect for separation of powers</li> <li>• Accountable use and accountability of resources</li> <li>• Professionalism</li> </ul> <p><b>The JSC expects this stakeholder to:</b></p> <ul style="list-style-type: none"> <li>• Respect for the independence of the Judiciary and the separation of powers</li> <li>• Open channels of communication</li> <li>• Clear and transparent communication</li> <li>• Regard to court orders</li> <li>• Provision of adequate resources to the justice sector</li> </ul>
<p><b>Legislature:</b> Parliament and Parliamentary Committees, among others</p>	<p><b>Stakeholder expects the JSC to:</b></p> <ul style="list-style-type: none"> <li>• Operate with transparency and accountability</li> <li>• Timely reporting</li> <li>• Open channels of communication</li> <li>• Clear and transparent communication</li> </ul>

	<ul style="list-style-type: none"> <li>• Respect for separation of powers</li> <li>• Accountable use and accountability of resources</li> <li>• Professionalism</li> </ul> <p><b>The JSC expects these stakeholders to:</b></p> <ul style="list-style-type: none"> <li>• Provision of adequate resources</li> <li>• Timely approval of the budget</li> <li>• Open channels of communication</li> <li>• Clear and transparent communication</li> <li>• Understanding of Judicial concerns and priorities</li> </ul>
<p><b>County Governments:</b> County Assemblies, County Executive Offices, County Executive Committees, County Governors, Council of Governors</p>	<p><b>Stakeholder expects the JSC to:</b></p> <ul style="list-style-type: none"> <li>• Operate with transparency and accountability</li> <li>• Open channels of communication</li> <li>• Cooperation and collaboration</li> <li>• Strategic partnerships</li> <li>• Devolution of court services</li> </ul> <p><b>The JSC expects these stakeholders to:</b></p> <ul style="list-style-type: none"> <li>• Transparency and accountability</li> <li>• Open channels of communication</li> <li>• Cooperation and collaboration</li> <li>• Strategic partnerships</li> <li>• Assist in the devolution of court services</li> </ul>
<p>The Office of the Director of Public Prosecution, National Police Service, Kenya Police Service, Kenya Prisons Service, Kenya National Commission on Human Rights, National Land Commission, and other institutions in the justice sector</p>	<p><b>Stakeholder expects the JSC to:</b></p> <ul style="list-style-type: none"> <li>• Operate with transparency and accountability</li> <li>• Open channels of communication</li> <li>• Cooperation and collaboration</li> <li>• Professionalism</li> <li>• Partnership</li> </ul> <p><b>The JSC expects these stakeholders to:</b></p> <ul style="list-style-type: none"> <li>• Transparency and accountability</li> <li>• Open channels of communication</li> <li>• Cooperation and collaboration</li> <li>• Professionalism</li> <li>• Partnership</li> </ul>
<p>Independent offices Office of the Controller of budget, Office of the Auditor General.</p>	<p><b>Stakeholder expects the JSC to:</b></p> <ul style="list-style-type: none"> <li>• Be accountable and transparent in financial management</li> <li>• Prudent use of resources</li> <li>• Timely preparation and submission of financial reports</li> <li>• Clear and transparent communication</li> <li>• Ensure public participation</li> </ul> <p><b>The JSC expects these stakeholders to:</b></p> <ul style="list-style-type: none"> <li>• Timely approval of exchequer requests</li> <li>• Clear and transparent communication</li> <li>• Cooperation and collaboration</li> </ul>
<p>Media, civil society, private sector, associations, academic</p>	<p><b>Stakeholder expects the JSC to:</b></p> <ul style="list-style-type: none"> <li>• Be accountable, independent, transparent, and equitable in the delivery of Justice</li> </ul>

institutions, other commissions, Kenyans.	<ul style="list-style-type: none"> <li>• Communicate transparently and regularly</li> <li>• Ensure public participation</li> </ul> <b>The JSC expects these stakeholders to:</b> <ul style="list-style-type: none"> <li>• Fair and objective media coverage</li> <li>• Promote the independence of the Judiciary</li> <li>• Mutual respect</li> <li>• Cooperation and collaboration</li> </ul>
Funding and technical cooperation agencies, multilateral and bilateral, private foundations	<b>Stakeholder expects the JSC to:</b> <ul style="list-style-type: none"> <li>• Use funds in an accountable, effective and efficient way</li> <li>• Open channels of communication</li> <li>• Timely reporting</li> </ul> <b>The JSC expects these stakeholders to:</b> <ul style="list-style-type: none"> <li>• Equal partnership</li> <li>• Understand the Commission’s concerns and priorities</li> </ul>

## CHAPTER TWO

### PROGRAMME AND PERFORMANCE REVIEW 2019/20 – 2021/22

#### 2.1 Review of Programme Performance for FY 2019/20-2021/22

The Commission implements its budget through **General Administration, Planning and Support Services Programme**. The programme has two sub programmes namely; **Administration and Judicial Services** and **Judicial Training**.

During the period under review the following strategic objectives guided the Commission in the implementation of activities and delivery of outputs:

- a) Attracting and Retaining Competent Human Capital.
- b) Enhancing Transparency, Independence & Accountability of Justice.
- c) Enhancing capacity of Commissioners, Judges, Judicial Officers and staff.
- d) Improving Stakeholder Engagement, Visibility and Image of the Commission.
- e) Improving Curriculum for Continuing Education and Training.
- f) Enhancing Research and Policy Framework.

The Commission in the period under review realized the following key achievements in the implementation of its programmes:

- i) **The Commission embarked on development of its Strategic Plan (2022-2027):** in the period under review, which was launched on 28th January 2022. The vision under the Plan is to be a Commission of excellence in promoting and facilitating an independent, transparent and accountable Judiciary in the administration of justice.
- ii) **The Commission hosted the East African Chief Justices' Forum** with an objective to stimulate high-level conversations on the role of courts as tools for economic development and social transformation, identifying emerging areas of interest and strengthening the capacities of judges and judicial officers in the region.
- iii) **The Commission interviewed and recommended for appointment** 43 Judges to include the Chief Justice, a Supreme Court Judge, 11 Court of Appeal Judges, 20 Environment and Labour Judges and 10 Employment and Labour Relations Court

Judges. 101 judicial officers were recruited to fill the gaps in the Tribunals and the newly launched Small Claims Court. Further the Commission recruited 1,006 judicial staff upon operationalization of new court stations and the small claims court. Attracting and retaining highly talented human resource has been one of the major priorities for the Judicial Service Commission.

- iv) **The Commission promoted** a total of 361 Judicial Officers in the period under review. The Commission recognizes that promotion is key in boosting motivation and morale employees which leads to better productivity and performance.
- v) **The Commission heard and determined 254 petitions against Judges, 80 complaints against judicial officers and 199 disciplinary matters against Judicial staff.** This was in fulfillment of its constitutional mandate to receive and process petitions against Judges and exercise disciplinary control over Judicial Officers and Judicial staff.
- vi) **The Commission trained 172 Judges, 597 Judicial Officers and 522 judicial staff.** This was aimed at building capacity for Judges, Judicial Officers and staff. The main forces driving this is an increased value placed on human capital to achieve high-performance and the increasing demand for improved customer service.
- vii) **The Commission deployed technology** in conducting Commission's training (E-Learning platform) as part of its innovation and digitization processes.
- viii) **The Commission held 10 high level stakeholder engagements and 6 public outreaches.** The Commission embraced public engagement as a way of ensuring that stakeholders are involved in its processes.
- ix) **The Commission was allocated 55 acres** of land in Ngong by the Government for construction of a world class Judicial Academy. This will boost capacity development of Judges, Judicial Officers and staff to ensure that they are apprised with the current judicial practices thus enhancing expeditious delivery of justice to the Kenyan citizen.
- x) **Developed and reviewed 14 policies** aimed at improving efficiency and effectiveness in the administration of Justice. The policies that were approved include;
  - a) Human Resource Manual
  - b) Record Management Curriculum Policy
  - c) Judicial Organization Review

- d) Judicial Service Charter Service Charter
- e) Records Management Policy
- f) Policy on resignation
- g) Policy on occupation safety and health
- h) Guidelines for payment of medical ex-gratia.
- i) Alternative Justice Systems Policy
- j) Active Case Management guidelines.
- k) Gender Mainstreaming policy.
- l) Promotion guideline for common cadres for judicial officers
- m) Recruitment manual for the Chief Justice and Supreme Court Judge
- n) Induction manual for new Commissioners.

The Commission's detailed programme performance for the financial years 2019/2020 to 2021/2022 is shown in Table 2.1

**Table 2.1 Analysis of Programme Targets and Actual Targets**

Programme	Key Output	Key Performance Indicators	Planned Target			Achieved Targets			Remarks
			2019/20	2020/21	2021/22	2019/20	2020/21	2021/22	
<b>Name of Programme:</b> General Administration, Planning and Support Services.									
<b>Programme Outcome:</b> Promotion of an accountable, independent Judiciary and the efficient, effective and transparent administration of justice									
Sub Program 1: Administration and Judicial Services	Strategic Judicial Service policies/guidelines developed/reviewed	No of policies/guidelines developed/reviewed	4	4	8	4	5	5	
	JSC Strategic Plan developed	JSC Strategic Plan Approved	1	1	1	-	-	1	Achieved
	Judges, Officers and Judicial Staff recruited	No of Judges recruited	41	2	20	41	2	0	The target for 2021/22 was rolled over to 2022/23 due to budget constraints
		No of Judicial Officers recruited.	50	50	50	0	0	63	The target for 2019/20 and 2020/21 was not met due to Covid19-pandemic. In 2021/22 the output



	Stakeholder forums and outreach initiatives	No of key stakeholder forums held.	4	3	5	4	1	5	In FY 2020/21 MoH guidelines on Covid-19 restricted public gatherings in hence the low achievement.
		No of Public outreaches	0	2	2	0	0	2	
		No of IEC materials published.	4	4	4	3	1	3	
<b>Sub Program 2:</b> Judicial Training	Judges, Judicial officers and staff trained	% of Judges trained.	100 (131 Judges)	100 (172 Judges)	100 (172 Judges)	100 (131 Judges)	100 (172 Judges)	100 (172 Judges)	Achieved
		% of Judicial Officers trained	100(494 Judicial Officers)	100 (494 Judicial Officers)	100 (596 Judicial Officers)	80 (395 Judicial Officers)	83 (412 Judicial Officers)	100 (596 Judicial Officers)	Achieved
		No. of staff trained	346	1600	42	315	165	42	FY 2020/21 training mandate for Judiciary staff was shifted to Judiciary hence the variance

## 2.2 ANALYSIS OF EXPENDITURE TRENDS FOR THE FY 2019/20- 2021/2022

The Commission's approved allocation for recurrent budget for FY 2019/20 was Ksh 501 million, while for FY 2020/2021 was Ksh 531 million and in the FY 2021/2022 was Ksh 618 million.

The Actual expenditure for the financial year 2019 /20 was Ksh. 481 million representing 96% of the budgetary utilization while Ksh. 491 million and Ksh. 562 million was spent in FY2020/21 and FY 2021/2022 respectively, representing utilization of 92% and 91% of the budgetary allocation for the respective financial years. The average budgetary absorption rate for the period under review was 93%.

**Table 2.2** below shows analysis of recurrent approved budgets as compared with the actual expenditure amounts by economic classification.

**Table 2.2: ANALYSIS BY CATEGORY OF EXPENDITURE: RECURRENT (KSH. MILLION)**

Vote and Vote Details	Economic Classification	Approved Budget Allocation			Actual Expenditure		
		2019/20	2020/21	2021/22	2019/20	2020/21	2021/22
2051: JSC	<b>Gross</b>	<b>501</b>	<b>531</b>	<b>619</b>	<b>481</b>	<b>492</b>	<b>577</b>
	AIA	-	-	-	-	-	-
	<b>NET</b>	<b>501</b>	<b>531</b>	<b>619</b>	<b>481</b>	<b>492</b>	<b>577</b>
	Compensation to Employees	143	160	159	143	155	159
	Transfers	-	-	-	-	-	-
	<b>Other recurrent</b>	<b>358</b>	<b>371</b>	<b>460</b>	<b>338</b>	<b>336</b>	<b>418</b>
	<b>Of which</b>						
	Utilities	-	-	-	-	-	-
	Rent	26	28	37	26	29	37
	Insurance	-	-	-	-	-	-
	subsidies	-	-	-	-	-	-

Vote and Vote Details	Economic Classification	Approved Budget Allocation			Actual Expenditure		
	Gratuity	4	7	1	4	7	1
	Contracted Guards & cleaners Services	5	3	4	2	2	4
	Other Recurrent	323	333	418	306	298	376

**Table 2.3: Analysis by Category of Expenditure: Development (Kshs. Million)**

The Commission did not have any capital projects.

**Table 2.4: Analysis of Programme Expenditure/Sub-Program Expenditure (Amount In Ksh Million)**

Programme Details	Approved Budget Allocation			Actual Expenditure		
	2019/20	2020/21	2021/22	2019/20	2020/21	2021/22
<b>Programme 1: General Administration, Planning and Support Services</b>						
<b>Sub-Programme: 1 Administration and Judicial Services</b>	364	387	448	363	375	431
<b>Sub-Programme: 2 Judicial Training</b>	137	144	171	118	117	146
<b>Total Programme</b>	<b>501</b>	<b>531</b>	<b>619</b>	<b>481</b>	<b>492</b>	<b>577</b>

**Table 2.5: Analysis by Category Of Expenditure: Economic Classification (Ksh Million)**

Economic Classification	Approved Budget			Actual Expenditure		
	2019/20	2020/21	2021/22	2019/20	2020/21	2021/22
<b>PROGRAMME 1: General Administration, Planning and Support Services</b>						
<b>Current Expenditure</b>						
Compensation of Employees	143	160	159	143	155	159
Use of Goods and Services	281	313	397	273	299	395
Grants and Other transfers	-	-	-	-	-	-
Other Recurrent	77	58	63	65	38	23
<b>Capital Expenditure</b>						
Acquisition of Non-Financial Assets	-	-	-	-	-	-
Capital Grants to Government Agencies	-	-	-	-	-	-
Other Development	-	-	-	-	-	-
<b>TOTAL PROGRAMME</b>	<b>501</b>	<b>531</b>	<b>619</b>	<b>481</b>	<b>492</b>	<b>577</b>

### 2.3: ANALYSIS OF PERFORMANCE OF CAPITAL PROJECTS FOR THE FY 2019/20 – 2021-22

The commission did not have development expenditure to report for the period under review.

### 2.4: ANALYSIS OF PENDING BILLS FOR THE FY 2019/20 – 2021-22

In FY 2019/20 the commission closed the financial year with pending bills worth Ksh. 1.7 million. The following year the amount increased significantly due to disruptions caused in the supply chain by the pandemic thus closing the year with Ksh 18 million in pending bills for the financial year 2020/21. The amount remained constant in 2021/22 FY at Kshs.18.8 million.

The pending bills arose due

The Commission's pending bills arose mainly due to other factors outside the lack of exchequer and lack of budgetary provisions.

**Table 2.8: Summary of Pending Bills (Kshs. Million)**

Type/nature	Due to lack of Exchequer			Due to lack of provision		
	2019/20	2020/21	2021/22	2019/20	2020/21	2021/22
<b>1. Recurrent</b>						
Compensation of employees	-	-	-	-	-	-
Use of goods and services e.g. utilities, domestic or foreign travel etc.	1.7*	18.7*	9.7*	-	-	9.1
Social benefits e.g. NHIF, NSSF	-	-	-	-	-	-
Other expense	-	-	-	-	-	-
<b>2. Development</b>	-	-	-	-	-	-
Acquisition of non-financial assets	-	-	-	-	-	-

Type/nature	Due to lack of Exchequer			Due to lack of provision		
	2019/20	2020/21	2021/22	2019/20	2020/21	2021/22
Use of goods and services e.g. utilities, domestic or foreign travel etc.	-	-	-	-	-	-
Others-Specify	-	-	-	-	-	-
<b>Total Pending Bills</b>	<b>1.7</b>	<b>18.7</b>	<b>9.7</b>			<b>9.1</b>

\*The pending bills were occasioned by other reasons which are neither of the two specified in the table above.

## 2.5 ANALYSIS OF COURT AWARDS SUMMARY OF COURT AWARDS

**Table 2.9: Summary of Court Awards**

Details of the Award	Date of Award	Amount	Payment to date
Employment and Labour Relations Court Case Number 376 of 2019 at Kisumu High Court.		587,000.00	17.06.2022
<b>Total</b>		587,000.00	

## CHAPTER THREE

### MEDIUM TERM PRIORITIES AND FINANCIAL PLAN FOR THE MTEF PERIOD 2023/24 – 2025/26

#### **3.1 Prioritization of Programmes and Sub-Programmes**

##### **3.1.1 Programmes and their Objectives**

The Commission executes its mandate and implements its budget under **General Administration, Planning and Support Services Programme**. The Programme has two sub programmes namely: Administration and Judicial Services; and Judicial Training. The objective of the Programme is to promote an accountable and independent Judiciary and efficient, effective and transparent administration of Justice.

### 3.2 Programmes, Sub-Programmes, Expected outcomes, Outputs and Key Performance Indicators for the Sector

The expected programme outcomes, outputs, key performance indicators and targets for the Financial Year 2022/23 and the medium term are shown in Table 3.1

**Table 3.1 Programme/Sub-Programme, Outcome, Output and KIPs**

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2021/22	Actual Achievements 2021/22	Baseline 2022/23	Target 2023/24	Target 2024/25	Target 2025/26
<b>Name of the Programme: General Administration, Planning and support Services.</b>									
<b>Outcome: Efficient, Effective and Accountable Administration of Justice</b>									
Sub-Programme 1: Administration and Judicial Services	Boards Management	JSC governance charter reviewed and implemented.	% of JSC Governance Charter reviewed.	-	-	50	50	-	-
			No of M&E Reports prepared.	-	-	-	1	1	1
		Judicial Service Act reviewed	% of Judicial Service Act reviewed.	-	-	30	70	-	-
		JSC code of conduct Implemented	% of Judges, Judicial officers and Staff sensitized and signed commitment forms to the JSC CoC.	-	-	50	50	100	100
	HRM	Institutional performance management	No. of Judges and Judicial officers and Staff Sensitized.	-	-	500	7,000	-	-

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2021/22	Actual Achievements 2021/22	Baseline 2022/23	Target 2023/24	Target 2024/25	Target 2025/26
		systems implemented	No. of quarterly M&E Reports prepared	-	-	4	4	4	4
	HRM	Individual performance appraisal systems reviewed and implemented	% of individual performance appraisal systems reviewed	-	-	100	-	-	100
			% of Judicial officers and staff sensitized.	-	-	100	100	100	100
			No. of M&E reports prepared	-	-	2	2	2	2
	Legal	Complaints and Disciplinary manual implemented	% of Judges, Judicial officers and staff sensitized			100	100	100	100
			% of petitions against judges determined.	100	49	100	100	100	100
			% of complains and disciplinary cases against Judicial Officers	100	96	100	100	100	100
			% of complains and disciplinary cases against staff determined	100	96	100	100	100	100

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2021/22	Actual Achievements 2021/22	Baseline 2022/23	Target 2023/24	Target 2024/25	Target 2025/26
	Legal	Diversity groups identified and report prepared	% of targeted diversity groups identified	-	-	20	80	-	-
			No. of reports prepared, published and publicized				1		
	Legal	Access to Justice inclusion policy developed and implemented	% of Inclusion policy developed	-	-	50	50	-	-
			% Judges, Officers and staff Sensitized.	-	-	-	100	100	100
			No of M&E reports	-	-	-	1	1	1
	Legal	Administrative Procedures for Declaration of Wealth, Income Assets and Liabilities reviewed and implemented	% of Declaration of Wealth, income assets procedure reviewed	-	-	100	-	-	-
			% of Judges, Staff and judicial officers sensitized				100%	100%	100%
			% of compliance to the procedures	100	100	100	100	100	100
	Legal		% of Lifestyle Audit developed	-	-	-	30	70	-

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2021/22	Actual Achievements 2021/22	Baseline 2022/23	Target 2023/24	Target 2024/25	Target 2025/26
		Lifestyle Audit Policy developed and implemented	% of Judges, officers and Staff sensitized	-	-	-	-	100	100
			No M&E reports published and publicized.	-	-	-	-	1	1
	Legal	Anti-Corruption prevention Policy developed and implemented	% of Anti-Corruption Prevention Policy developed	-	-	-	50	50	-
			% of Judges, Judicial officers and staff Sensitized	-	-	-	-	100	100
			No of M&E reports	-	-		1	1	1
	Legal	Alternative Dispute Resolution Policy developed and implemented	% of Alternative Dispute Resolution Policy developed and implemented	-	-	50	50	-	-
		Internal grievance handling policy developed and implemented	% of Internal grievance handling policy developed	-	-	50	50	-	-

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2021/22	Actual Achievements 2021/22	Baseline 2022/23	Target 2023/24	Target 2024/25	Target 2025/26
			% Judges, Judicial officers and staff sensitized on Internal grievance handling policy	-	-	-	-	100	100
			No. of M&E reports	-	-	-	-	1	1
	Finance and Admin	Finance and accounting policies and procedures manual reviewed and implemented	% of Finance and accounting policies and procedures manual reviewed.	-	-	-	100	-	-
			% of Judges, Judicial officers and Staff sensitized.	-	-	-	100	100	100
			No. of M&E reports	-	-	-	1	1	1
	Procurement	Procurement, asset disposal and inventory management procedures manual reviewed and implemented	% of manuals Reviewed	-	-	-	100	-	-
			% of Judges Judicial officers and staff sensitized.	-	-	-	-	100	-

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2021/22	Actual Achievements 2021/22	Baseline 2022/23	Target 2023/24	Target 2024/25	Target 2025/26
			No. of M&E reports	-	-	-	-	1	1
	Internal Audit	Framework for systems audit of the Judiciary reviewed and implemented	% of Systems Audit reviewed	-	-	-	-	100	-
			% of Judges, Judicial officers and staff sensitized	-	-	-	-	100	100
			No. of the M&E reports	-	-	-	-	1	1
		Risk management and compliance framework for the Judiciary developed and implemented	% of compliance framework developed.	-	-	-	100	-	-
			% of Judges, Judicial officers and Staff sensitized	-	-	-	-	100	100
			No. M&E reports	-	-	-	-	1	1
	HRM	5-year Human Resource plan for Judges and Judicial Officers developed	No. of master plan developed	-	-	1	-	-	-
			No of Staff and officers	62	62	97	105	115	115

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2021/22	Actual Achievements 2021/22	Baseline 2022/23	Target 2023/24	Target 2024/25	Target 2025/26
			No. of Staffing Needs Assessment Report.	-	-	1	-	-	-
			No. of Judges recommended for Appointment	26	-	26	-	10	10
			No. of Judicial Officers Recruited	-	-	54	-	51	-
			No. of Judiciary Staff Recruited	-	-	500	500	500	500
		Human Resource Manual reviewed and implemented	No of Human Resource Manuals reviewed	-	-	1	-	-	-
			% of HR Manual implemented	-	-	5	25	6	10
		Career Progression guidelines reviewed and implemented	No. of guidelines reviewed	-	-	1	-	-	-
			No. of Judicial officers and staff sensitized	-	-	5%	25%	60%	10%

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2021/22	Actual Achievements 2021/22	Baseline 2022/23	Target 2023/24	Target 2024/25	Target 2025/26
		Judicial Officers eligible for promotion	% of Judicial Officers eligible for promotion	-	100%	100%	100%	100%	100%
			% of Judicial Staff eligible for promotion	-	100%	100%	100%	100%	100%
	Kenya Judiciary Academy	Policy framework for continuous education and training programmes for Judges, Judicial Officers and staff developed and implemented	No of policies developed	0	0	1	-	-	1
			% Judges, Judicial officers and staff sensitized	0	0	100%	100	100%	100%
			No. of M&E reports	0	0	1	1	1	1
	JSC HRMC	KJA staff appointed	No of KJA Secretariat staff appointed	0	0	5	10	10	10

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2021/22	Actual Achievements 2021/22	Baseline 2022/23	Target 2023/24	Target 2024/25	Target 2025/26
	HRM	Terms and conditions of service for judges, and Judicial Officers Reviewed and implemented	Submit and follow up on proposals to SRC on terms of Judges, Judicial Officers and Judicial Staff	-	-	50	0	0	50
	HRM		% of Reviewed terms and conditions of service	-	-	25	25	25	25
			% Compliance	-	-	100	100	100	100
		Staff Policies developed for JSC	No of staff policies developed	-	-	-	3	-	3
		Developed staff Mortgage Policy and Car Loan Policy	No of Policies	-	-	-	2	-	2
	HRM	Organisational structure reviewed and implemented	% of structure reviewed	0	0	50	50		
			No. of vacancies filled	3	1	20	20	5	
	HRM		No of Training Policy Developed	-	-	-	1	-	-

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2021/22	Actual Achievements 2021/22	Baseline 2022/23	Target 2023/24	Target 2024/25	Target 2025/26
		JSC Training policy developed and implemented	% of secretariat staff sensitized				100	100	100
			No of reports	0	0	4	4	4	4
		Directorate Work plans developed in line with the Strategic Plan reviewed and implemented	No of Directorate and Unit Work plans	8	0	8	8	8	8
			No. of M&E reports	4	4	4	4	4	4
	HRM	JSC performance management system developed and implemented	No. of System developed	-	-	1	-	-	-
			No of M& E reports	-	-	2	2	2	2
	HRM	Employee/ work environment satisfaction survey developed and implemented	No of surveys	-	-	-	2	-	2
			% of recommendations implemented	-	-	-	100	100	100

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2021/22	Actual Achievements 2021/22	Baseline 2022/23	Target 2023/24	Target 2024/25	Target 2025/26
		Staff wellness programmes implemented	No of programmes	-	-	1	2	2	2
	HRM	JSC Human Resource Manual developed and implemented	No of Manual developed	-	-	-	1	-	-
			% of staff sensitized	-	-	-	-	100	-
		HR policies a reviewed, developed and implemented	No of policies developed	-	-	-	1	2	1
			% of staff sensitized	-	-	100	100	100	-
			No of M&E reports	-	-	4	4	4	-
	Communication and Public Affairs	Stakeholder engagement Strategy developed and approved	No of strategies approved	-	-	1	-	-	-
			No of stakeholder forums held	5	4	4	4	4	4
	Communication and	Public engagement Strategy	No of Public strategies	-	-	1	-	-	1

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2021/22	Actual Achievements 2021/22	Baseline 2022/23	Target 2023/24	Target 2024/25	Target 2025/26
	Public Affairs	Public Outreaches	No of public Outreaches held	2	2	4	5	5	5
	Communication and Public Affairs	Communication Strategy developed and implemented	No of Strategies	-	-	1	-	-	-
			% of strategies implemented	-	-	-	30	70	100
	Public Outreaches	Branding and Visibility Strategy developed and implemented	No of strategy developed	0	0	-	1	0	0
			No of programs	-	-	-	3	4	5
Sub-Programme 2: Judicial Training		KJA organization structure and staff establishment reviewed and implemented	KJA organogram reviewed	-	-	1	-	-	-
			% of staff sensitized	0	0	100	-	-	-
			Optimal staffing levels (%)	-	-	-	100	100	100
		KJA service charter reviewed and implemented	% of service charter reviewed	-	-	-	100	-	-
			Customer satisfaction index (%)	-	-	-		100	100

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2021/22	Actual Achievements 2021/22	Baseline 2022/23	Target 2023/24	Target 2024/25	Target 2025/26
		KJA ICT policy developed and implemented	No of policy developed	-	-	-	1	-	-
			No. of M&E reports	-	-	-	-	1	-
		Training Needs Assessment conducted	No. of TNA reports	-	-	1	1	1	-
		Course specific training curricula developed	No. of training curricula developed	1	1	1	1	1	1
		Annual training master calendar developed and implemented	No. of calendars	1	1	1	1	1	1
			No. of diversified Training Programs implemented	5	5	10	15	20	30
			No of Judges trained	172	172	172	200	237	237
			No of Judicial Officers trained	597	597	597	697	697	697
			No of judicial staff trained	33	33	35	36	36	36

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2021/22	Actual Achievements 2021/22	Baseline 2022/23	Target 2023/24	Target 2024/25	Target 2025/26
		Judiciary Training and Development Policy developed	No. of Policies	-	-	-	1	-	
		KJA Library and Information resources centre established and equipped	% Resource centre equipped	-	-	25	25	25	25
		Bi-annual journals developed and published	No of journals published	-	-	-	2	2	2
		Policies on efficient and effective administration of justice developed	No of policies	5	5	5	5	6	6
		Alternative Justice System national steering committee facilitated	No of AJS full committee meetings	4	4	4	4	4	4
			No of AJS sub committee meetings	18	18	18	18	18	18

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2021/22	Actual Achievements 2021/22	Baseline 2022/23	Target 2023/24	Target 2024/25	Target 2025/26
			No of AJS conferences held	4	4	4	4	4	4
		Judicial Exchange Programs developed and best practices adopted	No of Programs	4	4	4	4	4	4
Strategic Partnership and alliances	KJA	Partners and donor mapping report prepared and implemented	No of mapping reports	1	1	1	1	1	1
			No. of round table conference held	1	1	1	1	1	1
			No of programs supported		-	0	1	1	1

### 3.1.3 Programmes and Order of Ranking

The Commission has only one programme; Genral Administration and support Services Programme

### 3.1.4 Resource Allocation Criteria

The proposed resource requirements for the programmes to be implemented in the financial years 2023/24-2025/26 is informed by the Commission Strategic Plan 2022-2027 and Government priorities identified for implementation in medium-term development plan of Vision 2030.

## 3.2 Analysis of Sector and Subsector Resource Requirement Versus allocation by:

**Table 3.1 Sector & Sub-Sector Recurrent/Allocations (Amount Kshs Million)**

Vote Details	Economic Classification	Approved estimates	Requirement			Allocation		
		2022/23	2023/24	2024/25	2025/26	2023/24	2024/25	2025/26
2051	Gross	887	1,119	1,343	1,746	887	887	928
JSC	AIA	-	-	-	-			
	<b>NET</b>	<b>887</b>	<b>1,119</b>	<b>1,343</b>	<b>1,746</b>	<b>887</b>	<b>887</b>	<b>928</b>
	Compensation to Employees	205	255	307	399	255	268	282
	Grants and Transfers	-	-					
	<b>Other Recurrent</b>	<b>682</b>	<b>864</b>	<b>1,037</b>	<b>1,348</b>	<b>632</b>	<b>619</b>	<b>646</b>
	of which							
	Utilities	13	20	24	32	20	22	24
	Rent	40	57	69	89	52	56	62
	Insurance	-						
	Subsidies	-						
	Gratuity	12	5	5	7	5	5	5
	Contracted guards and cleaning services	3	5	6	8	5	5	5
	others	614	777	932	1,212	550	531	550

**Table 3.2 Sub-Sector Development/Allocations (Amount Kshs Million)**

Vote Details	Economic Classification	Approved estimates	Requirement			Allocation		
		2022/23	2023/24	2024/25	2025/26	2023/24	2024/25	2025/26
2051	Gross	-	500	4,000	4,000	10	50	50
JSC	GOK	-	500	4,000	4,000	10	50	50
	Loans	-	-	-	-	-	-	-
	Grants	-	-	-	-	-	-	-
	Local AIA	-	-	-	-	-	-	-

The Commission has commenced the process of construction of the Judiciary academy on land allocated to it by the government.

**Table 3.3 Analysis of Programmes and Sub-Programmes (Current and Capital) Resource Requirement (Kshs. Million)**

	Approved Estimates 2022/23			2023/24			2024/25			2025/26		
	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total
<b>Programme: General administration, Planning and support services.</b>												
<b>Sub Programme 1:</b> Administration and Judicial Services	650	-	650	667		667	801	-	801	1,041	-	1,041
<b>Sub Programme 2:</b> Judicial Training	237	-	237	452	500	952	542	4,000	4,543	705	4,000	4,705
<b>Total Programme</b>	<b>887</b>	<b>-</b>	<b>887</b>	<b>1,119</b>	<b>500</b>	<b>1,619</b>	<b>1,343</b>	<b>4,000</b>	<b>5,343</b>	<b>1,746</b>	<b>4,000</b>	<b>5,746</b>
<b>Total Vote</b>	<b>887</b>	<b>-</b>	<b>887</b>	<b>1,119</b>	<b>500</b>	<b>1,619</b>	<b>1,343</b>	<b>4,000</b>	<b>5,343</b>	<b>1,746</b>	<b>4,000</b>	<b>5,746</b>

**Table 3.4 Analysis of Programmes and Sub-Programmes (Current and Capital) Resource Allocation (Kshs. Million)**

	Approved Estimates 2022/23			2023/24			2024/25			2025/26		
	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total
<b>Programme: General administration, Planning and support services.</b>												
<b>Sub Programme 1: Administration and Judicial Services</b>	650	-	650	611	-	611	656	-	656	685	-	685
<b>Sub Programme 2: Judicial Training</b>	237	-	237	275	10	285	231	50	281	243	50	293
				-	-	-	-	-	-	-	-	-
<b>Total Programme</b>	<b>887</b>	<b>-</b>	<b>887</b>	<b>887</b>	<b>10</b>	<b>897</b>	<b>887</b>	<b>50</b>	<b>937</b>	<b>928</b>	<b>50</b>	<b>978</b>
				-	-	-	-	-	-	-	-	-
<b>Total Vote</b>	<b>887</b>	<b>-</b>	<b>887</b>	<b>887</b>	<b>10</b>	<b>897</b>	<b>887</b>	<b>50</b>	<b>937</b>	<b>928</b>	<b>50</b>	<b>978</b>

**Table 3.5 Programmes and Sub-Programmes by Economic classification (Amount in Kshs. Million)**

Economic Classification	Approved Budget	Resource Requirement			Resource Allocation		
	2022/23	2023/24	2024/25	2025/26	2023/24	2024/25	2025/26
<b>Programme 1: General Administration, Planning and Support Services</b>							
<b>Current Expenditure</b>							
Compensation of Employees	205	255	307	399	255	268	282
Use of Goods and Services	682	864	1,037	1,348	632	619	646
Grants And other Transfers	-	-	-	-	-	-	-
Other Recurrent	-	-	-	-	-	-	-
<b>Capital Expenditure</b>							
Acquisition of Non-Financial Assets	-	-	-	-	-	-	-
Capital Grants to Government Agencies	-	-	-	-	-	-	-
Other Development	-	500	4,000	4,000	10	50	50
<b>Total Programme</b>	<b>887</b>	<b>1,619</b>	<b>5,343</b>	<b>5,746</b>	<b>897</b>	<b>937</b>	<b>978</b>
<b>Sub-Programme 1: Administration and Judicial Service</b>							
<b>Current Expenditure</b>							
Compensation of Employees	136	174	208	271	174	182	192
Use of Goods and Services	514	494	592	770	437	474	493

Grants And Other Transfers								
	-	-	-	-	-	-	-	-
Other Recurrent								
	-	-	-	-	-	-	-	-
<b>Capital Expenditure</b>								
	-	-	-	-	-	-	-	-
Acquisition Of Non-Financial Assets								
	-	-	-	-	-	-	-	-
Capital Grants to Government Agencies								
	-	-	-	-	-	-	-	-
Other Development								
	-	-	-	-	-	-	-	-
<b>Total Sub-Programme....</b>	<b>650</b>	<b>667</b>	<b>801</b>	<b>1,041</b>	<b>611</b>	<b>656</b>	<b>685</b>	
<b>Sub-Programme 2: Judicial Training</b>								
<b>Current Expenditure</b>								
Compensation Of Employees	69	82	98	128	82	86	90	
Use Of Goods and Services	168	370	444	578	193	145	153	
Grants And Other Transfers								
	-	-	-	-	-	-	-	-
Other Recurrent								
	-	-	-	-	-	-	-	-
<b>Capital Expenditure</b>								
	-	-	-	-	-	-	-	-
Acquisition Of Non-Financial Assets								
	-	-	-	-	-	-	-	-
Capital Grants to Government Agencies								
	-	-	-	-	-	-	-	-
Other Development								
	-	500	4,000	4,000	10	50	50	

<b>Total Sub-Programme</b>	<b>237</b>	<b>952</b>	<b>4,543</b>	<b>4,705</b>	<b>285</b>	<b>281</b>	<b>293</b>
<b>Total Vote</b>	<b>887</b>	<b>1,619</b>	<b>5,343</b>	<b>5,746</b>	<b>897</b>	<b>937</b>	<b>978</b>

**Table 3.6 ANALYSIS OF RECURRENT RESOURCE REQUIREMENT VS ALLOCATION FOR SAGAS (KSHS. MILLION)**

The Commission had no SAGAs to report for the period under review.

## CHAPTER FOUR

### 4. CROSS-SECTOR LINKAGES AND EMERGING ISSUES/CHALLENGES

#### 4.1 Cross-Sector Linkages

The Commission has developed strong working relationships with players within and without the justice sector to facilitate the achievement of its objectives.

- The Commission provides oversight to the Judiciary and therefore has a strong linkage that facilitates policy direction, effectiveness and efficiency in service delivery. The Judiciary provides feedback to the Commission on the performance of Judges, Judicial officers and Judicial staff that informs decision making.
- The established Court- User-Committees (CUCs) in all stations will need to be empowered through capacity building in order to improve efficiency and effectiveness in delivery of Justice.
- The Ethics and Anti-Corruption Commission supports with the vetting of potential employees and supporting corruption prevention initiatives through capacity building
- The Commission involves other Constitutional Commissions and Government ministries in development of its policies through stakeholder engagement.

The JSC will also strive to create strong partnerships and consultative mechanisms with other key stakeholders, co-sector working groups and relevant government ministries.

#### 4.2 Emerging Issues

- i. **Judiciary Fund:** Key milestones have been achieved towards securing financial autonomy of the judiciary. In order to strengthen the independence of the Judiciary there is need for full implementation and operationalization of the fund. The Judicial Service Commission is a critical organ in safeguarding the independence of the Judiciary hence, the need for engagement to explore the inclusion of the Commission in the Judiciary Fund arrangements.
- ii. **Adoption of Technology:** There is need for the Commission to harness the benefits that will accrue with the adoption of technology. The advent of Covid -19 pandemic necessitated

organizations to rethink on innovative ways of implementing their mandates. Thus, the Commission deployed digital tools to conduct virtual meetings and trainings. However, the Commission requires additional resources to fully automate its processes to improve service delivery to the public.

- iii. **Small Claims Court:** The successful operationalization of this court has increased access to justice especially in commercial matters. In compliance with the Small Claims Act, there is need for the Commission to employ Adjudicators to preside over these Courts.
- iv. **Transitions of tribunals into the Judiciary** – Tribunals are statutory bodies established under various Acts of Parliament with a mandate of resolving disputes in specific areas of law and industry. Prior to the enactment of the Constitution 2010, tribunals previously operated under various ministries within the executive arm of government. The changes introduced in the Constitution prompted their transition into the Judiciary as a component of the court system. The transition process has resulted to the following challenges;

**a) Legal Framework;**

The Tribunals are all established under different Acts of Parliament which stipulates varying terms of appointment of members, remuneration, jurisdiction and functions of the various officers attached to the tribunals. This has caused a challenge in that JSC has found untenable to have Tribunals under the Judiciary yet the administration is governed by different Acts of Parliament. The best practice will be to have one specific legislation that will provide for;

- Appointment of chairpersons and members
- Qualifications for appointment
- Disqualifications
- Tenure of Members
- Vacancy in office.

**b) Funding**

Some of the tribunals that transited to the Judiciary did not move with their budgets hence they have caused strain on the already budget ceiling of the Judiciary. Secondly, some

tribunals had a larger budget while under the Executive and after transition into the Judiciary they have not been able to fit their activities within the Judiciary allocation to the tribunal. This has caused operational tension in the operation of a tribunal.

**c) Office and Court space.**

The Tribunals are currently accommodated in various places and in terms of supervision this has been a challenge. Secondly, some of the tribunals do not have Court rooms to conduct their proceedings from. The vision of the Tribunal secretariat which coordinates the activities of the tribunals is to house all tribunals in one location so as to have shared services in terms of personnel and court space. This can only be achieved by constructing such a facility and in the long-term saving on rent expenses currently being paid for various office space being used by the tribunals.

**d) Human Resource**

Currently the tribunals have 2 sets of staff from the Judiciary and the executive with different terms of service yet performing similar functions. This has caused disharmony in operation which will call for the Commission to fully meet the human resource requirement of the tribunals. In the other areas such as Tribunal Chairs, Vice-Chair, members and Chief Executive officers the Commission has harmonized their grading structure.

- v. **Capacity Building for Judges and Judicial Officers** – The changing legal landscape requires Judges and Judicial Officers to be regularly appraised on emerging issues. This requires the Commission to continuously develop capacity building programs that are aligned to this changing landscape.

**4.3 Challenges**

In the implementation of its mandate, the Commission encountered the following challenges:

**i) Insufficient funds for operations and budget cuts**

The Commission budget is not sufficient to implement its expansive mandate. The Commission was also affected by further budget cuts effected through supplementary budgets. Despite the challenge the Commission rationalized its activities to fit within the approved budget.

**ii) Covid-19 pandemic**

The continued effects of Covid-19 pandemic posed challenges to the implementation of the Commission's planned programmes. This resulted to increased expenditure due to requirements of Ministry of Health guidelines. To mitigate the adverse effects of the pandemic, the Commission employed ICT to enhance service delivery.

**iii) Delayed appointment of Judges**

The Commission recruited 41 superior Court Judges during the previous financial year 2019/2020 but only 34 were appointed by the President in the last quarter of the financial year 2020/2021. The continued delay in the appointment of remaining six Judges has a negative impact on access and expeditious delivery of justice.

**iv) Inadequate physical infrastructure**

The Commission and the Academy are premised on leased properties thus incurring high operation costs due to conducting training programs in hired conference facilities.

## CHAPTER FIVE

### 5.1 CONCLUSION

The Judicial Service Commission exists to facilitate and hold the Judiciary accountable to deliver Justice expeditiously to the people of this great nation. The objective of this report was to highlight the Commission's key achievements for the last three years (2019/20 to 2021/22), the challenges experienced in implementing the planned programmes, and the proposed costed priorities for the next MTEF Period (2023/24 to 2025/26).

The Commission made great gains in several areas of service delivery in the MTEF Period 2019/20 to 2021/22 as noted in chapter two. Key among them:

- i. Attained average budgetary absorption rate of 93%
- ii. Developed and launched its strategic Plan 2022-2027
- iii. recommended for appointment the current Chief Justice Hon. Justice Martha Koome upon the retirement of the Hon. Justice David Maraga
- iv. Interviewed and recommended for appointment 42 Judges including one Supreme Court judge, 11 Court of Appeal Judges, 20 Environment and Labour Judges and 10 Employment and Labour Relations Court Judges.
- v. Recruited 101 judicial officers and 1,006 judicial staff
- vi. determined 254 petitions against Judges, 80 complaints against judicial officers and 199 disciplinary matters against Judicial staff.
- vii. Trained 172 Judges, 597 Judicial Officers and 522 judicial staff
- viii. Developed and reviewed 14 policies
- ix. Received allocation of 55 acres of land in Ngong to construct the Kenya Judiciary Academy

In delivering its mandate the Commission encountered a number of challenges including:

- i. Insufficient funds for operations
- ii. Impact of Covid-19 pandemic
- iii. Delayed appointment of Judges

iv. Inadequate physical infrastructure

The above challenges would require to be addressed in order to ensure successful implementation of projected planned activities in the medium term.

Therefore, the Commission will continue to perform its facilitation and oversight mandate in an efficient way that upholds the ‘value-for-money’ principle in its strategic plan and the Social Transformation through Access to Justice Plan. Some of the key priorities for the MTEF period 2023/24 to 2025/26 include:

- i. review of the Judicial Service Act to align to the Commission’s mandate and address emerging issues
- ii. Entrenchment of Commission’s independence through funding of employee’s costs currently covered by The Judiciary
- iii. development and review of various policies to improve efficiency of administration of justice
- iv. development and implementation of a five (5) year Human Resource plan
- v. implementation of capacity building programmes for judges, judicial officers and judicial staff.
- vi. construction of a world class Kenya Judiciary Academy.
- vii. Undertaking of public outreaches and education

To achieve its objectives, the Commission will continue to work closely with various stakeholders and cultivate linkages across all sectors.

The commission will therefore require adequate funding to enable the commission to facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice. The proposed funding for the Financial year 2023/24 is Kshs1.783 Billion, which will increase to 1.806 Billion and 1.941billion Financial Years 2024/25 and 2025/26 respectively

## **CHAPTER SIX**

### **6.0 RECOMMENDATION**

To address the aforementioned challenges, the commission requires increased funding to:

- a) Employ more Judges, Judicial Officers and Judicial staff to enable Judiciary to deliver justice expeditiously.
- b) Adopt technology in service delivery
- c) Construct Commission's offices and a state of art world class academy.
- d) Induction of newly appointed Judges and recruited Judicial Officers and Judicial staff.
- e) Implement the planned programs in the Strategic plan 2022-2027